

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #3

RECEIVED

Do Not Mark In This Box

2009 JUL 31 AM 10:04

SECRETARY OF STATE  
STATE OF WEST VIRGINIA

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3

CITE AUTHORITY: 30-27-1, 30-27-6

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Schedule of Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Schedule of Fees

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Board of Barbers and Cosmetologists

Address: 1716 Pennsylvania Ave. Suite 7  
Charleston, WV 25302

---

Phone Number: 304-558-2924 Email: adam.l.higginbotham@wv.gov

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The fee increases would be marginal in comparison to cover the additional costs the Board has or will incur due to the separation from DHHR into a stand alone board. The estimated increase may generate at least \$96,275 per year for the Board.

The additional tasks taken over the DHHR and from the new code governing the Board could increase expenses to a minimum of \$116,500. Therefore, the fee increases are not placed to generate more revenue for want, but need. The additional expenses need to be covered. Please see the 2 attached summary proposals.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	500,035.00	567,535.00	650,535.00
Personal Services	380,669.00	380,669.00	414,669.00
Current Expenses	119,366.00	186,866.00	235,866.00
Repairs & Alterations	0.00	67,500.00	83,000.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	520,000.00	560,000.00	660,000.00

Rule Title: \_\_\_\_\_

Rule Title: Schedule of Fees

**3. Explanation of above estimates (including long-range effect):**

Please include any increase or decrease in fees in your estimated total revenues.

The estimates above indicate the expenses that are occurring with the Board's separation from DHHR or the new code 30-27. The fees show how the Board intends to cover the increase in expenses. The gradual increase in revenue shows that the Board could lose more than \$7,000 next year. However, the Board can regain the loss by a \$10,000 increase after full implementation. After full implementation is in place, several costs will be reduced or disappear due to the implementation stages disappearing. (For example: the Board will not need to spend \$15,000 a year to inform the licensees about continuing education after 1 or 2 years of implementation has taken place.) Additionally, expenses needed to buy adequate equipment will decrease each after fiscally conservative purchases are made on a year-to-year basis. Therefore, the Board's expenses will reduce during the next 3-5 years after FY 2010 and stabilize itself. The revenue needed from this increase is to cover the greatly increased expenses the Board will take on from the separation from DHHR on July 1, 2009 and implementation of new tasks.

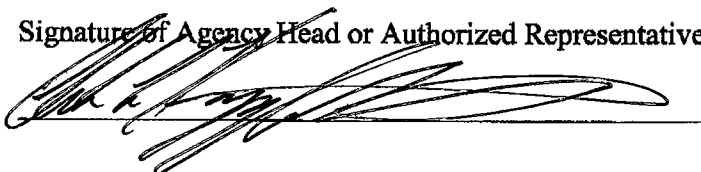
**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

NA

Date: 7/30/2009

Signature of Agency Head or Authorized Representative





**State of West Virginia  
Board of Barbers and Cosmetologists**

1716 Pennsylvania Avenue, Suite 7  
Charleston, West Virginia 25302  
Telephone: 304-558-2924  
Fax: 304-558-3450

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

Adam L. Higginbotham  
Director

Date : July 30, 2009

To: Administrative Law Division of Secretary of State's Office

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

Re: Schedule of Fees

SUMMARY OF PROPOSAL

The Schedule of Fees has a list of proposed increases for very few licenses and the establishment of new fees allowed by law through the passage of the new code governing the Board (30-27).

**Fee 2.1** This increase would not generate much money, but merely help cover the cost of administering the test. The expenses for a test consist of \$150.00 per diem for each board member (7), \$15.00 per test purchased, minimum \$150.00 rental fee of school per day, a minimum of \$600.00 hotel and food cost of board members, minimum of \$500.00 mileage reimbursement. On a typical test day, the Board expenses exceed \$4,000.00. Based on the estimate of 600 test takers per year, a \$25.00 increase would generate \$15,000.

**Fee 2.5** A late fee increase from \$5.00 to \$10.00 would help promote on-time license renewals. The generated revenue would be minimal. Based on the estimate of 500 late renewals per year, a \$5.00 increase would generate \$2,500.

**Fee 2.7** The increase to a school opening license would not generate money since very few schools open in West Virginia due to instructor qualification requirements. However, when a school does want to open a lot of time, planning, and consideration is provided to the application. The Board also incurs fees from the Attorney General's Office for advice and reviewing the documentation of the application. Based on past applications for new schools, this would generate no money due to few to zero applications.

**Fee 2.11** This fee is to increase registration for booth rentals. This is needed to effectively and efficiently track booth rentals (aka: individual contractors) for the West Virginia State Tax Department as outlined in the new code for the Board (30-27). Based on the estimate of 400 new booth rentals per year, a \$5.00 increase would generate \$2,000.

**Fee 2.12** This fee is to establish annual registration for booth rentals. This is needed to effectively and efficiently track booth rentals (aka: individual contractors) for the West Virginia State Tax Department as outlined in the new code for the Board (30-27). Based on the estimate of 3000 booth rentals, a \$5.00 increase would generate \$15,000.

**Fee 2.13** This fee is to penalize late submitters of the annual booth rental certificate. Based on the estimate of 300 later booth rentals per year, a \$5.00 increase would generate \$1,500.

**Fee 2.14** This fee would not generate a profit. This will only help cover the inspector's mileage of traveling to inspect a new shop or school that needs to submit to an opening inspection. Even with an increase to \$50.00 would not cover the expenses. Based on the estimate of 300 shops opening inspections, a \$25.00 increase would generate \$7,500.

**Fee 2.16** This fee is for new shops opening. Based on the estimate of 300 shops opening per year, a \$15.00 increase would generate \$4,500.

**Fee 2.17** This fee is an annual renewal and would assist the Board in covering most of the additional expenses. Based on the estimate of 2,700 shop renewals, a \$15.00 increase would generate \$40,500.

**Fee 2.18** This fee is a minimal fee since very few are completed. This is for individuals moving to another state and transferring their WV license. There is a lot of labor and research put into license certificates. Based on the estimate of 40 license certificates a year, a \$10.00 increase would generate \$400.

**Fee 2.19** This is a new fee to establish continuing education requirements as mentioned by the legislative auditor in 2002 and 2008. This fee would help track the providers. Based on the estimate of 40 providers, this new fee would generate \$4,000.

**Fee 2.20** This is a new fee to be implemented as a low-cost and efficient continuing education option to licensees. This would be created and operated by the Board and placed on-line for individuals to perform. Based on the estimate of 100 individuals using this online option, this new fee could generate \$2,500.

**Fee 2.21** This new fee would increase the Board's revenue, but only cover paper work and computer storage costs for individuals that place their license on inactive. This one-time fee would assist in the work needed to place a license on inactive. Based on the estimate of 50 inactive licenses, this new fee could generate \$500.

**Fee 2.22** This is a new fee to establish the cost of a permit. Although rarely provided, a fee is needed to be in place. Based on the estimate of 25 permits issued per year, this new fee would generate \$ 375.

**THE ESTIMATED REVENUE TOTAL FOR ALL PROPOSED INCREASES TOTALS TO \$96,275.**

  
X  
Adam L. Higginbotham  
Executive Director



**State of West Virginia  
Board of Barbers and Cosmetologists**

1716 Pennsylvania Avenue, Suite 7  
Charleston, West Virginia 25302  
Telephone: 304-558-2924  
Fax: 304-558-3450

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

Adam L. Higginbotham  
Director

Date : July 30, 2009

To: Administrative Law Division of Secretary of State's Office

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


Re: Schedule of Fees

SUMMARY OF PROPOSAL

This summary indicates how the rising costs of operations, implementation of new rules, separation from WV DHHR, and other operational increases have resulted in the request for fee increases.

The chart below indicates the additional costs that Board will incur in the next year.

Relocate to ADA Compliant Office	\$24,000 per year (\$2,000 per month lease)
Implement, Operate, and Manage Continuing Education	\$15,000 per year
Create security protected licenses	\$7,500 per year
Mailing costs from DHHR separation	\$10,000 per year
Other misc. expenses from DHHR separation	\$15,000 per year
Hire 1-2 employees to assist with continuing education implementation and additional tasks taken over from DHHR separation.	\$34,000-\$68,000 per year
Per diems for additional board members from new code	\$6,000 per year
Cover increases in utilities, paper, and general operating expenses	\$5,000 per year
Update office equipment	\$10,000
Set-up Board for more technological operations and procedures	\$10,000
<b>TOTAL PER YEAR INCREASE</b>	<b>\$116,500-\$150,500</b>
<b>OVERALL INCREASE</b>	<b>\$136,500-\$170,500</b>

  
\_\_\_\_\_  
Adam L. Higginbotham  
Executive Director

RECEIVED

2009 JUL 31 AM 10:04

SECRETARY OF STATE  
STATE OF WEST VIRGINIA

**TITLE 3  
LEGISLATIVE RULES  
BOARD OF BARBERS AND COSMETOLOGISTS**

**SERIES 6**

**SCHEDULE OF FEES**

**§ 3-6-1. General**

1.1. **Scope** - This legislative rule establishes the various fees that are to be submitted to the Board of Barbers and Cosmetologists by students, instructors and owners and operators of schools of barbering and/or beauty culture and owners of barber, beauty, manicure and aesthetic shops.

1.2. **Authority** - W. Va. Code § 30-27-1

1.3. **Filing Date** - ~~May 15, 1997~~

1.4. **Effective Date** - ~~January 1, 2009~~

**§ 3-6-2. Schedule of Fees**

2.1.	Application & Examination fee.....	<del>\$50.00</del> <u>\$75.00</u>
2.2.	Issuance or License fee.....	\$ 35.00
2.3.	Reciprocity, application without exam fee.....	\$ 100.00
2.4.	Annual license renewal fee.....	\$ 35.00
2.5.	Late renewal fee:.....	\$ 35.00
	Plus a penalty of \$5.00 for first 30 days late	
	\$5.00 penalty for each subsequent 30 day period	
	<u>Plus a \$10.00 late fee for each 30 days late not to exceed \$205.00</u>	
2.6.	Student permit.....	\$ 25.00
2.7.	Initial license fee for a school of Barbering or school of Beauty Culture.....	<del>\$500.00</del> <u>\$1,000.00</u>
2.8.	Annual renewal fee for a school.....	\$250.00
2.9.	Initial licensed instructor fee.....	\$ 50.00
2.10.	Annual renewal of licensed instructor fee.....	\$ 50.00
2.11.	Registration fee for booth or chair rental.....	<del>\$ 10.00</del> <u>\$15.00</u>
2.12.	Annual renewal for booth or chair rental.....	<u>\$15.00</u>
2.13.	Late renewal for booth or chair rental.....	<u>\$15.00</u>

Plus \$10.00 late fee for each 30-days late not to exceed \$100.00

~~2.12.~~ Fee for relocation of rented booth or chair .....\$ 2.50

~~2.13~~2.14. Shop or school opening inspection fee.....~~\$ 25.00~~ \$50.00

~~2.14~~2.15 Duplicate license fee.....\$ 10.00

~~2.15~~2.16 Initial license fee for beauty, barber,  
manicure and aesthetician shop.....~~\$ 25.00~~ \$40.00

~~2.16~~2.17. Annual renewal fee for beauty, barber,  
manicure and aesthetician shops.....~~\$ 25.00~~ \$40.00

~~2.17~~2.18 Fee for certification of licensure..... ~~\$ 25.00~~ \$35.00

2.19 Continuing Education Provider Annual Certificate.....\$100.00

This is intended for approved providers of continuing education.

2.20 Online Sanitation and Law Continuing Education.....\$25.00

This is for individual licensees that take the Board's online continuing education classes for sanitation and law.

2.21 Place Individual License on Inactive Status..... \$10.00

2.22 Permit Fee.....\$15.00

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: 7/30/2009

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Board of Barbers and Cosmetologists  
1716 Pennsylvania Ave. Suite 7  
Charleston, WV 25302

LEGISLATIVE RULE TITLE: \_\_\_\_\_  
Schedule of Fees

1. Authorizing statute(s) citation \_\_\_\_\_  
30-27-1, 30-27-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
6/30/2009

b. What other notice, including advertising, did you give of the hearing?  
Posted on web site.

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
7/30/2009

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached   X   No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

NA

---

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

---

Adam L. Higginbotham, Director

---

1716 Pennsylvania Ave. Suite 7, Charleston, WV 25302

---

304-558-2924/304-558-3450/adam.l.higginbotham@wv.gov

---

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

---

NA

---

---

---

b. Date of hearing or comment period:

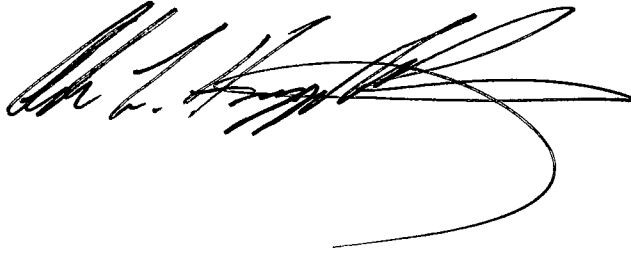
NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

d. Attach findings and determinations and reasons:

Attached NA

A handwritten signature in black ink, appearing to be "D. L. King", written over a horizontal line.

120 SOUTH THIRD STREET  
CLARKSBURG WV 26301  
FAX: 304 624-6465  
PHONE: 304 624-6475

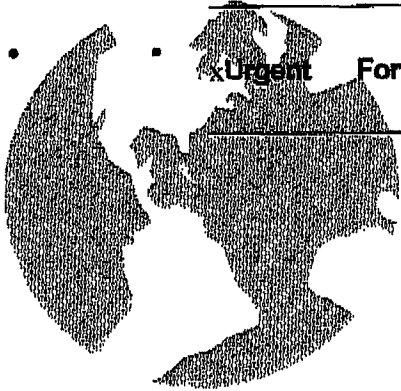
**CLARKSBURG BEAUTY ACADEMY**

**To:** Adam Higgenbotham **Fax:** 304 558-3450

**From:** Angela Policano **Date:** 07/23/2009

**RE:** Response to proposed rules **Pages:**3 (including cover)

**Urgent**  **For Review**  **Please Comment**  **Please Reply**



## **Clarksburg Beauty Academy's Response to Proposed Rule Changes**

To: Adam Higginbotham, Director  
State Board of Barbers & Cosmetology  
From: Angela Policano  
Clarksburg Beauty Academy

### **Series1 3-1-43**

#### **Qualification for Licensure**

**43.1 #d: graduated from a school of aesthetics or nail technology/manicuring.**

**Response:** I feel that allowing schools of aesthetics or nail technology would be a mistake. We would see schools going in all over the state and the quality of education would go down.

### **Series 2 – 2.1**

#### **Licensure of Instructors in Aesthetics & Nail Technology.**

**Response:** I understand that having instructors specialized in their individual fields would be a good thing. However, it is not clear in the proposed rules that a Cosmetology Instructor could also teach the nail tech and aesthetic programs. These programs tend to have small enrollments and it would not be feasible for school to hire a nail tech instructor or aesthetic instructor to teach if they had a small enrollment.

I also have to mention that if nail tech and aesthetic schools were to be allowed to open in the state, having Master Nail Tech Instructors and Master Aesthetic Instructors would make it easier to acquire the 3 master instructors needed to open a school.

### **Series 2 – 3-2-3 Qualifications for Licensure as a Master Instructor**

**3.1.4 Be employed at a salon for at least two (2) years and with three years experience as an instructor.**

**Response:** After talking with Adam, he assured me this is an error and will be corrected to read or instead of and.

### **Series 6 Fees**

**Response:** I understand the need to increase fees in order to meet operation cost and the cost of monitoring continuing education, however with today's economy I feel it will be hard to get a fee increase passed.

Increasing the renewal fee to school from \$250.00 to \$500.00 annually does not sound like a big concern; however the board must be aware of the all the annual costs that accredited school pay to operate at the high standards that we operate. We pay fees to ACS, NACCAS, CCTC and we are required to have 2 audits each year, compliance audit of our Financial Aid Accounts and a Complete Audit of our School Account. These two audits cost the school over \$10,000.00 annually.

### **2.9-2.10 Initial license for Instructors and Annual renewal for Instructors**

**Response:** Most instructors also keep their Cosmetology or Barbering License as well as their Instructor license active, therefore this would be a hardship on the Instructor that renews their own license. Most schools, including Clarksburg Beauty Academy, pay for the renewal of their Instructors licenses as well as the initial licenses. This will be another large cost to school that will be renewing ten (10) instructors license each year.



Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

Adam L. Higginbotham  
Director

State of West Virginia  
**Board of Barbers and Cosmetologists**

1716 Pennsylvania Avenue, Suite 7  
Charleston, West Virginia 25302  
Telephone: 304-558-2924  
Fax: 304-558-3450

Date: July 28<sup>th</sup>, 2009

To: Larry and Angela Policano, Clarksburg Beauty Academy

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

Re: Comments concerning proposed rules and regulations

Please find the responses to your questions in the exact order you sent your questions to the Board.

Issue # 1- The Board understands your point of view and will make appropriate corrections.

Issue # 2- A cosmetologist will still be allowed to teach nail and aesthetic courses to the full extent. However, this just allows the option to train, hire, and implement a specifically trained and licensed individual to teach nail or aesthetic courses. They still must meet the requirements of all other instructors.

Issue # 3- This was an error. The two years of salon experience will be omitted.

Issues # 4 and 5- The Schedule of Fees will be re-examined to find the appropriate levels. However, fee increases must be accomplished in areas to support the increasing cost of operations. The separation just from WV DHHR Public Health Division could increase expenses above \$42,000 annually. There are also the added costs of implementing continuing education, covering the increasing cost of health insurance and other insurance policies, rising utilities and general business materials.

The most recently submitted proposed changes will be posted on the Board's website by August 7<sup>th</sup>, 2009.

Should you have any further questions, please feel free to contact me.

Page 1 of 2

TITLE 3  
LEGISLATIVE RULES  
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 6

SCHEDULE OF FEES

§ 3-6-1. General

1.1. Scope - This legislative rule establishes the various fees that are to be submitted to the Board of Barbers and Cosmetologists by students, instructors and owners and operators of schools of barbering and/or beauty culture and owners of barber, beauty, manicure and aesthetic shops.

1.2. Authority - W. Va. Code § 30-27-1

1.3. Filing Date - May 15, 1997

1.4. Effective Date - January 1, 2009

§ 3-6-2. Schedule of Fees

- 2.1. Application & Examination fee..... *Just Raised 100% this year* ~~\$50.00~~ ~~\$75.00~~ *50.00*
- 2.2. Issuance or License fee..... \$ 35.00
- 2.3. Reciprocity, application without exam fee ..... \$ 100.00
- 2.4. Annual license renewal fee..... \$ 35.00
- 2.5. Late renewal fee:..... *Do one or the others* \$ 35.00  
 Plus a penalty of \$5.00 for first 30 days late  
 \$5.00 penalty for each subsequent 30 day period  
 Plus a \$10.00 late fee for each 30 days late not to exceed \$205.00
- 2.6. Student permit..... *Just need them 5%* ~~\$25.00~~ ~~\$30.00~~ *Same*
- 2.7. Initial license fee for a school of Barbering or school of Beauty Culture ..... ~~\$500.00~~ ~~\$1,000.00~~
- 2.8. Annual renewal fee for a school ..... ~~\$250.00~~ ~~\$500.00~~
- 2.9. Initial licensed instructor fee ..... *on same as let. license* ~~\$ 50.00~~ ~~\$75.00~~
- 2.10. Annual renewal of licensed instructor fee ..... ~~\$ 50.00~~ ~~\$75.00~~
- 2.11. Registration fee for booth or chair rental..... ~~\$10.00~~ ~~\$15.00~~
- 2.12. Annual renewal for booth or chair rental..... *Just New Fee* ~~\$15.00~~ *φ*
- 2.13. Late renewal for booth or chair rental..... ~~\$15.00~~ *φ*

	<u>Plus \$10.00 late fee for each 30-days late not to exceed \$100.00</u>	<del>0</del>
2.12.	<del>Fee for relocation of rented booth or chair</del>	<del>\$ 2.50</del>
2.13	Shop or school inspection fee..... <i>opening fee? Is this one time only?</i>	<del>\$25.00 \$50.00</del>
2.14-2.15	Duplicate license fee.....	\$ 10.00
2.15-2.16	Initial license fee for beauty, barber, manicure and aesthetician shop..... <i>Just wait up</i>	<del>\$25.00 \$45.00</del> 35.00
2.16-2.17	Annual renewal fee for beauty, barber, manicure and aesthetician shops.....	<del>\$ 25.00 \$45.00</del> 35.00
2.17-2.18	Fee for certification of licensure..... <i>???</i>	<del>\$ 25.00 \$35.00</del> 35.00
2.19	Continuing Education Provider Certificate..... <i>What About Inst Fee???</i>	\$100.00
	<u>This is intended for approved providers of continuing education.</u>	
2.20	Online Sanitation and Law Continuing Education..... <i>How often?</i>	\$25.00
	<u>This is for individual licensees that take the Board's online continuing education classes for sanitation and law.</u>	
2.21	Place Individual License on Inactive Status.....	\$10.00
2.22	Permit Fee..... <i>Is this a work permit fee???</i>	\$15.00

*1st to be given for free.*



State of West Virginia  
**Board of Barbers and Cosmetologists**

1716 Pennsylvania Avenue, Suite 7  
Charleston, West Virginia 25302  
Telephone: 304-558-2924  
Fax: 304-558-3450

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

Adam L. Higginbotham  
Director

**COPY**

July 28<sup>th</sup>, 2009

Kenneth Coston  
PO BOX 11761  
Charleston, WV 25339

Dear Mr. Coston,

Thank you for your concern and pivotal information regarding the fee increase.

In order for the Board to continue to face the increasing costs of insurance, fuel, utilities, general business supplies, and other operational increases to regulate the beauty culture industry a fee increase is a likely solution.

As previously noted, the Board separated from the WV DHHR Public Health Division on July 1, 2009. With this separation included many new or increased operational costs for the Board.

In the past, the Board has had the safety net of WV DHHR Public Health Division to assist during the financially strapped months. This has included covering the Board's payroll and other expenses.

In October 2008, the Board had just over \$5,066.00 in the Board's special revenue account. This would hardly sustain the Board's payroll or other operating expenses. Therefore, minimal increases will assist the operation of the Board and secure the regulation and protection the Board offers to the licensees and general public.

A majority of the fees you proposed will be reconsidered. Please review the Board's website to review the submitted proposed fee schedule. The most up-to-date version will be on the website by August 7<sup>th</sup>, 2009.

Should you have any further questions, please feel free to contact me.

Sincerely,

Adam L. Higginbotham M.B.A.  
Director

## **Higginbotham, Adam L**

---

**From:** Higginbotham, Adam L  
**Sent:** Sunday, July 26, 2009 6:00 AM  
**To:** keith101567@aol.com  
**Subject:** RE: Proposed Barber changes

Mr. Williams:

Thank you for your email and stating your concern. I am aware that an additional \$20.00 a year may be hurtful to your bottom-line. A lot of consideration has taken place to determine the appropriate amount for a shop license renewal. It may be evident that the Board needs to reconsider the amount of the shop license increase.

As of right now, the Board can state that the individual licenses will not increase, but the shop license fees must increase for the Board to sustain itself through the implementation of continuing education requirements.

The cost for the implementation of continuing education and other operational functions take money. In order for the Board of Barbers and Cosmetologists to continue to protect the public, enforce the laws, and ensure qualified licensed individuals provide beauty culture services we must raise fees partially to sustain. In theory, the collapse of the Board would result in a de-regulation of the profession. This would result in anyone and everyone providing services a licensed individual once did with no legal enforcement in place.

Although an increase must occur, I will request the Board re-examine the amount for the increase. It may be possible to decrease the license renewal fee. Please check back in middle-August to see the updated proposed rules.

Should you have any further questions, please feel free to contact me.

Adam L. Higginbotham M.B.A.  
Director  
Board of Barbers and Cosmetologists  
1716 Pennsylvania Avenue, Suite 7  
Charleston, WV 25302  
Phone: 304-558-2924  
FAX: 304-558-3450  
[adam.l.higginbotham@wv.gov](mailto:adam.l.higginbotham@wv.gov)

---

**From:** keith101567@aol.com [mailto:keith101567@aol.com]  
**Sent:** Sat 7/25/2009 6:33 PM  
**To:** Higginbotham, Adam L  
**Subject:** Proposed Barber changes

Dear Sir-

My former Barber instructor informed me about some 'Proposed changes' that will affect me and my family. Those 'proposes' are Series 6 & 7. With the barber industry down because of the economy as well as every other business my government at all levels seem to think that raising fees and taxes are the answer to THEIR ( You the government) problems! I have a wife and three children to support, so I ask you, how am I going to do that with these automatic fees raises plus everything else going up. I know. My problem. The Bible says that the root of all evil is money. My government and it's offices are greedy for my money and the easiest way to get it is to 'by the law' raise fees. Please reconsider the fee hikes I just can't afford higher cost to operate my business. As for the fines. I have no problem with cleanliness and safety, but the fines are extremely expensive wouldn't you say? I keep my place clean at ALL times so I'm not affected by these changes. I agree with you! on all sanitation laws. Take their licenses from them that go against the grain on a healthy work environment. I will admit I just can't put my feelings about these changes in an email, but as you can tell I'm against anything that

takes money from me and my family especially in these very hard times. Everything is going up in price and my wife and I are considering getting second jobs for both of us. I don't mean to add something to my already position of lacking funds, but the eastern panhandle is not a cheap place to live!!! I, again, support the changes to fine the evildoers that hurt the profession. Pleases please please reconsider the fee increases. I just can't afford the cost of doing business of barbering with all the hikes in fees.

Sincerely-  
Keith Williams

P.S.  
I would very much like to back from you