

## **BOARD FOR BARBERS AND COSMETOLOGY**

### **MINUTES OF MEETING**

The Board for Barbers and Cosmetology met on Monday, September 20, 2021, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia. The following board members were present for all or part of the meeting:

Gilda Acosta  
Renee' H. Gilanshah  
Darrin L. Hill  
Lonnie Quesenberry  
Matthew D. Roberts  
Sandra G. Smith

The following board members were not present:

Oanh Pham Kim Dang  
Margaret B. LaPierre  
Alfred O. Mayes  
Bo Machayo

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

Mary Broz-Vaughan, Agency Director  
Stephen Kirschner, Executive Director  
Joseph Crook, Regulatory Operations Administrator  
Amy Goobic, Executive Assistant

Representative from the Office of the Attorney General was present for all or part of the meeting by telephone:

Elizabeth Peay, Assistant Attorney General

Mr. Roberts, Chair, determined a quorum was present and called the meeting Call to Order to order at 9:04 a.m.

The Board took the Agenda under consideration. Mr. Roberts asked for any amendments. Mr. Kirschner indicated the four disciplinary cases on the agenda would be reviewed at the November 7, 2021 Board meeting, as the required number of voting Board members was not present.

#### **Approval of Agenda**

Upon a motion by Mr. Quesenberry and seconded by Ms. Gilanshah, the Board voted to adopt the amended Agenda.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the July 12, 2021 Board Meeting and the Standing Committee under consideration. Mr. Roberts asked for any amendments. There were none.

Upon a motion by Ms. Gilanshah and seconded by Ms. Acosta, the Board voted to approve the minutes.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Mr. Kirschner stated that there were no Communication items to share with the Board.

Mr. Roberts asked if there was public comment. There was none.

In the matter of **File Number 2016-03054, Kieu Nguyen**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Kieu Nguyen did not appear at the meeting in person, by counsel or by any other qualified representative.

Concerning Count 1, upon a motion by Mr. Quesenberry and seconded by Rev. Hill, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Kieu Nguyen violated the following section of its Regulations and imposes the listed monetary penalties:

Count 1:	18 VAC 41-20-280.A.3 (Three violations at \$2,500 each)	\$ 7,500.00
		-----
TOTAL		\$ 7,500.00

The Board also imposes the following sanction: Revocation of Kieu Nguyen's license number 1206020805 for violation of Count 1.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

**Approval of Minutes  
for the July 12, 2021  
Meeting of the  
Board for Barbers  
and Cosmetology  
and Board for  
Barbers and  
Cosmetology  
Standing Committee**

**Communications**

**Public Comment**

**CASES**

**File Number 2016-  
03054, Kieu Nguyen**

In the matter of **File Number 2016-03395, Hong Nguyen**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Hong Nguyen did not appear at the meeting in person, by counsel or by any other qualified representative.

**File Number 2016-03395, Hong Nguyen**

Concerning Count 1, upon a motion by Mr. Quesenberry and seconded by Rev. Hill, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Hong Nguyen violated the following section of its Regulations and imposes the listed monetary penalties:

Count 1:	18 VAC 41-20-280.A.3	\$ 7,500.00
	(Three violations at \$2,500 each)	
		-----
TOTAL		\$ 7,500.00

The Board also imposes the following sanction: Revocation of Hong Nguyen's license number 1201120969 for violation of Count 1.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-01119, Nhi Yen Huynh**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Nhi Yen Huynh did not appear at the meeting in person, by counsel or by any other qualified representative.

**File Number 2021-01119, Nhi Yeh Huynh**

Upon a motion by Mr. Quesenberry and seconded by Rev. Hill, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Nhi Yen Huynh's nail technician license application.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Danielle Christina Good was present to address the Board. Ms. Gilanshah moved to review Ms. Good's cases together (items 11 and 14 on the agenda). Ms. Smith seconded the motion. In the matter of **File Numbers 2021-01122 and 2021-01465, Danielle Christina Good**, the Board reviewed the record,

**File Number 2021-01122 and 2021-01495, Danielle Christina Good**

which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference.

Upon a motion by Mr. Quesenberry and seconded by Ms. Acosta, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ms. Good's esthetician license and salon license.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-01123, Sonia Elaine Williams**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Sonia Elaine Williams did not appear at the meeting in person, by counsel or by any other qualified representative.

**File Number 2021-01123, Sonia Elaine Williams**

Upon a motion by Ms. Gilanshah and seconded by Mr. Quesenberry, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve the reinstatement of Ms. Williams' cosmetology license.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-01391, Amanda Lynn Doolittle**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Amanda Lynn Doolittle did not appear at the meeting in person, by counsel or by any other qualified representative.

**File Number 2021-01391, Amanda Lynn Doolittle**

Upon a motion by Rev. Hill and seconded by Mr. Quesenberry, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Amanda Lynn Doolittle's application for a wax technician license.

The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

## **EXAMINATIONS**

Mr. Kirschner provided a report to the Board on examination pass rates for 2021.

### **Exam Statistics**

Mr. Kirschner reported there have been challenges for the schools with regards to the length of time between taking exams and receiving exam results. Mr. Kirschner informed the Board that exam vendor PSI will be offering computer based theory exams, with exam results received that day. Computer testing will be available spring of 2022.

### **Report on Examinations and Exam Content Committee**

Rev. Hill inquired if apprentice exam scores were comparable to those of students. Mr. Kirschner stated that he would provide that information at the November 7, 2021 meeting.

The Board was advised that the Exam Content Committee is meeting Tuesday, September 21, 2021, it will be a closed meeting. Recommendations will be provided at the November 7, 2021 Board meeting.

## **REGULATORY ACTION AND BOARD GUIDANCE**

Mr. Crook presented a report on four pending regulatory actions: 1) Revise the Barber and Cosmetology regulations to provide a definition of 'substantially equivalent' for training and examinations, and to allow those with five years of licensed experience in another state to substitute experience for substantially equivalent training; 2) Amend to the instructor training program to establish a unified instructor program for licensed cosmetology, barber, nail and wax schools; 3) Create specific rules for schools to accept transfer students based on a competency exam and transcripts from prior school; 4) Amend existing regulations conforms regulations concerning qualifications for licensure and standards of conduct to the marijuana legalization law that limits dissemination of criminal history record information, and removes reporting by applicants or licensees of misdemeanor marijuana convictions.

### **Regulatory Report**

Mr. Kirschner informed the Board that two comments were received during the public comment period for the tattoo and body piercing regulatory action's re-proposed phase. Board members reviewed the comments and the responses prepared by staff.

### **Tattoo and Body Piercing Public Comments and Responses**

Upon a motion by Rev. Hill and seconded by Mr. Quesenberry, the Board voted to approve the responses. The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously

Board members reviewed the draft final regulations for the Tattooing and Body Piercing 2017 General Review. Mr. Kirschner explained that the proposed changes were for consistency and clarification.

**Tattoo and Body  
Piercing Final  
Regulations**

Discussion was held on tattoo and cosmetic tattoo schools increasing the number of hours to complete programs, and the consequences for students already enrolled. Mr. Kirschner stated that the final regulations could be amended with a motion to include a "grandfather" clause within the school programs.

Upon a motion by Rev. Hill and seconded by Ms. Gilanshah, the Board voted to amend the final regulations to include a "grandfather" clause that individuals enrolled in a program prior to July 1, 2022 may complete the program at the hours in effect at the time they enrolled.. The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Mr. Kirschner addressed 'scalp micropigmentation,' and recommended amending the final regulations to move scalp micropigmentation from Master Tattoo to Permanent Cosmetic Tattoo. Ms. Acosta expressed her support for this change.

Upon a motion by Ms. Acosta and seconded by Rev. Hill, the Board voted to amend the final regulations and move scalp micropigmentation from Master Tattoo to Permanent Cosmetic Tattoo. The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Acosta and seconded by Rev. Hill, the Board voted to approve the final regulations as amended. The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Mr. Kirschner addressed the requirement in the Approved Health Education Guidance Document, for CPR and First Aid training be at least half in-person. He stated that many of the health education providers do not have in-person training due to the pandemic, and this is proving to be difficult for

**Health Education  
Guidance Document  
Revision**

applicants and licensee renewals. Board members reviewed a draft revision of the guidance document removing the in-person training requirement.

Upon a motion by Ms. Gilanshah and seconded by Ms. Acosta, the Board voted to remove the in-person training requirement for CPR and First Aid in the Health Education Guidance Document. The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

## **NEW BUSINESS**

Mr. Kirschner discussed changes to the Master Barber Apprenticeship program. Board members were provided a draft of the work processes and addendum to the standards of apprenticeship for a new Master Barber apprenticeship, based on the previous 3,000 hour barber apprenticeship. If approved, the Department of Labor and Industry will then need to approve, as well as the Apprenticeship Council.

### **Master Barber Apprenticeship Committee**

Upon a motion by Rev. Hill and seconded by Ms. Acosta, the Board voted to approve the work processes and addendum to the minimum standards of apprenticeship for the master barber apprenticeship. The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Mr. Kirschner and Director Broz-Vaughan advised the remote participation requirement for board meetings in certain situations under the Code of Virginia. The Board must adopt a remote participation policy that conforms to the policies laid out in the law. At this time the policy will only pertain to committee and sub-committee meetings, and a physical quorum must be present at the meeting.

### **Remote Participation Policy**

Board members reviewed the proposed remote participation policy. Upon a motion by Rev. Hill and seconded by Mr. Quesenberry, the Board voted to adopt the inspection form revision. The members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Mr. Kirschner reviewed the revisions made to the self-inspection form for licensed schools. He stated that the revisions require more information than the previous form. The forms are to be completed once a year and must be presented if requested.

### **School Self- Inspection Form Revisions**

Upon a motion by Mr. Quesenberry and seconded by Rev. Hill, the Board voted to adopt the revisions to the School Self-Inspection form. The

members voting 'yes' were Ms. Acosta, Ms. Gilanshah, Rev. Hill, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

The Board was provided financial statements for informational purposes.

**Financials**

Board members were provided a handout with the 2022 Board meeting schedule. Mr. Quesenberry inquired about the change from four to six meetings a year. Mr. Kirschner explained that scheduling additional meetings was to benefit those who are waiting on their license to be approved by the Board.

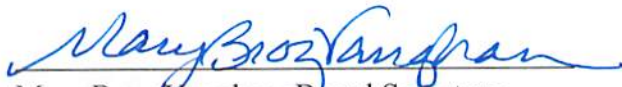
**2022 Board Meeting  
Schedule**

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 11:00 a.m.

**Adjourn**



Matthew D. Roberts, Board Chair



Mary Broz-Vaughan, Board Secretary



STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Gilda Acosta
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: September 20, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

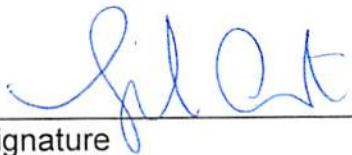
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

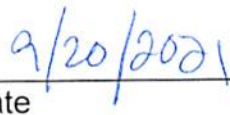
\_\_\_\_\_

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

- \_\_\_\_\_
- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I do not have a personal interested in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

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

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

1. Name: Lonnie Quesenberry
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: September 20, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

or

I did not participate in the transaction.

6.  I do not have a personal interested in any transactions taken at this meeting.

  
Signature

9-20-21  
Date

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

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

1. Name: Renee' Gilanshah
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: September 20, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I do not have a personal interested in any transactions taken at this meeting.

  
Signature

9/20  
Date

2

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

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

- 1. Name: Rev. Darrin L. Hill
- 2. Title: Board Member
- 3. Agency: Board for Barbers and Cosmetology
- 4. Meeting/IFF Date: September 20, 2021
- 5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_


\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

- 6.  I do not have a personal interested in any transactions taken at this meeting.

  
Signature

9/20/2021  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Sandra G. Smith
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: September 20, 2021
5. I have a personal interest in the following transaction:

na

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

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

na

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6.  I do not have a personal interest in any transactions taken at this meeting.

Sandra G. Smith  
Signature

9/20/2021  
Date

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

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

1. Name: Matthew D. Roberts
2. Title: Board Chair
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: September 20, 2021
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

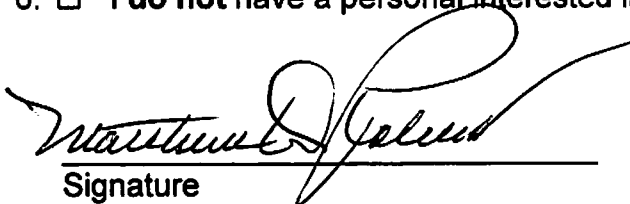
\_\_\_\_\_

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

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

9-20-21  
\_\_\_\_\_  
Date