

MINUTES

BOARD MEETING

WEST VIRGINIA BOARD OF BARBERS AND COSMETOLOGISTS

ACADEMY OF CAREERS AND TECHNOLOGY, BECKLEY, WV

1:00 P.M.

APRIL 17, 2016

Members Present

Sarah Hamrick, President

Michael Belcher, Vice President

Susan Poveromo

Justina Gabbert

Sean Stevens

Khuong Nguyen

Melissa Delaney

The meeting was called to order by Sarah Hamrick, President of the West Virginia Board of Barbers and Cosmetologists at 1:00 p.m. at Academy of Careers and Technology, Beckley, WV.

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

The next item on the agenda was **Board Minutes Approval**. The Chair entertained a motion to approve the minutes for February 7, 2016 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 **Purchasing (PCARD) Purchases**. The Chair recognized Amanda Smith, Executive Director. Ms. Smith presented the purchasing (PCARD) purchases for January 2016 and February 2016 (see attachment A). The Chair entertained a motion to approve the purchasing (PCARD) purchases for January and February 2016. On motion duly made by Susan Poveromo 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 for July 2015 – March 2016 (see attachment B). The Chair entertained a motion to approve the financials 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 **PEIA: Employer Contribution Decrease by 12% (2017 Budget)**. The Board and the Executive Director discussed the employer contribution decrease for PEIA.

The next item on the agenda was **2016 Legislative Session; Teaching Techniques Course – Dr. Donna Burge-Tetrick; Barber Apprentice for High School Students – Dr. Donna Burge-Tetrick**. The Board and the Executive Director discussed the 2016 legislative changes specifically pertaining to the teaching techniques course that is now a requirement for a licensee that wishes to become an instructor of cosmetology, barbering, aesthetics, and nail technology. It was concluded that the Executive Director will correspond with Dr. Donna Burge-Tetrick from the Department of Education to discuss and create the curriculum for the teaching techniques course. The Chair entertained a motion to review the teaching techniques course curriculum once it is complete. On motion duly made by Melissa Delaney and seconded by Justina Gabbert; the motion carried unanimously.

The next item on the agenda was **Rule Changes for Emergency Rule Filing July 1, 2016**. The Board and the Executive Director discussed rule changes. Amendments were made to Series 1, 2, and 7 of the rules. The Chair entertained a motion to approve the amendments. On motion duly made by Justina Gabbert and seconded by Michael Belcher; the motion carried unanimously.

The next item on the agenda was **DL Roope CIB: Waxing Certification and Barber Tiered License**. The Chair entertained a motion to grant authorization to DL Roope Administrations, Inc. to administer the exams for waxing certification and the barber tiered licenses. On motion duly made by Susan Poveromo and seconded by Khuong Nguyen; the motion carried unanimously.

The next item on the agenda was **FARB: Federation of Associations of Regulatory Boards; Membership; January 26-29, 2017 San Antonio, TX**. The Board and the Executive Director discussed membership for FARB and future meeting dates.

The Chair entertained a motion to adjourn regular session for a break. On motion duly made by Melissa Delaney and seconded by Michael Belcher the motion carried unanimously. The meeting was called back to order by the Chair.

The next item on the agenda was **NABBA Update: Michael Belcher**. The Chair recognized Michael Belcher, Vice President. Mr. Belcher gave an overview of topics discussed at the last NABBA meeting. Mr. Belcher also discussed future meeting dates for the National Association of Barber Boards of America.

The next item on the agenda was **NIC Update: Sarah Hamrick**. Sarah Hamrick, President, explained her duties as the Regional II Director for the National Interstate Council. Ms. Hamrick discussed future meeting dates and gave an overview of topics that were discussed at the last NIC meeting.

The next item on the agenda was **Fantastic Sam's Petition: Re-consider Allowing Wax Rollers in Salons**. The Chair recognized Amanda Smith, Executive Director. Ms. Smith presented a letter/petition from Fantastic Sam's requesting that the Board re-consider allowing the use of wax rollers in salons/shops. The Chair entertained a motion to **DENY** the request as presented. On motion duly made by Susan Poveromo and seconded by Michael Belcher; the motion carried unanimously.

The next item on the agenda was **Separating the Barber-Cosmo/Cosmo-Barber Crossover License and Barber Perm Wavist**. The Chair entertained a motion to allow licensees that have a combined barber and cosmetologist license to separate their licenses and also to allow barber permanent wavist's to relinquish permanent waving. The licensee must sign a waiver that is furnished from the Board office to relinquish permanent waving or to separate their barber and cosmetologist license. A disclaimer will be on the waiver notifying the licensee that if he or she would continue to practice after relinquishing permanent waving, cosmetology, or barbering that they may be fined in accordance with Series 7, Schedule of Fines. On motion duly made by Susan Poveromo and seconded by Michael Belcher; the motion carried unanimously.

The next item on the agenda was **Dallas Cantrell – Consideration for Instructor Interview**. Ms. Cantrell was in attendance at the meeting and was called before the Board. Ms. Cantrell provided proof that she was a Nail Technician for at least five (5) years and requested approval to take the instructor exams. The Chair entertained a motion to **APPROVE** Ms. Cantrell's request to take the instructor exams. On motion duly made by Justina Gabbert and seconded by Michael Belcher; the motion carried unanimously.

The next item on the agenda was **Instructor Grading Sheet**. The Chair recognized Amanda Smith, Executive Director. Ms. Smith presented the new instructor grading sheet. The Chair entertained a motion to **APPROVE** the grading sheet as presented. On motion duly made by Michael Belcher and seconded by Susan Poveromo; the motion carried unanimously.

The next item on the agenda was **Fine Appeals**. The Chair recognized Charles Persinger, Deputy Director. Mr. Persinger presented the following fine appeal(s):

In-Writing

G-997: 1st offense, 2.2, working with an expired 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.

H-804: 2nd 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 Melissa Delaney; the motion carried unanimously.

H-824: 2nd 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 Michael Belcher and seconded by Khuong Nguyen; the motion carried unanimously.

H-836: 1st 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 Michael Belcher and seconded by Justina Gabbert; the motion carried unanimously.

The next item on the agenda was **Board to Hear 3rd + Offenses.**

G-1014: 4th offense, 2.2, working with an expired license. Licensee did appear to answer for 4th offense violation. The Chair entertained a motion to **APPROVE** the negotiation of a consent decree. On motion duly made by Susan Poveromo and seconded by Justina Gabbert; the motion carried unanimously. The consent decree will consist of the following terms and conditions and may be subject to change:

- (1) Licensee will be ordered to pay administrative costs in the amount of \$1,000.00. The administrative costs imposed must be paid within thirty (30) days of the signed agreement.
- (2) Licensee will be ordered to pay fines in the amount of \$500.00 for violation 2.2.
- (3) Any outstanding fines must be paid and all licenses must be brought current.

H-824: 4th 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 not appear to answer for 4th 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. The consent decree will consist of the following terms and conditions and may be subject to change:

- (1) Licensee will be ordered to pay administrative costs in the amount of \$500.00. The administrative costs imposed must be paid within thirty (30) days of the signed agreement.
- (2) Licensee will be ordered to pay fines in the amount of \$300.00 for violation 2.40.
- (3) Licensee will be ordered to participate in weekly inspections and sanitation training for thirty (30) days.
- (4) Any outstanding fines must be paid.

H-843: 3rd offense, 2.12, allowing an unlicensed person to practice in a licensed shop. Licensee did not appear to answer for 3rd 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 Khuong Nguyen; the motion carried unanimously. The consent decree will consist of the following terms and conditions and may be subject to change:

- (1) Licensee will be ordered to pay administrative costs in the amount of \$1,000.00. The administrative costs imposed must be paid within thirty (30) days of the signed agreement.
- (2) Licensee will be ordered to pay fines in the amount of \$1,000.00 for violation 2.12.
- (3) Licensee will be ordered to post a Board supplied sign for six (6) weeks on the front door of his or her shop that states: "the West Virginia Board of Barbers and Cosmetologists fined this shop for unlicensed workers". The sign will be posted by the Board and removed by the Board at the conclusion of six (6) weeks. The sign cannot be covered, removed, replaced, or have any other type of interference.
- (4) Any outstanding fines must be paid.

Executive Session: The Chair entertained a motion to adjourn regular session and reconvene into executive session to discuss complaints and procedures with Greg Foster, Attorney. On motion duly made by Justina Gabbert and seconded by Susan Poveromo; the motion carried unanimously.

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 Justina Gabbert; the motion carried unanimously.

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

C2016-19: The Chair entertained a motion to **CLOSE** the complaint;

C2016-46: The Chair entertained a motion to **CLOSE** the complaint;

C2016-47: The Chair entertained a motion to leave the complaint **OPEN** and perform follow-up inspections;

C2016-49: The Chair entertained a motion to leave the complaint **OPEN** and perform follow-up inspections;

C2016-50: The Chair entertained a motion to leave the complaint **OPEN** and perform follow-up inspections;

C2016-52: The Chair entertained a motion to **CLOSE** the complaint.

On motion duly made by Susan Poveromo and seconded by Justina Gabbert; the motion carried unanimously.

The next item on the agenda was **Discussion with Attorney, Greg Foster, about Procedures**. The Board and the Executive Director discussed procedures in executive session.

The next item on the agenda was **Employee Evaluations Review**. The Board and the Executive Director discussed the Board employees' evaluations.

The next item on the agenda was **Board Elections**. The Board voted for the following individuals as the President, Vice President, and Secretary of the Board:

- (1) Sarah Hamrick, President
- (2) Michael Belcher, Vice President
- (3) Danielle Cordle, Secretary

Adjournment: The Chair entertained a motion to adjourn the meeting. On motion duly made by Melissa Delaney and seconded by Justina Gabbert; the motion carried unanimously. The meeting was adjourned at 6:30 p.m.

Others Present

Amanda Smith, Executive Director

Charles Persinger, Deputy Director

Danielle Cordle, Secretary

Ann Thomas, ACT

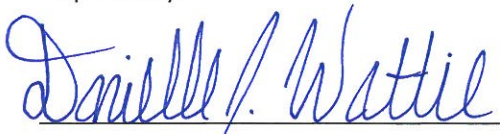
Christy Adkins, ACT

Hannah Turner, ACT

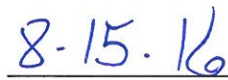
James Nelson, ACT

Nancy Jeffreys
Zachary Jeffreys
Kevin Bolin, ACT
Lisa Carter, NRCTC
Dallas Cantrell
Melissa Skidmore
Sherri Rimel, LBI

Prepared by:



Danielle J. Wattle, Secretary



Date