

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, August 15, 2005, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4th Floor, Richmond, Virginia. The following members were present:

Jessie H. Anders
Janet E. Girardi
Gloria L. Howard-Seldon
Algie T. Howell, III
Lonnie E. Quesenberry
Virginia Lee Sanders
L. Saphonia Gee – in accordance with § 54.1-701 of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related estheticians until July 1, 2007.
Laura A. Todd – in accordance with § 54.1-701 of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related to estheticians until July 1, 2007.

Board member not present: Hien Huu Do

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

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director, LRD
Nick A. Christner, Deputy Director for Compliance & Investigations
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Liz Hayes, Director of Fair Housing
Carol Mitchell, Director of Alternative Dispute Resolutions
Doug Schroder, Director of Adjudication
William H. Ferguson, II, Executive Director
Sharon Sweet, Director of Education & Examination
Earlyne B. Perkins, Legal Assistant
Kera L. Woodard, Legal Assistant
Rashaun K. Minor, Administrative Assistant

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

Eric A. Gregory, Assistant Attorney General

Mr. Quesenberry determined a quorum was present and called the **Call to Order** meeting to order at 9:03 a.m.

Mr. Quesenberry congratulated Mr. Howell on his re-appointment to the Board and introduced to the Board the new esthetician members Ms. Lakeisha Saphonia Gee and Ms. Laura Anne Todd. Mr. Quesenberry asked Ms. Gee and Ms. Todd to give a brief description of their background and experience.

Board Members

Mr. Ferguson reminded the Board that in accordance with the *Code of Virginia* that the Esthetician representatives, Ms. Gee and Ms. Todd, are not be authorized to vote on any matters before the Board except matters relating to esthetics.

Upon a motion by Mr. Anders and seconded by Mr. Howell the Board voted to approve the agenda as amended. The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Sanders. There were no negative votes. The motion passed unanimously.

Approval of Agenda

Mr. Quesenberry asked if there was any public comment.

**Public Comment
Period**

Ms. Cheroyl Cartwright, owner of Miracle Barber University in Martinsville, Virginia commented that students used bearded mannequins for shaving training in school and asked that the use of bearded mannequins be considered for the shaving portion of the barber examination.

Mr. Quesenberry thanked Ms. Cartwright for her comments and time.

There being no further comment before the Board the public comment period ended.

Upon a motion by Mr. Anders and seconded by Mr. Howell the Board voted to approve the minutes of the:

February 28, 2005 Board for Barbers and Cosmetology Board meeting
April 21, 2005 Board for Barbers and Cosmetology Informal Fact-Finding Conference
June 2, 2005 Board for Barbers and Cosmetology Informal Fact-Finding Conference
June 9, 2005 Board for Barbers and Cosmetology Informal Fact-Finding Conference
July 28, 2005 Board for Barbers and Cosmetology Informal Fact-Finding Conference.

**Approval of Minutes
for
February 28, 2005
Board Meeting;
April 21, 2005 IFF,
June 2, 2005, IFF;
June 9, 2005 IFF;
and July 28, 2005**

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Sanders.

There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2005-01337, Board v. Supernails**, the Board reviewed the record which consisted of the consent order and report of findings. Supernails did not appear at the meeting in person, by counsel, or by any other qualified representative. **File Number 2005-01337 Supernails**

By signing the Consent Order, Supernails acknowledges an understanding of the charges and admits to the violation(s) of the Count as outlined in the Report of Findings. Supernails consents to the following term(s):

Count 1:	18 VAC 41-20-260.A	\$300.00
Supernails also agrees to pay Board Costs in the amount of:		\$150.00

TOTAL		\$400.00

Upon a motion by Ms. Sanders and seconded by Ms. Girardi, the Board voted to ratify the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2005-01674, Board v. Burke Barber Shop**, the Board reviewed the record which consisted of the consent order and report of findings. Burke Barber Shop did not appear at the meeting in person, by counsel, or by any other qualified representative. **File Number 2005-01674 Burke Barber Shop**

By signing the Consent Order, Burke Barber Shop acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Burke Barber Shop consents to the following term(s):

Count 1:	18 VAC 41-20-270.B.1	\$300.00
Count 2:	18 VAC 41-20-270.B.3	\$100.00
Count 3:	18 VAC 41-20-270.C.1	\$100.00
Count 4:	18 VAC 41-20-270.C.2	\$100.00
Count 5:	18 VAC 41-20-270.D.1	\$100.00
Count 6:	18 VAC 41-20-270.D.2	\$100.00
Count 7:	18 VAC 41-20-270.E.1	\$100.00
Count 8:	18 VAC 41-20-70.E.10	\$100.00

Count 9:	18 VAC 41-20-70.E.13	\$100.00
	Burke Barber Shop also agrees to pay	\$150.00
	Board Costs in the amount of:	

TOTAL:		\$1,250.00

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board voted to ratify the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry and Ms. Sanders. There were no negative votes. The motion passed unanimously.

Mr. Quesenberry leaves the meeting.

**Mr. Quesenberry
leaves.**

In the matter of **File Number 2005-01870, Board v. Beyond Hair & Braids**, the Board reviewed the record which consisted of the consent order and report of findings. Beyond Hair & Braids did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2005-
01870 Beyond Hair
& Braids**

By signing the Consent Order, Beyond Hair & Braids acknowledges an understanding of the charges and admits to the violation(s) of the Count as outlined in the Report of Findings. Beyond Hair & Braids consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.1	\$200.00
	In addition Beyond Hair & Braids agrees to	\$200.00
	reimburse Board Cost in the amount of:	

TOTAL:		\$400.00

Upon a motion by Ms. Sanders and seconded by Mr. Anders the Board voted to ratify the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, and Ms. Sanders. There were no negative votes. The motion passed unanimously

Mr. Quesenberry was not present during the discussion or vote.

In the matter of **File Number 2005-03041, Board v. Vickie McSpadden**, the Board reviewed the record which consisted of the consent order and report of findings. Vickie McSpadden did not

**File Number 2005-
03041 Vickie
McSpadden**

appear at the meeting in person, by counsel, or by any other qualified representative.

By signing the Consent Order, Vickie McSpadden acknowledges an understanding of the charges and admits to the violation(s) of the Count as outlined in the Report of Findings. Vickie McSpadden consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.1	\$200.00
In addition Vickie McSpadden agrees to reimburse Board cost in the amount of:		\$200.00

TOTAL:		\$400.00

Upon a motion by Ms. Girardi and seconded by Ms. Sanders the Board voted to ratify the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, and Ms. Sanders. There were no negative votes. The motion passed unanimously

Mr. Quesenberry was not present during the discussion or vote.

Mr. Quesenberry returns to the meeting

**Mr. Quesenberry
returns**

In the matter of **File Number 2005-02636, Board v. DMQ Corp**, the Board reviewed the record which consisted of the consent order and report of findings. Minh Hoang Truong, a representative for DMQ Corp was present and addressed the Board.

**File Number 2005-
02636 DMQ Corp**

By signing the Consent Order, DMQ Corp acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. DMQ Corp consents to the following term(s):

Count 1:	18 VAC 41-20-270.B.1	\$300.00
Count 2:	18 VAC 41-20-270.B.4	\$100.00
Count 3:	18 VAC 41-20-270.B.6	\$100.00
Count 4:	18 VAC 41-20-270.B.7	\$100.00
Count 5:	18 VAC 41-20-270.B.8	\$100.00
Count 6:	18 VAC 41-20-120.B	\$300.00
In addition, DMQ Corp also agrees to pay Board costs in the amount of:		\$150.00

TOTAL : \$1,150.00

Upon a motion by Mr. Anders and seconded by Mr. Howell, the Board voted to ratify the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2005-03422, Board v. Pro Nails**, the Board reviewed the record which consisted of the consent order and report of findings. Pro Nails did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number
2005-03422 Pro Nails

By signing the Consent Order, Pro Nails acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Pro Nails consents to the following term(s):

Count 1:	18 VAC 41-20-260.B	\$400.00
In addition, Pro Nails agrees to pay Board costs in the amount of :		\$150.00

TOTAL:		\$550.00

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to ratify the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Numbers 2005-03461, Board v. Antonio Maurice Finney** the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Antonio Maurice Finney was not present, but Mr. Finney submitted a letter to the Board.

File Numbers 2005-
03461 Antonio
Maurice Finney

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Anders, the Board voted to approved Mr. Finney's barber license application.

The members voting 'yes' were Mr. Anders, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Sanders. The members voting 'no' were Ms. Girardi and Mr. Howell. The motion passed by majority.

In the matter of **File Number 2005-04041, Board v. John R. Halterman, Sr.**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Halterman was present at the meeting and addressed the Board.

File Number 2005-04041 John R. Halterman, Sr.

Upon a motion by Mr. Howell and seconded by Mr. Anders, the Board voted to approved Mr. Halterman's tattooer license application.

The members voting 'yes' were Mr. Anders, Ms. Howard-Seldon, Mr. Howell, and Mr. Quesenberry. The members voting 'no' were Ms. Girardi and Ms. Sanders. The motion passed by majority.

In the matter of **File Numbers 2005-04042, Board v. John R. Halterman, Sr. t/a The Lion's Den**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Halterman was present at the meeting.

File Number 2005-04042 John R. Halterman, Sr., t/a The Lion's Den

Upon a motion by Mr. Howell and seconded by Mr. Anders, the Board voted to approved The Lion's Den tattoo parlor license application.

The members voting 'yes' were Mr. Anders, Ms. Howard-Seldon, Mr. Howell, and Mr. Quesenberry. The members voting 'no' were Ms. Girardi and Ms. Sanders. The motion passed by majority.

In the matter of **File Numbers 2005-04268, Board v. Linh Tran La**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Linh Tran La did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2005-04268 Linh Tran La

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to approved Mr. La's nail technician license application.

The members voting 'yes' were Mr. Anders, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. The member voting 'no' was Ms. Girardi. The motion passed by majority.

In the matter of **File Numbers 2005-04994, Board v. Timothy J. Havens**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Havens was present at the meeting and

File Number 2005-04994 Timothy J. Havens

address the Board.

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon the Board voted to approved Mr. Havens' tattooer license application.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

In the matter of **File Numbers 2005-04995, Board v. Timothy J. Havens/ Cherry Bomb Tattoo and Piercing**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Havens was present at the meeting and address the Board.

File Number 2005-04995 Timothy J. Havens / Cherry Bomb Tattoo and Piercing

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon the Board voted to approved Cherry Bomb Tattoo and Piercing's tattoo parlor license application.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

The Board recessed at 9:47 a.m. and reconvened at 9:55 a.m.

Break

Ms. Sweet reported and provided information on the possibilities of offering the theory portion of the exam in other languages.

Examination

Upon a motion by Ms. Sanders and seconded by Mr. Howell the Board voted to offer the theory portion of the examinations in the foreign languages that are currently available through our contracted examination vendor.

The members voting 'yes' were Mr. Anders, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. The member voting 'no' was Ms. Girardi. The motion passed by majority.

Ms. O'Neal provided training on board member responsibilities, the Board's authority, the Conflict of Interest Act, the Freedom of Information Act, and other duties as a board member. Ms. O'Neal concluded this portion of the training by fielding questions from the board members.

Training

Ms. Mitchell provided training on Alternative Dispute Resolutions. Ms. Mitchell provided information pertaining to the alternative

resolutions and procedures. Ms. Mitchell concluded this portion of the training by fielding questions from the board members.

Mr. Schroder and Ms. Adams provided training on the Compliance and Investigations Division's procedures. Mr. Schroder provided information pertaining to the adjudication procedures and Ms. Adams provided information pertaining to the complaint analysis and resolution procedures. Mr. Schroder and Ms. Adams concluded this portion of the training by fielding questions from the board members.

The Board was informed that House Bill 2510 Barbers and Cosmetology, Board for; regulation of estheticians passed in the General Assembly.

Esthetics Regulations

Upon a motion by Ms. Todd and seconded by Ms. Gee the Board voted to adopt a Notice of Intended Regulatory Action (NOIRA) to promulgate Esthetician regulations.

The members voting 'yes' were Mr. Anders, Ms. Gee, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, Ms. Sanders, and Ms. Todd. There were no negative votes. The motion passed unanimously.

The Board was informed that the proposed Hair Braiding regulations are currently in the 60 day public comment period and the public hearing will be held August 15, 2005 at 1:00 pm at the Department of Professional and Occupational Regulation. Public comment will be received until August 26, 2005.

Hair Braiding Regulations

The Board was informed that the Proposed Tattooing Regulations are scheduled to be published in the Virginia Registrar August 22, 2005. The 60 day public comment period will begin on August 22, 2005 and end October 21, 2005. The public hearing is scheduled for October 17, 2005 at 10:00 a.m. at the Department of Professional and Occupational Regulation.

Tattooing Regulations

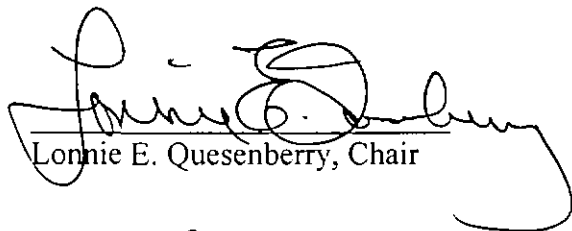
The Board was informed that the Emergency Body-Piercing Regulations are under review by the Governor and the Proposed Body-Piercing Regulations are under review by the Department of Planning and Budget (DPB) in the executive review process.

Body-piercing Regulations

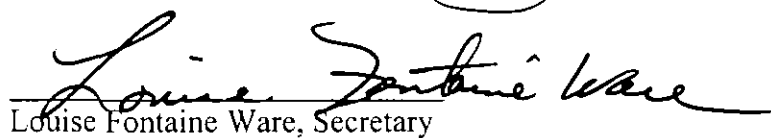
There was no other board business before the Board.

Other Board Business

There being no other business to be brought before the Board, Mr. Adjourn
Quesenberry adjourned the meeting at 12:17 p.m.



Lonnie E. Quesenberry, Chair



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]



- 1. Name: Virginia Lee Sanders
- 2. Title: Board Member - Virginia Board for Barbers and Cosmetology
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: August 15, 2005 Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: N/A

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

N/A

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature: Virginia L. Sanders Date: 8/30/05

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


TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

- 1. Name: Gloria Howard-Seldon
- 2. Title: Board Member – Virginia Board for Barbers and Cosmetology
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: August 15, 2005 Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:  Date: 08-15-05

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

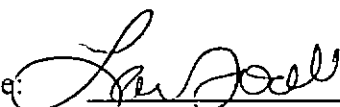
TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: Laura A. Todd
2. Title: Board Member – Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: August 15, 2005 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____
- _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:  Date: 8/15/05

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

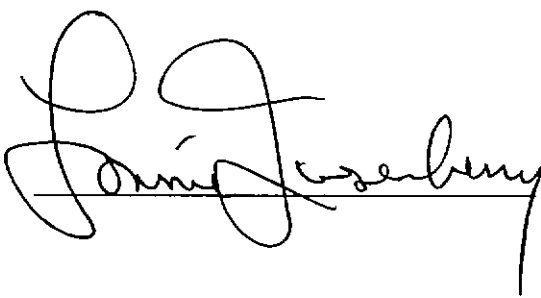
TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: Lonnie E. Quesenberry
2. Title: Board Member - Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: August 15, 2005 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:  Date: 8-15-05

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

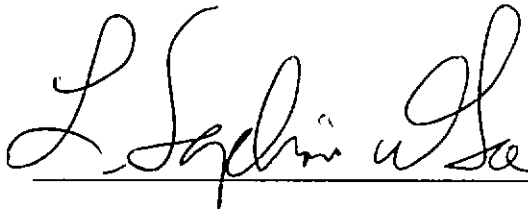
1. Name: L. Saphonia Gee
2. Title: Board Member - Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: August 15, 2005 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____
- _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:



Date:

15 Aug 05

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

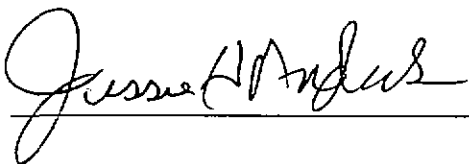
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

- 1. Name: Jessie H. Anders
- 2. Title: Board Member - Virginia Board for Barbers and Cosmetology
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: August 15, 2005 Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:  Date: 8-15-05

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

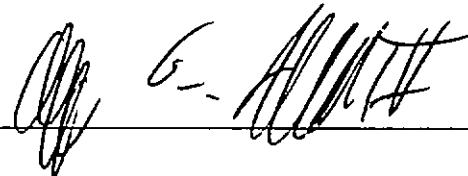
1. Name: Algie T. Howell, III
2. Title: Board Member – Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: August 15, 2005 Board Meeting
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: NONE

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:

 Date: 8-15-05

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

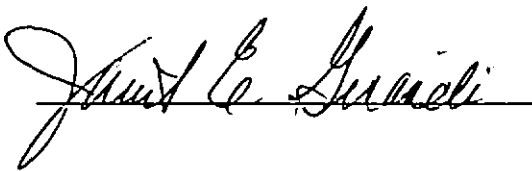
TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]

1. Name: Janet E. Girardi
2. Title: Chairman - Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: August 15, 2005 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

- (b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:  Date: 8/15/05