

## BOARD FOR BARBERS & COSMETOLOGY

### MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, June 9, 2003, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4<sup>th</sup> Floor, Richmond, Virginia. The following members were present:

Marian Lacy Alderson  
Virginia C. Dudley  
Gloria L. Howard-Seldon  
Algie T. Howell, Jr.  
Gregory A. Piper  
Lonnie E. Quesenberry  
Joyce L. Wilson-Clemmons

Board members not present: Kenneth A. Staples

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

Louise Fontaine Ware, Director  
Karen O'Neal, Deputy Director, RPD  
William H. Ferguson, II, Executive Director  
Zelda W. Dugger, Board Administrator  
Earlyne Perkins, Legal Assistant  
Sharon M. Sweet, Dir. of Education & Examinations  
Rashaun K. Minor, Administrative Assistant

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

Ms. Alderson, Chair, called the meeting to order at 8:45 a.m.

#### **Call to Order**

Ms. Alderson announced that Mr. Conrado O. Calpito had resigned from the Board.

#### **Resignation of Board Member**

Ms. Alderson introduced to the Board new board members Mr. Algie T. Howell, Jr. and Mr. Gregory A. Piper. Ms. Alderson asked Mr. Howell and Mr. Piper to give a brief description of their background and experience. Ms. Alderson also introduced new staff Ms. Rashaun Minor, Administrative Assistant, and Ms. Earlyne Perkins, Legal Assistant.

#### **Introductions**

Mr. Ferguson reminded the Board that in accordance with the *Code of Virginia* that the Tattoo and Body-piercing representative, Mr. Piper,

will not be able to vote on any matters before the Board except matters relating to tattooing and body-piercing.

The Board voted to approve the agenda as amended upon a motion by Mr. Howell that was seconded by Mr. Quesenberry. The subject of Examinations and the National-Interstate Council of State Boards of Cosmetology annual conference was added to the agenda and placement of cases had been rearranged due to appointments to speak. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Quesenberry, Mr. Howell and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously.

**Approval of Agenda**

Ms. Alderson asked if there were any public comment.

**Public Comment  
Period**

Kennetha Renee Sanderlin, Lead Instructor at Ghent Beauty Academy in Norfolk, Virginia and Mr. Fisher Hather addressed the Board. Ms. Sanderlin spoke on regulating Hair Braiding. Ms. Sanderlin submitted to the Board a proposed 600 hour course curriculum program for consideration (attachment A).

Maria F. Lee-Driver, Board Member of the Virginia Association of Cosmetology Schools and school owner of Re-Ons Academy, Inc. in Ordinary, Virginia, addressed the Board regarding testing procedures.

Ira T. Astin, small business owner, expressed his concerns with the Board's Enforcement disciplinary process. (attachment B).

Harvey C. Johnson, Jr., Director of Johnson Beauty Academy, in Richmond, Virginia, expressed his concerns with maintaining students and enforcement of the regulations.

At 10:50 a.m. the Board recessed and reconvened at 11:10 a.m.

**Break**

The Board voted to approve the minutes of the February 3, 2003 Board for Barbers and Cosmetology meeting upon a motion by Ms. Dudley that was seconded by Mr. Howell. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passes unanimously.

**Approval of  
Minutes for  
February 3, 2003  
Board Meeting**

The Board voted to approve the minutes of the February 3, 2003 Board for Barbers and Cosmetology Informal Fact-Finding meeting upon a motion by Ms. Dudley that was seconded by Mr. Howell. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-

**Approval of  
Minutes for  
February 3, 2003  
IFF**

Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passes unanimously.

The Board voted to approve the minutes of the February 18, 2003 Board for Barbers and Cosmetology Informal Fact-Finding meeting upon a motion by Ms. Howard-Seldon that was seconded by Mr. Quesenberry. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passes unanimously.

Approval of  
Minutes for  
February 18, 2003  
IFF

The Board voted to approve the minutes of the April 28, 2003 Board for Barbers and Cosmetology Informal Fact-Finding meeting upon a motion by Ms. Howard-Seldon that was seconded by Mr. Quesenberry. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passes unanimously.

Approval of  
Minutes for April  
28, 2003 IFF

At 12:00 p.m. the Board recessed for lunch and reconvened at 12:35 p.m.

Lunch

Ms. Alderson left the meeting. Ms. Wilson-Clemmons assumed chairing of the meeting.

Ms. Alderson leaves  
the meeting

In the matter of **File Number 2002-00349, Board v. Nails Pizazz-Huynh Le**, 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. Huynh Le, owner, was present and addressed the Board concerning this case.

File Number  
2002-00349 -  
Nails Pizazz-Huynh  
Lee

Upon a motion by Mr. Quesenberry and seconded by Ms. Howard-Seldon the Board found clear and convincing evidence and adopted the violation recommendations that Nails Pizazz was in violation of the following sections of the Board's 1999 Regulation: **18 VAC 55-22-340(2)(g)** (Count I); **18 VAC 55-22-340(1)(a)** (Count II); **18 VAC 55-22-350(6)** (Count III); **18 VAC 55-22-350(2)** (Count IV). The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passes unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote

Upon a motion by Mr. Quesenberry and seconded by Ms. Dudley, the Board voted to accept the sanction recommendation for Count I and

imposed a monetary penalty of \$50.00 for the violation of **18 VAC 55-22-340(2)(g)**(Count I). The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

Upon a motion by Mr. Howell and seconded by Mr. Quesenberry, the Board voted to accept the sanction recommendation for Count II and imposed a monetary penalty of \$500.00. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

Upon a motion by Mr. Howell and seconded by Mr. Quesenberry, the Board voted to accept the sanction recommendation for Count III and imposed a monetary penalty of \$2,500.00. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board voted to accept the sanction recommendation for Count IV and imposed a monetary penalty of \$2,500.00. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. **The total penalties are \$5550.00.** Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

In the matter of **File Number 2002-03764, Board v. Nails Pizazz-Huynh Le**, 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. Huynh Le, owner, was present and addressed the Board concerning this case.

**File Number 2002-03764-Nails Pizazz-Huynh Le**

Upon a motion by Mr. Quesenberry and seconded by Mr. Howell the Board found clear and convincing evidence and adopted the violation recommendations that Nails Pizazz was in violation of the following sections of the Board's 1999 Regulation: **18 VAC 55-22-340(2)(g)** (Count I); **18 VAC 55-22-340(1)(a)** (Count II); **18 VAC 55-22-350(6)** (Count III); **18 VAC 55-22-350(2)** (Count IV). The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr.

Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passes unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

Upon a motion by Mr. Howell and seconded by Ms. Dudley, the Board voted to reject the sanction recommendations for Counts I-IV and closed this case with no sanctions because; the violations were sanctioned in the previous case. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

Ms. Alderson returned to the meeting.

**Ms. Alderson  
returned to the  
meeting**

Ms. Wilson-Clemmons left the meeting. Ms. Alderson resumed chairing of the meeting.

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

In the matter of **File Number 2003-00859, Board v. Alesia Dawn Shelton**, 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. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Woman, was present and addressed the Board concerning this case. Ms. Novak submitted a letter from Ms. Shelton regarding the summary of recommendations of her case (attachment E).

**File Number  
2003-00859- Alesia  
Dawn Shelton.**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to reject the recommendation to deny licensure and approve Ms. Shelton for application for a cosmetology license. The members voting 'yes' were Ms. Alderson, Ms. Howard-Seldon, Mr. Howell and Mr. Quesenberry. The member voting 'no' was Ms. Dudley. 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 2003-00787, Board v. Leslie Renee Walden**, 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  
2003-00787 -  
Leslie Renee  
Walden**

Upon a motion by Mr. Quesenberry and seconded by Ms. Dudley, the Board voted to accept the recommendation and approve Ms. Walden for application for a cosmetology license. The members voting 'yes'

were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell and Mr. Quesenberry. 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 2003-00860, Board v. Monica Joanna Howard**, 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. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Woman and Beverly Connor with Henrico Correctional Facility were present and addressed the Board concerning this case.

**File Number 2003-00860-Monica Joanna Howard**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to accept the recommendation and approve Ms. Howard for application for a cosmetology license. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell and Mr. Quesenberry. 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 2003-01483, Board v. Antonio M. Finney**, 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 2003-01483- Antonio M. Finney**

Ms. Perkins stated to the Board that Mr. Finney submitted a letter to the Board addressing the summary of recommendations. Ms. Perkins distributed copies of Mr. Finney's letter to the board members for their review (attachment F).

Upon a motion by Ms. Dudley and seconded by Mr. Howell, the Board voted to accept the recommendation and deny Mr. Finney for application for a barber license at this time. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell and Mr. Quesenberry. 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.

Ms. Wilson-Clemmons returned to the meeting.

**Ms. Wilson-Clemmons returned to the meeting**

Ms. Alderson left the meeting. Ms. Wilson-Clemmons assumed

**Ms. Alderson leaves**

chairing of the meeting.

the meeting

In the matter of **File Number 2003-00741, Board v. Anthony W. Martin**, 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 2003-00741- Anthony W. Martin

Upon a motion by Mr. Quesenberry and seconded by Mr. Howell the Board found clear and convincing evidence and adopted the violation recommendation that Anthony W. Martin was in violation of section **18 VAC 55-22-350(2)** of the Board's 1999 Regulation. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to accept the sanction recommendation for negligence and imposed a monetary penalty of \$250.00 for the violation of **18 VAC 55-22-350(2)**. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. **The total penalty was \$250.00.** The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

In the matter of **File Number 2002-02305, Board v. Trung Thi Arai**, 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 2002-02305 Trung Thi Arai

Ms. Perkins stated to the Board that the board office received notification from Jesse F. Narron, Esq. that he no longer represents Nail Expert or their employees. Ms. Perkins distributed copies of the letter to the board members for their review (attachment G).

Upon a motion by Mr. Howell and seconded by Ms. Dudley, the Board found clear and convincing evidence and voted to adopt the violation recommendation that Trung Thi Arai was in violation of section **18 VAC 55-22-350(2)** of the Board's 1999 Regulations. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the

discussion or vote.

Upon a motion by Mr. Quesenberry and seconded by Mr. Howell, the Board voted to accept the sanction recommendation for incompetence and negligence in the practice of cosmetology services and imposed a monetary penalty of \$2,500.00 for the violation of **18 VAC 55-22-350(2)**. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. **The total penalty was \$2,500.00.** The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

In the matter of **File Number 2003-02783, Board v. Trung Thi Arai**, 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 2003-02783-Trung Thi Arai**

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board found clear and convincing evidence and voted to adopt violation recommendation that Trung Thi Arai was in violation of section **18 VAC 55-22-350(2)** of the Board's 1999 Regulations. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

Upon a motion by Ms. Dudley and seconded by Ms. Howard-Seldon, the Board voted to amend the sanction recommendations and not impose a monetary penalty of \$2,500.00 but to revoke Trung Thi Arai cosmetology instructor's license. The members voting 'yes' were Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passed unanimously. Ms. Alderson, as the presiding Board member at the IFF, was not present during the discussion or vote.

At the conclusion of the cases, Ms. Alderson returned to the meeting and assumed chairing the meeting.

**Ms. Alderson returned to meeting**

Ms. Sweet distributed copies of a memorandum to the Board addressing contract modifications and computer based testing sites as well as general statistics reports (attachment C). Ms. Sweet stated to the Board that as of January 2003 the theory portion of the examination converted to computer testing by Experior, at the request of the Board. Ms. Sweet stated that Experior moved all exam scheduling to St. Paul,

**Examination**



MN call center. Ms. Sweet stated that she encountered 4 months of problems with the St. Paul office and requested that all examination scheduling be returned and handled through the Richmond office. As of August 1, 2003 the Richmond office will be handling registration and scheduling of the exam.

In regard to the examination the Board discussed the critical areas of the exam.

- Ms. Howard-Seldon handed out an e-mail received as well exam score sheets (attachments D).

Ms. Sweet advised the Board that it is charged with protecting the public and the Board made the decision at the time to include the critical areas in the exam as safety to the public.

Ms. Sweet also stated the exam fees set in the contract were low and will more than likely increase in 2005. Ms. Sweet stated the fees have remained the same for five years, however; Ms. Sweet is negotiating to keep the fees as low as possible.

Upon a motion by Mr. Quesenberry and seconded by Ms. Wilson-Clemmons the Board voted to modify the current contract and include 3 new programs wax technician, tattooing and body piercing , and hair braiding in the contract and extend Experior's contract to 2004. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The motion passes unanimously.

Mr. Quesenberry and Ms. Howard-Seldon reported to the Board on their review of two Internet courses that were presented to the Board at their last meeting. They reported that the theory portion might be taught online, but the practical instruction is a concern.

**Education/Training-  
Internet**

Upon a motion by Mr. Quesenberry and seconded by Ms. Howard-Seldon the Board voted to accept online training as a means of instruction for the theory portion of an approved program. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The vote passed unanimously.

Upon a motion made by Mr. Quesenberry and seconded by Ms. Dudley adopted the Proposed Wax Technician regulations and gave Board staff the authorization to revise as deemed necessary by the Office of the Attorney General or Executive Branch review. The members voting

**Wax Technician  
Regulations  
Proposed**

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

Upon a motion made by Mr. Quesenberry and seconded by Ms. Dudley adopted the Emergency Wax Technician regulations and gave Board staff the authorization to revise as deemed necessary by the Office of the Attorney General or Executive Branch review. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Wilson-Clemmons. There were no negative votes. The motion passed by majority vote.

Mr. Ferguson informed the Board that the tattoo and body piercing regulations are at the Office of the Attorney General's awaiting a letter of assurance.

**Tattoo and Board-Piercing Regulations**

Mr. Ferguson informed the Board that the braiding Notice of Intended Regulatory Action has been filed for the promulgations of the hair braiding regulations.

**Braiding NOIRA**

Ms. Dugger distributed copies of the proposed hair braiders' license application with the methods of obtaining licensure (attachment H).

Upon a motion by Mr. Quesenberry and seconded by Ms. Alderson the Board voted to accept the criteria for the hair braiding license. The member voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The vote passed unanimously.

The Board took up representation for the National-Interstate Council of State Boards of Cosmetology (NIC) annual conference on August 22-25, 2003 in Sacramento, California.

**NIC Annual Conference**

Upon a motion by Mr. Quesenberry and seconded by Ms. Howard-Seldon the Board voted to send Ms. Alderson as a representative of the Virginia Board to the 2003 NIC annual conference California. The members voting 'yes' were Ms. Alderson, Ms. Dudley, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Wilson-Clemmons. There were no negative votes. The vote passed unanimously.


Mr. Howell expressed to the Board that as a new board member that the meeting was very interesting and enlightening. Mr. Howell also stated that the Board has many important issues before it and that the Board might meet more often. Mr. Howell stated that the Board should examine the possibility of doing inspections. He requested that the

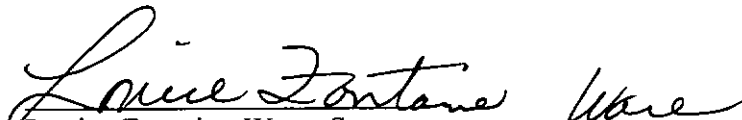
Board issue board member business cards and suggested that board member parking be moved closer to the building.

Ms. Gail Novak, Fluvanna Correctional Center, stated to the Board that any board member interesting in visiting and touring their facility to get a better perspective is invited to do so. Ms. Beverly Connor, Henrico Correctional Facility, extended the same invitation to their facility.

The meeting adjourn at 2:00 p.m.

**Adjourn**

  
Marian Lacy Alderson, Chair

  
Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of the Records