

**COMMONWEALTH OF MASSACHUSETTS**  
**BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING**  
**MINUTES OF THE January 9, 2018 BOARD MEETING**

**TIME:** 9:30 a.m.

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

**PRESENT:** Susan Viens (Chair), Joy Talbot (Vice-Chair), Michael Gayzagian (Secretary), Jesus Nunez, Marian Saluto, Amanda Donis, Catherine Tool, Janice Dorian, Nam Pham

**STAFF:** Brian Bialas, Executive Director  
Lynn Read, Board Counsel

The meeting was called to order at 9:39 AM 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 Mr. Gayzagian, to enter into Executive Session.

A Roll Call vote was taken: Ms. Dorian (Yes) Ms. Tool (Yes) Mr. Gayzagian (Yes) Ms. Talbot (Yes) Ms. Viens (Yes) Mr. Nunez (Yes) Ms. Saluto (Yes) Ms. Donis (Yes)

The MOTION passed unanimously.

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

A MOTION was made by Ms. Talbot, 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 unanimously.

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

- 2017-202893-IT ENF Refer to Prosecution
- 2017-001099-IT-ENF Dismiss
- 2017-000927-IT-ENF Dismiss
- 2016-001172-IT-ENF Refer to Prosecution

- 2017-000936-IT-ENF Refer to Prosecution
- 2017-000858-IT-ENF Dismiss
- 2017-000783-IT-ENF Refer to Prosecution
- 2017-000950-IT-ENF Refer to Prosecution
- 2017-001231-IT-ENF Refer to Prosecution
- 2016-001171-IT-ENF Refer to Prosecution
- 2017-200661-IT-ENF Refer to Prosecution
- 2017-000554-IT-ENF Refer to Prosecution
- 2017-202818-FI-ENF Refer to Prosecution
- 2017-202819-FI-ENF Refer to Prosecution
- 2017-000917-IT-ENF Refer to Prosecution
- 2017-001311-IT-ENF Refer to Prosecution
- 2017-001141-IT-ENF Refer to Prosecution
- 2017-000954-IT-ENF Refer to Prosecution

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

A MOTION was made by Ms. Talbot, seconded by Mr. Nunez, to exit investigative conference and enter quasi-judicial session pursuant to G.L. c. 30A §18(d) to make decisions required in adjudicatory proceedings brought before the Board.

The motion passed unanimously.

During the closed quasi-judicial session, the Board voted to take the following action:

20151216BR079-IT-ENF Determined sanctions for final decision and order

Open Session resumed at approximately 11:47 a.m.

Ms. Pham left the meeting at 11:47 a.m.

Break 11:47

Return 11:50

**Open Session 11:51 a.m.**

**Housekeeping:**

Ms. Viens explains the emergency exit procedures.

**Read and Accept the Public Minutes from the December 5, 2018 Meeting.**

After brief discussion, a MOTION was made by Ms. Dorian, seconded by Ms. Tool, to accept the minutes with changes.

The MOTION passed unanimously.

## **Board Counsel Report**

Ms. Read introduced the topic of gender-specific naming of shops. She told the members that the existing barber regulations are silent on gender-specific naming of shops.

She told the members that shops with gender-specific names must have signage that indicates that all genders are welcome and served.

The Board asked that the issue be placed on the February agenda for discussion.

Ms. Read asked for a member to participate in a hearing on April 26, 2018. Mr. Gayzagian agreed to participate.

## **Executive Director Report**

Mr. Bialas provided testing statistics from Pearson Vue and discussed the statistics with the Board.

## **Penalties for Unlicensed Practice**

Ms. Read presented the issue to the members and explained that the Office of Investigation has offered an outline of how unlicensed practice can be treated.

Members discussed the proposal and options.

Several additional proposals were offered to increase the fines for first-time offenders.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot to raise the fines for unlicensed practice to \$1000 for shop owners and \$100 for individuals.

Mr. Gayzagian asked the members to consider raising the fine for individuals to \$500.

Members discussed this option.

The MOTION was amended to raise the fine for individuals to \$500.

A MOTION was made by Ms. Talbot, seconded by Mr. Nunez, to use the following schedule of penalties for unlicensed practice:

- Unlicensed Shop:
  - First Violation: \$1000 fine.
  - Second Violation: \$2500 fine.
  
- Unlicensed Employee (First Violation):
  - Shop Owner: \$100 fine for each unlicensed employee, and \$100 fine for aiding and abetting unlicensed practice for each unlicensed employee. Shop Owners

- may be fined an additional \$100 for failing to cooperate if an owner does not provide information about an employee when asked.
- Individual: \$500 fine for unlicensed practice.

The MOTION passed unanimously.

### **Permissible Depth of Skin Services**

The Board heard testimony from Attorney Marco Beatrice regarding the permissible depth of microneedling.

After brief discussion, a MOTION was made by Ms. Saluto, seconded by Ms. Tool, to table the issue and instruct the staff to draft a policy with research on microneedling and other techniques that affect skin below the stratum corneum, the outermost layer of skin.

The MOTION passed unanimously.

### **Public Comments**

Mr. Beatrice stated that physicians should not have to obtain salon licenses for med spas.

David Vo of Jupiter Beauty Academy asked the Board to increase penalties for unlicensed practice.

A MOTION was made by Ms. Talbot, seconded by Mr. Gayzagian, to adjourn the meeting.

The MOTION passed unanimously.

The meeting adjourned at 1:41 p.m.

The above Minutes were approved at the open meeting held on February 13, 2018.



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Brian Bialas, Executive Director