

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE October 8, 2019 BOARD MEETING

TIME: 9:30 a.m.

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

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

STAFF: Richard Lawless, Executive Director
Lynn Read, Board Counsel

The meeting was called to order at 9:38 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. Tool, seconded by Ms. Donis, 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.

The Chair called for a Roll Call vote: Ms. Viens (Yes), Ms. Donis (Yes); Ms. Dorian (Yes), Ms. Saluto (Yes); Ms. Stowe (Yes); Ms. Tool (Yes). The MOTION passed 6-0.

See separate minutes.

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

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to exit public session and go into Investigative Conference to consider open cases, conduct investigative conferences, and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C]. The MOTION passed 6-0.

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

2019-200280-FI-ENF	Dismiss
2019-202847-FI-ENF	Dismiss
2019-000891-IT-ENF	Guidance given to prosecutor
2019-000884-IT-ENF	Guidance given to prosecutor
2018-206289-FI-ENF	Guidance given to prosecutor
2019-205955-FI-ENF	Dismiss

Open Session resumed at or around 11:34 a.m.

Housekeeping:

Ms. Viens explained the emergency exit procedures.

Read and Accept the Minutes of Open Meetings

REVISED Minutes of Open Meeting Held June 11, 2019

Mr. Lawless noted that minutes of the June 11, 2019 Open meeting, previously approved, needed to be revised to include a second Executive Session that was inadvertently omitted.

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to accept the Revised minutes of the Open meeting held June 11, 2019 as amended. The MOTION passed 6-0.

Draft Minutes of Open Meeting Held August 13, 2019

Edits were suggested. A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to approve the minutes of the Open meeting held August 13, 2019 as amended. The MOTION passed 6-0.

Draft Minutes of Open Meeting Held September 10, 2019

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to accept the draft minutes of the open meeting held September 10, 2019 as written. The MOTION passed 6-0.

Board Counsel Report

Ms. Read said she would comment during Discussion of today's agenda.

Discussion

1. Draft Amendments to Policy on Expiration of Incomplete Education

A MOTION was made by Ms. Tool, seconded by Ms. Stowe, to accept the revised Policy on Expiration of Incomplete Education as drafted. The MOTION passed 6-0.

2. Draft Amendments to Policy on Apprenticeship and Student Employment for Manicuring

After discussion, members asked staff to bring another draft to the Board's next meeting for discussion. No formal action taken.

3. Credit Educational Hours for Off-Site Events

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, that Board Counsel should research the regulations and advise how the Board may permit schools to give credit for up to 5% of the 1000-hour curriculum for off-site events, and to draft a Policy for Board review at a future meeting. The MOTION passed 6-0.

4. Exam Appeal for English as a Second Language Candidate

Ms. Dorian recused herself from the discussion and left the room. Frank Zona introduced an applicant who was licensed and experienced in Thailand and had passed the Massachusetts cosmetology practical licensing exam. He had taken the written exam nine times but missed the passing score by two points due to English as a second language.

A MOTION was made by Ms. Tool, seconded by Ms. Donis, to approve this application and grant a license. The MOTION passed 6-0.

5. Review of Regulations - 240 CMR 2.00 and 240 CMR 3.00

The members postponed discussion of this item until after item 6.

6. Nature of Sinks Required in Cosmetology Salons

After brief discussion, a MOTION was made by Ms. Tool, seconded by Ms. Stowe, that salons may use shampoo sink as the additional sink required by 240 CMR 3.03(18). The MOTION passed 6-0.

However after more discussion, a MOTION was made by Ms. Dorian, seconded by Ms. Tool to rescind the previous motion and require that the additional sink in a salon may not be a shampoo sink. This MOTION passed 6-0.

Regulations

A MOTION was made by Ms. Dorian, seconded by Ms. Donis, to TABLE discussion of Board regulations until the next Board meeting. The MOTION passed 6-0.

A 30-minute lunch break was taken and the meeting resumed at about 1:47 p.m.

7. Reinstatement Process

This item was tabled for a future meeting.

Public Comment

Ms. DeRosa said she supports credit for off-site events if a school instructor is present and the activities are in the school curriculum. She also supported requiring an aesthetics license to apply makeup and mobile makeup practice. Mr. Clemente of New England Hair Academy noted that the online lookup for licenses no longer states where the licensee received their education.

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

A MOTION was made by Ms. Tool, seconded by Ms. Donis, to exit Open Meeting and enter Quasi-Judicial Session pursuant to G.L. c. 30A §18(d) to make decisions required in adjudicatory proceedings brought before the Board, and thereafter to enter into closed Investigative

Conference pursuant to G.L. c. 112, § 65C, and not to return to Open Meeting except to adjourn.
The MOTION passed 6-0.

During the closed Quasi-Judicial Session, the Board voted to take the following action:

2018-001132-IT-ENF Determined Final Decision and Order

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

A MOTION was made by Ms. Donis, seconded by Ms. Stowe, to exit public session and go into Investigative Conference to consider open cases, conduct investigative conferences, and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C].

The MOTION passed 6-0.

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

Review of Cases:

2019-000530-IT-ENF	Referred to Prosecution
2019-000601-IT-ENF	Referred to Prosecution
2019-000600-IT-ENF	Referred to Prosecution
2019-000597-IT-ENF	Dismiss with Advisory
2019-000599-IT-ENF	Referred to Prosecution

Settlements:

2019-203198-FI-ENF	Gave guidance to prosecutor
2019-206206-FI-ENF	Gave guidance to prosecutor
2019-205599-FI-ENF	Gave guidance to prosecutor
2018-000709 -IT-ENF	Gave guidance to prosecutor
2019-206550-FI-ENF	Gave guidance to prosecutor
2018-000558 -FI-ENF	Gave guidance to prosecutor

Review of Cases:

2019-000605-IT-ENF	Dismissed
2019-000668-IT-ENF	Referred to Prosecution
2019-000673-IT-ENF	Dismiss with advisory
2019-000675-IT-ENF	Referred to Prosecution
2019-000678-IT-ENF	Referred to Investigations
2019-000679-IT-ENF	Referred to Investigations
2019-000686-IT-ENF	Referred to Prosecution
2019-000909-IT-ENF	Dismissed

2019-000698-IT-ENF	Dismissed
2019-000696-IT-ENF	Referred to Prosecution
2019-000695-IT-ENF	Referred to Prosecution
2019-000831-IT-ENF	Referred to Prosecution
2019-000757-IT-ENF	Referred to Prosecution
2019-000843-IT-ENF	Referred to Prosecution
2019-000839-IT-ENF	Referred to Prosecution
2019-000880-IT-ENF	Referred to Prosecution
2019-206548-FI-ENF	Referred to Prosecution
2019-206902-FI-ENF	Referred to Prosecution
2019-207137-FI-ENF	Referred to Prosecution
2019-001009-IT-ENF	Referred to Prosecution
2019-000517-IT-ENF	Referred to Prosecution

Adjourn

A MOTION was made by Ms. Saluto, seconded by Ms. Donis, to adjourn. The MOTION passed 6-0.

The meeting was adjourned at 4:30 p.m.

The above Minutes were approved at the
open meeting held on November 12, 2019



—
Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda of October 8, 2019
Revised Minutes of June 11, 2019 Open Meeting
Draft Minutes of August 13, 2019 Open Meeting
Draft Minutes of September 10, 2019 Open Meeting
Draft Amendments to Policy on Expiration of Incomplete Education
Draft Amendments to Policy on Apprenticeship and Student Employment for Manicuring
Email - Credit Educational Hours for Off-Site Events
Regulations - 240 CMR 2.00 and 240 CMR 3.00