

BOARD FOR BARBERS & COSMETOLOGY

DRAFT MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, February 22, 2010, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia. The following members were present:

Jessie H. Anders
Stacy A. Crawford
L. Saphonia Gee
Jonathan W. Minor
Lonnie E. Quesenberry
Jessica B. Weaver

The following board members were not present:

Gloria Howard-Seldon
Virginia L. Sanders

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

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of LRD
William H. Ferguson, II, Executive Director
Zelda Williams, Board Administrator
Cathy Clark, Administrative Assistant
Earlyne Perkins, Legal Analyst

Representative from the Office of the Attorney General was present for the meeting.

Elizabeth B. Peay

Mr. Quesenberry, Chair, determined a quorum was present and called **Call To Order** the meeting to order at 9:06 a.m.

The Board took the agenda under consideration. Mr. Ferguson introduced two amendments to the Agenda under IX. Other Board Business: (1) Fee increase regulatory package; and (2) Interpretation of Statutes. **Approval of Agenda**

Upon a motion by Mr. Anders and seconded by Ms. Weaver, the Board voted to adopt the agenda with the amendments.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative

votes. The motion passed unanimously.

Mr. Quesenberry asked if there was any public comment. There was no public comment.

Public Comment

Upon a motion by Mr. Anders and seconded by Ms. Crawford, the Board voted to approve the minutes as written of the:

**Approval of
Minutes for
October 19, 2009
Board Meeting,
November 19, 2009,
IFF, December 3,
2009, IFF,
December 8, 2009,
IFF, December 10,
2009, IFF, and
December 14, 2009,
IFF.**

October 19, 2009, Board for Barbers and Cosmetology Board Meeting,
November 19, 2009, Informal Fact-Finding Conference
December 3, 2009, Informal Fact-Finding Conference,
December 8, 2009, Informal Fact-Finding Conference,
December 10, 2009, Informal Fact-Finding Conference, and
December 14, 2009, Informal Fact-Finding Conference.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

Cases

In the matter of **File Number 2010-03327, Totally Naked Tattoos and Body Piercing**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, Report of Findings, transcript and exhibits. Totally Naked Tattoos and Body Piercing was not represented at the meeting in person, by counsel, or by any other qualified representative.

**File Number
2010-03327, Totally
Naked Tattoos and
Body Piercing**

Upon a motion by Mr. Anders and seconded by Ms. Weaver, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Totally Naked Tattoos and Body Piercing violated the following section of its Regulations.

(Effective October 1, 2006)

Count 1: 18 VAC 41-50-420 A 4

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Weaver and seconded by Ms. Gee, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following

sanctions:

Count 1:	18 VAC 41-50-420 A 4	\$250.00

	SUB-TOTAL (MONETARY PENALTIES)	\$250.00
	BOARD COSTS	\$ 0.00
	TOTAL	\$250.00

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

Mr. Anders left the meeting.

Mr. Anders
Recused

In the matter of **File Number 2010-01620, Cramer, Patrick D.**, the Board reviewed the record which consisted of the Consent Order. Patrick D. Cramer did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2010-
01620, Cramer,
Patrick D.

By signing the Consent Order, Patrick D. Cramer acknowledges an understanding of the charges and hereby admits to the violation of the Count 1 as outlined in the Report of Findings. Patrick D. Cramer consents to the following term(s):

Count 1:	18 VAC 41-50-420.A.3	\$2,500.00

	SUB-TOTAL (MONETARY PENALTIES)	\$2,500.00
	BOARD COSTS	\$ 0.00
	TOTAL	\$2,500.00

In addition, for violation of Count 1, the Board shall waive imposition of the \$2,500.00 monetary penalty for Count 1, and in exchange, Cramer agrees to revocation of his license.

Upon a motion by Ms. Gee and seconded by Mr. Minor, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

As a Board representative in this case, Mr. Anders was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Anders returned to the meeting

Mr. Anders

Recused

In the matter of **File Number 2010-01447, Reynolds, Antwanette**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Antwanette Reynolds did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2010-01447, Reynolds, Antwanette

Upon a motion by Ms. Crawford, and seconded by Mr. Minor, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ms. Reynolds' license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-01563, Clanton, Ivory T.**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ivory T. Clanton did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2010-01563, Clanton, Ivory T.

Upon a motion by Mr. Minor, and seconded by Ms. Weaver, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference, amend the IFF Referral Memo to indicate that the applicant is applying for a Barber Instructor certificate, and approve Mr. Clanton's license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-01639, Stacy, Sarah Ashley**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Sarah Ashley Stacy did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2010-01639, Stacy, Sarah Ashley

Upon a motion by Ms. Crawford, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ms. Stacy's license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-01640, Ward, Quannette L. G.**, **File Number 2010-01640, Ward, Quannette L. G.** the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Quannette L. G. Ward appeared at the meeting and spoke on her own behalf.

Upon a motion by Ms. Crawford, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ms. Ward's license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-01968, Mills, Adam Christopher**, **File Number 2010-01968, Mills, Adam Christopher** the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Adam Christopher Mills appeared at the meeting and spoke on his own behalf.

Upon a motion by Mr. Anders, and seconded by Ms. Crawford, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference, amend Page 1 of the Summary, under the section entitled Prior Criminal Convictions, to change a conviction date from August 10, 2000 to August 8, 2000, and approve Mr. Mills' license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-01969, Harris, Pedro D.**, the Board **File Number 2010-01969, Harris, Pedro D.** reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Pedro D. Harris did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Mr. Minor, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Mr. Harris' license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-01970, Solomon, Anita**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Anita Solomon did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2010-01970, Solomon, Anita

Upon a motion by Mr. Minor, and seconded by Ms. Crawford, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ms. Solomon's license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-02020, Bentley, Eilleen Marie**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Eilleen Marie Bentley did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2010-02030, Bentley, Eilleen Marie

Upon a motion by Ms. Gee, and seconded by Ms. Weaver, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ms. Bentley's license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-02032, Johnson, Debra Sue**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Debra Sue Johnson did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2010-02032, Johnson, Debra Sue

Upon a motion by Mr. Anders, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ms. Johnson's license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-02034, McArthur, Michon Monique**, the Board reviewed the record which consisted of the

File Number 2010-02034, McArthur,

application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Michon Monique McArthur did not appear at the meeting in person, by counsel, or by any other qualified representative.

Michon Monique

Upon a motion by Ms. Crawford, and seconded by Mr. Anders, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ms. McArthur's license.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-02169, Soto, Andres**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Andres Soto appeared at the meeting and spoke on his own behalf.

File Number 2010-02169, Soto, Andres

Upon a motion by Ms. Crawford, and seconded by Mr. Minor, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Mr. Soto's license, subject to subject to his entering into an Agreement for Licensure conditioned on the following:

1. That Mr. Soto abides by the terms of his probation (supervised or unsupervised) until discharged from probation;
2. That Mr. Soto timely registers as a sex offender with the Virginia Department of State Police every 30 days, or as required by law;
3. That Mr. Soto refrains from engaging in any further criminal activity;
4. That Mr. Soto appears before the Board twice per year if requested by the Board, to further demonstrate his compliance with his Agreement for Licensure; and
5. That Mr. Soto complies with any and all other terms in the Agreement for Licensure the Board deems appropriate.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

Board member Saphonia Gee gave an overview of her participation as a subject matter expert in the recent workshop in Florida for the development of a practical exam for Master Esthetician applicants. Ms. Gee reported that the projected date for Professional Credential

Examination

Services, Inc. (PCS) to begin administering the new exam is May 1, 2010.

The Resolution to Laura Todd for her service to the Board was read into the minutes. Presentation was deferred by Mr. Quesenberry to the next meeting of the Board, as Ms. Todd was not in attendance. **Resolution**

Commonwealth of Virginia



Department of Professional and Occupational Regulation

Board for Barbers and Cosmetology

Resolution To

Laura Anne Todd

WHEREAS, Laura Anne Todd, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 2005 until 2009 and

WHEREAS, Laura Anne Todd, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, Laura Anne Todd, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Board for Barbers

and Cosmetology this twenty-second day of February, 2010, that Laura Anne Todd be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Board for Barbers and Cosmetology; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

Lonnie E. Quesenberry, Chair

Jay W. DeBoer, Director

**Other Board
Business**

Mr. Ferguson addressed the Board's review of the Apprenticeship Standards at its October 2009 meeting. The Board voted at that meeting to accept the "Training Program Outline" and "Performance Completion Requirements" of each set of Standards. The Department of Labor and Industry (DOLI) has expressed concern that by not adopting other provisions relating to the Standards would cause those portions of the Standards to revert to the state's minimum apprenticeship standards. The Board will work with DOLI to incorporate all of the components into a single document which the Board will review at its May 2010 meeting.

**Apprenticeship
Standards Review**

Mr. Ferguson reported that the proposed fee increases had been approved by the Department of Planning and Budget and had been in the Governor's office for review. Because of the change in administration, the fee packages have now been returned to the Office of the Secretary for Commerce and Trade for the new Secretary's review. Mr. Courtney added that the regulatory fee packages of all boards were returned to the Secretary for review.

**Regulatory Package
for Fee Increases**

Mr. Ferguson presented a document for the Board's discussion and review dealing with the interpretation of Section 54.1-704.1 of the *Code of Virginia* as it relates to the license required for salons, shops, spas, and parlors. Four scenarios were presented for the Board's consideration. After discussion, the Board reached a consensus on Scenarios 1 through 3, agreeing that Scenario 4 was the equivalent of Scenario 3.

**Interpretation of
Statute**

Upon a motion made by Mr. Quesenberry and seconded by Ms. Weaver the Board voted to adopt Scenarios 1 through 3 for use when interpreting § 54.1-704.1. of the *Code of Virginia*.

The members voting 'yes' were Mr. Anders, Ms. Crawford, Ms. Gee, Mr. Minor, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

There being no other business to be brought before the Board, the **Adjourn** chairman adjourned the meeting at 10:40 a.m.

Lonnie E. Quesenberry, Chair

Jay W. DeBoer, Secretary