

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE January 14, 2019 BOARD MEETING

TIME: 9:30a.m.

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

PRESENT: Susan Viens (Chair), Joy Talbot (Vice Chair), Amanda Donis (Secretary),
Janice Dorian, Marian Saluto, Iris Stowe, and Catherine Tool.
Jésus Nuñez and Erinn Pearson Absent.

STAFF: Richard Lawless, Executive Director
Debbie Cassano, Associate Executive Director
Lynn Read, Board Counsel
Lauren McShane, Chief Investigator

The Meeting was called to order at **9:44** a.m. by Ms. Viens

Housekeeping: Ms. Viens explained the emergency exit procedures.

Minutes of the December 10, 2019 Open Meeting

A MOTION was made by Ms. Tool, seconded by Ms. Talbot to accept the draft minutes of the open meeting held December 10, 2019 with changes. The MOTION passed 6-0, Ms. Dorian abstaining.

Executive Director Report

Mr. Lawless discussed the Board's 2020 schedule and it was agreed the Board would continue meeting on the 2nd Tuesday of each month in 2020.

Board Counsel Report

Atty. Read discussed the Board's pending fee changes and the next steps in the process.

Discussion

Barber Exam Appeal for English as a Second Language Candidate

The Board met with applicant IW requesting a waiver of the Written Barber Exam. The applicant's primary language is Arabic, and she has failed the written Barber exam 6 times but passed the Practical exam on her first attempt.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to waive the written exam for IW on condition that she provide documentation (without disturbing her right to privacy) of issues that prevented her from applying for a Barber license before the June 2019 regulation change that imposed the written exam on out of country barber applicants. MOTION passed 7-0.

The Board asked to review exam data for English as a Second Language and Out of Country candidates at the next meeting.

Draft Amendments to Policy on Apprenticeship and the Shop Employed Students

The Board discussed amendments to the Policy on Apprenticeship and Student Employment and asked staff to bring a new draft incorporating them.

School Transfer Hours

After discussion, the Board directed staff to draft a policy that transferring hours earned outside of Massachusetts should be at the discretion of the school and the Board may approve other transfer students to take the exam if the school provides a written explanation why it did not approve the student to take the exam.

Review of School Regulations – 240 CMR 4.00, 5.00, 6.00, 7.00 and 8.00

A request was made for a checklist for school approvals. Board staff said they would revise the school opening guidelines which detail the requirements for opening schools to include Barber school requirements and reflect changes from the 2019 regulations for all schools. To streamline the approval process, it was also suggested that if school documents included all of the items in the school guideline checklists, the documents would be approved.

The Board discussed whether theory rooms could be used at different times of the day for different theory courses and previous requests from vocational schools to use the same clinic space for a Cosmetology and Barbering program at different times.

Change of owner representative for current schools was also discussed. The Board concluded that if the ownership structure was not changing, schools could change the authorized representative without the need to apply for a new school license. The Board asked staff to draft a form for this purpose.

Instructor licensing was discussed. It was suggested that any Assistant Instructor who worked for 2 years full time in a school could apply for an Instructor license without taking the Instructor Exam.

Request for Reinstatement

The Board met with NM requesting reinstatement of her personal and shop licenses. After discussing NM's disciplinary history, a MOTION was made and seconded to reinstate NM's

licenses upon payment of all outstanding fines with one year of probation and if she fails any shop inspection, licenses will be revoked.

Public Comment

Anthony Clemente from the New England Hair Academy asked whether the Board would approve one of his students to take the exam. The Board gave instruction.

Mr. Clemente offered the Board guidelines for opening a Barber school, and Alan Conragan and Edward Russian from Massachusetts School of Barbering recommended a standard distance between barber chairs and requirements on placement of sinks in barber schools.

Jeff Hanson, Founder CEO of Coach Cuts Inc. asked the Board to waive the requirement in the Mobile Policy that a Mobile Unit must have a bathroom on board. No action was taken.

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

MOTION was made by Ms. Talbot, seconded by Ms. Tool, to close public comment and go into Executive Session for the purpose of discussing applicants' character rather than competence, after which the Board would enter into CLOSED Quasi-Judicial Session per M.G.L. c. 30A, § 18 and then Investigative Conference Closed Pursuant to G.L. c. 112, § 65C], and would not re-enter an Open session except to adjourn..

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes), Ms. Dorian (Yes), Marian Saluto (Yes), and Catherine Tool (Yes).

The Motion passed unanimously.

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

2018-202991-FI-ENF Board determined its Final Decision and Order

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

A MOTION was made by Ms. Talbot seconded by Ms. Donis and it was voted unanimously to enter into an investigative conference for the purpose of discussing settlements and complaints prior to the issuance of an order to show cause.

During the closed Investigative Conference, the Board voted to take the following actions:

Settlements:

2019-208351-FI-ENF Guidance given to Prosecutor
2019-206958-FI-ENF Guidance given to Prosecutor

2019-207921-FI-ENF	Guidance given to Prosecutor
2019-207235-FI-ENF	Guidance given to Prosecutor
2019-207265-FI-ENF	Guidance given to Prosecutor
2019-205845-FI-ENF	Dismiss
2019-200843-FI-ENF	Dismiss
2019-000768-IT-ENF	Guidance given to Prosecutor

Review of Cases and Staff Assignments:

2019-000757-IT-ENF	Referred to Prosecution
2019-000910-IT-ENF	Referred to Prosecution
2019-000960-IT-ENF	Referred to Prosecution
2019-001204-IT-ENF	Dismiss
2019-001009-IT-ENF	Referred to Prosecution
2019-001023-IT-ENF	Referred to Prosecution
2019-001075-IT-ENF	Dismiss
2019-001119-IT-ENF	Referred to Prosecution
2019-001203-IT-ENF	Dismiss
2019-001345-IT-ENF	Referred to Prosecution
2019-001262-IT-ENF	Referred to Prosecution
2019-001263-IT-ENF	Referred to Prosecution
2019-001191-IT-ENF	Dismiss
2019-001336-IT-ENF	Referred to Prosecution
2019-001365-IT-ENF	Referred to Prosecution
2019-001235-IT-ENF	Dismiss
2019-208805-FI-ENF	Referred to Prosecution
2019-001313-IT-ENF	Referred to Prosecution
2019-000868-IT-ENF	Referred to Investigations for information
2019-001246-IT-ENF	Dismiss

Adjourn

The meeting was adjourned at 4:32 p.m.

The above Minutes were approved at the open meeting held
on February 11, 2020



Richard Lawless, Executive Director

Documents Used During the meeting:

Agenda

Draft Minutes of December 10, 2019 Open Meeting

Revised Policy, Apprentice Programs

Draft Policy, Shop-Employed Students

Regulations, 240 CMR 4.00