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Board of Registration of Cosmetology and Barbering
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LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

MINUTES OF THE JANUARY 14, 2021
PUBLIC BOARD MEETING

TIME: 9:30 a.m.
PLACE: Conference Call

PRESENT: Susan Viens (Chair), Joy Talbot (Vice-Chair), Heather Cohen, Nicole Corliss, Erin Pearson, and Marian Saluto.

Jésus Nuñez, Iris Stowe and Cate Tool were absent.

STAFF: Richard Lawless, Executive Director
Kristina Gasson, Board Counsel

The Meeting was called to order at **9:30 a.m.** by Ms. Viens. Pursuant to Governor Charles D. Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s. 20, dated March 12, 2020, all board members and staff appeared telephonically or by videoconference.

Housekeeping and Conference Call Protocol:

Ms. Viens reviewed conference call protocol with meeting attendees.

Executive Director Report

Mr. Lawless wished the Board and attendees a Happy New Year, and reported on Debbie Cassano leaving the Board for a new position. He also spoke about DPL's new Welcome Center Team who will act at the front line of communications with licensees. Mr. Lawless also spoke about the Commonwealth's new capacity limits on businesses for COVID-19 safety. He also introduced the Board's new member, Heather Cohen, who has been appointed to the salon owner seat. Mr. Lawless thanked outgoing Board member Amanda Donis for her work as a Board member.

Board Counsel Report:

Atty. Gasson wished Board members and attendees a Happy New Year and spoke briefly about the Board's ongoing review of regulations.

Minutes of the December 8, 2020 Public Meeting

After brief discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Corliss, to accept the draft minutes of the public meeting held December 8, 2020 as amended.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Yes) and Ms. Saluto (Yes).

The Motion passed 6-0.

Discussion

Board Secretary

With Ms. Donis no longer on the Board, members discussed the appointment of a new Board Secretary. No formal action was taken.

Cosmetology Program Framework Presentation by Department of Elementary and Secondary Education (DESE)

Lisa Sandler, Russ Mangsen, LaTrelle Pinkney-Chase, and Kathy Conole addressed the Board on behalf of the Department of Elementary and Secondary Education (DESE) to present an updated version of the detailed framework for Chapter 74 Cosmetology programs. No formal action was taken.

Proposed Advanced Courses – LaBluh Esthetics Institute

Rubia de Azeredo from LaBluh Esthetics Institute addressed the Board regarding the school's request for several advanced aesthetics courses.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Corliss, to potentially delegate authority to Ms. Tool to review the proposed advanced courses, and as a backup, to bring this request back to the Board in February.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Yes) and Ms. Saluto (Yes).

The Motion passed 6-0.

Review of Cosmetology School Regulations – 240 CMR 4.00

The Board reviewed its existing cosmetology school regulations, with suggested edits offered by Board members, staff and counsel. Discussion items included lowering the number of chairs and minimum students required to start a school, required documentation for applying for a school, increasing the minimum bond amount, minimum clinic size, sharing of classroom space, sharing of clinic space between day and evening programs, lowering equipment requirements, reducing

instructor ratios, and increasing record keeping requirements. The Board will continue to discuss 240 CMR 4.00 at the February meeting, and bring a draft red-lined version incorporating the Board's suggested edits to this meeting.

Revisions to Policy on Apprenticeship and Student Employment

The Board reviewed previous edits to its Policy on Apprenticeship and Student Employment, incorporating additional requirements on salons employing apprentices to report wage payments to schools and an extension of the expiration of apprentice and shop-employed student registrations for 60-days post-graduation was also discussed.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Pearson, to potentially approve the policy as amended.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Yes) and Ms. Saluto (Yes).

The Motion passed 6-0.

Appeal of Expired Student Hours – Justin Kady

The Board reviewed a written request from Justin Kady to appeal the expiration of his earned student hours.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Corliss, allow Mr. Kady to keep his full number of hours previously earned, and to allow the Board to approve Mr. Kady's application to take the exam upon completing his program.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Y) and Ms. Saluto (Yes).

The Motion passed 6-0.

Appeal of Expired Student Hours – Hector Cortez

The Board reviewed a written request from Hector Cortez to appeal the expiration of his earned student hours.

The Board, noting that Mr. Cortez was transferring his hours to a school in another state, gave direction to staff to confirm Mr. Cortez's earned hours to his new school.

2021 Meeting Dates – July and November Meetings

Mr. Lawless noted a couple scheduling issues with the Board's July and November meeting dates.

A MOTION was made by Ms. Talbot, seconded by Ms. Pearson, to move the July meeting to July 15th, and the November meeting to November 18th.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Yes) and Ms. Saluto (Yes).

The Motion passed 6-0.

Public Comment

None

Executive Session 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. Pearson, to adjourn the public meeting at **12:20 p.m.**, and to enter into **Executive Session** for the purposes of discussing character rather than competence; after which the Board will enter into Quasi-Judicial Session to determine the terms of a Final Decision and Order; and then to enter into Closed Investigative Conference to consider open cases, conduct investigative conferences, and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C], and the Open Meeting would not resume.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Yes) and Ms. Saluto (Yes).

The Motion passed 6-0.

Ms. Viens left the meeting at 12:20 p.m. Ms. Talbot assumed the role of Chair.

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

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

2019-000531-IT-ENF	Determined terms of Final Decision and Order
2020-000989-IT-ENF	Determined terms of Final Decision and Order

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

A MOTION was made by Ms. Saluto, seconded by Ms. Corliss, to Exit Quasi-Judicial Session and move into Closed Session for the purposes of reviewing applications, discussing new and open cases, and considering settlement offers.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Yes) and Ms. Saluto (Yes).

The Motion passed 5-0.

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

2020-222-HD-OS-APP	Gave Direction to Staff
2020-412-HD-OS-APP	Gave Direction to Staff
2020-396-HD-OS-APP	Gave Direction to Staff
2020-45-HD-OC-APP	Gave Direction to Staff
2020-33-HD-OC-APP	Gave Direction to Staff
2020-47-HD-OC-APP	Gave Direction to Staff

Review of Cases

2020-001631-IT-ENF	Referred to Prosecution
2020-001620-IT-ENF	Referred to Prosecution
2020-001172-IT-ENF	Dismiss with Advisory
2020-001157-IT-ENF	Dismiss with Advisory
2020-001113-IT-ENF	Dismiss with Advisory
2020-001110-IT-ENF	Dismiss with Advisory
2020-001153-IT-ENF	Dismissed
2020-001533-IT-ENF	Dismissed

Adjournment

A MOTION was made by Ms. Saluto, seconded by Ms. Pearson to adjourn.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Yes) and Ms. Saluto (Yes).

The Motion passed 5-0.

The meeting was adjourned at or around 3:41 p.m.

The above Minutes were approved at the open meeting held on February 11, 2021.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of December 8, 2020 Open Meeting

Proposed Advanced Aesthetics Courses from LaBluh Esthetics Institute

Draft Revisions, 240 CMR 4.00

Email from Justin Kady on Appeal of Expired Student Hours

Email from Hector Cortez on Appeal of Expired Student Hours

Revised Policy on Apprenticeship and Student Employment