

**COMMONWEALTH OF MASSACHUSETTS**  
**BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING**  
**MINUTES OF THE JULY 12, 2016 BOARD MEETING**

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

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

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

**ABSENT:** Marian Saluto

**STAFF:** Robert, Fortes, Deputy Director of Policy and Boards  
Lynn Read, Board Counsel  
Brian Bialas, Executive Director

The meeting was called to order at 9:30 AM by Ms. Viens (Chair)

**Executive Session CLOSED per M.G.L. c.30A, § 21(a)(1), Individual Character  
Rather Than Competence**

A MOTION was made by Ms. Dorian, second by Ms. Pham 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. Dorian (Y) Ms. Tool (Y) Mr. Gayzagian (Y) Ms. Talbot (Y) Mr. Nunez (Y) Ms. Pham (Y) Ms. Viens (Y) Ms. Devin (Y)

The MOTION passed unanimously.

See separate minutes.

Open Session resumed at 10:30 a.m.

**Housekeeping:**

Ms. Viens reviewed emergency exit procedures.

**Minutes of Meeting on May 10, 2016**

Ms. Dorian requested an amendment to the May 10<sup>th</sup> minutes.

A MOTION was made by Ms. Talbot, seconded by Ms. Tool to accept the May 10, 2016 Meeting minutes as amended.

The MOTION passed unanimously.

### **Board Counsel Report**

Ms. Read described new legislation passed by the legislature and signed by Gov. Baker regarding mobile practice of cosmetology and barbering and mobile salons.

A MOTION was made by Ms. Dorian, second by Ms. Talbot to put a statement on the Board's website regarding mobile practice and mobile salons.

The MOTION passed unanimously.

Ms. Read reported that under legislation passed by the legislature and signed by Gov. Baker, the Board will retain licensing authority over schools. She also discussed the public hearings on the Board's proposed regulations taking place on July 25 and August 1, 2016. She explained the process for the hearings and finalizing the regulations.

Ms. Read reported that the backlog of default decisions has been eliminated.

### **Greater Lawrence Technical School Barber Program**

Mr. Bialas described the request by Greater Lawrence Technical School for formal approval of the barber program it has been running.

A MOTION was made by Mr. Gayzagian second Mr. Nunez to approve of the program.

The MOTION passed by majority vote.

### **CORI Policy**

Mr. Bialas discussed the CORI policy progress and tells the Board the DPL Director has decided that DPL will review CORIs for all applicants.

A MOTION was made by Mr. Gayzagian, second by Ms. Talbot to table the issue.

The MOTION passed by majority vote.

### **Makeup Policy**

Ms. Read discussed that the Board's statute as amended by the 2014 legislation states that makeup artistry is outside the definition of cosmetology, which includes aesthetics. She said the

Board should decide whether to continue its policy that a person whose practice is limited to applying makeup must be licensed as a cosmetologist or an aesthetician. Ms. Dorian stated the application of makeup is not makeup artistry as that term is used in the statute.

A MOTION was made by Ms. Devin, second by Ms. Pham to keep the current policy in effect that application of makeup requires a license as a cosmetologist or an aesthetician.

The MOTION passed by majority vote, with two abstentions.

#### **InLight Training Course – Intense Pulsed Light (“IPL”)**

The Board reviewed the course description submitted by InLight for IPL training.

A MOTION was made by Ms. Devin, second by Mr. Gayzagian to approve the course.

The MOTION passed by majority vote, with two abstentions.

#### **Lunch 1:00 pm**

#### **Return 1:37 pm**

#### **School Discretion to Approve Students to Take Exam After 90% Hours Completed.**

Ms. Dorian described her proposal that schools be given authority to approve students to take the licensing exam after the student has completed 90 percent of the hours required for the program, for instance 90% of the 1000 hours required for the cosmetology program. Members discussed the proposal. Ms. Dorian said she would submit a revised proposal to the Board.

A MOTION was made by Ms. Pham second by Ms. Tool to table the issue.

The MOTION passed unanimously

#### **Public Comment**

Ms. Hamilton of Rob Roy Academy commented that the application of makeup should require a license and the Board should issue a definition of “makeup artistry.” She and Mr. Clemente of New England Hair Academy also asked questions about the transferability of hours from a barber program in a correctional institution to a private barber school upon the student’s release, and the need for Board guidance in transfer situations.

**Executive Session (Second Today) CLOSED per M.G.I. c.30A, § 21(a)(1), Individual Character Rather Than Competence**

A MOTION was made by Ms. Devin second by Ms. Talbot to enter into executive session for the purpose of discussing applicants' characters rather than competence, after which a CLOSED Quasi-Judicial session and a CLOSED Investigative Conference will be held and the open meeting of the Board will **not** resume.

A Roll Call vote was taken: Ms. Dorian (Y) Ms. Tool (Y) Mr. Gayzagian (Y) Ms. Talbot (Y) Mr. Nunez (Y) Ms. Pham (Y) Ms. Viens (Y) Ms. Devin (Y)

The MOTION passed unanimously.

**Quasi Judicial Deliberative Session [Closed session pursuant to G.L. c. 30A, §18(d)]:**

A MOTION was made and seconded to exit the open meeting and go into closed quasi-judicial session pursuant to G.L. c. 30A §18(d) to make decisions required in adjudicatory proceedings brought before it.

The MOTION passed unanimously.

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

- HS-13-405, Board determined Sanction for Final Decision and Order.  
HS-14-533
- HS-12-170 Board determined Final Sanction Reinstatement after Final Decision
- HS-15-352 Board determined Final Sanction Reinstatement after Final Decision
- BS-16-010 Board determined Final Sanction Reinstatement after Final Decision
- HD-14-241 Board determined Final Sanction Reinstatement after Final Decision
- HS-16-173 Board determined Final Sanction Reinstatement after Final Decision

At the end of the quasi-judicial session, the open meeting resumed.

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

A MOTION was made by Ms. Tool, seconded by Ms. Talbot, to enter closed session to consider open cases, conduct investigative conferences and to 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:

Settlement Offers and Counteroffers:

- |           |                                 |
|-----------|---------------------------------|
| HS-16-227 | Provided guidance to prosecutor |
| HS-16-121 | Provided guidance to prosecutor |

Review of Cases and Staff Assignments:

HD-16-215	Refer to Prosecution
HD-16-149	Refer to Prosecution
HD-16-100	Dismiss
HS-16-254	Refer to Prosecution
HD-16-202	Dismiss
HS-16-066	Refer to Prosecution
HD-16-116	Dismiss and re-issue corrected license
HD-14-054	Refer to Investigations for further information
HD-16-220	Dismiss
HS-16-280	Dismiss
HS-16-314	Refer to Prosecution
HS-16-252	Refer to Prosecution
SA-HS-16-087	Dismiss
SA-BR-16-051	Refer to Prosecution
SA-BR-16-052	Dismiss
HS-16-253	Dismiss
HD-16-219	Dismiss
HS-16-311	Refer to prosecution
HD-15-096	Dismiss after payment of fine

**Adjournment**

**Documents Used at the Meeting:**

Agenda  
Draft Minutes of Open Meeting held May 10, 2016  
Floor Plan, Greater Lawrence Technical School Premises for Barber Program  
InLight IPL Course Description  
Memorandum to Board from Ms. Dorian – Proposal

The above Minutes were approved at the open meeting held on September 13, 2016.



Brian Bialas, Executive Director