

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, September 15, 2003, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4th Floor, Richmond, Virginia. The following members were present:

Marian L. Alderson
Gloria L. Howard-Seldon
Algie T. Howell, Jr.
Lonnie E. Quesenberry
Kenneth A. Staples
Joyce L. Wilson-Clemmons
Gregory A. Piper – in accordance with § 54.1-701 of the Code of Virginia the tattooing and body-piercing member shall not vote on any matters before the Board except matters related to tattooing and body-piercing until July 1, 2004.

Board members not present: Virginia C. Dudley

DPOR staff present for all or part of the meeting included:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director, RPD
William H. Ferguson, II, Executive Director
Zelda W. Dugger, Board Administrator
Earlyne Perkins, Legal Assistant
Wayne Brown, Chief Investigator of Criminal Investigations
Rashaun K. Minor, Administrative Assistant

Office of the Attorney General staff present for all or part of the meeting included:

Ellen E. Coates, Assistant Attorney General

Ms. Alderson, Chair, determined a quorum was present and called the Call to Order meeting to order at 8:39 a.m.

The Board voted to approve the agenda as amended upon a motion by Approval of Agenda Mr. Howell that was seconded by Mr. Quesenberry. The subject of the 2004 meeting dates was added to the agenda. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Mr. Staples, and Ms. Wilson-Clemmons. There were no

negative votes. The motion passed unanimously.

Ms. Alderson asked if there were any public comment.

**Public Comment
Period**

William Barham, Mr. Barham is the owner of Skin & Ink Body Shop. Mr. Barham addressed the Board regarding a letter he received from the Virginia Coalition of Professional Tattooists and Body piercers.

Mr. Ferguson asked for a copy of the letter for the Board.

Beverly Connor, Ms. Connor is the Cosmetologist Instructor at the Henrico County Regional Jail East. Ms. Connor stated her support of Jerry Kilgore's movement of training cosmetologist and nail technicians recognizing abuse and asked to be on the list for training.

Mr. Ferguson advised Ms. Connor to contact the Office of the Attorney General for information.

The Board voted to approve the minutes of the June 9, 2003 Board for Barbers and Cosmetology meeting upon a motion by Mr. Howell that was seconded by Ms. Howard-Seldon. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Mr. Staples, and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously.

**Approval of
Minutes for
June 9, 2003
Board Meeting**

The Board voted to approve the minutes of the August 5, 2003 Board for Barbers and Cosmetology Informal Fact-Finding meeting upon a motion by Mr. Quesenberry that was seconded by Mr. Howell. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Mr. Staples, and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously.

**Approval of
Minutes for August
5, 2003 IFF**

Ms. Wilson-Clemmons left the meeting.

**Ms. Wilson-
Clemmons leaves
the meeting**

In the matter of **File Number 2004-00494, Board v. Lewis Edward Thompson, Jr.**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation.

**File Number
2004-00494
Lewis Edward
Thompson, Jr.
(legal name,
Mustafa Hakeem
Saboor)**

Ms. Perkins stated to the Board that the conviction listed, armed robbery, was incorrect; the conviction is robbery and the legal name of the individual is Mustafa Hakeem Saboor. In future, all correspondence should be addressed to Mustafa Hakeem Saboor until

notified by respondent that his name has been legally changed.

Upon a motion by Mr. Quesenberry and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation and approve Mr. Thompson, (legal name, Mustafa Hakeem Saboor), for application for a barber license. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Mr. Staples. There were no negative votes. The motion passed unanimously. Ms. Wilson-Clemmons, as the presiding Board member at the IFF, was not present during the discussion or vote.

In the matter of **File Number 2004-00564, Board v. John Edward Shearin**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation.

File Number
2004-00564
John Edward
Shearin

Ms. Perkins stated to the Board that Mr. Shearin has submitted three letters regarding his case, marked Board Meeting Exhibit 1. A letter directly from Mr. Shearin, a letter from Robert A. Fauntlerory, Barber Instructor with Department of Correctional Education Haynesville Correctional Center, and from Maurice Noirot, Counselor-Case Manager with Department of Corrections Haynesville Correctional Center. The Board reviewed the letters submitted marked, Board Meeting Exhibit 1.

Upon a motion by Mr. Howell and seconded by Mr. Staples, the Board voted to accept the recommendation of the presiding Board member, to deny Mr. Shearin application for a barber license. The members voting 'yes' were Mr. Howell and Mr. Staples. The members voting 'no' were Ms. Alderson, Ms. Howard-Seldon, and Mr. Quesenberry. The motion failed.

Upon a motion by Mr. Quesenberry and seconded by Ms. Howard-Seldon, the Board voted to reject the recommendation of the presiding Board member and approve Mr. Shearin for application for a barber license. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, and Mr. Quesenberry. The members voting 'no' were Mr. Howell and Mr. Staples. The motion passed by majority. Ms. Wilson-Clemmons, as the presiding Board member at the IFF, was not present during the discussion or vote.

In the matter of **File Number 2002-02094, Board v. Phung Thiphi Nguyen**, Mr. Quesenberry moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. Ms. Ellen E. Coates, Assistant Attorney General, and Mr. William H. Ferguson, II, Executive Director, as non-members of the Board, will be in attendance to reasonably aid in the consideration of the topic. The motion is made with respect to the matters identified as agenda tab 6 case 2002-02094 Phung Thiphi Nguyen. Ms. Howard-Seldon seconded the motion. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Mr. Staples. There were no negative votes. The motion passed unanimously.

File Number
2002-02094
Phung Thiphi
Nguyen

Closed session

The Board recessed at 9:30 a.m.

Ms. Wilson-Clemmons returned to the meeting.

Ms. Wilson-
Clemmons returned
to the meeting

At 10:45 a.m., the Board reconvened in open session.

Open Session

WHEREAS, the Board for Barbers and Cosmetology has convened a closed meeting on this date pursuant to an affirmative recorded voted in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification of
Closed session

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW , THEREFORE, BE IT RESOLVED that the Board for Barbers and Cosmetology hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolutions applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Barbers and Cosmetology.

The members voting 'aye' were Ms. Marian Alderson, Ms. Gloria Howard-Seldon, Mr. Algie Howell, Mr. Lonnie Quesenberry, Mr. Kenneth Staples, and Ms. Joyce Wilson-Clemmons. There were no 'nays'.

ABSENT DURING THE MEETING: Virginia C. Dudley

Upon a motion by Mr. Quesenberry and seconded by Ms. Howard-Seldon, the Board moved to vacate its Final Opinion and Order No. 2003-0093 entered on September 10, 2002; contingent upon Counsel entering into a Consent Decree Dismissing the appeal with out fees awarded. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Mr. Staples, and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously.

Due to time constraints the Enforcement agenda item was moved to agenda number 6. **Enforcement**

Director Ware stated to the Board that there is a back log of cases; because of this back log, the Agency hired a Consultant to make recommendations on how to facilitate the cases more quickly.

Mr. Wayne Brown, Chief Investigator of Criminal Investigations, stated to the Board that one of the recommendations from the Consultant's report was to issue citations instead of convening an informal fact-finding. Mr. Brown stated that the informal fact-finding will still remain as an option. Mr. Brown stated that the Investigations Unit is developing a study group to consist of one board member from the Board for Barbers and Cosmetology who will work with Enforcement staff to help develop a Barber and Cosmetology Inspection Form and Guidelines.

Ms. Alderson appointed Mr. Lonnie Quesenberry to work with the Investigations' study group. Mr. Quesenberry accepted the appointment.

The Board took under consideration the Board for Barbers and Cosmetology Public Participation Guidelines (PPG) that have been revised to include notification by electronic means and revise the definition of "Agency" to mean the Board for Barbers and Cosmetology. Mr. Howell made a motion to adopt the Public Participation Guidelines as amended. Ms. Howard-Seldon seconded the motion. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Mr. Staples, and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. **Public Participation Guidelines (PPG)**

The Board took under consideration the Proposed Hair Braiding Regulations. Ms. Dugger presented a power point presentation from **Hair Braiding Regulations**

research of other states on hair braiding standards, requirements, and state licensure. After the presentation Ms. Dugger fielded general questions from the Board.

Upon a motion by Mr. Howell and seconded by Mr. Quesenberry, the Board adopt 300 hours of required training for the hair braiding licensure. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Mr. Staples, and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Alderson and seconded by Ms. Howard-Seldon the Board adopted the proposed Hair Braiding regulations and gave staff the authority to make revisions based on Office of the Attorney General and Executive Review. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Mr. Staples, and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously.

The Board recessed at 12:15 p.m. and reconvened at 12:45 p.m.

Break

Ms. Alderson reported that the annual National Interstate Council of State Boards of Cosmetology (NIC) conference was held August 23-25, 2003, in Sacramento, California. Ms. Alderson reported that 29 states were represented and the focus of the conference was to provide a forum to discuss current issues and share ideas, problems and experiences in the matters effecting the regulation of cosmetology nationwide.

NIC Conference Report

Ms. Alderson reported that the 2004 NIC annual conference will be held August 28-30, 2004, in Richmond, Virginia.

Director Ware advised the Board of the case back log and that another recommendation of the Consultant's report was to assign staff to hear cases. Ms. O'Neal stated that the Agency hired, Marian Cooper, Esquire, to the position of Informal Fact-Finding Presiding Officer. Ms. O'Neal introduced Ms. Cooper to the Board. Ms. O'Neal stated that with the board's approval, Ms. Cooper would preside over those cases that are non-technical in nature and a former board member or board member could preside on any case that would require occupational expertise.

Other Board Business

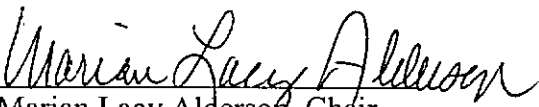
IFF Presiding Officer

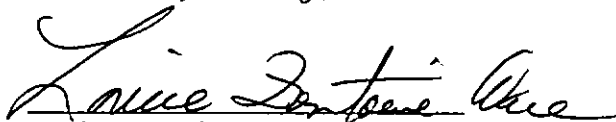
Mr. Howell made a motion that the Board approve the use of a DPOR employee or former board member as presiding officer in Informal Fact Finding Conferences. Mr. Quesenberry seconded the motion. The

members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Mr. Staples, and Ms. Wilson-Clemmons. The motion passed unanimously. There were no negative votes.

March 15, 2004, June 14, 2004, and September 27, 2004 were scheduled as the Board's 2004 meeting dates. At the Board's request all future meetings will begin at 9:00 a.m. instead of 8:30 a.m. **Meeting Dates 2004**

There being no other business to be brought before the Board, Ms. Alderson declared the meeting adjourned at 1:30 p.m. **Adjourn**


Marian Lacy Alderson, Chair


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records