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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF COSMETOLOGY

TIME: 10:45 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Monday, July 25, 2022

1 State Board of Cosmetology

2 July 25, 2022

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:00 a.m. the Board entered into Executive Session
6 with Gerard Leone, Esquire, Board Counsel, for the
7 purpose of conducting quasi-judicial deliberations on
8 a number of matters currently pending before the Board
9 and to receive the advice of counsel. The Board
10 returned to open session at 10:30 a.m.]

11 ***

12 The regularly scheduled meeting of the State
13 Board of Cosmetology was held on Monday, July 25,
14 2022. Tammy Y. O'Neill, Professional Member,
15 Chairperson, called the meeting to order at 10:45 a.m.

16 ***

17 [Gerard Leone, Esquire, Board Counsel, reminded
18 everyone that the meeting was being recorded, and
19 voluntary participation constituted consent to be
20 recorded.]

21 ***

22 Pledge of Allegiance

23 [The Pledge of Allegiance was recited.]

24 ***

25 Roll Call

1 [Roll call was taken. A quorum was noted to be
2 present.]

3 ***

4 Introduction of Attendees

5 ***

6 Approval of Minutes of May 2, 2022

7 CHAIR O'NEILL:

8 We need an approval of the minutes from
9 our May 2, 2022 meeting.

10 May I have a motion to approve?

11 MS. CRAFT:

12 I motion.

13 MS. D'AMATO-DOW:

14 Second.

15 CHAIR O'NEILL:

16 Motion to approve. Roll call.

17

18 Arion Claggett, aye; Tammy O'Neill, aye;

19 Elisa Brown, aye; Nicole Weakland, aye;

20 Deborah Craft, aye; Stephen Szabo,

21 abstain; Kristal Ferron, aye; Jennifer

22 D'Amato-Dow, aye.

23 [The motion carried. Stephen Szabo abstained from
24 voting on the motion.]

25 ***

1 Report of Board Prosecution

2 [Gerard Leone, Esquire, Board Counsel, noted the Board
3 met in Executive Session prior to the meeting for the
4 purpose of conducting quasi-judicial deliberations.
5 He also noted the Board waived the briefing from
6 prosecution.]

7 MR. LEONE:

8 The chair will entertain a motion to
9 approve agenda item 2 at Case No. 20-45-
10 014647, item 3 at Case No. 20-45-014648,
11 item 4 at Case No. 20-45-014403, item 5
12 at Case No. 21-45-020058, item 6 at Case
13 No. 20-45-010616, item 7 at Case No. 21-
14 45-019184, item 9 at Case No. 22-45-
15 004143, item 10 at Case No. 21-45-
16 004076, item 11 at Case No. 20-45-
17 013310, item 12 at Case No. 22-45-
18 002101, item 13 at Case No. 22-45-
19 000948, item 14 at Case No. 22-45-
20 000057, item 15 at Case No. 22-45-
21 003623, item 16 at Case No. 21-45-
22 008215, item 17 at Case No. 21-45-
23 013568, item 18 at Case No. 21-45-
24 000782, item 20 at Case No. 19-45-
25 004699, and item 21 at Case No. 19-45-

1 004448.

2 CHAIR O'NEILL:

3 Do we have a motion to approve?

4 MS. CRAFT:

5 I motion to approve.

6 MS. D'AMATO-DOW:

7 Second.

8 CHAIR O'NEILL:

9 Roll call.

10

11 Arion Claggett, aye; Tammy O'Neill, aye;

12 Nicole Weakland, aye; Elisa Brown, aye;

13 Stephen Szabo, abstain; Kristal Ferron,

14 aye; Deborah Craft, aye; Jennifer

15 D'Amato-Dow, aye.

16 [The motion carried. Stephen Szabo abstained from
17 voting on the motion. Case No. 20-45-014647 and Case
18 No. 20-45-014648 are Colorful Spa & Nail LLC; Case No.
19 20-45-014403, Crowned by CJ & Company; Case No. 21-45-
20 020058, Jas It Up Hair Studio; item 6 at Case No. 20-
21 45-010616, Melissa Ann Sarvey; item 7 at Case No. 21-
22 45-019184, XO Nails & Spa; item 9 at Case No. 22-45-
23 004143, Hous of Beauty; item 10 at Case No. 21-45-
24 004076, Regal Nails; item 11 at Case No. 20-45-013310,
25 Joanne Mary Scudder; item 12 at Case No. 22-45-002101,

1 Kiki's Nail and Spa; item 13 at Case No. 22-45-000948,
2 Tung Khac Du; item 14 at Case No. 22-45-000057, La
3 Rose Nail Plus; item 15 at Case No. 22-45-003623, Anna
4 Nails; item 16 at Case No. 21-45-008215 and Case No.
5 21-45-013568, American Nails; item 18 at Case No. 21-
6 45-000782, Pearl Aesthetic Perfecting Studio; item 20
7 at Case No. 19-45-004699, Justin A. Nickle; and item
8 21 at Case No. 19-45-004448, Caitlin E. Griffith.]

9

10 MR. LEONE:

11 The Board will entertain a motion to
12 approve agenda item 8 at Case No. 20-45-
13 012407 and agenda item 19 at Case No.
14 21-45-003373.

15 CHAIR O'NEILL:

16 Do we have a motion to approve?

17 MS. CRAFT:

18 So moved.

19 MS. D'AMATO-DOW:

20 Second.

21 CHAIR O'NEILL:

22 Roll call.

23

24 Arion Claggett, aye; Tammy O'Neill, aye;

25 Nicole Weakland, aye; Elisa Brown, aye;

1 Deborah Craft, aye; Stephen Szabo,
2 abstain; Kristal Ferron, aye; Jennifer
3 D'Amato-Dow, aye.

4 [The motion carried. Stephen Szabo abstained from
5 voting on the motion. Agenda item 8 at Case No. 20-
6 45-012407 is Steven TD Tran and item 19 at Case No.
7 21-45-003373 is Duong V. Nguyen.]

8 ***

9 Report of Board Counsel

10 MR. LEONE:

11 The Board would entertain a motion to
12 direct Board counsel to draft a Final
13 A&O in the matters consistent with
14 discussions in Executive Session for
15 agenda items 22, 23, and 24 at Case Nos.
16 20-45-001456, Case No. 20-45-003133, and
17 Case No. 20-45-003613.

18 CHAIR O'NEILL:

19 Is there a motion?

20 MS. CRAFT:

21 So moved.

22 MS. D'AMATO-DOW:

23 Second.

24 CHAIR O'NEILL:

25 Roll call.

1

2

Arion Claggett, aye; Tammy O'Neill, aye;

3

Nicole Weakland, aye; Elisa Brown, aye;

4

Deborah Craft, aye; Stephen Szabo,

5

abstain; Kristal Ferron, aye; Jennifer

6

D'Amato-Dow, aye.

7

[The motion carried. Stephen Szabo abstained from

8

voting on the motion.]

9

10 MR. LEONE:

11

I believe the Board would entertain a

12

motion to table agenda items 25 and 28

13

at Case Nos. 20-45-004424 and Case No.

14

18-45-010996.

15 CHAIR O'NEILL:

16

Motion to approve?

17 MS. CRAFT:

18

Motion to approve.

19 MS. D'AMATO-DOW:

20

Second.

21 CHAIR O'NEILL:

22

Roll call.

23

24

Arion Claggett, aye; Tammy O'Neill, aye;

25

Nicole Weakland, aye; Elisa Brown, aye;

1 Deborah Craft, aye; Stephen Szabo,
2 abstain; Kristal Ferron, aye; Jennifer
3 D'Amato-Dow, aye.

4 [The motion carried. Stephen Szabo abstained from
5 voting on the motion.]

6 ***

7 MR. LEONE:

8 The Board would entertain a motion to
9 approve the Motion to Deem Facts
10 Admitted for agenda items 26 and 27 for
11 Case No. 19-45-0009786 and Case No. 21-
12 45-012640.

13 CHAIR O'NEILL:

14 Motion to approve?

15 MS. CRAFT:

16 Motion to approve.

17 MS. D'AMATO-DOW:

18 Second.

19 CHAIR O'NEILL:

20 Roll call.

21

22 Arion Claggett, aye; Tammy O'Neill, aye;
23 Nicole Weakland, aye; Elisa Brown, aye;
24 Deborah Craft, aye; Stephen Szabo,
25 abstain; Kristal Ferron, aye; Jennifer

1 D'Amato-Dow, aye.

2 [The motion carried. Stephen Szabo abstained from
3 voting on the motion.]

4 ***

5 MR. LEONE:

6 Motion to table agenda items 29, 30, and
7 31 for Case No. 19-45-014333, Case No.
8 22-45-007144, and Case No. 22-45-009134.

9 CHAIR O'NEILL:

10 Motion?

11 MS. CRAFT:

12 Motion to approve.

13 MS. D'AMATO-DOW:

14 Second.

15 CHAIR O'NEILL:

16 Roll call.

17
18 Arion Claggett, aye; Tammy O'Neill, aye;
19 Nicole Weakland, aye; Elisa Brown, aye;
20 Deborah Craft, aye; Stephen Szabo,
21 abstain; Kristal Ferron, aye; Jennifer
22 D'Amato-Dow, aye.

23 [The motion carried. Stephen Szabo abstained from
24 voting on the motion.]

25 ***

1 Report of Board Chairperson - No Report

2 ***

3 Report of Acting Commissioner

4 [Arion R. Claggett, Acting Commissioner, Bureau of
5 Professional and Occupational Affairs, notified
6 everyone of in-person Board member training on October
7 24, 2022, from 8 a.m. to 4 p.m. in Harrisburg. He
8 mentioned that some of the topics included reports
9 from Board counsel, prosecution, the Professional
10 Health Monitoring Programs (PHMP), and other staff.]

11 ***

12 Report of Board Administrator - No Report

13 ***

14 Applications

15 MR. LEONE:

16 The Board would entertain a motion to
17 provisionally approve the Applications
18 at agenda item 31, AA0003451401; agenda
19 item 34, AA0003817035, agenda item 35,
20 AA0003647995, and agenda item 36,
21 AA0003888571.

22 CHAIR O'NEILL:

23 Do we have a motion to approve?

24 MS. CRAFT:

25 Motion to approve.

1 MS. D'AMATO-DOW:

2 Second.

3 CHAIR O'NEILL:

4 Roll call.

5

6 Arion Claggett, aye; Tammy O'Neill, aye;

7 Nicole Weakland, aye; Elisa Brown, aye;

8 Deborah Craft, aye; Stephen Szabo,

9 abstain; Kristal Ferron, aye; Jennifer

10 D'Amato-Dow, aye.

11 [The motion carried. Stephen Szabo abstained from

12 voting on the motion.]

13

14 MR. LEONE:

15 The Board would entertain a motion to

16 approve the Licensure by Endorsement at

17 agenda items 32 and 33 at AA0003756998

18 and AA0003788670.

19 CHAIR O'NEILL:

20 Do we have a motion to approve?

21 MS. CRAFT:

22 Motion to approve.

23 MS. D'AMATO-DOW:

24 Second.

25 CHAIR O'NEILL:

1 Roll call.

2

3 Arion Claggett, aye; Tammy O'Neill, aye;
4 Nicole Weakland, aye; Elisa Brown, aye;
5 Deborah Craft, aye; Stephen Szabo,
6 abstain; Kristal Ferron, aye; Jennifer
7 D'Amato-Dow, aye.

8 [The motion carried. Stephen Szabo abstained from
9 voting on the motion.]

10 ***

11 MR. LEONE:

12 The Board would entertain a motion to
13 approve the Variance Requests at agenda
14 item 37, AA0003707098; agenda item 38,
15 AA0003781234; and agenda item 41,
16 AA0003729094.

17 CHAIR O'NEILL:

18 Do we have a motion to approve?

19 MS. CRAFT:

20 Motion to approve.

21 MS. D'AMATO-DOW:

22 Second.

23 CHAIR O'NEILL:

24 Roll call.

25

1 Arion Claggett, aye; Tammy O'Neill, aye;
2 Nicole Weakland, aye; Elisa Brown, aye;
3 Deborah Craft, aye; Stephen Szabo,
4 abstain; Kristal Ferron, aye; Jennifer
5 D'Amato-Dow, aye.

6 [The motion carried. Stephen Szabo abstained from
7 voting on the motion.]

8 ***

9 MR. LEONE:

10 I believe the Board would entertain a
11 motion to provisionally deny the
12 Variance Requests at agenda item 39,
13 AA0003783142, agenda item 40,
14 AA0003783067; and agenda item 42,
15 AA0003608841.

16 MS. CRAFT:

17 Motion to deny.

18 MS. D'AMATO-DOW:

19 Second.

20 CHAIR O'NEILL:

21 Roll call.

22

23 Arion Claggett, aye; Tammy O'Neill, aye;
24 Nicole Weakland, aye; Elisa Brown, aye;
25 Deborah Craft, aye; Stephen Szabo,

1 abstain; Kristal Ferron, aye; Jennifer
2 D'Amato-Dow, aye.

3 [The motion carried. Stephen Szabo abstained from
4 voting on the motion.]

5 ***

6 [Nathan Walk, Walk with Scissors, presented to the
7 Board stating that he is opening Walk with Scissors in
8 Middletown and has been an educator for over 20 years.
9 He mentioned Erin Walk owned Discovery Kids throughout
10 Middletown, but it closed about two years ago. He
11 noted Ms. Walk wanted to move back and have the school
12 and addressed the layout of the buildings.

13 Erin Walk, Walk with Scissors, provided the deed
14 of the property, noting it was formerly operated as a
15 child care center. She reported having occupancy
16 permits for the buildings that reflected the address,
17 noting obtaining the class of occupancy prior to
18 turning it into a cosmetology school. She noted it is
19 a different coding on the certificate, but it did show
20 that the whole entire building was used for one
21 daycare center.]

22 ***

23 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
24 11:19 a.m. the Board entered into Executive Session
25 with Shana M. Walter, Esquire, Board Counsel, for the

1 purpose of conducting quasi-judicial deliberations on
2 a number of matters currently pending before the Board
3 and to receive the advice of counsel. The Board
4 returned to open session at 11:25 a.m.]

5 MR. LEONE:

6 The Board would entertain a motion to
7 provisionally deny the Variance Request
8 at agenda item 43, AA0002973723.

9 CHAIR O'NEILL:

10 Could I have a motion to deny?

11 MS. CRAFT:

12 Motion to deny.

13 MS. D'AMATO-DOW:

14 Second.

15 CHAIR O'NEILL:

16 Roll call.

17

18 Arion Claggett, aye; Tammy O'Neill, aye;
19 Nicole Weakland, aye; Elisa Brown, aye;
20 Deborah Craft, aye; Stephen Szabo,
21 abstain; Kristal Ferron, aye; Jennifer
22 D'Amato-Dow, aye.

23 [The motion carried. Stephen Szabo abstained from
24 voting on the motion.]

25

1 MR. LEONE:

2 The Board would entertain a motion to
3 deny the Variance Request but approve
4 the Application at agenda item 44 at
5 AA0003794423.

6 CHAIR O'NEILL:

7 Could I have a motion to deny the
8 Variance and approve the Application?

9 MS. CRAFT:

10 So moved.

11 MS. D'AMATO-DOW:

12 Second.

13 CHAIR O'NEILL:

14 Roll call.

15
16 Arion Claggett, aye; Tammy O'Neill, aye;
17 Nicole Weakland, aye; Elisa Brown, aye;
18 Deborah Craft, aye; Stephen Szabo,
19 abstain; Kristal Ferron, aye; Jennifer
20 D'Amato-Dow, aye.

21 [The motion carried. Stephen Szabo abstained from
22 voting on the motion. Mr. Leone explained that the
23 application is approved and a variance is not needed
24 because Walk with Scissors is above the square
25 footage.]

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Report of Board Members - No Report

Discussion Items - Vote on Application Committee

MR. LEONE:

The Board would entertain nominations for the Application Committee for volunteers of Board members who would like to become members of the standing Application Committee.

Let the record show that Chairperson Tammy O'Neill, Board member Jennifer D'Amato-Dow, and Deborah Craft are the new members of the Application Committee.

Move to approve these nominated members of the Application Committee, once again Tammy O'Neill, Jennifer D'Amato-Dow, and Deborah Craft?

MS. CRAFT:

Motion to approve the nominations.

MS. D'AMATO-DOW:

Second.

CHAIR O'NEILL:

Roll call.

1

2

Arion Claggett, aye; Tammy O'Neill, aye;

3

Nicole Weakland, aye; Elisa Brown, aye;

4

Deborah Craft, aye; Stephen Szabo,

5

abstain; Kristal Ferron, aye; Jennifer

6

D'Amato-Dow, aye.

7

[The motion carried. Stephen Szabo abstained from

8

voting on the motion.]

9

10 Discussion Items - State Board of Cosmetology's

11 Proposed Rulemaking 16A-4520

12 [Gerard Leone, Esquire, Board Counsel, the Board

13 previously voted and approved the package regulations

14 for the increase of fees on the licensing community.

15 He noted that package was approved with no suggested

16 amendments and would become part of the new renewal

17 period if the Board decides to approve those.]

18 MR. LEONE:

19

The Board would entertain a motion to

20

approve the rulemaking at agenda item 46

21

at 16A-4520 relating to fees.

22 MS. CRAFT:

23

Motion to approve.

24 MS. D'AMATO-DOW:

25

Second.

1 CHAIR O'NEILL:

2 Roll call.

3

4 Arion Claggett, aye; Tammy O'Neill, aye;

5 Nicole Weakland, aye; Elisa Brown, aye;

6 Deborah Craft, aye; Stephen Szabo,

7 abstain; Kristal Ferron, aye; Jennifer

8 D'Amato-Dow, aye.

9 [The motion carried. Stephen Szabo abstained from
10 voting on the motion.]

11

12 Discussion Items - Act 41 Regulation

13 [Gerard Leone, Esquire, Board Counsel, noted the law

14 expands the scope of the way the Board reviews

15 applications for anyone with an active license in

16 another jurisdiction and formalizes the process by

17 which the documents are submitted and adds one

18 additional step concerning legal requirements of the

19 previous jurisdiction.

20 Acting Commissioner Claggett commented that Act

21 41 makes access to licensure easier by providing a

22 pathway for people who have a license in another

23 state.

24 Mr. Leone informed Board members that part of the

25 regulation is that the applicant translate and have a

1 notary seal on any document the Board has to review.]

2 MR. LEONE:

3 The Board would entertain a motion to
4 approve the regulatory package at agenda
5 item 47, the Act 41 Regulation.

6 MS. CRAFT:

7 Motion to approve.

8 MS. D'AMATO-DOW:

9 Second.

10 CHAIR O'NEILL:

11 Roll call.

12

13 Arion Claggett, aye; Tammy O'Neill, aye;
14 Nicole Weakland, aye; Elisa Brown, aye;
15 Deborah Craft, aye; Stephen Szabo,
16 abstain; Kristal Ferron, aye; Jennifer
17 D'Amato-Dow, aye.

18 [The motion carried. Stephen Szabo abstained from
19 voting on the motion.]

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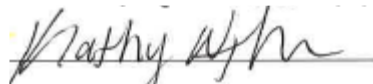
21 Discussion Items - Bureau of Professional and
22 Occupational Affairs Annual Case Report

23 [Gerard Leone, Esquire, Board Counsel, noted the case
24 report quantifies all of the prosecution's denials and
25 approvals.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Cosmetology meeting, was reduced to writing by me or under my supervision, the minutes accurately summarize the substance of the State Board of Cosmetology meeting.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF COSMETOLOGY
REFERENCE INDEX

July 25, 2022

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:45	Official Call to Order
10:45	Pledge of Allegiance
10:45	Roll Call
10:46	Introduction of Attendees
10:49	Approval of Minutes
10:51	Report of Board Prosecution
10:59	Report of Board Counsel
11:03	Report of Acting Commissioner
11:19	Executive Session
11:25	Return to Open Session
11:25	Motions
11:28	Discussion Items
11:39	Upcoming Meeting Dates
11:40	Adjournment