

## MINUTES

### BOARD MEETING

#### WEST VIRGINIA BOARD OF BARBERS AND COSMETOLOGISTS

#### THE DAYS INN, FLATWOODS, WV

1:00 P.M.

JUNE 28, 2015

#### Members Present

Sarah Hamrick, President  
Michael Belcher, Vice President  
Justina Gabbert, Member  
Rick Stache, Member  
Sean Stevens, Member  
Khuong Nguyen, Member

#### Others Present

Amanda Smith, Executive Director	Virginia Lewis
David Scarpelli, Deputy Director	Stephen Skidmore
Danielle Cordle, Secretary	Lien Chandler
Charles Persinger	Quynh Tran
Jason Graves	
Kenyon Warner	

The meeting was called to order by Sarah Hamrick, President of the West Virginia Board of Barbers and Cosmetologists at 1:19 p.m. at the Days Inn, Flatwoods, WV.

The first item on the agenda was **Roll Call**.

The next item on the agenda was **Approval of Minutes for April 26, 2015**. The Chair entertained a motion to approve the Minutes as presented. On motion duly made by Michael Belcher and seconded by Rick Stache the motion carried unanimously.

The next item on the agenda was **Purchasing Card Purchases (PCARD)**. The Chair recognized Amanda Smith, Executive Director. Ms. Smith presented the purchasing card (PCARD) purchases from March 2015 – May 2015 (see attachment A). The Chair entertained a motion to approve purchasing card (PCARD) purchases as presented. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried unanimously.

The next item on the agenda was **Board Financials**. The Chair recognized Amanda Smith, Executive Director. Ms. Smith presented the financials from July 2014 – March 2015 (see attachment B). The Chair entertained a motion to approve financials as presented. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried unanimously.

The next item on the agenda was **Public Requests**. The Chair recognized Amanda Smith, Executive Director. Ms. Smith presented a request to the Board to reconsider allowing the use of home study booklets for obtaining continuing education hours. Due to home study booklets not being in compliance

with Chapter 30, Article 27, Series 11, Code of WV. The Chair entertained a motion to **DENY** the request as presented. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried unanimously.

The next item on the agenda was **Fine Appeals**. The Chair recognized Charles Persinger, Board office staff. Mr. Persinger presented the following fine appeals:

**Fine Appeals in Person:**

**H-640:** 3<sup>rd</sup> offense, 2.43, failing in a shop or as a booth renter to disinfect tools and implements. Licensee did not appear to appeal outstanding fine. The Chair entertained a motion to **UPHOLD** the fine as presented. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried unanimously.

**K-133:** 2<sup>nd</sup> offense, 2.55, failing to keep a licensed facility's walls, floors, baseboards, and ceiling clean and free of excessive spots, mildew, scuff marks, gathered dirt, mold, condensation or peeling paint.

**K-130:** 2<sup>nd</sup> offense, 2.52, failing to have washable, non-absorbent floor surfaces in the area(s) of a shop in which hair design, facial technology or manicure services are performed. **K-128:** 1<sup>st</sup> offense, 2.51, failing to keep a shop shampoo bowl or sink clean. **K-129:** 1<sup>st</sup> offense, 2.47, failing to keep storage cabinets, work stations, vanities and the inside of microwave ovens or other such equipment clean. Licensee did not appear in to appeal outstanding fines. The Chair entertained a motion to **UPHOLD** fines as presented. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried unanimously.

**K-126:** 2<sup>nd</sup> offense, 2.1, failing to post a shop license, practitioner license or booth certificate in a publicly visible place within a shop (posting of photocopies, reproductions and pocket identification cards will be cited as failure to post). Licensee did not appear to appeal outstanding fine. The Chair entertained a motion to **UPHOLD** the fine as presented. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried unanimously.

**Written Sanitation Appeals:**

**H-624:** 1<sup>st</sup> offense, 2.40, failing to discard a disposable emery board, sponge, buffer, or orangewood stick after use on a client or to give the emery board, sponge, buffer, or orangewood stick to the client. The Chair entertained a motion to **UPHOLD** the fine as presented. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried unanimously.

**H-366:** 2<sup>nd</sup> offense, 2.43, failing in a shop or as a booth renter to disinfect tools and implements. The Chair entertained a motion to **UPHOLD** the fine as presented. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried unanimously.

**3<sup>rd</sup> + Offenses:**

**H-641:** 4<sup>th</sup> offense, 2.40, failing to discard a disposable emery board, sponge, buffer, or orangewood stick after use on a client or to give the emery board, sponge, buffer, or orangewood stick to the client. Licensee did appear to answer for 4<sup>th</sup> offense violation. The Chair entertained a motion to approve the negotiation of a consent decree. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried unanimously.

**G-865:** 3<sup>rd</sup> offense, 2.9, performing services which the practitioner and/or shop is not licensed. Licensee did appear to answer for 3<sup>rd</sup> offense violation. The Chair entertained a motion to approve the negotiation of a consent decree. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried unanimously.

**K-243:** 3<sup>rd</sup> offense, 2.4, operating a shop with an expired shop license. Licensee did not appear to answer for 3<sup>rd</sup> offense violation. The Chair entertained a motion to approve the negotiation of a consent decree. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion carried unanimously.

**Executive Session:** The Chair entertained a motion to adjourn regular session and reconvene into executive session. On motion duly made Michael Belcher and seconded by Rick Stache the motion carried unanimously. The meeting was adjourned at 2:14 PM.

**Regular Session:** The Chair entertained a motion to adjourn executive session and reconvene into regular session. On motion duly made by Michael Belcher and seconded by Rick Stache the motion carried unanimously. The meeting was adjourned at 7:24 PM.

The next item on the agenda was the **Grievance of Lynda Ware**. The Board discussed Ware's grievance update (no motion).

The next item on the agenda was **PEIA update**. The Chair recognized Amanda Smith, Executive Director. Ms. Smith presented an outstanding balance owed to PEIA in the amount of \$10,450.81. The Chair entertained a motion to pay PEIA the outstanding balance in the amount of \$10,450.81. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried unanimously.

The next item on the agenda was **Purchasing Card (PCARD) Audit Review**. The Board and the Executive Director discussed previous audits from all purchases made on the purchasing card (PCARD).

The next item on the agenda was **Upcoming Legislation**. The Chair recognized Amanda Smith, Executive Director. Ms. Smith presented a draft for legislative changes to be presented during the 2016 legislative session (see attachment C).

The next item on the agenda was **Tabled from April 26, 2015 Meeting:**

**C2015-25:** The Chair entertained the motion to **CLOSE** the complaint. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried unanimously.

The next item on the agenda was **Complaints:**

**C2015-26:** The Chair entertained a motion to **CLOSE** complaint.

**C2015-20:** The Chair entertained a motion to **CLOSE** the complaint and remove the licensee from probation status.

**C2015-44:** The Chair entertained a motion to **DISMISS** the complaint.

**C2015-50:** The Chair entertained a motion to **DISMISS** the complaint.

**C2015-51:** The Chair entertained a motion to **DISMISS** the complaint.

**C2015-52:** The Chair entertained a motion to **DISMISS** the complaint.  
**C2015-53:** The Chair entertained a motion to **CLOSE** the complaint.  
**C2015-62:** The Chair entertained a motion to **CLOSE** the complaint.  
**C2015-63:** The Chair entertained a motion to **CLOSE** the complaint.  
**C2015-14:** The Chair entertained a motion for the complaint to remain **OPEN** and to revoke the shop, owner, and manager licenses.  
**C2015-49:** The Chair entertained a motion for the complaint to remain **OPEN** until further inspections.  
**C2015-48:** The Chair entertained a motion to **CLOSE** the complaint.  
**C2015-43:** The Chair entertained a motion for the complaint to remain **OPEN** until further inspections.  
**C2015-54:** The Chair entertained a motion for the complaint to remain **OPEN** until further inspections.  
**C2015-27:** The Chair entertained a motion for the complaint to remain **OPEN** until further inspections.

All motions for **C2015-44, C2015-50, C2015-51, C2015-52, C2015-53, C2015-62, C2015-63, C2015-14, C2015-49, C2015-48, C2015-43, C2015-54 and C2015-27** were duly made by Michael Belcher and seconded by Rick Stache the motion carried unanimously.

The next item on the agenda was **Personnel Matters**. The Board and the Executive Director discussed personnel matters (no motion).

**Adjournment:**

The Chair entertained a motion to adjourn the meeting. On motion duly made by Michael Belcher and seconded by Justina Gabbert the motion unanimously. The meeting was adjourned at 7:29 p.m.

Prepared by:

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Danielle J. Cordle, Secretary

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Date