

Minutes

Board Meeting West Virginia Board of Barbers and Cosmetologists Berkeley Springs, WV 11:00 p.m.

August 19, 2012

Members Present:

Michael Belcher
Justina Gabbert
Sarah Hamrick
Susan Poveromo
James (Jim) Ryan

Others Present:

Adam L. Higginbotham
Amanda D. Smith
Charlie Persinger

(See Attached Sign-In Sheet)

The meeting was called to order by Sarah Hamrick, Chairman of the State Board of Barbers and Cosmetologists at 11:00 a.m. on Sunday, August 19, 2012 at The Country Inn, Berkeley Springs, WV. Roll call was taken.

The first item on the agenda was the approval of the June 24, 2012 minutes. The Chair entertained a motion to approve the minutes as presented. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried.

The next item on the agenda was Board Financials (July 1st, 2011 – June 30th, 2012) (Exhibit A). The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham presented a financial review from July 1, 2011 to June 30, 2012. The Chair entertained a motion to approve the financials as presented. On motion duly made by Jim Ryan and seconded by Susan Poveromo the motion carried.

The next item on the agenda was PCARD purchases for June and July 2012. The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham presented the PCARD purchases for June/July 2012. The Chair entertained a motion to approve the PCARD purchases as presented. On motion duly made by Justina Gabbert and seconded by Jim Ryan the motion carried.

The next item on the agenda was Expense Report, State vehicles vs. mileage reimbursement. The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham presented the expense report for the state vehicle vs. mileage reimbursement. The Chair entertained a motion to approve the Expense Report as presented. On motion duly made by Michael Belcher and seconded by Jim Ryan the motion carried.

The next item on the agenda was Budget Review (Actual vs. Estimated). The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham presented the Budget Review (actual vs. estimated). The Chair entertained a motion to approve the Budget as presented. On motion duly made by Jim Ryan and seconded by Rick Stache the motion carried.

The next item on the agenda was Series 4. The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham presented Series 4. The Chair entertained a motion to approve Series 4 as presented. The Board voted to change enrollment periods from 3 to 6 as well as add 70% pass rate of schools for all 1st time examiners. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried.

The next item on the agenda was Student Hours that can be credited outside of school. Sarah Hamrick opened the floor to the public. Joe Mamone said he thinks the schools should be permitted to give students hours for outside of school activity. He said he has given students up to 24 hours credit for a school field trip for hair shows, etc. The Chair entertained a motion to make a Board Policy that the students may earn up to 24 hours as part of the curriculum to be documented by either CEU's that pertain to the industry, and validated by school administrators/instructors. On motion duly made by Justina Gabbert and seconded by Jim Ryan the motion carried.

The next item on the agenda was Student Attendance Percentage Enforcement. The Chair recognized Mr. Adam L. Higginbotham, Executive Director, of the West Virginia State Board of Barbers and Cosmetologists. Mr. Higginbotham presented the Student Attendance Percentage Enforcement. The Chair entertained a motion to send letters on a quarterly basis to any student that has less than 80% attendance. The letters will be cc'd to the school as well. Students that have below 80% attendance for two straight quarters must appear before the Board. On motion duly made by Susan Poveromo and seconded by Jim Ryan the motion carried.

The next item on the agenda was Continuing Education Exemption Request:

- a. **Review Request Mr. Balisciano** –The Chair entertained a motion that Mr. Balisciano needs to prove he had a license in Connecticut and NY. After receiving this verification he will be exempt from CE. The office will send him a letter. On motion duly made by Jim Ryan and seconded by Michael Belcher the motion carried.
- b. **Review Request Ms. Springer** – The Chair entertained a motion to waive her for the year 2012 in order to obtain her 2013 license. The office will send her a letter. On motion duly made by Justina Gabbert and seconded by Jim Ryan the motion carried.
- c. **Review Request Ms. Schoolcraft** – The Chair entertained a motion to deny exemption because she did not write the article. Ms. Schoolcraft needs to get the 4 hours of CE hours that is required. On motion duly made by Susan Poveromo and seconded by Jim Ryan the motion carried.

The next item on the agenda was FOIA Policy (payment up front for more than \$15.00)

The Chair entertained a motion to allow the Board Office to send out FOIA requests less than \$15 before collecting payment (office will bill them later), anything more than \$15 needs to be paid for in advance. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried.

The next item on the agenda was International Beauty School Response to Inspection.

The Chair made a motion that the school needs to be monitored (inspected) on a monthly basis due to the low attendances. On motion duly made by Susan Poveromo and seconded by Justina Gabbert the motion carried.

The Board opened the floor to the public:

Joe Mamone, Scott College of Cosmetology

Mr. Coyne – The Board decided to provide his daughter with a work permit and Justina will give her the WV State Law test due to her medical condition.

Rebecca Henderson- (B-551,556,557,559) – she is not appealing the fines and she has agreed to take the WV State Law test before December 31st (Board office will send her a letter to state when and where she will take the state law test) before we renew her personal license due to the 2.5 fines.

The next item on the agenda was School Application.

The next item on the agenda was Appeal of Fines. The Chair recognized Charles Persinger to present the following Appeal of Fines.

A-0482- UPHOLD

A-0489- UPHOLD

A-0538- UPHOLD

A-0564- DISMISS

A-0566- DISMISS send letter stating credo blade cannot be used or in salon

A-0585- UPHOLD

A-0586- UPHOLD

A-0588- UPHOLD

B-0598- UPHOLD

B-0599- UPHOLD

B-0600- UPHOLD

B-0627- UPHOLD

B-0628- UPHOLD

B-0630- UPHOLD

B-0597- UPHOLD

B-0620- UPHOLD

E-0378- UPHOLD

The chair entertained a motion to **UPHOLD** the following fines: A-0482, A-0489, A-0538, A-0585, A-0586, A-0588, B-0598, B-0599, B-0600, B-0627, B-0628, B-0630, B-0597, B-0620 and E-0378. On motion duly made by Justina Gabbert and seconded by Jim Ryan the motion carried.

The chair entertained a motion to **DISMISS** the following fines: A-0564, A-0566. On motion duly made by Justina Gabbert and seconded by Rick Stache the motion carried.

The Chair entertained a motion to adjourn regular session and into executive session after a lunch break. On motion duly made by Rick Stache and seconded by Michael Belcher the motion carried.

On motion duly made by Jim Ryan and seconded by Justina Gabbert the following decisions were made in reference to matters discussed in Executive Session:

COMPLAINTS:

2011 Complaints:

C2011-11- Summons him to appear before the board to have an “in-house” hearing – look for his license renewal form to see if he committed fraud by omitting that he has a felony conviction.

C2011-12 – Send a letter to IBS referencing the codes and state that they need to send in the student registrations PRIOR to commencing studies. There shall be an administrative fine for each application that is filed after the commencement of studies.

C2011-30 - Send a letter to IBS referencing the codes and state that they need to send in the student registrations PRIOR to commencing studies. There shall be an administrative fine for each application that is filed after the commencement of studies.

2012 Complaints:

C2012-32 – Write a letter to the school that the students must be instructed at the designated time and the instructor needs to be in class and ready to teach by the start time of class.

C2012-42 – Send them a letter just like the one we will send to IBS.

C2012-66 – Remove her from the website & no CE provider renewal

C2012-70 - **DISMISS**

C2012-75 – **CLOSE COMPLAINT**, no action required, he forfeited his shop and personal license voluntarily

COMPLAINTS AGAINST CHARLESTON:

Lump all complaints (**C2012-76 to C2012-87**) into **C2012-100** with the exception of the complaints withdrawn and forward it to the US Dept. of Education (Philadelphia Branch) contact – make a trip and schedule a meeting.

C2012-76- Investigate

C2012-77- Investigate

C2012-78- Withdrawn

C2012-79- Investigate

C2012-80

C2012-81

C2012-82

C2012-83

C2012-84

C2012-85

C2012-86

C2012-87

C2012-88 – Complaint against Gene Nelson – in the letter make differentiation that instructors are there to instruct and administrators are supposed to do administrative functions (i.e. Time Cards etc...) – Submit the letter (written notice/outline) that you give to the students at the start of each class....

As an instructor you should oversee the school and if a patron leaves the school it should be checked and graded before they leave the school.

C2012-90 - **DISMISS**

C2012-91 - **DISMISS**

C2012-92 - **DISMISS**

C2012-93 - **DISMISS**

C2012-94 - **DISMISS**

C2012-95 – Further investigate – send Melissa and complainant into shop to find out whether or not she is licensed.

C2012-96 - **DISMISS**

2013 COMPLAINTS

C2013-01- **CLOSE COMPLAINT**, has been forwarded to state police

C2013-02- Send her a letter and tell her an additional CEU class in basic color needs to be complete before we renew her license (in addition to the regular 4 hours)

C2013-03- Refer to DL for the best action for revocation (what we can do at the cheapest route)

C2013-04 – **TABLE**, waiting on response from Washington State

C2013-05 – **DISMISS**

The next item on the agenda was Kevin Pham. The Chair made a motion, after reviewing the documents presented, decided to immediately revoke Kevin Pham's license and request that the Board's attorney, DL Hamilton write the final order that explains his license is immediately revoked with board support. On motion duly made by Susan Poveromo and seconded by Justina Gabbert the motion carried.

The Chair entertained a motion to adjourn. On motion duly made by Justina Gabbert and seconded by Michael Belcher the motion carried.

Approved By: _____

Date: _____

Drafted by Amanda D. Smith