

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING

MINUTES OF THE MARCH 8, 2016 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, Jesus Nunez, Louis Devin

ABSENT: Nan Pham

STAFF: Robert Fortes, Deputy Director of Policy and Boards
Lynn Read, Board Counsel
Brian Bialas, Executive Director

The meeting was called to order at 9:30 AM by Ms. Viens (Chair)

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

A MOTION was made by Ms. Dorian, seconded by Ms. Tool to enter into executive session for the purpose of discussing applicants' characters rather than competence, after which the open meeting of the Board will resume.

Roll call: Ms. Dorian (Yes) Ms. Tool (Yes) Mr. Gayzagian (Yes) Ms. Talbot (Yes) Mr. Nunez (Yes) Ms. Viens (Yes) Ms. Saluto (Yes) Ms. Devin (Yes)

The MOTION passed unanimously.

Open Session resumed at 12:03

Housekeeping:

Ms. Viens describes the exit procedures.

A MOTION was made by Ms. Talbot, seconded by Ms. Tool to adjust the agenda.

The MOTION passed unanimously.

Discussion:

Tricopulse Professional

Monica Griffin and Anne Linhares appeared before the Board. Ms. Linhares presented information regarding hair growth treatments using low level light. The Board discussed the distinction between low level light and laser and agreed that the device is not a laser.

A MOTION was made by Ms. Talbot, seconded by Mr. Nunez, to table the issue to the next meeting.

The Motion passed unanimously.

Massachusetts School of Barbering

Alan Conragan, Director of the Massachusetts School of Barbering, discussed changes he had made to comply with the Board's regulations.

A MOTION was made by Ms. Talbot, seconded by Mr. Nunez, to accept all that was done to comply with the Board's requirements and to license the school.

The MOTION passed unanimously.

Break 12:30, Reconvene 1:02

2:18 p.m.: Quasi Judicial Deliberative Session [Closed session pursuant to G.L. c. 30A, §18(d)]:

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot, to exit the open meeting and go into closed quasi-judicial session pursuant to G.L. c. 30A §18(d) to make decisions required in adjudicatory proceedings brought before it. The Motion passed unanimously.

The MOTION passed unanimously.

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

Open Session 1:20

Minutes for November 10, 2015

A MOTION was made by Ms. Talbot, seconded by Ms. Tool to table the minutes for November 10, 2015, until the next meeting. The MOTION passed unanimously.

Executive Director Report

Mr. Bialas reported on North Shore Community College's Aesthetics Program's policy for making up missed classes.

Board Counsel Report

Ms. Read reported on the ongoing regulation process and possible new Executive Order.

East Boston Beauty Academy

Members discussed the Enrollment Agreement and Student Catalogue submitted by the school.

A MOTION was made by Ms. Talbot, seconded by Ms. Tool to table this matter until the next meeting.

The MOTION passed unanimously,

Delegation of Authority for Defaults and Reinstatement from Default

Ms. Read discussed the process and discipline imposed by the Board for complaints in which the licensee or respondent defaults because they do not answer or defend. She suggested an approach that can be implemented by the staff for defaults in all professions within this Board, and for reinstatements of licenses after discipline in straightforward cases, per guidelines to be decided by the Board.

A MOTION was made by Ms. Talbot, seconded by Mr. Gayzagian, to table until the next meeting. The MOTION passed unanimously.

Public Comments

Members of the public asked the Board to publish the policy regarding review of applicants' criminal convictions. Questions were asked regarding transfer of credits from out of state schools and out of country apprentice barbers. A request was made for guidance on use of Intense Pulsed Light technology by electrologists.

Quasi Judicial Deliberative Session [Closed session pursuant to G.L. c. 30A, §18(d)]:

A MOTION was made and seconded to exit the open meeting and go into closed quasi-judicial session pursuant to G.L. c. 30A §18(d) to make decisions required in adjudicatory proceedings brought before it.

The MOTION passed unanimously.

At the end of the quasi-judicial session, the open meeting resumed.

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

- HS-13-605 Board determined Sanction for Final Decision and Order.
- BS-15-132 Issue Final Decision and Order
- HS-14-257, 258 Issue Final Decision and Order

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

A MOTION was made by Ms. Talbot, seconded by Ms. Devin, to enter closed session to consider open cases, conduct investigative conferences and to consider settlement offers [closed session pursuant to G.L. c.112, § 65C]. The Motion passed unanimously.

At the end of the quasi-judicial session, the open meeting resumed.

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

Settlement Offers and Counteroffers:

BS-15-156	Provided guidance to prosecutor
HD-15-185	Provided guidance to prosecutor
BR-16-001, BR-15-082	Provided guidance to prosecutor
HS-15-509	Provided guidance to prosecutor

Review of Cases and Staff Assignments:

HS-16-194	Forward to Office of Prosecutions
HS-16-130	Dismiss
HS-16-144	Forward to Office of Prosecutions
HD-16-097	Table
HD-16-093	Table
HS-16-037	Table
BS-16-029	Forward to Prosecutions

Adjournment 4:05

The above Minutes were approved at the open meeting held on April 12, 2016.



Brian Bialas, Executive Director

Documents Used at the Meeting

Agenda

Sign-In Sheet of Attendees

Draft Minutes of Meeting held November 10, 2015

East Boston Beauty Academy Enrollment Agreement, Student Catalogue

Email from Massachusetts School of Barbering dated 2/17/16

Letter from The Hair Circuit dated 2/5/16