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Division of Occupational Licensure
Board of Registration of Cosmetology and Barbering
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LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

MINUTES OF THE January 13th, 2022
PUBLIC BOARD MEETING

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

PRESENT: Susan Viens (Chair), Joy Talbot (Vice Chair), Erinn Pearson Breedy, Heather Cohen, Nicole Corliss, Marian Saluto, Iris Stowe and Cate Tool.

Jésus Nuñez was absent.

STAFF: Richard Lawless, Executive Director
Charles Kilb, Board Counsel

The Meeting was called to order at **9:33 a.m.** by Ms. Viens. 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 reported that the Board is continuing to seek and gather feedback on eyelash extensions, and that the Board would plan to discuss this topic at the March 10, 2022 meeting.

Board Counsel Report:

Atty. Kilb cited the Board's busy agenda and recommended to move forward with the meeting.

Minutes of the December 9th, 2021 Public Meeting

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Cohen, to approve the public minutes of the December 9th, 2021 meeting as drafted.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

Discussion

Pearson Vue Examinations and Practical Examination

Mr. Lawless explained that Pearson Vue is planning to drop support for the practical examination at the end of their current contract period. Representatives from Pearson Vue were in attendance to explain this change and to also explain how other states they contract with have switched to a written practical examination. The Board discussed the merits and effectiveness of the current practical examination, and whether the practical examination could be eliminated while still maintaining acceptable standards for licensing.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Talbot, to give discretion to Board staff to indicate an openness to a written practical exam in the Board's Request for Response for new contracts, and to continue the discussion on the practical exam at the next meeting.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

Proposed New Aesthetics School – Diamond Aesthetics Academy

The Board reviewed documentation submitted for a proposed new aesthetics school, Diamond Aesthetics Academy. Several edits were recommended by Board members to the school's documentation.

After review, a MOTION was made by Ms. Talbot, seconded by Ms. Corliss, to make the discussed edits to documents, and to re-submit the documentation along with corresponding Board checklists for review at a future meeting.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

Examination Appeal – Wael Bou Younes:

Mr. Younes was in attendance to discuss his appeal of the written barber examination.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Breedy, to move Board deliberation on this topic to its Quasi-Judicial Session.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

Appeal of Expired Hours – Jameel Woody

Ms. Woody was in attendance to discuss her appeal of her expired incomplete cosmetology hours.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Breedy, to move Board deliberation on this topic to its Quasi-Judicial Session.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

Reciprocity

The Board reviewed a draft of a proposed policy on reciprocity that provided guidance on handling situations where candidates from other states did not meet the Board's training requirements. No formal action was taken, and discussion was tabled until the next month's meeting.

Distance-Based Education

The Board reviewed a draft policy for distance-based education in schools. The policy provided a process for schools to request permission to exceed 50% of their total programs with distance-based education. The Board also added in a requirement that no more than 30% of its program, can consist of asynchronous learning, regardless of any emergency-based extension of distance learning hours.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Corliss, to approve the policy on distance-based education with the discussed changes, and with the provision of delegating authority to Board staff to approve emergency extensions of distance-based hour allotments.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

Review of Electrology Regulations – 240 CMR 10.00 and 240 CMR 11.00

The Board reviewed redlined versions of 240 CMR 9.00 and 240 CMR 10.00 which incorporated the previous amendments from Board discussions during its regulation review process. The total number of didactic training was adjusted to 520 hours, and practical training was lowered to 580 total hours.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Talbot, to incorporate the discussed modifications into the redlined versions of 240 CMR 9.00 and 240 CMR 10.00 and to send the redlined documents to the Division of Occupational Licensure's senior administration for review.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

Public Comment

Janice Dorian from Mansfield Beauty Schools supported incorporating the practical examinations into school programs, but expressed concerns about a written practical examination creating additional barriers for candidates who struggle with English as a secondary language. She also commented that it can be challenging for schools to assess transfer students and for the assessment to line up with their previously-earned hours. She encouraged the Board to not make its reciprocity process overly burdensome, and also expressed concerns with the difficulty of keeping school programs at 50% distance-based learning.

Quasi Judicial Session CLOSED per M.G.L. c. 30A, § 18, Board Deliberations on Final Decisions

A MOTION was made by Ms. Talbot, seconded by Ms. Cohen, to adjourn the public meeting at **1:02 p.m.**, and to enter into **Quasi-Judicial Session, closed per M.G.L. c. 30A, § 18**, for the purposes of conducting Board deliberations on a final decisions; and then to enter into Executive Session, closed Per M.G.L. c. 30A, § 21(a)(1), for the purposes of discussing character rather than competence; and then to move 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. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

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

Appeal of Expired Hours – Jameel Woody	Appeal Granted
Examination Appeal – Wael Bou Younes	Appeal Denied

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** at 2:16pm for the purposes of discussing character rather than competence.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

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

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

Settlement Offers

2021-202473-FI-ENF	Guidance given to prosecutor
2020-001686-IT-ENF	Dismissed with Advisory
2021-202108-FI-ENF	Dismissed with Advisory

Review of Cases

2021-203265-FI-ENF	Dismissed
2021-000580-IT-ENF	Take no further action due to second docket
2021-000852-IT-ENF	Referred to Prosecutions
2021-001057-IT-ENF	Referred to Prosecutions
2021-001060-IT-ENF	Referred to Prosecutions
2021-001091-IT-ENF	Referred to Prosecutions
2021-001111-IT-ENF	Dismissed
2021-001122-IT-ENF	Referred to Prosecutions
2021-001158-IT-ENF	Referred to Prosecutions
2021-001183-IT-ENF	Referred to Prosecutions
2021-001184-IT-ENF	Dismissed

2021-001219-IT-ENF	Dismissed
2021-205772-FI-ENF	Referred to Prosecutions

Adjournment

A MOTION was made by Ms Talbot, seconded by Ms. Tool to adjourn.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

The meeting was adjourned at 3:38 p.m.

The above Minutes were approved at the
open meeting held on February 10, 2022.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of December 9, 2021 Open Meeting
Documentation from Diamond Aesthetics Academy
Examination Appeal Documents from Wael Bou Younes
Expired Hours Appeal from Jameel Woody
Draft Policy on Reciprocity
Draft Policy on Distance-Based Education
Redlined Versions of 240 CMR 9.00-10.00