

**Vermont Secretary of State
Office of Professional Regulation
BOARD OF BARBERS AND COSMETOLOGISTS
UNAPPROVED MINUTES
October 21, 2013**

1. The meeting was called to order at 9:03 a.m.

Board Members Present: Ruth Comeau, Chair; Jon Somes, Vice-Chair; Donna Hendee, Secretary; and Randy Peace. Absent: Judith Wernecke.

OPR Staff Present: Colin Benjamin, Board Counsel; Lauren Hibbert, State Prosecuting Attorney; Carla Preston, Case Manager; and Kara Shangraw, Licensing Board Specialist.

Others Present: Anne Orr, Pam Garcia, and Lesilee Kirby.

2. The Chair called for approval of the Minutes of the September 16th meeting. Mr. Peace, made a motion, seconded by Mr. Somes, to approve the Minutes of the September 16, 2013 meeting as submitted. Motion passed unanimously.

3. **Case Manager's Report/Closing Reports/Follow-Up**

Ms. Preston made her Case Manager's report. There are currently 21 pending cases.

2011-753, 2011-754 & 2011-848 - The Board reviewed the report of concluded investigation. Mr. Peace, made a motion, seconded by Mr. Somes, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed 3-0. Ms. Hendee, Investigative team member abstained from the hearing and vote.

2012-362, 2012-363 & 2012-395 - The Board reviewed the report of concluded investigation. Mr. Peace, made a motion, seconded by Mr. Somes, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed 3-0. Ms. Comeau, Investigative team member abstained from the hearing and vote.

2013-40 - The Board reviewed the report of concluded investigation. Ms. Comeau, made a motion, seconded by Ms. Hendee, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed 3-0. Mr. Somes, Investigative team member abstained from the hearing and vote.

2013-186 - The Board reviewed the report of concluded investigation. Mr. Peace, made a motion, seconded by Ms. Hendee, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed 3-0. Mr. Somes, Investigative team member abstained from the hearing and vote.

4. **Hearings/Stipulations**

The Board reviewed the *Stipulation and Consent Order* in the matters of 2012-361 & 2013-436 (Angel Nails & Wendy H. Mai). The Respondent was not present. Lauren Hibbert, Prosecuting Attorney was present for the State. Attorney Benjamin presided for the Board. Based on the information submitted, Ms. Hendee, made a motion, seconded by Mr. Somes, to accept the *Stipulation and Consent Order* As presented. Motion passed 3-0. Ms. Comeau, Investigative team member abstained from the hearing and vote.

5. Reports/Guests

Lesilee Kirby attended the meeting and discussed with the Board the Rule regarding obtaining a certificate from the manufacturer for the use of microdermabrasion machines. Mr. Peace, made a motion, seconded by Mr. Somes to add to the inspection report Part 13.2 (b) from the Rule, to post or have on file the certificate of training issued by the manufacturer. Motion passed 4-0.

Anne Orr, Director of O'Brien's Aveda Institute attended the meeting and gave notice that O'Brien's still has not heard from the U.S. Department of Education regarding Title VII federal funding of post secondary education.

6. Correspondence

The Board reviewed and noted the minutes from the National Association of Barber Boards of America (NABBA).

7. Public Comment/ Other Business

Attorney Benjamin discussed with the Board the supervision of a nail-technician by a cosmetologist in an apprenticeship. As the current Rules are written, the supervisor must have a license in the profession that the apprentice is seeking licensure in.

Attorney Benjamin discussed with the Board the inspection process for nursing homes and similar facilities. Mr. Somes made a motion, seconded by Mr. Peace, to have the inspectors conduct random inspections on nursing homes and similar facilities. Motion passed 4-0.

Attorney Benjamin worked with the committee on the Rules revision.

8. There being no other business, the meeting adjourned at 10:16 a.m.

Respectfully submitted,

Kara Shangraw
Licensing Board Specialist