

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met at 9:00 a.m. on Monday, July 8, 2024, at the Department of Professional and Occupational Regulation Offices, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia.

The following board members were present:

Margaret B. LaPierre
Gregory Edwards
Oanh “Tina” Pham Kim Dang
Kailey Blakeney
Emmanuel Gayot
Claudia Espinoza
Sandra G. Smith
Marques Blackmon

The following board members were not present:

Bo Machayo
Shauna Powell

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

Brian Wolford, Chief Deputy Director
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 present for the meeting.

Ms. LaPierre, Board Vice Chair, determined a quorum was present and called the meeting to order at 9:10 a.m.

CALL TO ORDER

Ms. LaPierre read the Department of Professional & Occupational Regulations mission and announced several meeting reminders.

Ms. Smith, Executive Director, explained the emergency egress procedure for board room 4.

**EMERGENCY
EGRESS**

Ms. Smith informed the Board of a correction to section IX of the agenda under Regulatory Action for Body-Piercing Schools. Ms. Smith clarified this Regulatory Action for Body-Piercing Schools will be a NOIRA not a Fast-track action.

**APPROVAL OF
AGENDA**

The Board took the agenda under consideration.

Mr. Edwards motioned to approve the agenda as amended, seconded by Mr. Blackmon.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

The Board took the minutes of the Board meeting on April 29, 2024, under consideration.

**APPROVAL OF
MINUTES AS A
BLOCK**

Mr. Edwards motioned to approve the minutes, seconded by Mr. Blackmon.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Ms. LaPierre called the Boards attention to the communication found in the electronic agenda and printed handouts. Communications #1 and #5 would be discussed later in the New Business Section.

COMMUNICATIONS

There were no questions or from the Board nor discussion for communications #2-4.

Ms. LaPierre opened the floor for public comment.

**PUBLIC
COMMENT**

Kristen Kent addressed the Board concerning the 1000-hour cosmetology curriculum effective date of September 1, 2024. Ms. Kent expressed concern that the September 1, 2024 effective date did not give schools enough time to submit documentation for approval. Ms. Kent addressed the Board stating the suggested change to the definition of cosmetology and cosmetologist aligns with the current curriculum changes. Ms. Kent stated make-up is not regulated and should not be in the curriculum.

Christina Stocks addressed the Board stating the completion date of August 31, 2025, for students enrolled in a part-time 1500-hour curriculum is not enough time. The 1000-hour curriculum will burden salons by having to provide additional training to newly hired employees.

Jonathan Melloul addressed the Board concerning the 1000-hour cosmetology curriculum effective date of September 1, 2024. Mr. Melloul stated the September 1, 2024 effective date will put businesses and schools out of

business and accredited schools will lose federal approval. Mr. Melloul addressed the Board concerning the misalignment of cosmetology and cosmetologist definition.

Laura Todd addressed the Board with concerns of online theory and theory/practical curriculum. Ms. Todd also addressed the Board with concerns of IPL device cost, and licensed instructors.

Matt England addressed the Board concerning online theory and theory/practical curriculum. Mr. England also addressed the Board concerning the cost and instructor of IPL.

CASES

Disciplinary

File Number 2021-01788, Zahra Ali Lakhani

In the matter of File Number 2021-01788, Zahra Ali Lakhani, Ms. LaPierre recused herself and Mr. Edwards chaired the case. The remaining Board members reviewed the record of the Informal Fact-Finding Conference which consisted of the transcript, investigative file, report of findings, and exhibits.

Zahra Ali Lakhani did not appear at the meeting in person, by counsel, or by any other qualified representative.

Mr. Gayot motioned to accept the recommendation which cites a violation for Count 1 and Count 2, seconded by Mr. Blackmon.

There was no Board discussion.

The members voting “yes” were Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Mr. Gayot motioned to accept the recommended sanctions for Count 1 and Count 2, by Mr. Blackmon.

There was no Board discussion.

The members voting “yes” were Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

The violations and sanctions were:

Count 1:	18 VAC 41-20-280.4	\$250.00
Count 2:	18 VAC 41-20-270.F.6	\$250.00
Subtotal		\$500.00
Total		\$500.00

In the matter of File Number **2023-02328, Lesley Nelson-Cook dba Rejuvenation Skin Institute**, Ms. LaPierre recused herself and Mr. Edwards chaired the case. The remaining Board members reviewed the record of the Informal Fact-Finding Conference which consisted of the transcript, investigative file, report of findings, and exhibits.

File Number 2023-02328, Lesley Nelson-Cook dba Rejuvenation Skin Institute

Ms. Lesley Nelson-Cook addressed the Board with counsel, Michael Ware. Carissa Norton and McKenzie Lyle also addressed the Board.

Mr. Blackmon motioned to accept the recommendation which cites a violation for Count 1 and Count 2, no violation for Count 3, seconded by Ms. Blakeney.

There was no Board discussion.

The members voting “yes” were Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Mr. Blackmon motioned to accept the recommended sanctions for Count 1 and Count 2, seconded by Mr. Gayot.

There was no Board discussion.

The members voting “yes” were Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

The violations and sanctions were:

Count 1:	18 VAC 41-70-280.4	\$500.00
Count 2:	18 VAC 41-70-280.2	\$500.00
Subtotal		\$1,000.00
Total		\$1,000.00

In the matter of File Number **2024-00155, Skyline Salon Inc. t/a Skyline Beauty Academy**, Ms. LaPierre recused herself and Mr. Edwards chaired the case. The remaining Board members reviewed the record of the Informal Fact-

File Number 2024-00155, Skyline Salon Inc. t/a Skyline Beauty Academy

Finding Conference which consisted of the transcript, investigative file, report of findings, and exhibits.

Qualified representative Tuyen Thai addressed the Board.

Mr. Blackmon motioned to accept the recommendation which cites no violation for Count 1, violations for Count 2, Count 3, and Count 4, seconded by Ms. Espinoza.

There was no Board discussion.

The members voting “yes” were Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Ms. Smith motioned to accept the recommended sanctions for Count 2, Count 3, and Count 4, seconded by Mr. Gayot.

There was no Board discussion.

The members voting “yes” were Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

The violations and sanctions were:

Count 2:	18 VAC 41-20-280.4	\$0.00
Count 3:	18 VAC 41-70-280.4	\$1,250.00
Count 4:	18 VAC 41-20-280.2	\$750.00
Subtotal		\$2,000.00
Total		\$2,000.00

The Board also imposes the following sanctions:

For violation of Count 3, the Board voted to place Skyline Salon Inc. t/a Skyline Beauty Academy on probation for a period of 12 months. The terms of the probation shall be that Skyline Salon Inc. t/a Skyline Beauty Academy must submit a quarterly statement to the Board that Skyline Salon Inc. t/a Skyline Beauty Academy is in compliance with the Board’s regulations.

In the matter of File Number **2024-00196, Debra P Hager dba Make-N-Waves**, Ms. LaPierre recused herself and Mr. Edwards chaired the case. The remaining Board members reviewed the record of the Informal Fact-Finding Conference which consisted of the transcript, investigative file, report of findings, and exhibits.

File Number 2024-00196, Debra P Hager dba Make-N-Waves

Debra P Hager did not appear at the meeting in person, by counsel, or by any other qualified representative.

Mr. Blackmon motioned to accept the recommendation which cites no violation for Count 1, seconded by Ms. Smith. 1.

There was no Board discussion.

The members voting “yes” were Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

In the matter of File Number **2023-01146, Sammie Leary**, Ms. Dang recused herself. The remaining Board members reviewed the record of the Informal Fact-Finding Conference which consisted of the transcript, investigative file, report of findings, and exhibits.

File Number 2023-01146, Sammie Leary

Sammie Leary addressed the Board. Upon questioning from the Board, Sammie Leary stated she was not in attendance for the January 29, 2024 Informal Fact-Finding Conference. She indicated she would like to have another Informal Fact-Finding Conference.

Mr. Blackmon motioned to remand the case back for an Informal Fact-Finding Conference, seconded by Mr. Edwards.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

In the matter of File Number **2023-02274, Viet Thinh LLC t/a Darling Nails**, Ms. Dang recused herself. The remaining Board members reviewed the record of the Informal Fact-Finding Conference which consisted of the transcript, investigative file, report of findings, and exhibits.

File Number 2023-02274, Viet Thinh LLC t/a Darling Nails

Viet Thinh Quang Nguyen and Tin Nguyen addressed the Board.

Mr. Gayot motioned to accept the recommendation which cites a violation for Count 1, seconded by Mr. Blackmon.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Mr. Gayot motioned to accept the recommended sanctions for Count 1, and seconded by Mr.Blackmon.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

The violations and sanctions were:

Count 1:	18 VAC 41-20-260.B	\$600.00
Subtotal		\$600.00
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Total		\$600.00

Consent Order

In the matter of File Number **2024-01001, Tattoo Haven Inc,** Board members reviewed the Consent Order and report of findings.

File Number 2024-01001, Tattoo Haven Inc.

Neither Tattoo Haven Inc’s counsel, nor any other qualified representative addressed the Board.

Mr. Blackmon motioned to adopt the Consent Order, seconded by Mr. Edwards.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

The violations were:

Count 1:	18 VAC 41-50-420.4	\$1,400.00
Sub-total		\$1,400.00
Board Costs		\$ 150.00
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Total		\$1,550.00

In the matter of File Number **2024-01049, Claire’s 3381 Manassas Mall**, Board members reviewed the Consent Order and report of findings.

File Number 2024-01049, Claire’s 3381 Manassas Mall

Neither Claire’s 3381 Manassas Mall’s counsel, nor any other qualified representative addressed the Board.

Mr. Edwards motioned to adopt the Consent Order, seconded by Mr. Blackmon.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

The violations and sanctions were:

Count 1:	18 VAC 41-60-220.A.4	\$2,500.00
Count 2:	18 VAC 41-60-210.A	\$2,500.00
Count 3:	18 VAC 41-60-210.B	\$1,800.00
Count 4:	18 VAC 41-60-210.E	\$2,500.00
Count 5:	18 Vac 41-60-190.C	\$1,800.00
Sub-total		\$11,100.00
Board Costs		\$ 150.00
Total		\$1,250.00

Prima Facia

In the matter of File Number **2023-02984, TCRP dba Tiger’s Eye Tattoo Piercing & Fine Jewelry**, Board members reviewed the report of findings and exhibits.

File Number 2023-02984, TCRP dba Tiger’s Eye Tattoo Piercing & Fine Jewelry

Mr. Edwards motioned to find a violation and accept the recommended sanctions, seconded by Mr. Gayot.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

The violations and sanctions were:

Count 1:	18 VAC 41-50-420.B.2	\$2,400.00
(two violations)		(\$1,200 for each Violation)
Count 2:	18 VAC 41-50-380.E	\$100.00
Sub-total		\$2,500.00
Total		\$2,500.00

Licensing

In the matter of File Number **2024-01804, Oscar Emmanuelle Dorantes**, 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 2024-01804, Oscar Emmanuelle Dorantes

Oscar Dorantes addressed the Board.

Mr. Edwards motioned to accept the recommendation and deny Oscar Emmanuelle Dorantes' application for cosmetology license, seconded by Ms. Espinoza.

There was no Board discussion.

The members voting "yes" were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

REPORTS

Ms. Duncan called the Boards attention to the examination statistics that was provided in the electronic agenda and presented as a handout.

Examination Statistics

The Board did not have any questions or discussion.

Ms. Rodriguez presented the regulatory report that was provided in the electronic agenda and presented as a handout.

Regulatory Report

The Board did not have any questions or discussion.

Ms. Smith presented the executive directors report that was provided in the electronic agenda and presented as a handout.

Executive Director Report

The Board did not have any questions or discussion.

**REGULATORY
ACTION AND
BOARD
GUIDANCE**

Ms. Smith informed the Board of several public comments requesting the Board to create regulations for body-piercing schools. The Board has authority to license a school of body-piercing pursuant to 54.1-704.2 of the Code of Virginia. The Board would need to convene a committee to create regulations based upon the current apprenticeship standards and current school requirements for other professions under the Board's purview.

**NOIRA for Body-
Piercing Schools**

Mr. Edwards motioned to initiate a NOIRA for the creation of body-piercing schools, seconded by Mr. Blackmon.

The Board discussed creating regulations for body-piercing schools.

The members voting "yes" were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

NEW BUSINESS

Ms. Smith requested the Board consider permitting former Board members to complete technical review on disciplinary cases and preside over Informal Fact-Finding conferences to alleviate quorum issues at Board meetings.

**Approval for former
Board Member
Participation in the
Disciplinary Process**

Mr. Gayot motioned to allow for former Board members to complete technical reviews or preside as hearing officers for the Board's cases.

The Board discussed former Board member participation.

The members voting "yes" were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Ms. Smith informed the Board of a communication received during the 2024 General Assembly that stakeholders desired to change the definitions of Cosmetology and Cosmetologist.

**Legislative Proposal
for Revising the
Definitions of
Cosmetology and
Cosmetologist**

The Board discussed questions concerning the definitions.

Mr. Blackmon motioned to send the task of revising of the definition of “Cosmetology” and “Cosmetologist” found in §54.1-700 of the Code of Virginia to the Regulatory Review Committee.

Ms. Garnett stated the following Board members on the committee are Ms. LaPierre, Mr. Edwards, Ms. Dang, Mr. Gayot, and Mr. Blackmon.

Ms. Smith asked for additional committee volunteers, Ms. Espinoza volunteered for the committee.

Board staff was asked to notify VADWDA/DOLI with the date of the Regulatory Review Committee meeting.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Ms. Smith requested the attendance of a Board member or Board staff to attend the 2024 Annual NABBA Conference. **NABBA Conference**

The Board discussed attending the conference.

Mr. Edwards motioned to send a Board member or Board staff to the 97th Annual NABBA Conference, seconded by Mr. Blackmon.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Ms. LaPierre asked for nominations or volunteers for a Board member to attend the NABBA Conference. Mr. Gayot volunteered to attend the 2024 Annual NABBA Conference.

Mr. Edwards motioned Mr. Gayot attend the 2024 Annual NABBA Conference, seconded by Mr. Blackmon.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Blackmon, Ms. Espinoza, and Ms. Smith.

Mr. Gayot did not vote.

There were no negative votes. The motion carried.

Ms. LaPierre thanked Mr. Gayot for agreeing to attend the NABBA Conference on behalf of Virginia.

Ms. Smith informed the Board the Cosmetology Licensure Compact implementation timeline process will take 18-24 months. The Department's director nominated Ms. Smith as the State's delegate, with Stephen Kirschner as the alternate.

Cosmetology Compact Implementation Timeline

Ms. Smith informed the Board that the Regulatory Review Committee will need to be convened later this year to begin drafting regulations to implement the Cosmetology Compact.

Ms. Rodriguez presented the Board a proposed guidance document for cosmetologists performing straight razor shaving who obtained their licenses before September 1, 2024.

Guidance Document- Cosmetology Licensees Completing Training Prior to Straight Razor Curriculum Requirement

Mr. Gayot motioned to adopt the proposed guidance document, seconded by Mr. Blackmon.

There was no Board discussion.

The members voting "yes" were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Ms. Smith presented a proposed guidance document for implementation of 1,000-hour cosmetology curriculum effective September 1, 2024. Cosmetology schools currently approved by the Board may continue to enroll new students in the 1500-hour program approved by the Board until August 31, 2024. The Board aims to establish protocols for students already enrolled in the 1500-hour program and outline school responsibility meeting the minimum 1000-hour cosmetology program requirements.

Guidance Document- Cosmetologist Completing 1500-Hour Program

The Board discussed questions concerning the effective September 1, 2024, date of the 1000-hour cosmetology curriculum. The Board discussed students enrolled prior to the school's new minimum 1000-hour curriculum must complete the program no later than August 31, 2026.

Mr. Gayot motioned to approve the proposed guidance document with an amendment to allow the completion date of August 31, 2026, for students enrolled in the 1500-hour program prior to the effective 1000-hour curriculum, seconded by Mr. Edwards.

There was no Board discussion.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Mr. LaPierre called for nominations for Board Chair and Board Vice Chair.

Board Elections

Mr. Edwards nominated Ms. LaPierre for Chair. There were no other nominations for Chair.

Mr. Blackmon motioned Ms. LaPierre for Chair, seconded by Mr. Edwards.

The members voting “yes” were Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith. There were no negative votes. The motion carried.

Mr. Blackmon nominated Mr. Edwards for Vice Chair. There were no other nominations for Vice Chair.

Mr. Blackmon motioned Mr. Edwards for Vice Chair, seconded by Ms. Espinoza.

The members voting “yes” were Ms. LaPierre, Ms. Dang, Ms. Blakeney, Mr. Gayot, Mr. Blackmon, Ms. Espinoza, and Ms. Smith.

Mr. Edwards did not vote.

There were no negative votes. The motion carried.

REMINDERS

Ms. Lapierre reminded the Board of the Board Member Training Conference scheduled for October 10 and 11, 2024, and next Board meeting scheduled for September 30, 2024.

New Board Member Training Conference and Next Board Meeting

There being no further business brought before the Board, Ms. LaPierre adjourned the meeting at 11:54 a.m.

Adjourn

Margaret LaPierre, Board Chair

Brian P. Wolford, Interim Director

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