



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Cosmetology and Barbering
1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

MINUTES OF THE September 16th, 2021
PUBLIC BOARD MEETING

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

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

Marian Saluto and Jesús Nuñez were absent.

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

The Meeting was called to order at **9:30 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 gave a brief update on Board staffing.

Board Counsel Report:

Atty. Gasson spoke about the Board's ongoing regulation review.

Minutes of the July 15th, 2021 Public Meeting

After discussion, a MOTION was made by Ms. Corliss, seconded by Ms. Tool, to approve the public minutes of the July 15th meeting.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Abstain), Ms. Cohen (Abstain), Ms. Corliss (Yes), Ms. Pearson (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Minutes of the August 12th, 2021 Public Meeting

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Talbot, to approve the public minutes of the August 12th meeting.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Discussion

Review of Barber Regulations: 240 CMR 8.00

The Board reviewed a draft of proposed changes to 240 CMR 8.00. The Board made an additional edit to include language on dual use of Massage Therapy and Cosmetology and Barbering services that mirrors the language in 240 CMR 3.00.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Cohen, to approve the draft regulation changes, and send to the agency for review, with permission for staff and Board Counsel to make any necessary edits for formatting and clarity.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Atty. Gasson left the meeting at 10:00 a.m. Atty. York joined the meeting at this time.

Eyelash Extensions

The Board discussed potentially amending its current requirements on eyelash extensions, which requires a cosmetologist or aesthetician license to provide the procedure. The Board gave direction to staff to post a notice on the Board's website soliciting input and commentary from industry stakeholders on the effectiveness of current requirements and potentially creating a standalone eyelash license. The Board will plan to review any commentary and discuss the topic at its November 18th meeting.

Out of Country Electrology Applications

A MOTION was made by Ms. Talbot, seconded by Ms. Cohen, to postpone this topic until the October 28th meeting.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Proposed Manicuring School – MiniLuxe Academy

Donna Charloff was present to discuss the proposed new manicuring school MiniLuxe Academy. The Board reviewed documentation submitted by the school and provided edits to the catalog and enrollment agreement.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Tool, to delegate authority to Ms. Corliss and Board staff to review any edits to the documentation, and to Board staff to review additional documentation including the bond and certificate of occupancy, and then to conduct the final inspection and process the application to approve the school, contingent on all requirements being met.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Atty. Gasson rejoined the meeting at 11:00 a.m. Atty. York left the meeting at this time.

Expired Student Hours – Jennifer Navarro

Jennifer Navarro was present to discuss an appeal of the expiration of 759 cosmetology program hours from 2007. The hours were earned at Lower Pioneer Valley Career Technical Education Center.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Cohen, to grant the appeal of the expiration of hours, and permit any approved school to accept up to 759 cosmetology transfer hours, with the new school having discretion on how many hours to ultimately accept.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Expired Student Hours – Carla Potito

Carla Potito was present to discuss an appeal of the expiration of 407 cosmetology program hours from 1994, which were earned at Springfield Technical Community College.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Tool, to grant the appeal of the expiration of hours, contingent on the hours being in good standing with the previous school, and to permit any approved school to accept up to 407 cosmetology transfer hours, with the new school having discretion on how many hours to ultimately accept.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (No), Ms. Stowe (No), and Ms. Tool (Yes).

The Motion passed 5-2.

Expired Student Hours – Monique Tobey

The Board discussed an appeal from Monique Tobey of the expiration of 872 cosmetology program hours from 2015, which were earned at Empire Beauty School.

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Tool, to grant the appeal of the expiration of hours, contingent on the hours being in good standing with the previous school, and to permit any approved school to accept up to 872 cosmetology transfer hours, with the new school having discretion on how many hours to ultimately accept.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Pearson (Yes), Ms. Stowe (Absent), and Ms. Tool (Yes).

The Motion passed 6-0.

Sinks in Salons Located in Large Retail Stores

The Board discussed potentially adding parameters to the location of the handwashing sink for salons, to ensure that the sinks are not located too far away from the area where the salon services are being provided. The Board gave direction to staff to gather more information on this topic to discuss at a future meeting.

Public Comment

None.

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 adjourn the public meeting at **11:36 a.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 move into Closed Investigative Conference to consider open cases, review applications involving discipline, 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), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 7-0.

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:

2020-000158-IT-ENF	Determined terms of Final Decision and Order
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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

2021-200188-FI-ENF	Guidance Given to Prosecutor
2021-000228-IT-ENF	Guidance Given to Prosecutor

Review of Applications

2020-44-HD-OS-APP	Direction Given to Staff
2020-396-HD-OS-APP	Direction Given to Staff
2021-242-HD-OS-APP	Direction Given to Staff
2020-222-HD-OS-APP	Direction Given to Staff
2021-401-HD-OS-APP	Deny Application
2021-302-HD-OS-APP	Deny Application

Review of Cases

2018-001192-IT-ENF	Gave Direction to Staff
2021-202903-FI-ENF	Referred to Prosecutions

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2021-202474-FI-ENF	Dismissed
2021-000520-IT-ENF	Referred to Prosecutions
2021-000555-IT-ENF	Referred to Prosecutions
2021-000770-IT-ENF	Referred to Prosecutions
2021-000463-IT-ENF	Referred to Prosecutions
2021-000487-IT-ENF	Referred to Prosecutions
2021-000464-IT-ENF	Referred to Prosecutions
2021-202830-FI-ENF	Referred to Prosecutions

Adjournment

A MOTION was made by Ms Cohen, seconded by Ms. Stowe to adjourn.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

The meeting was adjourned at 2:50 p.m.

The above Minutes were approved at the open meeting held on October 28, 2021.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of July 15, 2021 Open Meeting
Draft Minutes of August 12, 2021 Open Meeting
Draft of Proposed Changes to 240 CMR 8.00
Letter from Stonhart Academy on Eyelash Extensions Curriculum
Letter from Cynthia Tang on Eyelash Extensions
Letter from Deanna Flores on Eyelash Extensions
Documentation for Proposed Manicuring School from MiniLuxe Academy
Expired Hours Appeals from Jennifer Navarro, Carla Potito, and Monique Tobey