

**COMMONWEALTH OF MASSACHUSETTS**

**BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING**

**MINUTES OF THE DECEMBER 8, 2015 BOARD MEETING**

**TIME:** 9:30 a.m.

**PLACE:** 1000 Washington Street  
Room 1 D  
Boston, MA 02118

**PRESENT:** Susan Viens (Chair), Joy Talbot (Vice-Chair), Michael Gayzagian (Secretary), Marian Saluto, Janice Dorian, Catherine Tool, Nan Pham, Jesus Nunez, Louise Devin

**ABSENT:**

**STAFF:** Robert Fortes, Deputy Director of Policy and Boards  
Lynn Read, Board Counsel  
Sarah Wilkinson, Assistant Chief Investigator  
Kelly Puccio, Investigation Supervisor

Observers attended the meeting and a sign-in sheet was circulated.

The meeting was called to order at 9:32 AM by Ms. Viens, who described emergency exit procedures.

**Introduction of New Board Member**

Robert Fortes, Deputy Director for Boards and Policy of the Division of Professional Licensure ("DPL"), introduced Ms. Louise Devin, who has joined the Board as the Shop owner member and Electrologist. Ms. Devin was welcomed by the Board members.

**Executive Session CLOSED per M.G.L. c. 30A, § 21(a)(1), Individual Character Rather Than Competence**

A MOTION is made by Ms. Talbot second by Ms. Tool to enter into executive session for the purpose of deliberating on applicants' individual character rather than competence. The Chair called for a Roll Call vote:

Ms. Dorian Yes;	Ms. Tool Yes;	Ms. Pham Yes;
Mr. Gayzagian Yes;	Ms. Talbot Yes;	Mr. Nunez Yes;
Ms. Viens Yes;	Ms. Saluto Yes;	Ms. Devin Yes.

The MOTION passes unanimously.

Open Session resumed at 10:00 am

### **Acceptance of Minutes**

The Chair called for a reading and acceptance of the September 15<sup>th</sup>, 2015 minutes.

A MOTION was made by Ms. Talbot second by Mr. Gayzagian to accept the minutes.

The MOTION passes unanimously.

The Chair called for a reading and acceptance of the October 5<sup>th</sup>, 2015 minutes.

A MOTION was made by Ms. Saluto second by Ms. Tool to accept the minutes.

The MOTION passes unanimously..

The Chair called for a reading and acceptance of the October 28<sup>th</sup>, 2015 minutes.

A MOTION is made by Ms. Devin second by Mr. Gayzagian to accept the minutes.

The MOTION passes unanimously.

### **Board Counsel Report**

Ms. Read reports on the status of the newly passed regulations and explains the process. She reports that Mobile Salons will be an issue coming forward at the beginning of the year.

Sarah Wilkinson speaks about the closure of the Marinello School of Beauty in Northampton. She explains that she has been in close contact with the school and visited the facility. She said the school is ensuring that all students will graduate from Marinello, is providing all information requested by DPL, and all is going well and the students are being taken care of.

Ms. Dorian requests more information be put on the web site.

### **Request for Reinstatement**

A letter is introduced by Julianne Vasquez requesting a re-instatement of her Electrologist's License after it has been expired for over five years and a waiver of the requirement to re-take the licensing exam, which is offered only twice per year.

The Chair called on Ms. Vasquez to speak and explain her situation.

Ms. Vasquez asks for a either a waiver or a policy modification that would allow her to take the tests before they are generally offered by Pearson Vue.

Ms. Dorian and Ms. Saluto discuss the merits of holding the exams monthly. Ms. Dorian suggests that the practical exam be given at the school location on a monthly basis, and the written exam could be taken at any Pearson Vue testing center. Members discuss this option.

A MOTION is made by Ms. Saluto second by Mr. Gayzagian to allow a waiver so Pearson Vue call allow Ms. Vasquez to take the practical exam early and that the written test be waived.

The members discuss the merits of the MOTION.

Ms. Talbot expresses concern with the cost to Pearson Vue.

Ms. Linda Perry speaks on behalf of Ms. Vasquez.

Mr. Gayzagian withdraws his second.

Ms. Saluto withdraws the MOTION.

A MOTION is made by Ms. Talbot second by Ms. Pham to require Ms. Vasquez to go through the normal testing requirements.

The MOTION passes unanimously.

#### **Request For Transfer of School License**

Ms. Read requests that the Board table the issue.

A MOTION is made by Ms. Talbot second by Mr. Gayzagian to table until the next meeting.

The MOTION passes unanimously.

#### **Application for Licensure as Electrology Lecturer**

Ms. Read re-introduces the letter submitted by Ms. Faye Jenkins requesting approval to teach Laser Electrolysis.

Ms. Jenkins proposes teaching a Laser Electrolysis course in a space provided by an existing Advanced Aesthetics school.

Ms. Read states that existing regulations allow for an application being made by the school and not the licensee, and laser electrolysis must be performed by licensed electrologists.

Members discuss the merits of the request.

Ms. Viens expresses concerns about the teaching of laser in a school for Aestheticians. Ms. Jenkins states that rules already exist for laser light practice and that there are no electrologists with laser experience necessary to teach other electrologists.

Ms. Devin states that consumer safety must be the primary concern and members agree.

Ms. Read asks how the Board wishes to act on the application. Ms. Dorian suggests amending the current policy on Laser Electrolysis.

Ms. Devin suggests that the courses be set up as continuing education so long as the classroom space conforms to ANSI (American National Standards Institute) standards for laser equipment.

Members discuss the merits.

Mr. Gayzagian asks Ms. Jenkins what will happen if a complaint about the laser course is filed against the aesthetics school, or if DPL inspectors enter a school on an unrelated issue and sees that a laser course is being taught.

Ms. Wilkerson states that allowing this arrangement creates a precedent for dual use of a school, which is not allowed in current regulations.

Ms. Tool suggests allowing schools to set aside separate space just for educational uses outside the scope of the school's license.

A MOTION is made by Ms. Devin second by Mr. Gayzagian to allow laser instruction to be provided for electrologists under continuing education rules in a space provided by an existing cosmetology or aesthetics school, if the person responsible for the course is an electrologist licensed by the Board and if the school and the person responsible for the laser course signs a written agreement or lease of the space.

The MOTION passes unanimously.

A MOTION is made by Ms. Talbot, seconded by Mr. Nunez, to allow schools to provide a designated space for instruction in a Board-approved subject by a Board-approved instructor or lecturer under a formal agreement such as (but not limited to) a lease, so long as the designated space complies with the Board's regulations for the subject taught in the space, and no other subject is taught in the space.

The MOTION passes unanimously.

**Executive Session CLOSED per M.G.L. c. 30A, § 21(a)(1), Individual Character Rather Than Competence**

A MOTION is made by Ms. Dorian second by Ms. Tool to enter into Executive Session for the purpose of deliberating on applicants' individual character rather than competence. The Chair called for a Roll Call vote:

Ms. Dorian Yes;	Ms. Tool Yes;	Ms. Pham Yes;
Mr. Gayzagian Yes;	Ms. Talbot Yes;	Mr. Nunez Yes;
Ms. Viens Yes;	Ms. Saluto Yes;	Ms. Devin Yes.

The Motion Passes unanimously.

**Lunch** break was taken at 11:58, and Ms. Pham left the meeting for the day.

The Chair reconvenes the open meeting at 12:42 p.m. with Ms. Viens, Ms. Talbot, Mr. Gayzagian, Ms. Dorian, Ms. Tool, Mr. Nunez and Ms. Devin.

A MOTION is made by Ms. Pham second by Mr. Gayzagian to move the salon request for external bathroom earlier on the agenda.

The MOTION passes unanimously.

Ms. Saluto rejoined the meeting.

**Salon Request for External Bathroom.**

Ms. Viens recognized a member of the public who described his application for a salon constructed in shipping container on a loading dock. The bathroom to be used by the salon is located in the building just outside the salon, across a space covered by a canopy. A MOTION is made by Ms. Talbot second by Mr. Gayzagian to accept the floor plan including the external bathroom.

The MOTION passes unanimously.

**Advanced School Requests**

A MOTION is made by Ms. Tool second by Mr. Gayzagian to table the request from NV My Hair Academy and request further information.

The MOTION passes unanimously.

**Eyelash –Eyebrow Tinting; Eyelash Extensions**

The Chair opens the discussion on eyelash extensions and eyebrow tinting.

A letter is submitted to the Board by Associated Skin Care Professionals supporting the claim that the Board has no jurisdiction over the practices.

A letter is submitted to the Board by Face Forward.

A letter is submitted to the Board from Cate Tool on behalf of Elizabeth Grady Company.

The Board discusses current policy.

Ms. Dorian says eyelash extension practice can't take place in a licensed establishment under current policies.

A MOTION is made by Ms. Tool to amend the policy on eyebrow tinting and eyelash extensions.

Ms. Tool withdraws the MOTION.

Members discuss the best way to create a policy that will allow for the practice of eyebrow tinting and eyelash extensions.

A MOTION is made by Ms. Tool second by Ms. Talbot to strike # 4 from the Prohibited Practices Policy and add language to allow for eyelash extensions and eyebrow tinting.

The MOTION passes unanimously.

**Officers' Terms**

Mr. Gayzagian presents a proposal to make official the terms of the Chair, Vice-chair, and Secretary so that they are no longer open ended and must be put to a vote after one year.

The members discuss the merits of the proposal.

A MOTION is made by Mr. Gayzagian second by Ms. Talbot to make the terms of the Executive Board officers one year ending on July 1<sup>st</sup> and to be subject to a vote each year at the July meeting the terms to be carried over until that meeting.

The MOTION passes unanimously.

**Pearson Vue Exam**

The Chair opens the discussion on the revisions.

Members discuss the revisions and safety issues and added costs.

A MOTION is made by Ms. Dorian second by Ms. Talbot to postpone the implementation of the new content in the examination.

The MOTION passes unanimously.

**Sink Chair Ratio**

The Chair opens discussion on sink to chair ratios in cosmetology and barbering schools. Mr. Gayzagian suggests tabling the issue to accommodate new members. Ms. Dorian objects. Members discuss the merits of the proposal to table.

A MOTION is made by Ms. Talbot second by Ms. Dorian to as soon as possible fit into the regulations that there be at least one hand sink and one hair sink in a salon.

The MOTION passes unanimously.

**CORI Policies**

The Chair opens discussion on CORI policies.

Members discuss the policies. Ms. Talbot explains what happens when inmates leave prison and can't find employment.

Members agree to table the issue and request that it be placed on the Agenda for the next meeting.

**Public Comment**

A MOTION is made by Ms. Saluto second by Ms. Tool to delegate authority to the Executive Director, or if not available the Deputy Director, in consultation with Board Counsel, to sign Consent Agreements to reinstate licenses that were revoked by default after the Respondent failed to respond to an Order to Show Cause or defend the action against him or her and Respondent does not have multiple open disciplinary complaints against him or her.

The MOTION passes unanimously.

**Cases, Investigative Conferences, Settlement Offers [Closed Session Pursuant to G.L. c. 112, § 65C]:**

A MOTION is made by Ms. Dorian second by Ms. Tool to exit open session and enter closed investigative session to consider open cases, conduct investigative conferences and to consider settlement offers pursuant to G.L. c. 112, s. 65C.

The MOTION passes unanimously.

At the end of the closed session, the open meeting resumed.

During the closed session, the Board voted to take the following actions:

- Settlement Offers and Counteroffers
  - HS-15-354 – Provided guidance to prosecutor
  - HD-15-208 – Dismiss
  - HS-15-281 – Dismiss
  - HD-15-239 – Provided guidance to prosecutor
- Review of Cases and Staff Assignments
  - BS-16-022 – Forward to Office of Prosecutions
  - BR-15-118 – Forward to Office of Prosecutions
  - HS-16-050 – Dismiss
  - HD-16-058 – Forward to Office of Prosecutions
  - HD-16-088 – Forward to Office of Prosecutions
  - HS-16-052 – Pending Further Investigation
  - HD-16-018 – Forward to Office of Prosecutions
  - HS-16-083 – Dismiss
  - HD-16-021 – Deny Motion for Reconsideration

**Adjournment**

At approximately 5:00 p.m., a MOTION to adjourn is made by Mr. Gayzagian second by Ms. Talbot.

The MOTION passes.

**List of Documents Used at the Meeting:**

Draft Minutes of Open Meeting held on September 15<sup>th</sup>, 2015  
Draft Minutes of Open Meeting held on October 5<sup>th</sup>, 2015  
Draft Minutes of Open Meeting held on October 28<sup>th</sup>, 2015  
Letter Requesting Reinstatement  
Application for Licensure as Electrology Lecturer  
Letter from Associated Skin Care Professionals  
Letter from Face Forward  
Letter from Elizabeth Grady Company

CORI Policy of Barber Board  
CORI Policy of Cosmetology Board

The above Minutes were approved at the January 12, 2016  
Open Meeting.

A handwritten signature in cursive script, reading "Brian P. Bialas", written over a horizontal line.

Brian Bialas, Executive Director