

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING

MINUTES OF THE OCTOBER 11, 2016 BOARD MEETING

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

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

**PRESENT:** Joy Talbot (Vice-Chair), Michael Gayzagian (Secretary), Marian Saluto, Janice Dorian, Catherine Tool, Jesus Nunez, Louise Devin. Ms. Pham arrived at approximately 9:50 a.m.

**ABSENT:** Susan Viens (Chair)

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

The meeting was called to order at 9:40 AM by Ms. Talbot (Acting Chair)

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

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A MOTION was made by Ms. Dorian second by Mr. Gayzagian to enter into executive session for the purpose of discussing character rather than competence, and when finished to resume the open meeting.

The acting Chair called for a Roll Call Vote: Ms. Dorian (Yes), Ms. Tool (Yes), Mr. Gayzagian (Yes), Ms. Talbot (Yes), Mr. Nunez (Yes), Ms. Saluto (Yes), Ms. Devin (Yes)

The MOTION Passed by unanimous vote of those present.

**Open Session 10:27**

**Housekeeping:**

Ms. Talbot explained the emergency exit procedures.

**Read and Accept the Minutes from the August 9, 2016, August 22, 2016, August 25, 2016, and September 13, 2016 Meetings.**

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A MOTION was made by Ms. Devin second by Mr. Gayzagian to accept the August 9, 2016 Minutes.

The MOTION passed by unanimous vote of those present.

Ms. Dorian left the room.

A MOTION was made by Mr. Gayzagian second by Ms. Tool to accept the August 22, 2016 Minutes.

The MOTION passed by unanimous vote of those present.

Ms. Dorian returned to the room.

A MOTION was made by Mr. Gayzagian second by Ms. Devin to accept the August 25, 2016 Minutes.

The MOTION passed by unanimous vote of those present.

A MOTION was made by Ms. Dorian second by Ms. Tool to accept the September 13, 2016 Minutes.

The MOTION passed by unanimous vote of those present.

### **Executive Director Report**

Mr. Bialas introduces Jordan Maynard as the new Manager of External Affairs.

Mr. Bialas reported that there is a scheduled meeting with Pearson VUE, the Board's exam vendor, on November 1<sup>st</sup>, 2016 at the Assabet Valley Technical School from 10-1 to discuss the changes in regulations and the test.

Mr. Bialas also reported that a prison visit is being scheduled for Board members to review the cosmetology and barbering programs.

### **Board Counsel Report**

Ms. Read reported that the regulations are still being reviewed by the agencies that supervise DPL.

Break 11:30  
Return 11:35

### **Proposed Changes to the Regulations**

Ms. Read discussed the current regulations and the changes the Board previously proposed.

Mr. Bialas and Board members discussed the Board's earlier decision to increase from 350 to 500 the required number of hours of cosmetology training that a barber would need to "cross over" and obtain a cosmetologist license. Members discussed the implications of that change and decided not to change that proposal.

Break 12:15  
Return 12:20

After further discussion, a MOTION was made by Ms. Devin, seconded by Mr. Gayzagian to make the cosmetology crossover regulations identical to the Barber crossover regulations.

The MOTION passed by unanimous vote of those present.

Lunch 12:35  
Return 1:20

### **Electrology Audit Procedures**

The Board discussed the procedures for auditing licenses of electrologists for compliance with continuing education requirements.

Mr. Bialas asks the Board to grant the Board staff authority to refer cases of noncompliance to prosecution and resolve them by agreement in consultation with the Board's electrologist members without bringing such cases to the full Board.

A MOTION was made by Ms. Devin second by Ms. Saluto to delegate the authority.

The MOTION passed by unanimous vote of those present.

### **Mobile Policy**

Ms. Read reviews the new policy with the members. Ms. Dorian asked for clarification on why each shop needs to register to offer mobile services, and Ms. Read explains registration ensures accountability and prevents confusion if individual licensees who work in shops offer mobile services.

Members discuss the services that licensees will be allowed to perform on a mobile basis, and what services will be excluded.

A MOTION was made to require salon owners to register to provide mobile services.

The MOTION passed by majority vote with one abstention.

A MOTION was made by Ms. Dorian second by Mr. Gayzagian to table the Mobile Policy.

The MOTION passed by unanimous vote of those present.

### **CORI Policy**

The Board discussed the policy draft and agreed to include convictions of Homicide as a reason for mandatory appearance before the Board.

Members discussed how CORI checks will be performed on all applicants after they have passed the exam and whether schools could perform CORI checks before students complete the 1000-hour program. Mr. Bialas and Ms. Read explained that the Board may obtain CORI for applicants only, and can't renew CORIs for every license renewal due to the high volume.

A MOTION was made by Mr. Gayzagian second by Ms. Pham to approve the draft CORI policy, effective when the Mobile Policy becomes effective.

The MOTION passed by majority vote of those present.

### **Public Comment**

Speakers:

Rafael Feliciano  
Anthony Clemente

### **Meeting Dates**

The Board members decided that meeting dates for 2017 will be the first Tuesday of every month.

A MOTION was made by Ms. Tool second by Mr. Gayzagian to accept the new dates.

The MOTION passed by unanimous vote of those present.

**Investigative Conference CLOSED per M.G.L. c. 30A, § 65C, Quasi-Judicial Session  
CLOSED per M.G.L. c. 30A, § 18, and Executive Session CLOSED  
per M.G.L. c. 30A, § 21(a)(1), Individual Character Rather Than Competence**

A MOTION was made by Mr. Gayzagian second by Ms. Tool to exit open session and go to investigative session, after which the Board would return to Open Meeting only to vote to adjourn.

The MOTION passed by unanimous vote of those present.

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

- HS-16-144 Dismissed
- HS-15-488, HS-16-001 Refer for Prosecution
- HD-16-170 Refer for Prosecution

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

- BS-15-001 Board determined Sanction for Final Decision and Order

See separate Executive Session Minutes.

### **Adjournment**

A MOTION was made by Mr. Gayzagian second by Mr. Nunez to adjourn.

The MOTION passed by unanimous vote of those present.

### **Documents Used at the Meeting:**

Agenda

Draft Minutes of Open Meetings held August 9, 2016, August 22, 2016, August 25, 2016 and September 13, 2016

Draft Regulations 240 CMR 2.00, 4.00

Draft Mobile Services Policy

Draft CORI Policy

The above Minutes were approved at the open meeting held on November 8, 2016.



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Brian Bialas, Executive Director