



WEST VIRGINIA
STATE BOARD OF
BARBERS AND COSMETOLOGISTS

2011 ANNUAL REPORT
VOLUME 3 (COMPLAINTS)

BOARD MEMBERS

Michael Belcher	Justina Gabbert
Sarah Hamrick	Susan Poveromo
Jim Ryan	Rick Stache

EXECUTIVE DIRECTOR

Adam L. Higginbotham



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Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064


p: 304.558.2924
f: 304.558.3450
www.wvbbsc.org

Director
Adam L. Higginbotham

Board Members
Michael Belcher Justina Gabbert
Sarah Hamrick Susan Poveromo
Jim Ryan Rick Stache

MEMORANDUM

To: Annual Report Status

From: Adam L. Higginbotham 
Director
Board of Barbers and Cosmetologists

Date: September 22, 2011

Subject: C2011-11

The complaint mentioned above is still under investigation and will not be included in the 2011 Annual Report.



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Governor

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Jim Ryan Rick Stache

MEMORANDUM

To: Annual Report Status

From: Adam L. Higginbotham
Director
Board of Barbers and Cosmetologists

Date: September 22, 2011

Subject: C2011-12

The complaint mentioned above is still under investigation and will not be included in the 2011 Annual Report.



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064


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Director
Adam L. Higginbotham

Board Members
Michael Belcher Justina Gabbert
Sarah Hamrick Susan Poveromo
Jim Ryan Rick Stache

MEMORANDUM

To: Annual Report Status

From: Adam L. Higginbotham 
Director
Board of Barbers and Cosmetologists

Date: September 22, 2011

Subject: C2011-13

The complaint mentioned above is still under investigation and will not be included in the 2011 Annual Report.

Higginbotham, Adam L

From: Adam.L.Higginbotham@wv.gov
Sent: Tuesday, August 17, 2010 6:21 PM
To: Higginbotham, Adam L; Western, Patrick L
Cc: barberguy@hotmail.com
Subject: WVBBC Complaint

West Virginia Board of Barbers and Cosmetologists

Complaint Form

Individual Making Complaint

Name: Noah VanBlaricom
Address: 112 Hilltop Lane
Princeton, WV 24740
Phone: 304-487-2887
E-mail: barberguy@hotmail.com

Individual or Business Named in the Complaint

Name: Hair Studio And Day Spa
Company: Hair Studio And Day Spa
Address: 313 Locust St
Princeton, WV 24740
Phone: 304-425-7709

List of Witnesses

front page Aug 17th 2010 Bluefield daily telegraph newspaper An ad was placed for shaves and to book appointments at 304-425-7709. there are currently no barbers there to do shaves. Conducting business other than that of beauty .

Description of Complaint

I am sending the papers ad in the mail, I was handcuffed and taken to McDowell county jail for such an infraction. ie. perming before I had my beauty license. I called and they said there was no one there to do the shave.



Joe Manchin III
Governor

Adam L. Higginbotham
Director

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Board of Barbers and Cosmetologists

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Board Members

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Sarah Hamrick
Paula Kurczak
Susan Poveromo
Jim Ryan
Rick Stache

Hair Studio and Day Spa
313 Locust Street
Princeton, WV 24740

August 18th, 2010

COMPLAINT #: C2011-14

Dear Owner/Manager:

The Board office has received the enclosed complaint concerning an alleged advertisement for shaving beards.

The Board office is requesting your response to this letter and the complaint so that it may be reviewed by the Board.

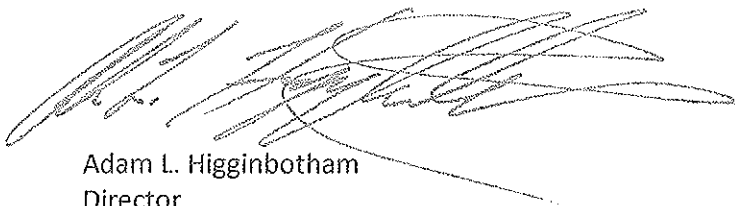
To clarify, only licensed barbers are permitted to shave beards on individuals.

According to 3CSR9, you are required to **respond to the complaint enclosed in writing within 15 days of receipt** of this letter.

Please mail your response to:

WVBBC Response
1201 Dunbar Avenue
Dunbar, WV 25064

Sincerely,



Adam L. Higginbotham
Director



313 LOCUST STREET
PRINCETON, WV 24740
(304) 425-7709

WWW.HAIRSTUDIOANDDAYSPA.NET

August 26, 2010

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Ave.
Dunbar, WV 25064

Dear Mr. Higginbotham;

I am responding to a complaint on Hair Studio and Day Space that was filed by Noah VanBlaricom. On Tuesday, August 24th an ad was placed in the Bluefield Daily Telegraph for our Salon advertising a new product for men.

I had spoken with our advertising representative Jeremy Basham at Bluefield Daily and told him to place an ad, but be certain to make the necessary changes. Jeremy submitted the ad with the changes for my review and I approved them as it did not state that we did shaves for men. He inadvertently put the incorrect ad in the paper and Mr VanBlaricom called me that morning and I told him it was a misprint and it should not have been in our ad that we most certainly did not have a barber nor did we offer shaving for men.

I apologize to the board and can assure you that we have never had a complaint filed against since I have taken ownership of Hair Studio. The ad was not an attempt at false advertisement. You may contact Jeremy Basham at 304 325-2816 should you have any questions for him regarding this incident.

Mr. Higginbotham thank you for your time in allowing me to respond to this complaint. Again, I am sorry that this complaint was filed and will certainly see to it that this never happens again.

Should you have any additional questions, I may be reached at (304) 425-7709.

Sincerely,

Teresa "Tee" Tolliver
S. Hair Studio and Day Spa
313 Locust St.
Princeton, Wv 24740



State of West Virginia
 Board of Barbers and Cosmetologists
 1201 Dunbar Avenue
 Dunbar, WV 25064

Earl Ray Tomblin
 Governor

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Director
 Adam L. Higginbotham

Board Members

Michael Belcher Justina Gabber
 Sarah Hamrick Susan Poverone
 Jim Ryan Rick Stache

Hair Studio and Day Spa
 313 Locust Street
 Princeton, WV 24740

November 19, 2010

COMPLAINT #: C2011-14

Dear Owner/Manager:

The Board has heard the above mentioned complaint number at the November 15th, 2010 board meeting. The Board voted to dismiss the complaint.

The Board wanted to emphasize that only licensed barbers are permitted to shave beards on individuals.

Should you have any further questions, please contact the Board office at 304-558-2924.

Sincerely,

Adam L. Higginbotham
 Director

C2011-15

From: girwin223@aol.com [mailto:girwin223@aol.com]
Sent: Wednesday, August 18, 2010 8:28 PM
To: Stewart, Mindi D
Subject: Scotts School of Cosmetology

Dear Ms Stewart,

I am writing you because my daughter and myself are both students at Scotts College in Wheeling. I have complained about one of the teachers Michelle Strawn. She is fairly new to the school and I simply think she needs more training before she can teach. I told them that I don't feel that she should be able to grade me on a finger wave and pin curls when she can't do them herself. She can't pronounce the words that she is teaching us. And I'm not even sure if she has a license to teach yet. But they threw her into a new class on November 17th which was my class. To make a long story short. I feel that since I made a complaint against an instructor, that I am now being discriminated against. I was called into Joe's office yesterday and he had a form for me to sign saying that I was a threat to other students because I voice my opinion.

Back in November we were taking a test. Let me inform you that my daughter has a learning disability. After some of the students were finished they began to chat amongst themselves while me and my daughter and some others were still testing. The teacher asked them calmly to please be quiet. They did not listen to her. And I got upset at one girl in particular and I firmly asked them to shut their mouth until we were finished. And of course they rebelled as teenagers do and I simply told them that I was not 18 years old and that if they wanted to argue about it that we could meet after school. One of the girls took that as a threat, it was not meant that way at all. I simply did not want to argue in class about it. And the teacher should have backed me on that. But she did not. If she had control of her class it would have never happened to begin with.

That brings me to about 3 weeks ago. Mrs. Strawn informed us that Saturday was going to be a "Make Up Day" for those students who had missed school due to snow days, 2 hour delays etc... Well, I did not miss one day, I was never late and neither was my daughter. So I was very upset that she was taking a whole day to allow them to make up what I had already done. What was I to do? So I asked her if I had to come to school since I didn't miss any class? I felt that I should not have to come to school and sit there doing nothing while every one got caught up to where I was. In a sense I felt that I was being punished for being prompt, and for having perfect attendance. Mrs. Strawn got upset with me for challenging her and she tried to humiliate me by saying this..." What about that day that you took the test over that you failed?" I was furious with her. It was the test on electricity. I had trouble with that test due to the fact that my son was electrocuted to death 8 years ago at the age of 15. I did not want to learn about what killed my son. But she did give me and several others a chance to re-test. and I passed. But it wasn't because I was not in attendance. And I wasn't the only one who failed. The difference in my opinion, is if the students who did not make it to school on those days for whatever reason should in my opinion, make up test on their own time not on my time. I am serious about this. I have plans on opening my own spa and I want as much information from school as I can possible retain.

Joe Manchin III
Governor

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Ave.
Dunbar, WV 25064
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Fax: 304-558-3450
www.wvbbc.org

Board Members

Michael Belcher
Justina Gabbert
Sarah Hamrick
Paula Kurczak
Susan Poveromo
Jim Ryan
Rick Stache

Scott College of Cosmetology
Joe Mamone
1502 Market Street
Wheeling, WV 26003

August 19th, 2010

COMPLAINT #: C2011-15

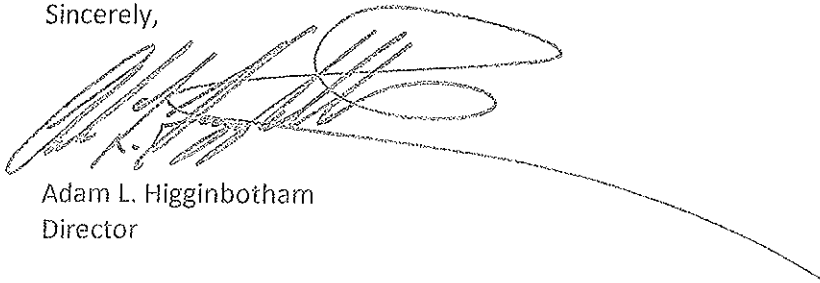
Dear Joe Mamone:

The Board office has received the enclosed complaint.

Please respond to the Board office concerning this complaint within 15 days of receipt.

Should you have any further questions, please contact the Board office at 304-558-2924.

Sincerely,



Adam L. Higginbotham
Director



Scott College of Cosmetology
1502 Market Street, Wheeling, West Virginia 26003
(304) 232-7798 (304) 232-7834 fax

State of West Virginia Board of Barbers and Cosmetologists
Adam Higginbotham
1201 Dunbar Ave.
Dunbar, WV. 25064

August 25, 2010

Complaint # C2011-15

Dear Adam Higginbotham:

I recently received a copy of complaint # C2011-15 and I don't understand how it is just now being sent to the board and/or to me. I see that it was received by Mindy on August 18, 2010 but the issues described in Mrs. Irwin's letter all happened almost a year ago and they were all addressed in the four page complaint that she filed at that time and that I did respond to and have never gotten a response from the board on that complaint response that I submitted.

Mrs. Irwin and her daughter both went on leave June 13, 2010 for personal reasons at home and have not been in school since. She has called twice and extended her leave, most recently just yesterday and extended their leave thru September. I don't understand how this complaint from almost a year ago is surfacing now.

As I stated earlier all of the issues in complaint # C2011-15 have already addressed in the several page response I issued the board many months ago and don't see how this letter can be a separated complaint if already addressed.

When you get a chance to review the situation please notify me how to proceed.

Sincerely,

Joe Mamone
Director



State of West Virginia
Board of Barbers and Cosmetologists
 1201 Dunbar Avenue
 Dunbar, WV 25064

Earl Ray Tomblin
Governor

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 f: 304.558.3450
 www.wvbbc.org

Director
 Adam L. Higginbotham

Board Members

Michael Belcher Justina Gabber
 Sarah Hamrick Susan Poverom
 Jim Ryan Rick Stache

Scott College of Cosmetology
 Joe Mamone
 1502 Market Street
 Wheeling, WV 26003

November 19, 2010

COMPLAINT #: C2011-15

Dear Joe Mamone:

The Board has heard the above mentioned complaint number at the November 15th, 2010 board meeting. The Board voted to dismiss the complaint.

Should you have any further questions, please contact the Board office at 304-558-2924.

Sincerely,

Adam L. Higginbotham
 Director

Higginbotham, Adam L

From: Adam.L.Higginbotham@wv.gov
Sent: Thursday, August 19, 2010 11:43 AM
To: Higginbotham, Adam L; Western, Patrick L
Cc: kathywindland@yahoo.com
Subject: WVBBC Complaint

West Virginia Board of Barbers and Cosmetologists

Complaint Form

Individual Making Complaint

Name: Kathleen Windland
Address: 961 Braun Road
Belpre, OH 45714
Phone: 740-516-3666
E-mail: kathywindland@yahoo.com

Individual or Business Named in the Complaint

Name: Debra Roope
Company: D.L. Roope
Address: P.O. Box 631
Hampton, ME 04444-0631
Phone: 1-888-375-2020

List of Witnesses

Everyone that took test on August 9th!!

Description of Complaint

D.L. Roope gave the board test @ Carver on the 9th of August today is the 19th of August STILL DO NOT HAVE RESULTS! They ran at least 2 hours behind and we did not walk out until 4:30 pm after being told to be there 45 min early which for me ment by 7:15 and if we were later than 8:30 we would not be permitted to take the test and would have to pay again! They should follow there own rules.We went all day no lunch breaks waiting for then to get it together! Impossible,keep Jobs in WV dont outsource, I am sure we could do a better job even with our eyes closed! You are sending work we could be doing to Florida & Maine!! Tested in Columbus @ 8:30 ON THE 18TH and left there by noon with my passing test scores!!!



Joe Manchin III
Governor

Adam L. Higginbotham
Director

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Fax: 304-558-3450
www.wvbbc.org

Board Members

Michael Belcher
Justina Gabbert
Sarah Hamrick
Paula Kureczak
Susan Poveromo
Jim Ryan
Rick Stache

DL. Roope
PO BOX 631
Hampton, ME 04444-0631

August 19th, 2010

COMPLAINT #: C2011-16

Dear Ms. Roope:

The Board office has received the enclosed complaint. The Board is required to submit a letter to an individual that has a complaint filed against them.

Please respond to the Board office concerning this complaint within 15 days of receipt.

Should you have any further questions, please contact the Board office at 304-558-2924.

Sincerely,

Adam L. Higginbotham
Director



P.O. Box 631
Hampden, ME 04444-0631
1-888-375-2020
Fax (207) 848-5511
www.DL.Roope.com

August 25, 2010

Kathleen Windland
PO Box 391
961 Braun Road
Belpre, OH 45714

Dear Ms. Windland,

The West Virginia Board of Barbers and Cosmetologists forwarded your concerns regarding the August 9, 2010 examination administration to my office.

Your first concern was regarding the delayed start of the examinations which resulted in you not getting a break for lunch. I apologize that this occurred and can assure you that we always make every possible effort to start examinations on time.

The number of candidates was much larger than anticipated on August 9th. When we did the schedule on the deadline date there were approximately 100 candidates to be scheduled. In the days following the deadline date we received several large packages of applications from schools and being the first administration we wanted to schedule all of the late applications as we realize the school's are adjusting to our scheduling process. The added candidates increased the number of candidates to 140 which was a very large group to test in one day for a first administration in a state. Had we received the 140 applications prior to the deadline date we would have scheduled a second day of testing. In the future we will not schedule such a large group on one day of testing.

You also expressed concern with regard to the number of days before the examination results were available. We state in our CIB and on the scoring information sheet that the exam results will be posted within 7 to 10 business days and we posted the results on the 9th business day. We import and post the results on the day that they are received by the National Interstate Council of State Boards of Cosmetology.

We pride ourselves on administering our examinations efficiently and we understand the importance of starting the exams on time. We will take all steps necessary to improve our registration and exam administration for future examinations.

If you have any questions regarding this matter please don't hesitate to call me at 1-888-375-2020.

Sincerely,

A handwritten signature in cursive script, appearing to read "DL Roope", written in dark ink.

Deborah L. Roope
DL Roope Administrations Inc.
Cc: Adam Higginbotham



State of West Virginia
 Board of Barbers and Cosmetologists
 1201 Dunbar Avenue
 Dunbar, WV 25064

Earl Ray Tomblin
 Governor

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Director
 Adam L. Higginbotham

Board Members
 Michael Belcher Justina Gabbert
 Sarah Hamrick Susan Poveroni
 Jim Ryan Rick Stache

DL. Roope
 PO BOX 631
 Hampton, ME 04444-0631

November 19, 2010

COMPLAINT #: C2011-16

Dear Ms. Roope:

The Board has heard the above mentioned complaint number at the November 15th, 2010 board meeting. The Board voted to dismiss the complaint.

Should you have any further questions, please contact the Board office at 304-558-2924.

Sincerely,

Adam L. Higginbotham
 Director

Higginbotham, Adam L.

From: Adam.L.Higginbotham@wv.gov
Sent: Saturday, August 21, 2010 4:47 PM
To: Higginbotham, Adam L; Western, Patrick L
Cc: holly.yeager@mac.com
Subject: WVBBC Complaint

West Virginia Board of Barbers and Cosmetologists

Complaint Form

Individual Making Complaint

Name: Holly Yeager
Address: 13 Brentwood Circle
Nitro, WV 25143
Phone: 404-606-2231
E-mail: holly.yeager@mac.com

Individual or Business Named in the Complaint

Name: Patricia Thacker
Company: Mountaineer Beauty College
Address: 700 6th Avenue
St. Albans, WV 25177
Phone: 304-727-8149

List of Witnesses

Carrie Lambert 13 Brentwood Circle Nitro, WV 25143

Description of Complaint

This morning my sister, Carrie Lambert, said that she and her daughter were going to Mountaineer Beauty College for haircuts and highlights. I was asked to tag along. We arrived at 11:15 a.m. I requested a haircut and highlights. I asked that my hair be trimmed, thinned out with a razor and highlighted. I was paired with student Ashley Ross. We talked about what I wanted and I told her that I wanted blonde highlights that were thin, not chunky and certainly not platinum and that I pull my hair back daily and it needed to be consistent. First, she trimmed my hair. Second, she began to foil. For whatever reason, instructor Melissa started helping her. Ashley did the sides and back and Melissa did the top. At 25 minutes, my hair was checked and they both said 10 more minutes. At 35 minutes,

Melissa checked my hair and said that it was good. About 5 minutes later, Ashley walked over and said that it has to be done but let her make sure with Melissa. I told her that Melissa had already checked it and said it was good. As we were walking to the rinse sink, Melissa apologized to Ashley for forgetting to tell her I was done. Once the foils were pulled and my hair was washed, I sat up in the chair and Melissa came by and they discussed putting toner on my hair. My hair is a dark brown and the highlights, at this point, were bright blonde. I looked like I had several skunk stripes all over my head. They went to mix the toner. We did the process and headed to the chair. I could already see the tone down in my highlights. Ashley combed out my hair and razor cut it. Then we dried it. I looked at it in the mirror and the thick stripes were on the sides of my head. I told her that I liked my hair cut but I didn't like my highlights. It is now 3:15. Ashley took my card to the front and never returned. Instructor Melissa came over and we discussed that I had an issue with the way that my hair turned out. During the foiling process, both Melissa and Ashley were foiling my hair at the same time and they were each pulling different amount of my hair to highlight. Why? I don't know, but this should be cosmetology 101. The top of my hair doesn't match the sides at all. Melissa said that I could talk to the owner but that I still would have to pay. My sister, niece, and I headed to the front counter. I was so upset that I couldn't hold back my tears. I went outside to collect myself. My niece came outside and said that there was someone wanting to talk to me at the front desk. It was instructor Patricia Thacker. Not sympathetic to me or my disappointment, she informed me that I could come back on Tuesday (3 days later) and that they would correct the problem. If I didn't pay, then they wouldn't fix it or correct it and that I wasn't welcomed back ever. She also told me that it seems worse to me than what it really was. I asked her what could I do not to have the stripes on the side of my head for the next 3 days and she said to put mascara through the highlights. So, in addition to the 4 hours that I spent today, I would spend however long on Tuesday getting it corrected and instructor Thacker told me that is a part of coming to a school. I, now, have to rearrange my life in order to correct their mistake and I have to pay for it and be talked to in a rude and condescending fashion? Mountaineer Beauty College is a place of business. They provide a service and expect payment and turn a profit, and a major part of it is customer service. When I was dissatisfied with my experience, the news spread through the school like wildfire and instructor Thacker continued to humiliate me in front of customers at the front. All other employees were in the back gossiping about the situation along with the owner, Toni Madia. Toni was actually walking towards the front, saw the situation, and turned the other way. If it was my place of business, I would've done my best to make the customer happy and certainly would not have allowed an employee to treat a paying customer in this fashion. I understand that it is a school and in fact, find fault mostly in the instruction that my student hairdresser received, the inconsideration of instructor Thacker, and cowardness of owner Toni Madia for not handling the situation. I was in tears and still am (4:20) because of the service and treatment that I received at Mountaineer Beauty College. With my payment collected by Mountaineer Beauty College, I have no choice but to walk around until Tuesday and hope for the best when I return for my corrective highlights. I am embarrassed to return. I am afraid of what the outcome may be. Customer satisfaction obviously doesn't set high on the priority list of Mountaineer Beauty College. Maybe this subject should be added to the course load?



Joe Manchin III
Governor

Adam L. Higginbotham
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Susan Poveromo
Jim Ryan
Rick Stache

Mountaineer Beauty College
Patricia Thacker
700 6th Avenue
St. Albans, WV 25177

August 23rd, 2010

COMPLAINT #: C2011-17

Dear Patricia Thacker:

The Board office has received the enclosed complaint.

Please respond to the Board office concerning this complaint within 15 days of receipt.

Should you have any further questions, please contact the Board office at 304-558-2924.

Sincerely,

Adam L. Higginbotham
Director

Mountaineer Beauty College, Inc.
700 6th Avenue
St. Albans, WV 25177
304-727-9999 Fax: 304-727-8149
mbe_hair@suddenlinkmail.com
Website: www.webmbe.com
facebook: mountaineerbeautycollege

August 31, 2010

WV Board of Barbers and Cosmetologists
Attn: Adam Higginbotham
1201 Dunbar Avenue
Dunbar, WV 25064

Dear Mr. Higginbotham:

In response to your letter of August 23, 2010, I am going to give a brief summary of what transpired.

In no way did I mean to offend this client and did try to explain our policies concerning repeat service and scheduling. On the day the client was here we close at 4 p.m. At 3 p.m. I was called to the front desk to deal with her dissatisfaction with her service. Our school policy states that we correct the service or if the client does not pay for the service that they cannot get a correction or return to the school for future services until monies owed to Mountaineer Beauty College, Inc. are paid in full.

I explained to Ms. Yeager that there was not time to redo her foils because we cannot hold students over to repeat a service after 4 p.m. This did not provide to be satisfactory to her. She could have had the service redone on the following Tuesday by Mrs. Moore, who usually does her hair, but she did not show up.

MBC, Inc. has been in business for twenty years and that speaks to customer service. The name calling of Mrs. Madia was unjustified. Instructors are expected to handle complaints and follow protocol, which is what I did.

I did sympathize with Ms. Yeager but, again, time had run out. I offered her the only options we had. As for the client witness, Carrie Lambert, she called Mrs. Moore to apologize for the way her sister acted.

Attached is a copy of the waiver Ms. Yeager signed stating that she understood our policy on student work. I have also enclosed a letter from Melissa Moore, who is the instructor that assisted the student with Ms. Yeager's service.

Sincerely,



Patricia A. Thacker
Master Instructor, MBC, Inc.

Yeager, Holly

COLOR SPECIAL NOTICE TO OUR CUSTOMERS

WAIVER AND CERTIFICATION

This is to certify that I, ^{Print} X Holly Yeager do hereby voluntarily submit myself as a model to Mountaineer Beauty College, Inc., and I do further certify that I do voluntarily assume all of the risk and responsibility for permitting Mountaineer Beauty College, Inc., its agents, servants, employees, representatives and students to perform all types of cosmetological activities and services upon my person, including but not limited to hair styling, hair dressing, hair waving and cutting, hair washing, hair tinting and dyeing, manicuring, and for the performance of all activities and services incidental thereto.

By the voluntary signing of this waiver and certification, I do hereby hold Mountaineer Beauty College, Inc., its agent, servants, employees, representatives and students blameless and harmless for any injuries which may be incurred by me as a result of the above described activities, services or processes, and waive all right to bring suit or claim damages in connection thereto.

Witness: [Signature]

X Holly L Yeager (SEAL)

Operator _____ Date _____ Address X 13 Brentwood Cir

Phone 404-606-2231

Nitro WV 25143

On Saturday, August 21, 2010 Holly Yeager came into Mountain Beauty College where I am employed. Her and her sister have both had their hair done by me. It was in the front of the school when they came in and I had a conversation with them both. They both wanted hair color, and highlights. So they were assigned to their students and since I had done both of them before I helped in both consultations. Holly told Ashley what she wanted and she began her foils. I began to help Ashley and was showing her a foiling technique. After Ashley was done foiling she came to me for me to check her. I did and she was ready to be rinsed. I stayed with her until she was shampooed out and we discussed a toner after we let her look at her highlights. She said she wanted them a little darker so I myself mixed her toner. It turned out pretty. She still wasn't happy with her sides so I went and spoke with her and told her we would be happy to fix it on Tuesday for her because it was time for school to be out. She still wasn't happy. She didn't want to pay for it. I explained to her that this is a school where students learn

and she knew that when she came in to our facility, and she would have to pay for her service. She wanted to speak with Mrs. Madia and I told her she could but that Mrs. Madia would tell her the same thing I did. Her sister was standing there and was happy with her hair. So Holly went to the front desk and I went back to helping students, as I was walking back I saw her sister walk out the front door. Holly was still standing at the front. I know Ms. Shacker and have known her for 7 years, since I was a student at Mountaineer Beauty College. She is very professional and a very nice person. I'm positive Ms. Shacker was extremely professional with Ms. Keizer, in explaining to her she could have her hair fixed and even fixed by me. I know Holly and I know she is extremely hard to make happy is why I'm shocked she came to a school. I feel she is completely over reacting and she could've handled this differently. Her sister Carrie has been a loyal client to me for years and she called me apologizing for how her sister acted. I know everything was done to make her happy, but she knew coming in it was student work only. And I feel it was a wonderful highlight she received.

- Makenna Moore



State of West Virginia
 Board of Barbers and Cosmetologists
 1201 Dunbar Avenue
 Dunbar, WV 25064

Earl Ray Tomblin
 Governor

p: 304.558.2924
 f: 304.558.3450
 www.wvbbc.org

Director
 Adam L. Higginbotham

Board Members
 Michael Belcher Justina Gabber
 Sarah Hamrick Susan Poveroni
 Jim Ryan Rick Stache

Mountaineer Beauty College
 Patricia Thacker
 700 6th Avenue
 St. Albans, WV 25177

November 19, 2010

COMPLAINT #: C2011-17

Dear Patricia Thacker:

The Board has heard the above mentioned complaint number at the November 15th, 2010 board meeting. The Board voted to dismiss the complaint.

Should you have any further questions, please contact the Board office at 304-558-2924.

Sincerely,

Adam L. Higginbotham
 Director

3rd Comp Joint
of 3

Page 194

Today I arrived at Charleston School of Beauty Culture - 210 Capital St. Ch at 10:00 am to support for regularly scheduled class in the Esthetics Program, upon entering the office to get my time card to clock in I observed Mrs Judy Hall [unclear] advised me that I had no time card as I'm not an enrolled student at the school I had no idea what she was talking about & questioned what the problem is & was told she had reviewed my complaint of the Board (Mr Higginbotham) & had been advised by Mr. COSSIN I had refused to sign a new contract Mr COSSIN who was not at work today but I do NOT recall him EVER asking me & she told her I had no idea what she was talking about - the only time I know of by my memory of any mention of a new contract was from her in the past month when she finally commences into giving me an affidavit amount for my outstanding balance & told that balance is \$6,400.00 - I at Mrs Hall at that time had IRS that I was told because when I came back in March after dropping the program

7/2/04

Ref. Judy Hall

Deborah Jones

8/24/2010

Chapel School of Beauty

in November for family issues it was that
I a New Student enrolling the 1st time
Basically I was never a student before
8/3/2010 I guess I still don't understand
However my original hours & Kit/Bal
would still remain intact. (??)

08-13-2010 I Filed Complaint w/ this Be
regard my hours & the Balance

On 8-13-2010 thru Mrs. Diggera/Bother
mailing her Copy + Notice she was NOT
advised of my Complaint.

In the last 2 weeks I have appeared
for a Policy Hearing ask for the Copy
of all time cards taken my 300 hr
practical exam on Thursday 08-19-2010
my Inso & have studied to perform the
muscle & nerve portion of this pro
exam this week.

A+ NO TIME FOR ANY PURPOSE BY ANY
PERSON - Staff, Student Body & Admi
alike Have I ever the time been told I
am not enrolled or a student I have
at all times by all circumstances
An w/all parties been prepared
to finish less than 100 remaining
hours & Graduate this course AND
Take Full on and all reasonable leg
Balance actually owed

Deborah Matheny

Re Judy Hall 8/24/2010
Chaw School of Bee

pg 3 of 4

only Today ONLY AFTER Mrs Hall's
Receipt as my 1st Complaint
was I EVER Refused permission
to clock in and proceed to class
I AM EXCLUDED FOR NO OTHER REASONS
than my FORMAL Complaint by
my hours & the Balance sheet
and NOT excluded until Today
8/24/2010 originally said I would
be out until after the Complaint
Issue was resolved & I ADVISED
I WAS RETURNING here to the Board-
left the School - I Returned @ 30
minutes later & was advised
I DO IN FACT have hours from
LAST Year & have never been given
for so of today and further to
Call Mr COSSIN TOMORROW
Returning that I will be judge
of all the rules & stuff
I owe her \$2,500 (actual B)
and ANOTHER 200 (+) hours
She advised me she does under
foot like I did's trying to stop
crap of my Complaint, she ~~is~~ CLAIM:
NOT ENROLLED Parents to Retaliate for son

Page 4

Dann Matheson
8/24/2010
Re: Charl. School of Beauty
Judi

I Wholly Believe had she NOT BEEN w
Receipt of my Complaint
I would NOT have BEEN Reused
Participation today, EXACTLY
like every day the last few
weeks, MONTH and since
RETURNING 03/24/2010.

I AM, have been a Regular
Esthetics Student at all times
since 3/24/2010 UNTIL her Rec'd
as some. THIS ABSOLUTELY Retaliati
for the Complaint of 1/13/2010 Rego
hours + Balance and for
no other reason. NO TIME
PRIOR was my Student Status
at any time for any
reason except this. Her
hours have even been turned
in here w/ the Board.

THIS IS PURELY Retaliati.

Tuesday -
Aug 24, 2010
412 37th St
DET 302
313-807-53
Dann Matheson
2530



Joe Manchin III
Governor

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists

1201 Dunbar Ave.
Dunbar, WV 25064
Telephone: 304-558-2924
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www.wvbbs.org

Board Members

Michael Belcher
Justina Gabbert
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Paula Kurczak
Susan Poveromo
Jim Ryan
Rick Stache

Charleston School of Beauty Culture
Judy Hall
210 Capital Street
Charleston, WV 25301

September 7, 2010

COMPLAINT #: C2011-18

Dear Judy Hall:

The Board office has received the enclosed complaint.

The Board office is requesting your response to this letter and the complaint so that it may be reviewed by the Board. Additionally, the Board office requests a copy of the latest contract of Ms. Matheny and the dates that Ms. Matheny was not considered a student during her commencement of studies.

According to 3CSR9, you are required to respond to the complaint enclosed in writing within 15 days of receipt of this letter.

Please mail your response to:

WVBBC Response
1201 Dunbar Avenue
Dunbar, WV 25064

Sincerely,

Adam L. Higginbotham
Director

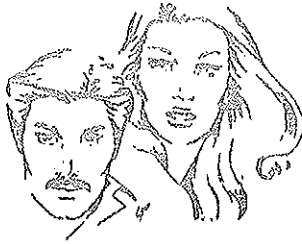
Higginbotham, Adam L

From: juhaca@netscape.net
Sent: Thursday, September 23, 2010 3:10 PM
To: Higginbotham, Adam L
Subject: Complaint C2011-18

Adam

I am requesting an extension until Monday, September 27, 2010 to finish responding to this complaint. I have all the documentation, but it is so rambling, I need to go point by point.

Judy



Charleston School of Beauty Culture, Inc.

September 23, 2010

West Virginia State Board of barbers & Cosmetologists
1201 Dunbar Ave.
Dunbar, WV 25064

RE: Complaint #: C2011-18 Deann Matheny

Dear Board Members:

In April, 2010, I received the new bits for the micro-derm abrasion machine. I allowed the students to practice with these bits on their hands. We had previously had two demos on the machines and had watched our video on micro-derm abrasion. Later I was testing the different bits on my own hands when Ms. Matheny asked me to do a micro-derm abrasion on her. Her words were, "Mrs. Hall, if you need a guinea pig to practice on, you can work on me." I told her I was just practicing with the different grade of bits, because some of them are more aggressive than others. Since there were 10 bits in the kit, I wanted to see what each of them would do. She again asked me to do the micro-derm on her.

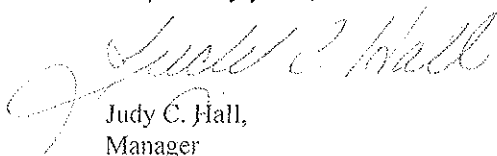
I did in fact go ahead and do the micro-derm on Ms. Matheny. I first used the #3d bit for the décolleté and then proceeded to the face. I used a no. 3S on her forehead and when I started on the cheek she said it was ok, but I noticed the red marks, and changed the bit to a #4S and turned down the suction. I was going to pass on her neck, but she wanted it done. I used the same bit that I had last used on her face, but she said it was too much suction. I turned it down, but it was still too strong a suction. I then changed to the same bit we had previously used on her décolleté. After the treatment, I cleansed the face and décolleté, and put on a soothing mask. After which, I put on a soothing complex and a heavy moisturizing treatment.

Indeed there was laughter during this treatment, mostly due to Ms. Matheny's cracking jokes during the treatment. I have never intentionally tried to perform a service that was uncomfortable for a client or a student. The power of the suction on her neck (even though it was the same as her face) was the only time when she complained of the suction being too great and I immediately adjusted the suction and the bit used.

The redness associated with a micro-derm abrasion treatment is normal. The pictures included in the complaint were apparently taken immediately after the treatment. None of the redness shown in these pictures was present the next day, with the exception of her neck.. This disappeared within three days, and she was happy with the treatment. She liked the way it made her skin feel. So much so that she sold a micro-derm package to her client.

If this was performed in April why did she wait until September to file a complaint? If she thought I was incompetent, why did she volunteer to be my model for every service I needed to demo for the new students? Ms. Matheny appears to be filing complaints merely because she is upset that we will not let her return to school, due to her failure to pay tuition.

Respectfully yours,


Judy C. Hall,
Manager



Charleston School of Beauty Culture, Inc.

September 27, 2010

West Virginia State Board of Barbers & Cosmetologists
1201 Dunbar Ave
Dunbar, WV 25064

RE: Response to Complaint #C2011-18, by Annette Deann Matheny

Dear Board Members:

The essential allegation of Ms. Matheny's complaint, as best as can be deciphered, is that she claims that her termination from this school was in retaliation for her filing complaints with the West Virginia State Board of Barbers & Cosmetologists.

There is no provision in the law, either in the WV Code or the Rules and Regulations of the Board of Barbers & Cosmetologists, which would render those actions, complained of by Ms. Matheny into an actionable offense. Ms. Matheny has failed to state a valid complaint. The Charleston School of Beauty Culture, Inc., demurs.

Further, under the Rules of Civil Procedure, § 12(b)(6), the Charleston School of Beauty Culture, Inc. moves to dismiss this complaint due to Ms. Matheny's "failure to state a claim upon which relief can be granted."

Although not relevant to the present complaint, please find enclosed a copy of her latest contract

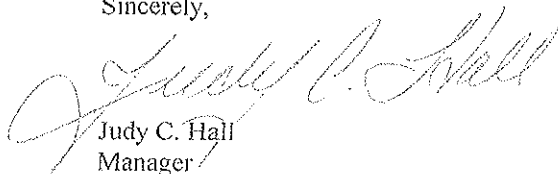
She was original dropped 10/6/09 with her last date of attendance being 9/5/09. She returned to school Oct 21, 2009; Oct 27, 2009 and Nov. 3, 2009. We sent her another formal letter of termination on November 17, 2009, because we had originally given her until that date to bring up her attendance, based on her appeal of a suspension due to Unsatisfactory Progress.

She returned to school March 31, 2010. She had two different contracts that she refused to sign for Wanda Carter and Kenneth Coston. Kenneth Coston called her to the office on August 19, 2010 to terminate her enrollment due to non-payment and refusal to sign an enrollment agreement. She was not in school. We have not let her return due to these reasons.

Ms. Matheny's attendance speaks for itself. She has been completed less than 500 hours out of a scheduled 1550 for course that totals 600 clock hours in duration.

If you need further information on this student, please contact me.

Sincerely,



Judy C. Hall
Manager



Charleston School of Beauty Culture, Inc.

September 27, 2010

West Virginia State Board of Barbers
And Cosmetologist
1201 Dunbar Avenue
Dunbar, West Virginia 25064

To whom it may concern:

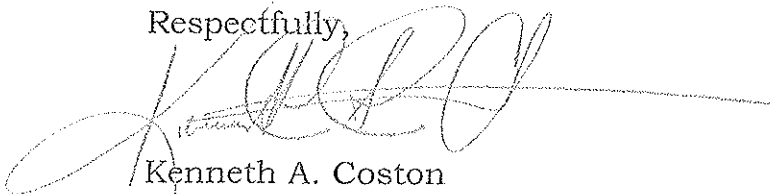
Re: Deann A. Matheny
Xxx-xx-5748

Subject: Refusal to sign contract(s)

This letter is to inform you that Deann Matheny was asked to sign her overtime contract(s) by Kenneth Coston and also by Ms. Wands Carter. This first time Deann was asked to sign her first overtime contract it was in the office of Judy C. Hall. Ms. Carter called me in and asked me to have Deann to sign her contract. Deann refused and said that she was going to talk to Mrs. Hall. I then talked called Deann to the office a 2nd time the following week and she refused again.

After speaking with Mrs. Hall and Deann together in my office Deann again refused to sign her contract(s) and said that she wanted a copy to take to her father to read and he would be in the next day to pay her balance. As of today her father never showed up nor have I ever spoke with him. I explained to Deann that she would have to pay her amount in full or she would be terminated from Charleston School of Beauty Culture.

Respectfully,



Kenneth A. Coston

CC: file



Joe Manchin III
Governor

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists

1201 Dunbar Ave.
Dunbar, WV 25064
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Board Members

Michael Belcher
Justina Gabbert
Sarah Hamrick
Paula Kurczak
Susan Poveromo
Jim Ryan
Rick Stache

Charleston School of Beauty Culture
Judy Hall
210 Capital Street
Charleston, WV 25301

September 7, 2010

COMPLAINT #: C2011-18

Dear Judy Hall:

The Board office has received the enclosed complaint.

The Board office is requesting your response to this letter and the complaint so that it may be reviewed by the Board. Additionally, the Board office requests a copy of the latest contract of Ms. Matheny and the dates that Ms. Matheny was not considered a student during her commencement of studies.

According to 3CSR9, you are required to respond to the complaint enclosed in writing within 15 days of receipt of this letter.

Please mail your response to:

WVBBC Response
1201 Dunbar Avenue
Dunbar, WV 25064

Sincerely,

Adam L. Higginbotham
Director



Charleston School of Beauty Culture, Inc.

Date: 10/6/09

To: Deann Matthey
412 39th St. Apt #302
Charleston, WV 25304

SSN: 232-31-5748

This letter is to inform you that as of this date: 10/6/09, you have been withdrawn as a full-time student in this school. This letter will also serve as your final bill.

Your last date of attendance was: 9/5/09.

Percentage of enrollment charged for: 100%. In accordance with our refund policy the school is entitled to keep a portion of the total tuition plus other charges incurred while enrolled.

Effective October 7, 2000, there is also a new calculation for the return of Title IV Funds. There could be a portion of unearned funds to be returned to the institution and/or the student.

If you have received any Federal Student Financial Assistance from student aid grants or loans, the school is required to determine if you have earned all the assistance paid on your behalf at the point of your withdrawal. A specific formula is used to determine this amount and if you have received more than you have earned. The excess amount must be returned to the government.

Therefore, if the formula indicates a return of Federal Funds by the institution:

I. Check #: N/A Date: N/A Amount: \$ N/A
will be deposited in the Grant account indicated.

II. If you received FFEL/Direct Subsidized, Unsubsidized Student Loans or PLUS/Parent Loan funds to credit your account, the return will be made to your lender by:

Check #: N/A Date: N/A Amount: \$ N/A

Your lender will also be advised of your withdrawal date, last day of attendance, along with the check attached to the notification.



Charleston School of Beauty Culture, Inc.

File
Sent
11/17/09

November 17, 2009

Ms. DeAnn Matheny
412 39th Street Apt. #302
Charleston, WV 25304

Re: Attendance

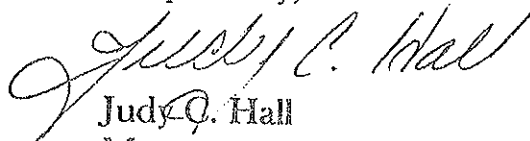
Subject: Withdrawn

On May 26th 2009 you were sent a letter about you not maintaining satisfactory attendance. We have discussed this situation in the office with you. Mrs. Judy Hall and Mr. Kenneth Coston. We all agreed to give you a second chance due to circumstances beyond your control.

Since this discussion you have NOT maintained satisfactory attendance. The Workforce Investment Board has made a decision to cancel your contact effective immediately.

Effective today November 17, 2009, your contract has been cancelled and it is imperative that you contact Charleston School of Beauty Culture to make arrangements to either withdraw from the program or make other provisions to complete or withdraw from the Esthetician program.

Respectfully,


Judy Q. Hall
Manager

CC: Workforce Investment Program
Gary Hannoush
File

Week: 10/17/09 Schedule: 30.00 Hours 0.00
 Monday Tuesday Wednesday Thursday Friday Saturday
 10/12/09 10/13/09 10/14/09 10/15/09 10/16/09 10/17/09

In							
Out							
In							
Out							
In							
Out							
In							
Out							
							Cumulative
T	0.00	0.00	0.00	0.00	0.00	0.00	242.50
S	0.00	6.00	6.00	6.00	6.00	6.00	810.00

Week: 10/24/09 Schedule: 30.00 Hours 1.50
 Monday Tuesday Wednesday Thursday Friday Saturday
 10/19/09 10/20/09 10/21/09 10/22/09 10/23/09 10/24/09

In			10:14 AM				
Out			11:48 AM				
In							
Out							
In							
Out							
In							
Out							
							Cumulative
T	0.00	0.00	1.50	0.00	0.00	0.00	244.00
S	0.00	6.00	6.00	6.00	6.00	6.00	840.00

Week: 10/31/09 Schedule: 30.00 Hours 2.25
 Monday Tuesday Wednesday Thursday Friday Saturday
 10/26/09 10/27/09 10/28/09 10/29/09 10/30/09 10/31/09

In		10:28 AM					
Out		10:28 AM					
In		11:44 AM					
Out		2:06 PM					
In							
Out							
In							
Out							
							Cumulative
T	0.00	2.25	0.00	0.00	0.00	0.00	246.25
S	0.00	6.00	6.00	6.00	6.00	6.00	870.00

Week: 11/07/09 Schedule: 30.00 Hours 1.75
 Monday Tuesday Wednesday Thursday Friday Saturday
 11/2/09 11/3/09 11/4/09 11/5/09 11/6/09 11/7/09

In		10:24 AM					
Out		12:08 PM					
In		1:34 PM					
Out		1:34 PM					
In							
Out							
In							



State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064

Earl Ray Tomblin
Governor

p: 304.558.2924
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Director
Adam L. Higginbotham

Board Members
Michael Belcher Justina Gabbe
Sarah Hamrick Susan Poveron
Jim Ryan Rick Stache

Charleston School of Beauty Culture
Judy Hall
210 Capital Street
Charleston, WV 25301

January 27, 2011

COMPLAINT #: C2011-18

Dear Judy Hall:

This letter is in regards to the above mentioned complaint.

The Board reviewed the complaint and responses and determined the complaint is not within the jurisdiction of the Board.

Contractual agreements/disagreements should be handled by attorneys in lieu of the Board.

Sincerely,

Adam L. Higginbotham
Director

Cc: Deann Matheney



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064


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Director
Adam L. Higginbotham

Board Members
Michael Belcher Justina Gabbert
Sarah Hamrick Susan Poveromo
Jim Ryan Rick Stache

MEMORANDUM

To: Annual Report Status

From: Adam L. Higginbotham 
Director
Board of Barbers and Cosmetologists

Date: September 22, 2011

Subject: C2011-19

The complaint mentioned above has been withdrawn and was reviewed by the board and dismissed.

Higginbotham, Adam L.

From: Adam.L.Higginbotham@wv.gov
Sent: Friday, September 03, 2010 5:53 PM
To: Higginbotham, Adam L; Western, Patrick L
Cc: ashley9287@yahoo.com
Subject: WVBBC Complaint

West Virginia Board of Barbers and Cosmetologists

Complaint Form

Individual Making Complaint

Name: Ashley Devonshire
Address: 66 Sopwith Way
Martinsburg , WY 25404
Phone: 3042765661
E-mail: ashley9287@yahoo.com

Individual or Business Named in the Complaint

Name: Vi Viyguen
Company: Vivo Hair Salon And Day Spa
Address: 43 Ruland Road
Kearneysville, WV 25430
Phone: 3047280880

List of Witnesses

amber not sure last name

Description of Complaint

I'VE BEEN WORKING AT VIVO DAY SPA SINCE I'M A MANICURIST...SHE HAD ME WORKING AS A RECEPTIONIST OR AT LEAST THATS WHATS SHE HAD ME WRITE ON THE APPLICATION. WHILE WORKING THERE I HAD TO SHAMPOO PEOPLES HEADS AND MASSAGE THEIR HEADS ALSO , PUT IN GLAZE AND ALSO WASH OUT HIGHLIGHTS AND COLOR AND ALSO CONDITION PEOPLES HEADS,ANSWER PHONES AND JANITORIAL WORK AND WAS ONLY GETTING PAYED 7.50 AND BASICALLY NEVER HAD THE PROPER 30MIN BREAK...VI HAS HER MOTHER PERFORMING MESSAGES,PEDICURES,MANICURES AND ALSO FACIALS WHICH SHE IS NOT LICENSED AT ALL TO DO...HER HUSBAND ALSO

PERFORMS MASSAGES AND HELPS OUT WITH HER SHAMPOOING CONDITIONING AND HIGHLIGHTS, COLOR AND ALSO GLAZES...HE IS'NT LICENSED NEITHER AND SHE ALSO HAS A GIRL NAMED AMBER THERE THAT IS A MANICURIST AND ESTHETICIAN BUT SHE ALSO HELPS OUT WITH SHAMPOOING, CONDITIONING, COLOR, HIGHLIGHTS AND GLAZES...I'M INFORMING THE BOARD ON THIS BECAUSE I DONT THINK IT RIGHT HOW SHE IS ILLEGALLY CONDUCTING HER BUSINESS AND SHE ALSO FIRED A GIRL BECAUSE SHE SMOKED AND DIDNT EAT RIGHT AND SHE ALSO FIRED ME TODAY BECAUSE I'M TOO SERIOUS BUT I'M A HARD WORKER AND DO MY JOB... I THINK THE WHOLE REASON IS BECAUSE IM BLACK AND ALSO DIDNT AGREE WITH HER NOT FOLLOWING BOARD LAWS NOR LABOR LAWS...SHE ALSO TOLD ME SHE WANTED ME TO LIE TO THE BOARD IF THEY WALKED IN AND ASKED WHAT I WAS DOING THERE...I WILL ALSO WILL BE FILING A SUIT AGAINST FOR WRONGFUL TERMINATION AND IF YOU HAVE ANY INFORMATION YOU COULD SEND ME THAT WOULD HELP ME OUT WITH THIS WOULD BE GREAT THANKS



Joe Manchin III
Governor

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists

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Board Members

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Jim Ryan
Rick Stache

September 20, 2010

Vivo Hair Salon and Day Spa
Vi Nguyen
43 Ruland Road
Kearneysville, WV 25430

COMPLAINT #: C2011-20

Dear Vi Nguyen:

The Board office has received the enclosed complaint.

The Board office is requesting your response to this complaint.

According to 3CSR9, you are required to respond to the complaint enclosed in writing within 15 days of receipt of this letter.

Please mail your response to:

WVBBC Response
1201 Dunbar Avenue
Dunbar, WV 25064

Sincerely,

Adam L. Higginbotham
Director

09/18/2010

Investigation Report: Vivo Hair Salon & Day Spa, INC. 43 Ruland Rd. Kearneysville WV.

Spoke with Director, Adam Higginbotham by telephone 9/14/10. He instructed me to go to Martinsburg, WV on Friday 9/17/10. Investigate Vivo Hair Salon between 4 and 5 pm. Request a pedicure, pay and receive receipt, ask for individual doing my pedicure for license. If legal leave, illegal give violation notice. Also observe if pedicures are being cleaned and sanitized. Video if possible with pen.

Arrived at Vivo Hair Salon & Day Spa INC. between 3:30 and 4:00 pm. I ask if they had time for a pedicure. They said in about 10 minutes, I ask how much they said \$35.00 or \$45.00. I said the \$45.00 one. They took me to where 3 pedicure spas were located, 2 being used. The receptionist and another employee Amber legally licensed prepared foot bath. After older Vietnamese lady finished with pedicure on another lady. She came over and began mine. Once Amber completed her pedicure. The receptionist Amy Cirgckerillo, cleaned the pedicure spa that unlicensed worker, Dee Nguyen had completed pedicure at and Amber cleaned the spa she had completed pedicure. It took approximately 1 and ½ hours for my pedicure. Videoed. After the pedicure was complete and I paid and received a receipt. I ask for Dee's license, she had none. I wrote 2.12 violation notice and gave it to owner/manager Vi Nguyen. She and her mother then explained to me about how Dee has tried 3 times and failed the written part of manicuring test because of the language difference. I suggested she have some one read it to her, this has been done. I said if possible find someone that has tested recently and review the written part with her before testing again.

I found the salon and pedicure very relaxing, Dee did everything, including sanitation, extremely well. The salon was clean. They treated me good even after having to give them the violation notice.


Helen Ferrell Inspector

E-mailing video as attachment.

WV 9/29/2010

To: Director of Board Mr. Adam Higginbotham

From: Vi Nguyen
ViVo Hair Salon & Day Spa, INC

Documents enclosed:

1. Responding to Ashley Devonshire's complain (Detailed Letter to Director; Ashley's threatening letter to me; My letter answer to hers threats; and her "Apolygy" Letter)
2. Signature Letter from Clients about Ashley Devonshire.
3. Details of Inspection Night 9/17/2010 Letter.
4. Letter-asking to resolve problem by a consent decree.
5. Extra FYI papers (Ashley Devonshire's application, timesheet, and Probationary Contract.)

Thank you!

WV September 26/2010

Clients and Co-Workers' complaints about Ex-Receptionist-Ashley Devonshire;
Ashley Devonshire with ViVo Day Spa, Inc

Working Trial period- 60 Probationary Contract enclosed.
Started 8/13/2010 - Ended 9/3/10
Position: Receptionist
Reasons ended: Please see below information.

Dear Director Higginbotham,

I'm writing this letter following my receipt of the Board's request about Ms. Ashley Devonshire's complaint. Im not taking any words she wrote in her complaint letter to Board as correct. They are FALSE, INCORRECT. Where is her PROOF? But, if you need to have the details on what she wrote to you, here are my answers:

1. About Earning \$7.50/hour: Most decent experienced receptionist who starts here at \$8/hr for the first 3 months and slowly go up to \$12/hrs plus after.
2. My husband-Khuong: He works in Baltimore full time, spending 12 hours plus a day for work and commuting, coming home to his 2 school kids with their 7 days a week activities...Where is the time for him to wash people's hair???
3. My Mother: She has and still trying every second of her life to finish this TESTING process. She had completed her Nail Tech training at IBS and worked with her work permits for months, and tried 3 times to pass her State Board Written Test, and still could not pass her test due to her limited English language. And we know the Board is trying to help her achieve her License simply because EVERY body, who taught, worked and received her services agreed that my Mother could simply hold an outstanding practical class. She and her clients are depressed, upset and feel unfair because her work permit expired and she still could not pass her Written Test. It's simply NOT easy for an American Student to pass the test, how could it be easy for an non-American student especially for those at my Mother's age and with very little English??? (I also enclosed here a separate letter explaining about the incident on 9/17/2010 Inspection.)
4. Amber King: She is a GREAT worker. A very responsible person. She has done nothing, but the very best within the scope of her knowledge.
5. Inside the shop, we are giving each other "treats" on very slow days like giving each other head massage, doing oil glaze treatments, waxing eyebrows, doing mani/pedi and facials to each other at ABSOLUTELY no cost. And in a million times, we nor anybody would think this is illegal...
6. I-The Employer of ViVo Salon have never and would NEVER fired any body who smokes and does not eat right. It's NONE of my business.
7. I did not and will never fire Ms. Ashley Devonshire because of her race.

I do and have quite many beloved and wonderful Black Clients and friends. They know me very well.

To make this short, Ms. Devonshire's complaint information to Board is beyond false, incorrect.

And here, I want to explain why Ms. Ashley Devonshire employment ended with us so soon.

On 9/3/2010, we terminated Ms. Ashley Devonshire's short time employment with us from 8/13/2010 to 9/3/2010 due to:

1. No customer service skills for her title of work as a Receptionist. She is so quiet, so not friendly, so unhappy ALL the time. About 5-6 customers complaint about her being rude, smart, snappy, blunt & short over the phone and in person to them.
2. Asked other Employees about their income & questions that were not job related. Gave them hard time when they did not give her the answers. Asked to take time off for personal purposes after working a week.
3. Show no interests in her job- Very unhappy, very unpleasant to customers, very unorganized and unprofessional. DID NOT CARE for her job at all.
4. I talked 3 times to her heart to heart about her being not clear, not professional over the phone to clients, and KINDLY advised her of the problem and showed her how she should be answer phone and such, but she NEVER showed improvement. Because she had no interest in her job, again.
5. Dress unprofessional on 9/3/10, came into work with top showing her bras, tattoos and all, I handed her a Salon top to cover up, but she did not button it and walked around working all day very unprofessional.
6. Showed NO interest in learning and educating herself about the nail performance for the facts, after she received the results from Board for not passing her Nail Tech License Test which she took sometime in August/ 2010, I advised her to continue to work on it so that se can obtain her Nail Tech License and maybe when she is ready to perform the nail services, she can start working on nail clients. She said:"YES, I'll try.." to my face, but then turned her back around and told her Co-worker Amber King:" Why the H(curse word) i need to get my Nail Tech License when I don't want anything to do with nails and nasty feet, I have no intention to do it and just wanted to do Receptionist job???"
7. Ashley kept asking Mrs. Duoc Nguyen- who is my Mother, who comes to the shop here and there to help run the business with me about things like: "You work for her at home with her kids and the house and also come here to

help her cleaning and watching the shop...How much do you get paid? My Mom got very offended and told her NOT to ask those personal and unprofessional questions, but then she threw a fit at my Mom and many times acted to this dear older lady: "I don't understand WTH(curse) you are talking about..."and walked away disrespectfully, when all my Mom was trying to do is to help show her what to do and how to do things as a Receptionist. "She is a very disrespectful young lady." my Mother said.

On her last day of work, after viewing her behaviors and the ways she talked & acted to clients, I had in mind that I will let her go that night, so I did asked her to stay a little later until I slow down with my customers so I have time to talk to her, but she denied to stay late because she said she needed to go home on time and it was because of her Mom's Birthday-she wanted to go out with her Mom, she said. So, to see her in such hurry and rude and very loud talking to me so I decided to finalize her employment right before she took off, she got very very pissed of, asked to get pay RIGHT NOW, right before she took off, cursed at me, yelled in the shop and said all kind of things that I was so shocked from her being so quiet during the time she worked here with us. I did finally say to her:" Why are you being so nasty to me, when all I try to tell you is that its not working out, you got too many complaints from clients and co-workers in such a short time, you showed no improvement after 3 heart to heart conversations between you and me, i tried to help you keep your job, but you showed no efforts for your job, you have no customer service skills for the job you are doing, why are you showing such nasty attitude at me right now???" After I said all that, I had a feeling she was gonna jump over the front desk and hit me in my face. I had to ask Amber to lock the door after she left because that was how angry and over control she acted to me...

She came to the King's Pizza place next door the next night and talked to one of the worker there all kind of crazy things about us here at ViVo.

And as I heard, she had quite many problems in the IBS school during the time she was there for her Nail Tech training. If I heard it right, she got suspended there for school for being disrespectful to the Instructor. She simply is a drama queen, if I could say that. And Im so very sad and very disappointed myself for being so nice and so helpful to her and gave her the opportunity to be working with us even though it was just a short time. I could have seen that the day I interviewed her. It's one of the biggest mistake of my management life. I needed help and hired her so quickly without checking for references.

Im sending you a copy of her letter of threatening me for \$5000 and my letter to response back to her for her information.

And, enclosed is the letter from those clients and co-workers who got very offended or unhappy by Ashley Devonshire during the time she worked with us.

I thank you and Board Members for taking time and efforts in this matters,
and if you have any other questions, please feel free to contact me.

Respectfully,

Vi Nguyen

ViVo Hair Salon & Day Spa, INC

Tel: 304-728-0880 (W)

304-283-4374 (C)

Email: vivodayspa@yahoo.com

vinguyen@vivodayspa.com

September 17, 2010

Vivo Salon and Day Spa

Vi Nguyen
43 Ruland Rd Kearneysville, WV 25430

Mrs. Nguyen

WITHOUT PREJUDICE

I am writing you to inform you that I am claiming the sum of \$5,000.00 from you for the following reasons:

Wrongful termination/Retaliation/employee refusal to commit an illegal act
This will be filed at the Jefferson Co. Magistrate Court.

On September 3, 2010 you fired me since I refused to stay past 5:00 pm to assist you with your clients in shampooing and etc. After calling the board and speaking to Adam Higginbotham he stated that it was illegal for a non cosmetologist to be practicing in any beauty culture without the proper license for the that purpose from the board.

This letter constitutes formal notice to pay me the sum of \$5,000.00 within ten days. Otherwise, I may take legal actions against you immediately and without further notice.

Please act accordingly

Ashley Devonshire
66 Sopwith Way Martinsburg, WV 25404
304-582-3772

Ashley's
threats to
Vi Nguyen

September 21, 2010

Ashley Devonshire
66 Sopwith Way
Martinsburg, WV 25404

Dear Ms. Devonshire,

This letter will acknowledge and confirm my receipt of your letter dated September 17, 2010. I strongly urge you to speak with an Attorney before you commence any legal proceedings as set forth in your letter; and request they discuss with you whether your actions constitute a violation of W.Va Code 61-2-13.

Sincerely,

Vi Nguyen
ViVo Hair Salon & Day Spa, INC
43 Ruland Rd.
Kearneysville, WV 25430

*See enclosed copy.

Vi's response
back to
Ms. Ashley.

②

Section 61-2-13 Extortion or attempted extortion by threats; penalties

If any person threaten injury to the character, person or property of another person, or to the character, person or property of his wife or child, or to accuse him or them of any offense, and thereby extort money, pecuniary benefit, or any bond, note or other evidence of debt, he shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than one nor more than five years. And if any person make such threat of injury or accusation of an offense as herein set forth, but fail thereby to extort money, pecuniary benefit, or any bond, note or other evidence of debt, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than two nor more than twelve months and fined not less than fifty nor more than five hundred dollars.

Note: Code updated with legislation passed through the 2009 3rd Special Session

Hello Vi

Hope your day is well... I'm sorry about the letter I wrote to you stating I was gonna sue you... I was basically upset because I lost my job and didn't know what to do I'm also sorry I didn't come to standards to work in your shop the only reason why I wasn't as excited as you wanted me to be was because I'm currently going through legal issues of my own and also pregnant and at the time didn't know how to tell my parents. Thank you and appreciate it alot now you tried to help and talk to me and asked what was wrong. Just couldn't open up to you because I barely knew you... again I'm sorry didn't mean to cause you any stress

Love Ashlee

WV 9/27/2010

Dear Director Higginbotham,

These are some of our clients, co-workers or witnesses whom got very disappointed & offended by Ms. Ashley Devonshire's Customer Service Skills and behaviors. We please ask for these clients information be kept confidential. Thank you very much.

1. Name:
Lisa Carper

Signature:

Phone: (304) 671 0303

Comment: please call directly for info. Client could not stop by to sign paper due to family business.

2. Name:
Tatyana Davletshina

Signature:

Phone: 304 279 0000

Comment: per client, please call for information. please for job, cannot stop by.

3. Name:
Anee Yenchko

Signature:

Phone: 304-0843

Comment: Ashley was hard to hear on the phone. Even when I asked her to speak up she did not. She did not greet me or smile when I came in for my appointments. She was rude at times and ignored me when I asked her a questions. She was disrespectful. Ashley was not appropriate many times. She use bad language also. She was not a person you would ever greeting and speaking to clients.

4. Name:
Linda Parker Davis

Signature:

Phone: 304 264 2000

Comment: Email attached - Rain days - could not stop by to sign this letter. please call her for more info.

Thank you.

5. Name:
Amanda Wolf

Signature: Amanda Wolf

Phone:

304 261-1651

On each occasion I dealt with her via phone or in person, Ashley was unpleasant. She did not smile or treat me with respect. As a person who work in the hospitality industry for 14 years, I can say that, as a manager
Comment: I would not have kept her as an employee; her personal was lacking and her professionalism was non-existent.

6. Name:
Amber King

Signature: Amber King

Phone:

(304) 274-9126

I felt very uncomfortable working with Ashley. She's very unprofessional, disrespectful, and rude to me and clients. She asked me personal questions, not job related and I didn't appreciate this. Ashley is only upset bc she didn't like her job and I felt very hurt since I was training but nice to her and tried my best to help her learn here at Vivo.
Comment:

7. Name:
Duoc Nguyen

Signature: Vi

Phone: 304 320 21

Ashley was being very disrespectful to me, when I did tried to help her, she asked me personal questions, and did not show learning attitude. very disappointed
Comment:

Respectfully,

Vi Nguyen

Vivo Hair Salon & Day Spa, INC

Tel: 304-728-0880

Email: vinguyen@vivotayspa.com

vivotayspa@yahoo.com

Detail of the Inspection on 9/17/2010

Dear Mr. Higginbotham,

It was a very busy day when one of the lady walked in our shop with folders in her hands around 4:30 p.m., looked very new and shaken in her voice as she was talking to me while I was cutting a client's hair and asked me for a pedicure. The lady asked how much and I gave her 2 choices, one is Classic Pedicure \$30 and one is Exclusive pedicure \$45. The lady picked the \$45 one. I asked her to have a sit and wait for about 15' more until the server is ready. The lady sat down for about 10' and our new night shift, on-call receptionist Abbie walked her back to the Pedicure chair. Amber-Our Licensed Nail Tech and Esthetician quietly helped her to sit down and soaked her feet. Amber asked if she could help hold her folders and put them on the tray next to her chair so she could be more relaxing. the lady answered: "No, I can hold them, thank you."

Unfortunately, seeing that Amber has been so busy all day, and that she is running very behind, so my Mother asked me if she could start the lady as her client since Amber is still trying to finish another client, running behind, I said yes, "please help Amber Mom, so we all can go home..." in my very tired voice.

During the whole hour my mother serving the lady, the lady kept smiling, looked very happy and so relaxed.

After Mom finished the painting job on the lady's toes, Mom walked her to the drying area, sat her down in the drying chair and let her dry her toes. I was doing another client's shampoo next to The Lady chair and remembered asking her if she felt relaxed and that she enjoyed the pedicure. She firmly answered: "I have never experienced such thing before, that was soooooo wonderful..."she answered me happily and strongly.

About 10 minutes later, her toes are done drying, my Mom came up to her and helped her to leave the drying chair and to check out. The lady paid \$45 in cash and gave my mom \$5 tips and asked for a receipt. The lady collected the receipt, for a moment put it in her folder while I was blow drying my client and of course as I thought she was leaving, so I said: "Thank you so much for coming Ms. see you again soon..." with my ALWAYS very happy voice. The lady said nothing, but turned her actions ON and proceeded to my Mom's face as Mom was still standing in her register area and talked/asked Mom: "I'm here from the state and are you a Nail Tech? Where is your License?" My Mom had no idea who the lady was, and for sure could not understand the lady questions because of my Mom's poor English skills, but right away I sensed and told Mom:

"OMG, she is the Inspector Mom, I think..." I paused and confused as the lady continued asking other staffs questions.

I right away, knew who she was and stopped my blow drying job on my client

and excused my client so i could come talk to the lady. I explained to her my mother's situation about the busy night, the whole testing thing and that Mom's work permit expired and she fail the tests 3 times and still trying to attend another testing in Nov 2010 with a new group D.L Roope, also explained that, I and Amber needed help so much tonight. We have been working all day long and that Amber and I are running behind and I have not had breakfast nor lunch nor dinner as Im speaking to her at around 6 p.m.. She seems very understanding about the whole situation as I and my Mom asking her for forgiveness, and that we are trying so very hard to run our business and to offer services to the community with our BEST quality work and that we have been suffering for the past 3.1/2 years finding good help, good technicians who could perform decent services and KNOW and follow the sanitation rules as we are doing here at Vivo. We are always being commented by 9 out of 10 our clients how GREAT and CLEAN things are here at our shop. The lady acknowledges that our shop is very very CLEAN and that Mom did a phenomenal pedicure and that she never felt so safe and so clean in a public place especially in a Salon & Spa when her job is going around to inspect on salon, nail shops etc...for many years now.

The lady credited us so high of our very BEST sanitation and how please she is with the service and our customer service care. She is at one point shook her head and said in a very emotional low voice that: "I hate to not be able to help those whose are trying so hard to give the community and the state their best skills, talents and hard working ethics. I only do what I were asked to do and I am so sorry". It was very nice of her that she spent quite sometimes to sit there and explained to us about how and what we should do to help my Mom pass her tests next time, and of course we were telling her how disappointed we are bout the whole testing thing. The lady was also confirming and promising that she will ask the Board Members to look over my Mom's case and help her obtaining her license because again she confirmed : "Your mother did the BEST pedicure, and that she followed all sanitation and procedure of performing a great pedicure. It was absolutely an experience..." she said once again.

During our conversation with the lady, more than 3 times she said and promised that she will make sure the Board knows how CLEAN, SAFE and BEAUTIFUL everything in here at our shop.

YES, it was a very heartfelt conversation between my Mom, me and the lady. And I had to send the hair cut client home without cutting her hair because I told my client that my heart, my mind and everything was just jumping in side me and that I would ruin her hair. I was freaked out, yes I was because I never faced such a thing in my life.

I bowed my head very low, held my hands on my chest and THANKED her so very much for her kindness and that "please help us, please, please, please...." I begged her...And, I then until now asked what her name and was told that "Helen...."(Could not pick up her last name as she told me, sorry). She looked at me & my Mom very kindly as she walked out of the door that night at around 6:30pm when I had other clients stopped by to buy gift

certificates and booked appointments....

This is all the things I could remember on that night, it was a nightmare for us all.

The bottom line I wanted to say is that this was an EXCEPTIONAL circumstance. I did indeed break the law that night because again we were overwhelmed in this situation, but I certainly don't make a practice of breaking the law or harming any body. I am trying to run the very best business, with the best reputation, best income tax to the State and best small jobs to the community and to the people here.

I really do hope you take this into your kind consideration and help us get through this very hard time. I certainly learn my lesson out of this incident and that I can not make any more mistake that I have to explain to Board this way. This stress is beyond my limit and that I DO need your great help to get me through this.

Respectfully,

Vi Nguyen

Vivo Hair Salon & Day Spa, INC

Re: Vi Nguyen

License#: 014605

ViVo Hair Salon & Day Spa, INC
43 Ruland Rd.
Kearneysville, WV 25430

Dear Director Higginbotham,

I am writing this letter following my receiving of a citation on September, 17th, 2010 from an extremely professional and very well mannered investigator. As a result of my receiving this citation, I have two questions I am hopeful you will answer for me:

1. Having recently received the updated Code of State Regulator governing Cosmetology as well as Amendments to 30-27-1 et seq. is it your understanding that the numerical provisions governing violations and fines to be imposed are still the same;

2. Would you and the Board permit me to enter into negotiations pursuant to WVa Code 30-27-20(d) and CSR 3-9-2.11 and 3-9-2.12 to resolve this matter by a consent decree without the necessity of and to avoid contested adversarial proceedings?

I would welcome an opportunity to speak with you or a Board Representative even prior to a probable cause determination pursuant to CSR 3-9-2-9

Respectfully,

Vi Nguyen

ViVo Hair Salon & Day Spa, Inc

Tel: 304-728-0880

304-283-4374

www.vivodayspa.com

Vivo

APPLICATION FOR EMPLOYMENT

(PRE-EMPLOYMENT QUESTIONNAIRE) (AN EQUAL OPPORTUNITY EMPLOYER)

PERSONAL INFORMATION

DATE

NAME Davonshire Ashley Renee SOCIAL SECURITY NUMBER 231-31-16638

LAST FIRST MIDDLE

PRESENT ADDRESS 166 Spawth Way Mtsgb WV 25004

STREET CITY STATE ZIP

PERMANENT ADDRESS 166 Spawth Way Mtsgb WV 25004

STREET CITY STATE ZIP

PHONE NO. 304-582-3772 ARE YOU 18 YEARS OR OLDER? Yes No

ARE YOU PREVENTED FROM LAWFULLY BECOMING EMPLOYED IN THIS COUNTRY BECAUSE OF VISA OR IMMIGRATION STATUS? Yes No

EMPLOYMENT DESIRED

POSITION Receptionist DATE YOU CAN START Any SALARY DESIRED not sure

ARE YOU EMPLOYED NOW? No IF SO MAY WE INCLUDE OF YOUR PRESENT EMPLOYER? Yes PHONE #

EVER APPLIED TO THIS COMPANY BEFORE? No WHERE? N/A WHEN? N/A

REFERRED BY N/A PHONE # N/A

EDUCATION	NAME AND LOCATION OF SCHOOL	*NO OF YEARS ATTENDED	*DID YOU GRADUATE?	SUBJECTS STUDIED
GRAMMAR SCHOOL	Winchester Ave School South Middle	K-8	yes	N/A
HIGH SCHOOL	Mtsgb High	9-10	yes	GED
COLLEGE	Blue Ridge Ctc	1 yr	still in progress	Business
TRADE, BUSINESS OR CORRESPONDENCE SCHOOL	International Beauty	3 mo	yes	manicurist

GENERAL SUBJECTS OF SPECIAL STUDY OR RESEARCH WORK

N/A

SPECIAL SKILLS

First Aid, Osha

ACTIVITIES (CIVIC, ATHLETIC, ETC.)

N/A

INCLUDE ORGANIZATIONS, THE NAME OF WHICH INDICATES THE RACE, CREED, SEX, AGE, MARITAL STATUS, COLOR OR NATION OF ORIGIN OF ITS MEMBERS.

U.S. MILITARY OR NAVAL SERVICE N/A

RANK N/A

PRESENT MEMBERSHIP IN NATIONAL GUARD OR RESERVES N/A

*This form has been revised to comply with the provisions of the Americans with Disabilities Act and the final regulations and interpretive guidance promulgated by the EEOC on July 26, 1991.

FORMER EMPLOYERS (LIST BELOW LAST THREE EMPLOYERS, STARTING WITH LAST ONE FIRST).

DATE MONTH AND YEAR	NAME AND ADDRESS OF EMPLOYER	SALARY	POSITION	REASON FOR LEAVING
FROM Aug 09 TO Feb 10	Bolo Used Furn. and appl. Hochersville Rd	\$30 a day	clerk	wanted to comp sch
FROM July 1 TO July 30	Euro Nails Mtsbg, WV	\$8 an hour	manicurist	manger was bride
FROM				
TO				
FROM				
TO				

WHICH OF THESE JOBS DID YOU LIKE BEST? Bolo used Furn. & Appliances

WHAT DID YOU LIKE MOST ABOUT THIS JOB? family business

REFERENCES: GIVE THE NAMES OF THREE PERSONS NOT RELATED TO YOU, WHOM YOU HAVE KNOWN AT LEAST ONE YEAR.

NAME	ADDRESS	BUSINESS	YEARS ACQUAINTED
1. Nomara Kelly	Mtsbg, WV	R.N	At least 10 yrs
2. Brittany Collins	Mtsbg, WV	Day care Provider	2 yrs
3. Whitney Dokes	Hochersville, WV	CNA	20 yrs

THE FOLLOWING STATEMENT APPLIES IN: MARYLAND & MASSACHUSETTS. (fill in name of state)
IT IS UNLAWFUL IN THE STATE OF West Virginia TO REQUIRE OR ADMINISTER A LIE DETECTOR TEST AS A
CONDITION OF EMPLOYMENT OR CONTINUED EMPLOYMENT. AN EMPLOYER WHO VIOLATES THIS LAW SHALL BE
SUBJECT TO CRIMINAL PENALTIES AND CIVIL LIABILITY.

Ashley Dawsonshire
Signature of Applicant

IN CASE OF
EMERGENCY NOTIFY

Sandra Dawsonshire 166 Spivith Mtsbg, WV 26122 304-256-5662
NAME ADDRESS PHONE NO.

"I CERTIFY THAT ALL THE INFORMATION SUBMITTED BY ME ON THIS APPLICATION IS TRUE AND COMPLETE, AND I UNDERSTAND THAT IF ANY FALSE INFORMATION, OMISSIONS, OR MISREPRESENTATIONS ARE DISCOVERED, MY APPLICATION MAY BE REJECTED AND, IF I AM EMPLOYED, MY EMPLOYMENT MAY BE TERMINATED AT ANY TIME. IN CONSIDERATION OF MY EMPLOYMENT, I AGREE TO CONFORM TO THE COMPANY'S RULES AND REGULATIONS, AND I AGREE THAT MY EMPLOYMENT AND COMPENSATION CAN BE TERMINATED, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE, AT ANY TIME, AT EITHER MY OR THE COMPANY'S OPTION. I ALSO UNDERSTAND AND AGREE THAT THE TERMS AND CONDITIONS OF MY EMPLOYMENT MAY BE CHANGED, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE, AT ANY TIME BY THE COMPANY. I UNDERSTAND THAT NO COMPANY REPRESENTATIVE, OTHER THAN ITS PRESIDENT, AND THEN ONLY WHEN IN WRITING AND SIGNED BY THE PRESIDENT, HAS ANY AUTHORITY TO ENTER INTO ANY AGREEMENT FOR EMPLOYMENT FOR ANY SPECIFIC PERIOD OF TIME, OR TO MAKE ANY AGREEMENT CONTRARY TO THE FOREGOING."

DATE 8-15-10 SIGNATURE Ashley Dawsonshire

DO NOT WRITE BELOW THIS LINE

INTERVIEWED BY

DATE

REMARKS:

NEATNESS

ABILITY

HIRED: Yes No

POSITION

DEPT.

SALARY/WAGE

DATE REPORTING TO WORK

APPROVED: 1.

EMPLOYMENT MANAGER

2.

DEPT. HEAD

3.

GENERAL MANAGER

This form has been designed to strictly comply with State and Federal fair employment practice laws prohibiting employment discrimination. This Application for Employment Form is sold for general use throughout the United States. TQPS assumes no responsibility for the inclusion in said form of any questions

SIGN IN/OUT SHEET

Name: Whaley

Period 8/9 to 8/28/10

Week # 1	Sign In	L. Out	L. In	Sign Out	Week # 2	Sign In	L. Out	L. In	Sign Out
Mon					Mon				
Tue					Tue				
Wed					Wed	11:00	30'	5:10	5:40
Thu					Thu	11:00	30'	5:30	6.
Fri	8/13/10 10:00	30'		4:25	Fri	11:00	30'	5:10	5:40
Sat	8/14/10 9:30	30'		4:35	Sat	9:00	30'	4:00	5:30
Sun					Sun				
Total Hours Week 1					Total Hours Week 2				

Total Hours Week 1

12.5

Total Hours Week 2

23.75

60.25

SIGN IN/OUT SHEET

Name: Fisher

Period

025 to 017/10

Week # 1	Sign In	L. Out	L. In	Sign Out	Week # 2	Sign In	L. Out	L. In	Sign Out
Mon		9:45 9:45			Mon				
Tue					Tue				
Wed	11:00 am		30'	4:35 pm	Wed				
Thu	11:05 am		30'	5:30 pm	Thu	11:06 am		30'	5:10 pm
Fri	11:00 am		30'	5:00 pm	Fri	11:00 am		30'	5:00 pm
Sat	9:45 am		30'	4:00 pm	Sat				
Sun					Sun				

Total Hours Week 1

21.75

Total Hours Week 2

16

completing from
 out - two
 Not working
 included
 5:35
 5:40
 5:10
 5:00
 4:35
 4:00
 37.5

Employment Agreement

I Ashley Devonshire understand that my Employment with ViVo Hair Salon & Day Spa, Inc is on a 60 Day Probationary Period and that said Employment may be terminated at anytime for any reasons during these 60 days at the discretion of the proprietors. At the end of this Probationary Period, further employment will be negotiated with ViVo.

Dated: 8.15.10

Signature of Employee

Ashley Devonshire

Printed Name of Employee

Ashley Devonshire

Signature of Employer

[Signature]

Printed Name of Employer

Vi Nguyen

Ashley Devonshire's
probationary period
at ViVo.
Thank you!



State of West Virginia
 Board of Barbers and Cosmetologists
 1201 Dunbar Avenue
 Dunbar, WV 25064

Earl Ray Tomblin
 Governor

p: 304.558.2924
 f: 304.558.3450
 www.wvbbc.org

Director
 Adam L. Higginbotham

Board Members
 Michael Belcher Justina Gabb
 Sarah Hamrick Susan Povero
 Jim Ryan Rick Stache

January 27, 2011

Vivo Hair Salon and Day Spa
 Vi Nguyen
 43 Ruland Road
 Kearneysville, WV 25430

COMPLAINT #: C2011-20

Dear Vi Nguyen:

This letter is in regards to the above mentioned complaint.

The Board reviewed the complaint and responses and determined the complaint to be true.

An investigation into the complaint led to the citation of an unlicensed worker. Therefore, the above mentioned complaint number is closed and the violation notice is upheld.

Further proceedings are pending regarding the multiple citations of unlicensed workers. Please wait for our office to contact you regarding your 3rd offense for allowing an unlicensed worker to practice in your salon.

Sincerely,

Adam L. Higginbotham
 Director

Cc: Ashley Devonshire



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064


p: 304.558.2924
f: 304.558.3450
www.wvbbc.org

Director
Adam L. Higginbotham

Board Members

Michael Belcher Justina Gabbe
Sarah Hamrick Susan Poveron
Jim Ryan Rick Stache

MEMORANDUM

To: Annual Report Status
From: Adam L. Higginbotham 
 Director
 Board of Barbers and Cosmetologists
Date: September 22, 2011
Subject: C2011-20

The complaint mentioned above is currently in consent agreement negotiations.