

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE August 13, 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, Catherine Tool.
Jesus Nuñez and Iris Stowe absent. Erinn Pearson arrived at 10:02 a.m.

STAFF: Richard Lawless, Executive Director
Melyssa Bennett, Associate Executive Director
Lynn Read, Board Counsel

ALSO PRESENT: Diane Symonds, Commissioner
Lauren McShane, Chief Investigator

The meeting was called to order at 9:35 a.m. by Ms. Viens.

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

A MOTION was made by Ms. Talbot, seconded by Ms. Tool to enter into Executive Session for the purpose of discussing applicants' characters rather than competence, after which the Board will enter into Investigative Conference to discuss settlement of open disciplinary complaints, after which the open meeting of the Board will resume.

The Chair called for a Roll call vote: Ms. Viens (Yes). Ms. Talbot (Yes), Ms. Donis (Yes), Ms. Dorian (Yes), Ms. Saluto (Yes) and Ms. Talbot (Yes).

The MOTION passed unanimously.

Ms. Pearson arrived at 10:02 a.m. during the closed session.

See separate minutes.

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

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

Settlements:

2018-000721-IT-ENF	Guidance given to prosecutor
2018-000902-IT-ENF	Guidance given to prosecutor
2018-202967-FI-ENF	Guidance given to prosecutor

Open Session resumed at or around 11:02 a.m.

Housekeeping:

Ms. Viens explained the emergency exit procedures.

Review and Approve Drafts of Open Meeting Minutes:

A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to accept the draft minutes of the Board meeting held April 9, 2019 as written. Motion passed 6-1.

A MOTION was made by Ms. Tool, seconded by Ms. Talbot, to table the May 14th and June 11th meeting minutes for the September 10 Board meeting. Motion passed unanimously.

Executive Director Report

Mr. Lawless recognized DPL's Commissioner Diane Symonds in attendance at the meeting, and introduced Melyssa Bennett as the Board's new Associate Executive Director.

He shared a letter written by Fernanda Macedo addressed to the Board about the discussions of school regulations at the June 11th Board meeting. Ms. Dorian said that Ms. Macedo's letter did not accurately depict the events of the Board's June meeting.

Mr. Lawless also noted that the final budget approved by the State Legislature appeared to have included the \$10,000 allocated by Representative Denise Provost to translate Cosmetology exams into Portuguese.

Board Counsel Report

Ms. Read said she did not have a report separate from items on today's agenda.

Discussion:

1. Sharing of Space in Schools:

Mr. Lawless sought clarification from the Board on the sharing of theory classroom space by schools with multiple programs.

A MOTION was made by Ms. Talbot, seconded by Ms. Dorian, to maintain Board precedent of not sharing theory classroom space. The Motion passed 7-0.

A MOTION was made by Ms. Dorian seconded by Ms. Talbot, to review all regulations and start a subcommittee at the September meeting. The Motion passed 7-0.

2. Request from MiniLuxe

Representatives of MiniLuxe asked the Board to permit manicure students to be trained in a MiniLuxe facility. The Board discussed the proposal.

A MOTION was made by Ms. Talbot seconded by Ms. Donis, to revise the Apprentice policy to include nail students for the Shop-Employed Student License while attending their 100 hour program. The Motion passed 7-0.

3. Proposed Programs for Flavia Leal School

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Tool to request certain changes to the enrollment agreement and the school catalogue submitted by Flavia Leal, and to delegate to Ms. Tool and Ms. Dorian the review and finalizing of the documents for the aesthetics, cosmetology and barber programs. The Motion passed 7-0.

After discussion of the proposed Flavia Leal Apprentice Program, a MOTION was made by Ms. Tool, seconded by Ms. Dorian to request certain changes to the program documents, and ask the school to bring the proposal back to the Board meeting in September or later. The Motion passed 7-0.

4. Proposed Advanced School - Lash L'Amour

The members present discussed the application by Lash L'Amour for an advanced school license and requested revisions. A MOTION was made by Ms. Tool, seconded by Ms. Talbot that the application be approved when Lash L'Amour submits the Refund Policy with the requested revisions to the Executive Director. The Motion passed 7-0.

5. Proposed Advanced Course on Microneedling- Stonhart Academy

A MOTION was made by Ms. Talbot, seconded by Ms. Dorian to approve the microneedling course proposed by Stonhart. The Motion passed 7-0.

6. Reciprocity Procedures

A MOTION was made by Ms. Dorian, seconded by Ms. Tool to allow a MA Licensee that has been expired for three years or more with a current license in another state to apply for a new Massachusetts license as an Out of State applicant. The Motion passed 7-0.

A MOTION was made by Ms. Tool, seconded Ms. Saluto, to allow Out of State Cosmetology and Barbering applicants who are licensed in another state with a curriculum that is equivalent to Massachusetts' requirements to be approved for licensure. The Motion passed 6-1.

The Board gave direction to staff that Out of State applicants with less than the required 1000 hours, or applicants who are deficient in manicuring or aesthetics, may take the exams or make up the needed curriculum hours.

7. Examination Standards

After discussion, a MOTION was made by Ms. Dorian, seconded by Ms. Talbot to create an appeal process for English as a Second Language candidates who have passed the practical exam, taken the written examination twice, and have scored between 70 and 74 on the written exam. The Motion passed 7-0.

8. Proposed Changes to Electrology Regulations

A MOTION was made by Ms. Saluto, seconded by Ms. Donis to table the matter until September's Meeting. The Motion passed 7-0.

9. Salon Suite Licensing Rules

A MOTION was made by Ms. Donis, seconded by Ms. Tool to table this matter. The Motion passed 7-0.

10. Advertising Rules for Booths

Mr. Lawless described questions raised by investigators about public confusion in identifying an independent stylist who rents a chair in a salon under a name that is different from the salon.

A MOTION was made by Ms. Talbot, seconded by Ms. Tool to direct the staff to draft a policy for review by the Board. The Motion passed 7-0.

11. Appeals of Sink Requirements for Salons

A MOTION was made by Ms. Talbot, second by Ms. Tool, to instruct Board staff to be flexible on new sink requirements for salon applications received shortly after the June 1, 2019 effective date of the new regulations. The Motion passed 7-0.

Public Comment

Mr. Clemente asked that the Barber dress code be moved to the front of the application book.

Investigative Conferences, Settlement Offers Closed per G.L. c. 112, § 65C:

A MOTION was made by Ms. Talbot seconded by Ms. Tool, to go into Investigative Conference to consider settlement offers, closed per G.L. c. 112, s. 65C. The Motion passed unanimously.

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

Settlements:

2018-203020-FI ENF – Guidance given to prosecutor
2019-000023-IT ENF - Guidance given to prosecutor
2018-203028 FI ENF - Guidance given to prosecutor
2018-201818-FI ENF - Guidance given to prosecutor
2018-203424-FI ENF - Guidance given to prosecutor
2018-001062-IT ENF - Guidance given to prosecutor
2018-201207-FI ENF - Dismiss
2018-000521-IT ENF - Guidance given to prosecutor
2018-200670-FI ENF - Guidance given to prosecutor
2018-204250-FI ENF - Guidance given to prosecutor
2019-200280-FI-ENF - Guidance given to prosecutor

Quasi-Judicial Session and Investigative Conferences, Settlement Offers Closed per G.L. c. 112, § 65C:

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to go into Quasi-Judicial Session to make final decisions in disciplinary cases and then again enter Investigative Conference, closed per G.L. c. 112, s. 65C. The Motion passed unanimously.

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

Final Decisions

2017-000917-IT ENF – Dismiss with an advisory
2017-000935-IT ENF – The Board voted to issue a final decision

Investigative Conference

2019-200890-FI-ENF - Dismiss
2019-000270-FI-ENF – Refer to Prosecution
2019-000318-IF ENF - Refer to Prosecution
2019-000340-IT ENF - Refer to Prosecution
2019-000512-IT ENF - Refer to Prosecution
2019-000352-IT ENF - Refer to Prosecution
2019-000407-IT ENF - Dismiss

Adjournment

A MOTION was made by Ms. Talbot, seconded by Ms. Donis, to adjourn the meeting. Motion passed unanimously. The meeting was adjourned at 4:30 p.m.

The above Minutes were approved at the
open meeting held on October 8, 2019.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft minutes of April 9, 2019 Open Meeting

Application materials for Flavia Leal proposed Cosmetology, Barbering, and Aesthetics schools

Application materials for Flavia Leal proposed Apprentice Program

Application materials for Lash L'Amour proposed Advanced School

Microneedling course proposal from Stonhart Academy

Letter dated June 10, 2019 from Smith Vocational and Agricultural High School

Letter dated June 11, 2019 from Professional Beauty Employment Coalition