

## MINUTES

### BOARD MEETING

#### WEST VIRGINIA STATE BOARD OF BARBERS AND COSMETOLOGISTS

BOARD OFFICE, DUNBAR, WV

10:00 A.M.

APRIL 10, 2017

#### Members Present

Michael Belcher, Vice President

Justina Gabbert

Susan Poveromo

Khuong Nguyen

Melissa Delaney

#### Members Absent

Sarah Hamrick, President

Sean Stevens

The meeting was called to order by Michael Belcher, Vice President of the West Virginia State Board of Barbers and Cosmetologists at 10:00 a.m. at the Board office, Dunbar, WV.

The first item on the agenda was **Call to Order/Roll Call**.

The next item on the agenda was **Board Minutes Approval**. The Chair entertained a motion to approve the minutes for February 6<sup>th</sup>, 2017 as presented. On motion duly made by Justina Gabbert and seconded by Khuong Nguyen; the motion carried unanimously.

The next item on the agenda was **Board to Hear 3<sup>rd</sup> + Offenses**. The Chair recognized Charles Persinger, Executive Director. Mr. Persinger presented the following 3<sup>rd</sup> + offense(s):

**K-352:** 4<sup>th</sup> offense; 2.4; operating a shop with an expired shop license. Practitioner 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 Khuong Nguyen; the motion carried unanimously.

**L-548:** 4<sup>th</sup> offense; 2.2; working with an expired license. **L-512:** 2.4; 4<sup>th</sup> offense; operating a shop with an expired shop license. Practitioner did not appear to answer for 4<sup>th</sup> offense violations. The Chair entertained a motion to proceed with conducting an administrative hearing to revoke the practitioner's

individual and salon licenses due to the practitioner failing to appear after being summoned. On motion duly made by Susan Poveromo and seconded by Justina Gabbert; the motion carried unanimously.

**K-473:** 3<sup>rd</sup> offense; 2.3; practicing in a shop with an expired work permit/certificate. Practitioner did appear to answer for 3<sup>rd</sup> offense violation. The Chair entertained a motion to waive half the balance owed in outstanding fines; provided, that the practitioner is in attendance for an upcoming Board examination. On motion duly made by Khuong Nguyen and seconded by Melissa Delaney; the motion carried unanimously.

The next item on the agenda was **Fine Appeals**. The Chair recognized Charles Persinger, Executive Director. Mr. Persinger presented the following fine appeal(s) that were submitted in writing:

**H-886:** 3<sup>rd</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 Khuong Nguyen; the motion carried unanimously.

**H-911:** 1<sup>st</sup> offense; 2.4; operating a shop with an expired shop license. The Chair entertained a motion to uphold the fine as presented. On motion duly made by Susan Poveromo and seconded by Justina Gabbert; the motion carried unanimously.

**K-443:** 2<sup>nd</sup> offense; 2.52; failing to keep equipment in a shop, including upholstery fabrics, clean and in good repair. The Chair entertained a motion to uphold the fine as presented. On motion duly made by Justina Gabbert and seconded by Khuong Nguyen; the motion carried unanimously.

**K-461:** 3<sup>rd</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 Susan Poveromo and seconded by Justina Gabbert; the motion carried unanimously.

**L-540:** 2<sup>nd</sup> offense; 2.12; allowing an unlicensed person to practice in a licensed shop. The Chair entertained a motion to uphold the fine as presented. On motion duly made by Justina Gabbert and seconded by Melissa Delaney; the motion carried unanimously.

The next item on the agenda was **Public Requests**. The Chair recognized Charles Persinger, Executive Director. Mr. Persinger presented the following request(s):

**Kristy Potter:** Ms. Potter requested that the Board consider authorizing credits she earned at Southeastern School of Electrology, Laser & Skin Care to an aesthetics program in the state of West Virginia. The Chair entertained a motion to approve the request as presented; provided, that Ms. Potter provide a transcript of clock hours to the school she wishes to attend and the hours earned in each subject must relate to the aesthetics curriculum. On motion duly made by Susan Poveromo and seconded by Justina Gabbert; the motion carried unanimously.

**Amber Workman:** Ms. Workman requested that the Board consider authorizing her to perform an eyelash service after completion of a course with Yumi Lashes. The Chair entertained a motion to deny the request as presented. Ms. Workman does not hold a license with WVBBCC and could perform the eyelash service if she were to obtain a cosmetologist or aesthetician license. On motion duly made by Susan Poveromo and seconded by Khuong Nguyen; the motion carried unanimously.

**Nicholas Romanoli:** Did not appear and did not submit anything in writing.

The next item on the agenda was **P-Card Purchases**. The Chair recognized Danielle Wattie, Deputy Director. Ms. Wattie presented the p-card purchases for January 2017 and February 2017. The total amount for p-card purchases for the month of January 2017 was \$7,161.04 and the total amount of p-card purchases for the month of February 2017 was \$5,921.03. The Chair entertained a motion to approve the p-card purchases as presented. On motion duly made by Justina Gabbert and seconded by Melissa Delaney; the motion carried unanimously.

The next item on the agenda was **Board Financials**. The Chair recognized Charles Persinger, Executive Director. Mr. Persinger presented the financials. The Chair entertained a motion to approve the financials as presented. On motion duly made by Justina Gabbert and seconded by Khuong Nguyen; the motion carried unanimously.

The next item on the agenda was **DL Roope Contract**. The Board discussed renewing the contract that authorizes DL Roope to administer the Board exams. The Chair entertained a motion to renew DL Roope's contract starting July 1<sup>st</sup>, 2017 until December 31<sup>st</sup>, 2017. On motion duly made by Justina Gabbert and seconded by Melissa Delaney; the motion carried unanimously.

**Executive Session:** The Chair entertained a motion to adjourn regular session and reconvene into executive session to discuss Carver Beauty Academy. On motion duly made by Susan Poveromo and seconded by Justina Gabbert; the motion carried unanimously.

The next item on the agenda was **Carver Beauty Academy**. The Board and staff discussed a recent inspection of Carver Beauty Academy. It was determined that Carver's equipment and room for their barber program was not arranged in a manner that complies with State Code. The Chair entertained a motion that the equipment and room for Carver's barber program must be in compliance with State Code and to send Senior Inspector Graves to Carver Beauty Academy to discuss changes that need to be made immediately. On motion duly made by Susan Poveromo and Khuong Nguyen; the motion carried unanimously.

The next item on the agenda was **Sky Nail & Spa**. The Board office received a request from the former owner of Sky Nail & Spa, Minh Tuan Mai. According to records at the Board office, Sky Nail & Spa was previously cited for various violations and a balance is still owed for outstanding fines which will have to be remitted in full before Mr. Mai can operate another salon. Mr. Mai disputed being the owner of Sky Nails & Spa at the time when the salon was fined. Mr. Mai presented a bill of sale and tax records for the

Board to review and requested that the fines be dismissed. The Chair entertained a motion to deny Mr. Mai's request due to the Board office's records showing that Mr. Mai was the owner at the time the salon was fined. On motion duly made by Justina Gabbert and seconded by Khuong Nguyen; the motion carried unanimously.

The next item on the agenda was **Applicants/Licensees that have been Convicted of a Felony**. The Board and staff discussed procedures relating to renewing or issuing a license to individuals who have been convicted of a felony. It was determined that procedures pertaining to agenda item would need to be discussed further with the Attorney General's office and brought back for discussion at a future Board meeting.

The next item on the agenda was **Instructor Licenses**. The Board and staff discussed language that is currently on instructor licenses that are being distributed to certified instructors. The Chair entertained a motion to change the language on instructor licenses from "instructor licenses" to "instructor certifications" due to the language "certification" being referred as an instructor certification in State Code. On motion duly made by Justina Gabbert and seconded by Khuong Nguyen; the motion carried unanimously.

The next item on the agenda was **Micro-Blading**. The Board and staff discussed micro-blading. The Chair entertained a motion to prohibit unlicensed individuals to perform micro-blading because it is a cosmetic procedure that is applied by a mechanical apparatus. On motion duly made by Susan Poveromo and seconded by Melissa Delaney; the motion carried unanimously.

The next item on the agenda was **Overview of February 2017 Board Meeting**. The Board and staff revisited and discussed agenda items from the last meeting on February 6, 2017.

The next item on the agenda was **Overview of 2017 Legislative Session**. The Board and staff discussed 2017 legislative session.

**Adjournment:** The Chair entertained a motion to adjourn the meeting. On motion duly made by Justina Gabbert and seconded by Khuong Nguyen; the motion carried unanimously. The meeting was adjourned at 12:41 p.m.

#### **Others Present**

Charles Persinger, Executive Director

Danielle Wattie, Deputy Director

Jason Graves, Senior Inspector

Chassidy Kinser, Inspector

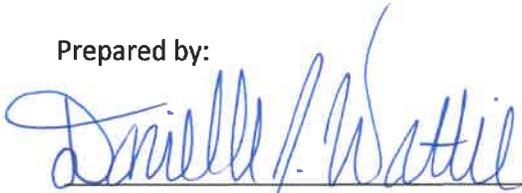
Stacie Harper, Inspector

Ann Thomas, ACT

Linda Macri

Donte McFaden

Prepared by:

A handwritten signature in blue ink, appearing to read "Danielle J. Wattie", written over a horizontal line.

Danielle J. Wattie, Deputy Director/Secretary

A handwritten date "6.6.17" in blue ink, written over a horizontal line.

Date

