

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, December 5, 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
Hien Huu Do
Janet E. Girardi
Gloria L. Howard-Seldon
Algie T. Howell, III
Lonnie E. Quesenberry
L. Saphonia Gee – in accordance with § 54.1-702 B 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 § 54.1-702 B 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: Virginia Lee Sanders

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

Louise Fontaine Ware, Director
Brian Hannigan, Chief Deputy Director
Karen W. O'Neal, Deputy Director, LRD
Nick A. Christner, Deputy Director for Compliance & Investigations
Doug Schroder, Director of Adjudication
William H. Ferguson, II, Executive Director
Zelda W. Dugger, Board Administrator
Earlyne B. Perkins, Legal Assistant
Rashaun K. Minor, Administrative Assistant

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

Mr. Quesenberry determined a quorum was present and called the **Call to Order** meeting to order at 9:02 a.m.

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell the Board voted to approve the agenda as amended. The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, and Mr. Quesenberry. There were no negative **Approval of the Agenda**

votes. The motion passed unanimously.

Ms. Gee arrived at the meeting at 9:07 am.

Ms. Gee arrives

Mr. Quesenberry asked if there was any public comment.

**Public Comment
Period**

Ms. Gail Novak, Cosmetology Instructor at Fluvanna Correctional Center for Women, addressed the Board regarding inmates seeking licensure. Ms. Novak stated that the \$15.00 cost to obtain a criminal history report may not seem like a lot of money, but to an inmate that averages .20¢ an hour it is a large sum of money including the cost of postage as well as the licensure application which is currently \$55.00.

Ms. Novak asked the Board to consider a policy that would give guidance to applicants with a criminal history. The policy would give direction on which criminal convictions would be applicable to the application.

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

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

**Approval of Minutes
for
August 15, 2005
Board Meeting;**

August 15, 2005 Board for Barbers and Cosmetology Board meeting;

August 15, 2005 Board for Barbers and Cosmetology Public Hearing for Hair Braiding Regulations; and

**September 8,
2005,IFF;**

September 8, 2005 Board for Barbers and Cosmetology Informal Fact-Finding Conference.

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

In the matter of **File Number 2005-05032, Board v. Nino M. Nelson**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Nelson addressed the Board via speaker phone.

**File Number 2005-
05032, Nino M.
Nelson**

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

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

In the matter of **File Numbers 2006-00388, Board v. Reo Anthony Newman-Sujballi, Sr.**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Mr. James V. Irving, attorney for Mr. Newman-Sujballi, addressed the Board.

File Number 2006-00388 Reo Anthony Newman-Sujballi, Sr.

Upon a motion by Ms. Girardi and seconded by Ms. Howard-Seldon, the Board voted to approved Mr. Newman-Sujballi's tattooer license application.

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

In the matter of **File Numbers 2006-00389, Board v. Reo's Tattooing** the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Mr. James V. Irving, attorney for Mr. Newman-Sujballi, was present at the meeting and did not address the Board.

File Number 2006-00389 Reo's Tattooing, Inc.

Upon a motion by Ms. Girardi and seconded by Mr. Howell, the Board voted to approved Reo's Tattooing, Inc.'s tattoo parlor license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, and Mr. Quesenberry. The motion passed unanimously.

In the matter of **File Numbers 2006-00398, Board v. Tonnie X. Daniels**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Daniels did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2006-00398 Tonnie X. Daniels

Upon a motion by Ms. Girardi and seconded by Mr. Do the Board voted to approved Mr. Daniels' barber license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, and Mr. Quesenberry. The motion passed unanimously.

In the matter of **File Numbers 2005-05052, Board v. Sandra K. Swanner**, the Board reviewed the records, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Ms. Swanner did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2005-05052 Sandra K. Swanner

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

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, and Mr. Quesenberry. There was one abstention, Mr. Do. There were no negative votes. The motion passed by majority.

Mr. Schroder summarized House Bill 1932 that was passed by the 2005 Virginia General assembly and became effect July 1, 2005. This bill increased the Board's authority concerning disciplinary actions it may impose on its licensees. Mr. Schroder explained the difference between consent agreements and consent orders.

Citation Recommendations

Mr. Schroder reviewed the DRAFT Citation Recommendations that if applicable would be used for violations. Mr. Schroder concluded his presentation by fielding questions from board members.

Upon a motion by Mr. Howard-Seldon and seconded by Mr. Howell the Board voted to approve the Citation Recommendations.

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

The Board recessed at 9:54 am and reconvened at 10:07am.

Break

Ms. O'Neal provided training on regulatory review process including the standard regulatory process, emergency regulations, fast-track regulations, the APA, petition for rule making, and pending regulatory actions. Ms. O'Neal concluded this portion of the training by fielding questions from the board members.

Training

The Board took under consideration the public comment received pertaining to the Proposed Hair Braiding Regulations. The Board reviewed the hair braiding public comments and responses to the comments received.

Hair Braiding Public

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell the Board voted to approved the responses to public comment.

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

The Board took under consideration the Final Hair Braiding Regulations.

Hair Braiding Final Regulations

Upon a motion made by Mr. Anders and seconded by Mr. Howell the Board voted to adopt Final Hair Braiding Regulations. The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, and Mr. Quesenberry. There were no negative votes. The motion passed unanimously.

The Board was informed that the NOIRA for the Esthetics Regulations has been published in the Virginia Registrar and on the Town Hall and the 30 day public comment period ended November 30, 2005.

Esthetics Regulations

The Board was informed that the Proposed Body-Piercing Regulations were approved by the Governor

Body-Piercing Proposed Regulations

Mr. Anders reported to the Board on his attendance at the National Association of Barbers Boards of America 79th conference, and Mr. Quesenberry reported to the Board on the National Interstate Council of State Board of Cosmetology (NIC) 50th annual conference.

Conference Reports

Mr. Anders reported on his attendance at the National Association of Barbers Boards of America 79th conference held in Myrtle Beach, South Carolina on September 18-23, 2005. Mr. Anders stated that 27 states were represented at the conference. Mr. Anders stated there were several topics of discussion at the conference, national testing of which 37 states administered the same exam, falsified license, hair braiding, chair rental, and the barber pole. Mr. Anders reported only one state does not regulate the barber profession, Alabama.

of Barber Boards of America

Mr. Anders concluded his reported by thanking the Board for allowing him to represent Virginia at the conference.

Mr. Quesenberry reported on the National Interstate Council of State Board of Cosmetology (NIC) 50th annual conference held in Washington, DC on August 27-29, 2005. Mr. Quesenberry stated that

Council of State Board of

Mr. Do and Ms. Sanders also attended the conference and they were later joined by Ms. Gee and Ms. Todd. **Cosmetology (NIC)**

Mr. Quesenberry stated that the conference began its focus on education and sanitation and then moved to talk about licensure endorsement as well as body piercing and tattooing and advanced esthetics licensure.

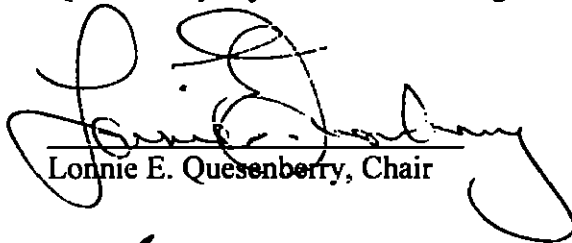
Mr. Quesenberry concluded the reported by advising the Board that the next conference is scheduled for Portland, Maine August 26-28, 2006.

The proposed 2006 board meeting dates are Monday, February 6, 2006 and Monday, April 10, 2006. The remaining dates will be determined following regulatory action deadlines. **Meeting Dates**

There was no other board business before the Board.

**Other Board
Business**

There being no other business to be brought before the Board, Mr. Quesenberry adjourned the meeting at 10:57 am. **Adjourn**


Lonnie E. Quesenberry, Chair


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records