

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met at 9:00 a.m. on Monday, September 25, 2023, at the Department of Professional and Occupational Regulation Offices, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Matthew D. Roberts
Margaret B. LaPierre
Oanh "Tina" Pham Kim Dang
Marques Blackmon
Gregory Edwards
Emmanuel Gayot
Claudia Espinoza
Kailey Blakeney

The following board members were not present:

Bo Machayo
Sandra G. Smith

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

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs
Kelley Smith, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Wendy Duncan, Licensing Operations Administrator
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Mr. Roberts, Chair, determined a quorum was present and called the meeting to order at 9:09 a.m.

**CALL TO
ORDER**

Ms. Smith, Executive Director, explained the emergency evacuation procedures for board room 2.

**EMERGENCY
EVACUATION
PROCEDURES**

Ms. Smith introduced new Board member, Ms. Kailey Blakeney. Board and Board staff welcomed Ms. Blakeney.

**NEW BOARD
MEMBER
INTRODUCTION**

The Board took the agenda under consideration.

**APPROVAL OF
AGENDA**

Upon a motion by Mr. Edwards and second by Ms. LaPierre, the Board voted to adopt the agenda.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the Board meeting on August 14, 2023, and the Regulatory Review Committee meetings on August 14, 2023, and September 11, 2023, under consideration as a block.

**APPROVAL OF
MINUTES AS A
BLOCK**

Upon a motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to approve the minutes.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

Ms. Dang arrived at 9:17 a.m.

**Arrival of Board
Member**

Matt England addressed the Board with concerns about changes in the esthetics regulations. Mr. England informed the Board of the difficulties students have with PSI online registration, exam scheduling, exam cancelation, and exam questions.

**PUBLIC
COMMENT**

CASES

Mr. Roberts asked if anyone was present to speak on any of the Consent Order cases.

Consent Orders

In the matter of **File Number 2023-01628, Chong Lee dba C & S Beauty School**, Ms. Dang recused herself from the case. Board members reviewed the record of the Consent Order as seen and agreed to by Chong Suk Lee.

**File Number 2023-
01628, Chong Lee
dba C & S Beauty
School**

The representative of Chong Lee from C & S Beauty School was present at the meeting and identified himself as Sung Min Oh, the son of Chong Lee, addressed the Board.

Upon motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to adopt the Consent Order violations which cites:

Count 1: 18 VAC 41-20-280.9	\$2,000.00
Count 2: 18 VAC 41-20-280.15 (4 violations @ \$1,250.00 ea.)	\$5,000.00
Count 3: 18 VAC 41-20-280.6	\$2,200.00
Count 4: 18 VAC 41-20-280.4	\$1,300.00
Count 5: 18 VAC 41-20-280.4	\$1,300.00
Count 6: 18 VAC 41-20-260.A	\$ 100.00
Count 7: 18 VAC 41-20-270.E.1	\$ 100.00
Count 8: 18 VAC 41-20-270.I	\$ 50.00
Count 9: 18 VAC 41-20-270.B.1	\$ 300.00
Count 10: 18 VAC 41-20-270.C.2	\$ 150.00
Count 11: 18 VAC 41-20-270.E.2	\$ 100.00
Count 12: 18 VAC 41-20-270.E.3	\$ 150.00
Count 13: 18 VAC 41-20-200.6	\$ 100.00
Count 14: 18 VAC 41-20-200.8	\$ 800.00
Count 15: 18 VAC 41-20-280.1	\$ 800.00
<u>Sub-Total (monetary penalties)</u>	<u>\$14,450.00</u>
<u>Board Costs</u>	<u>\$ 150.00</u>
Total	\$14,600.00

In addition, for violation of Counts 1-5, and 14-15, Chong Lee agrees to revocation of her license.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-02082, Chong Suk Lee**, Ms. Dang recused herself from the case. Board members reviewed the record of the Consent Order as seen and agreed to by Chong Suk Lee.

File Number 2023-02082, Chong Suk Lee

The representative of Chong Suk Lee was present at the meeting and identified himself as Sung Min Oh, the son of Chong Lee, and addressed the Board.

Upon motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to adopt the Consent Order violations which cites:

Count 1: 18 VAC 41-20-260.A	\$100.00
Count 2: 18 VAC 41-20-270.E.1	\$100.00
Count 3: 18 VAC 41-20-270.I	\$ 50.00
Count 4: 18 VAC 41-20-270.B.1	\$300.00
Count 5: 18 VAC 41-20-270.C.2	\$150.00
Count 6: 18 VAC 41-20-270.E.2	\$100.00

<u>Count 7: 18 VAC 41-20-270.E.3</u>	<u>\$150.00</u>
Sub-Total (monetary penalties)	\$950.00
<u>Board Costs</u>	<u>\$150.00</u>
Total	\$1,100.00

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

With no one present to speak on Consent Order agenda items 3, 4, and 5 Ms. LaPierre moved to adopt the Consent Order agenda items 3, 4, and 5 as a block. Mr. Blackmon seconded the motion, which was unanimously approved by Board members, Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney.

**Consent Orders
Considered as a
Block**

In the matter of **File Number 2023-02108, Lamloan LLC, t/a Express Nail Spa** Board members reviewed the record of the Consent Order as seen and agreed to by Loan Thi Lai, responsible manager of Express Nail Spa.

**File Number 2023-
02108, Lamloan
LLC, t/a Express
Nail Spa**

A representative of **Lamloan LLC, t/a Express Nail Spa** was not present at the meeting.

Upon motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to adopt the Consent Order violation which cites:

<u>Count 1: 18 VAC 41-20-280.4</u>	<u>\$1,350.00</u>
Sub-Total (monetary penalties)	\$1,350.00
<u>Board Costs</u>	<u>\$ 150.00</u>
Total	\$1,500.00

The members voting “yes” Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-02490, Devan Brown** Board members reviewed the record of the Consent Order as seen and agreed to by Devan Brown.

**File Number 2023-
02490, Devan
Brown**

Devan Brown did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to adopt the Consent Order violation which cites:

<u>Count 1: 18 VAC 41-70-280.4</u>	\$700.00
Sub-Total (monetary penalties)	\$700.00
<u>Board Costs</u>	\$150.00
Total	\$850.00

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01982, Jennifer Rahlan t/a Tulip Nails** Board members reviewed the record of the Consent Order as seen and agreed to by Jennifer Rahlan.

File Number 2023-01982, Jennifer Rahlan t/a Tulip Nails

A representative of **Jennifer Rahlan t/a Tulip Nails** was not present at the meeting.

Upon motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to adopt the Consent Order violations which cites:

Count 1: 18 VAC 41-20-280.14	\$950.00
Count 2: 18 VAC 41-20-270.D.6	\$200.00
Count 3: 18 VAC 41-20-270.E.1	\$100.00
Count 4: 18 VAC 41-20-270.E.2	\$100.00
<u>Count 5: 18 VAC 41-20-270.I</u>	\$ 50.00
Sub-Total (monetary penalties)	\$1,400.00
<u>Board Costs</u>	\$150.00
Total	\$1,550.00

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

Licensing

In the matter of **File Number 2023-02634, Evelyn Boone** Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-02634, Evelyn Boone

Evelyn Boone was present at the meeting and addressed the Board.

Upon a motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Evelyn Boone’s application for wax technician license.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

Prima Facia

In the matter of **File Number 2023-01130, Minh Phuc Thach t/a Q Nails** Board members reviewed the Prima Facia record, which consisted of the investigative file, Report of Findings, and exhibits,

File Number 2023-01130, Minh Phuc Thach t/a Q Nails

A representative of Minh Phuc Thach t/a Q Nails was not present at the meeting.

Upon motion by Mr. LaPierre and seconded by Mr. Blackmon, the Board voted to find a violation and impose the recommended sanctions which cites:

Count 1: 18 VAC 41-20-260.C	\$ 350.00
Count 2: 18 VAC 41-20-280.4	\$1,300.00
Count 3: 18 VAC 41-20-280.4	\$1,300.00
Count 4: 18 VAC 41-20-270.I	\$ 50.00
<u>Count 3: 18 VAC 41-20-270.E.2</u>	<u>\$ 100.00</u>
Total	\$3,100.00

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

REPORTS

Mr. Roberts requested the Board review the examination statistics provided in the electronic agenda. The Board did not have any questions concerning the examination statistics.

Examination Statistics

Mr. Roberts requested the Board review the regulatory report provided in the electronic agenda. The Board did not have any questions concerning the regulatory report.

Regulatory Report

NEW BUSINESS

Ms. Rodriguez informed the Board that school applications reviewed by Board Staff have a high deficiency rate. Ms. Rodriguez proposed as subject matter experts, the Board form an AD HOC committee to approve or deny school applications.

**AD HOC
Committee on
School
Applications**

Board and Board staff discussed the committee requirements.

Upon a motion by Mr. Edwards and seconded by Ms. Espinoza to form an AD HOC committee on school applications.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

Board members who volunteered to serve on the AD HOC committee on school applications are:

Ms. Espinoza, Ms. Blakeney, Mr. Gayot, and Mr. Roberts.

Ms. Smith informed the Board the PSI Exam contract will end in December 2024 and is not eligible for an extension. Ms. Smith reviewed the Request for Proposal (RFP) process. Ms. Smith requested the Board form an exam committee for the RFP process.

**Request for
Proposal for
Written and
Practical
Examinations**

Board and Board staff discussed the committee requirements.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards to form an exam committee.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

Board members who volunteered to serve on the exam committee are:

Mr. Blackmon, Mr. Edwards, Ms. Blakeney, Ms. Espinoza, and Ms. LaPierre.

Ms. Smith reviewed the public comments and Staff proposed responses that were in the electronic agenda concerning the reduction of cosmetology hours.

**Responses to
Cosmetology**

Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to adopt the proposed responses as written.

**Hours Public
Comment**

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Espinoza, Marques Blackmon, Ms. Dang, Gregory Edwards, Emmanuel Gayot, and Kailey Blakeney. There were no negative votes. The motion passed unanimously.

Mr. Roberts reminded the Board the next scheduled Board meeting is November 13, 2023.

**Next Board
Meeting**


Mr. Melis, agency director announced Governor Youngkin has asked him to serve as Commissioner of the Virginia Employment Commission (VEC), effective Monday, October 2, 2023. Governor Youngkin has appointed Kishore Thota as Agency Director of DPOR. Mr. Melis thanked the Board for their commitment, time, and dedication.

**Statement from
DPOR Director**

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 10:26 a.m.

Adjourn


Matthew Roberts, Board Chair


Kishore S. Thota, Board Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Gregory Edwards
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)
4. Meeting/IFF Date: 11/13/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:


Signature

November 13, 2023

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Margaret LaPierre
(Name of Board Member)
2. Title: Board Vice Chair
3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)
4. Meeting/IFF Date: 11/13/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:


Signature

November 13, 2023
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Matthew Roberts
(Name of Board Member)

2. Title: Board Chair

3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)

4. Meeting/IFF Date: 11/13/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:


Signature

November 13, 2023

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Emmanuel Gayot
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)

4. Meeting/IFF Date: 11/13/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

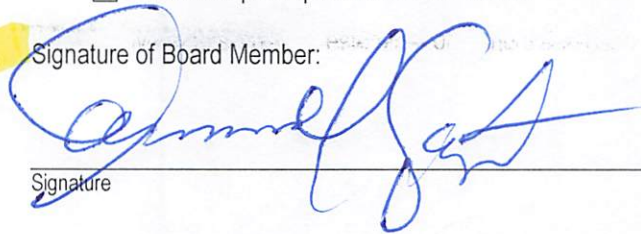
C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:

Signature



November 13, 2023

Date