

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING**

MINUTES OF THE April 12, 2016 BOARD MEETING

TIME: 9:30 a.m.

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

PRESENT: Susan Viens (Chair), Joy Talbot (Vice-Chair), Louise Devin, Janice Dorian,
Nan Pham, Marian Saluto, Catherine Tool

ABSENT: Michael Gayzagian (Secretary), Jesus Nunez

STAFF: Lynn Read, Board Counsel
Brian Bialas, Executive Director
Kelly Puccio, Investigation Supervisor
Bruce Hopper, Chief Legal Counsel

The meeting was called to order at 9:37 AM by Ms. Viens (Chair).

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

MOTION to close open meeting and go to closed Executive Session made by Ms. Tool,
seconded by Ms. Devin. The Chair called for a Roll Call Vote:

Ms. Dorian (yes), Ms. Tool (yes), Ms. Talbot (yes), Ms. Viens (yes), Ms. Devin (yes), Ms.
Saluto (yes), Ms. Pham (yes).

The MOTION passed unanimously.

Open meeting reconvened at 10:01 a.m.

Ms. Viens discussed housekeeping and the evacuation plan.

1) Review Minutes of November 6, 2016 Subcommittee Meeting by the members.

After brief discussion, MOTION to approve draft Minutes of November 6, 2015 made
by Ms. Pham, second by Ms. Saluto.

The Motion passed unanimously.

2) Review Minutes of November 10, 2015 by the members.

Page 3 "Members discussed raising the number of years of experience for Instructor licenses from two to three years," members present agreed to clarify to manicurists only.

Page 3 the word "merits" to be replaced with "draft."

Page 5 240 CMR 9.00, The sentence, "MOTION made by Mr. Gayzagian, second by Ms. Talbot to accept CMR 9.00 with changes the MOTION passed by majority vote" corrected to show that Ms. Dorian abstained.

MOTION to approve draft Minutes of November 10, 2015 with changes made by Ms. Saluto, second by Ms. Pham.

The Motion passed by majority vote.

3) Review Minutes of February 9, 2016 by the members.

Members requested amendments: Page 3: add "to be discussed at a later date" after "Ms. Dorian withdrew the MOTION."

Page 3, "relocated aesthetics program" to be replaced with "application for relocation."

Page 4, strike "to approve the application as" and insert "that, because it was revealed that the applicant has a Cosmetology Instructor license."

MOTION to approve draft Minutes of February 9, 2016 with the requested changes, made by Ms. Devin, second by Ms. Pham.

The Motion passed unanimously.

4) Review Minutes of March 8, 2016 by the members.

MOTION to approve draft Minutes of March 8, 2016 made by Ms. Devin, second by Ms. Talbot.

The Motion passed unanimously.

5) Board Counsel Report by Counsel Lynn Read

Ms. Read presented Executive Order #567 and answered questions.

6) Draft Regulation 240 CMR 10.05(12)

Ms. Read presented to the Board for approval of change, the Draft 240 CMR 10.05(12) with line stricken.

The Board discussed and a MOTION to eliminate all of 240 CMR 10.05(12) was made by Ms. Dorian, second by Ms. Tool.

The Motion passed unanimously.

MOTION to move Reciprocity up on the agenda made by Ms. Tool, second by Ms. Pham.

The Motion passed unanimously.

7) Request reciprocity for Massachusetts Cosmetology License without examination.

The Board discussed the request.

MOTION was made by Ms. Talbot, second by Ms. Pham to give Ms. Taylor the choice either to take the written and practical Massachusetts Cosmetology examination after verification of proper education, or wait for any changes in the Massachusetts reciprocity regulations.

The Motion passed unanimously.

8) CORI Policy

Mr. Bialas presented a CORI Policy draft.

The Board requested Mr. Bialas inquire about requesting a CORI check for all licensees under this Board. The Board also requested Mr. Bialas inquire about dropping the CORI Policy and checking the Sex Offender Registry instead. The Board discussed placing the Policy on the web site.

MOTION to table until the next meeting by Ms. Saluto, second by Ms. Pham.
The Motion passed unanimously.

Mr. Hopper left the meeting at approximately 11:50 a.m.

9) English Language Examinations and Translation Dictionaries

Ms. Dorian was RECUSED and left the room. Mr. Bialas presented a draft Policy regarding English language testing and permitting the use of word-for-word translation dictionaries. The Board discussed the draft.

A MOTION was made by Ms. Devin, second by Ms. Saluto, to accept the Draft Policy as written.

The Motion passed. Ms. Dorian returned to the room.

10) Eyelash and Eyebrow Policy

Mr. Bialas presented a Draft Policy regarding eyelash and eyebrow tinting and eyelash extensions.

Open Session Minutes for April 12, 2016 Board of Cosmetology and Barbering

After Board discussion a MOTION was made by Ms. Pham, second by Ms. Tool, to approve the draft policy with changes.

The Motion passed by majority vote, Ms. Dorian voting against.

Ms. Read confirmed that per Executive Order #567, this policy and explanatory materials will be submitted for approval to the DPL Director.

11) Jupiter Beauty Academy Requesting Approval of Relocation

The Board briefly reviewed the Student Enrollment Agreement and School Catalogue.

A MOTION was made by Ms. Pham, second by Ms. Saluto, to approve license for new location pending Ms. Dorian's assistance with the Student Enrollment Agreement and School Catalogue.

The Motion passed unanimously.

12) Public Comments

There were no Public Comments.

Quasi Judicial Session [CLOSED per M.G.L. c. 30A, § 18]

A MOTION to adjourn open meeting, take a lunch break, and after lunch begin Quasi Judicial Session CLOSED per M.G.L. c. 30A, § 18 was made by Ms. Talbot, second by Ms. Pham.

The Motion passed unanimously.

12:50 break for lunch

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-13-382, HS-13-383, & HS-14-042 (consolidated cases): Board determined Sanction for Final Decision and Order.

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

A MOTION was made by Ms. Tool, 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. During the closed session, the Board voted to take the following actions:

Settlement Offers and Counteroffers:

HS-14-467 and HS-15-123 Provided guidance to prosecutor

Open Session Minutes for April 12, 2016 Board of Cosmetology and Barbering

The above Minutes were approved at the open meeting held on May 10, 2016.

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

Brian Bialas, Executive Director