

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING

MINUTES OF THE NOVEMBER 8, 2016 BOARD MEETING

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

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

**PRESENT:** Susan Viens (Chair), Joy Talbot (Vice-Chair), Michael Gayzagian (Secretary), Marian Saluto, Catherine Tool, Jesus Nunez, Louis Devin. Nan Pham joined the meeting at 10:25 a.m. Janice Dorian joined the meeting at 10:45 a.m.

**STAFF:** Brian Bialas, Executive Director, Lynn Read, Board Counsel, Casey Yebba, Board Administrator, Kelly Puccio, Investigation Supervisor, Laurene Flaherty, Investigator

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. Tool second by Ms. Talbot to enter into executive session to discuss applicants' characters rather than competence, after which the open meeting of the Board will resume. The Chair called for a Roll Call vote.

Roll call: Ms. Tool (Yes) Mr. Gayzagian (Yes) Ms. Talbot (Yes) Ms. Viens (Yes) Mr. Nunez (Yes) Ms. Saluto (Yes) Ms. Devin (Yes)

The MOTION Passed by unanimous vote of those present.

**Open Session 10:15 AM**

**Housekeeping:** Ms. Viens explains the emergency exit procedures.

**Read and Accept Minutes of October 11, 2016 Open Meeting.**

A MOTION was made by Ms. Devin second by Ms. Saluto to accept the October 11, 2016 Minutes as written.

The MOTION passed by unanimous vote of those present.

Kelly Puccio introduced Laurene Flaherty, a new investigator for the Board.

**Executive Director Report**

Mr. Bialas discussed the Board's upcoming visit the prison barbering programs on December 13, 2016.

Mr. Bialas reviewed the Pearson Vue meeting held at Assabet Valley Vocational School.

Ms. Pham joined the meeting at or about 10:25 a.m.

**Board Counsel Report**

Ms. Read told the Board that the proposed changes to regulations under Executive Order 562 are being reviewed by DPL and other agencies before they may be published.

**Electrology Instructor Exam**

Members discussed how the exam will be administered, including how often the exam should be offered. The Chair recognized members of the public, who commented and asked questions regarding the test.

Ms. Dorian joined the meeting at or about 10:45 a.m.

No formal action was taken.

**Mobile Services**

Ms. Read reviewed the draft Mobile Policy and the Board discussed which services can and cannot be performed while mobile.

Members discussed the overall state of the industry and offered opinions on the new policy.

Ms. Read read an email from a member of the public who expressed concern about the Board not allowing chemical peels to be performed as a mobile service.

A MOTION was made by Ms. Dorian second by Mr. Gayzagian to accept the Mobile Policy with the changes discussed.

The MOTION passed by unanimous vote of those present.

**CORI Policy**

Ms. Read reviewed and members discussed the policy on review of Criminal Offender Record Information ("CORI") and the changes made during the last meeting.

A MOTION was made by Mr. Gayzagian second by Ms. Saluto to accept the CORI policy with additional changes. Mr. Gayzagian requested a roll call vote.

Roll Call Vote: Ms. Devin (Yes); Ms. Saluto (Yes); Ms. Pham (Yes); Mr. Nunez (Yes); Ms. Viens (Yes); Ms. Talbot (No); Mr. Gayzagian (Yes); Ms. Tool (Yes); Ms. Dorian (Yes).

The MOTION passed by a majority vote.

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

Ms. Dorian explained the proposal.

Ms. Dorian and Ms. Read discussed the definition of 1000 hours and how they are completed. Members asked questions.

Mr. Bialas and Ms. Read advised the Board that the proposal cannot go forward under current regulations because 240 CMR 2.01(2) requires Type 2 operator licensees to complete 1000 hours of professional training in a cosmetology school, 240 CMR 4.04(1)(a) requires cosmetology schools to maintain a course of study of not less than 1000 hours, and 240 CMR 4.08 requires schools to permit students to test after “successfully completing the minimum required number of earned credit hours for a hairdressing program (1,000 hours).”

No formal action was taken.

### **Prohibited Practices Policy**

Mr. Bialas suggested that the Board revise the Prohibited Practices Policy because it has not been updated in several years.

Members discussed the policy, suggested revisions and asked the staff to bring a new draft back to the Board. No formal action was taken.

### **Public Comment**

Members of the public commented on the new electronic licensing system and review of applicants who hold licenses issued by other boards or states.

The Board broke for lunch at 1:20 p.m. and returned at 2:05 p.m.

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

A MOTION was made by Mr. Nunez, second by Ms. Talbot to exit public session and enter CLOSED 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 actions:

- BR-16-073 Board determined sanction for Final Decision and Order
- HS-15-401 Board determined sanction for Final Decision and Order
- BS-15-156 Board determined sanction for Final Decision and Order
- HS-15-093 Dismissed
- HD-14-237 Board amended sanction for Final Decision

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

A MOTION was made by Ms. Talbot, seconded by Ms. Saluto to exit quasi-judicial session and enter closed session to conduct investigative conferences pursuant to G.L. c. 112, § 65C. The Motion passed unanimously.

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

Review of Cases and Staff Assignments:

HS-15-490	Revise terms on which Board referred to Prosecution
HS-15-511	Revise terms on which Board referred to Prosecution
2016-0817-HS-037-IT-ENF	Refer to Prosecution
SA-HS-17-013	Dismiss
2016-000645-IT-ENF	Close as duplicate of HS-16-324
HS-16-324	Refer to Prosecution
HD-14-054	Refer for further investigation
SA-HD-16-063	Open Complaint, Refer for further investigation
HS-16-030	Dismiss

**Adjournment**

A MOTION was made by Ms. Tool, second by Ms. Devin to adjourn the meeting. The MOTION passed unanimously. The meeting adjourned at 3:14 p.m.

The above Minutes were approved at the open meeting held on December 6, 2016.

  
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Brian Bialas, Executive Director

**Documents Used During the Meeting:**

Agenda  
Draft Minutes of October 11, 2016 Open Meeting  
Electronic mail Dated November 7, 2016 regarding chemical peels as a mobile service  
Draft Mobile Policy  
Draft CORI Policy  
Current Prohibited Practices Policy