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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 BARBER EXAMINERS**

TIME: 10:35 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, February 27, 2023



1 \*\*\*

2 State Board of Barber Examiners

3 February 27, 2023

4 \*\*\*

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

12 \*\*\*

13 The regularly scheduled meeting of the State Board  
14 of Barber Examiners was held on Monday, February 27,  
15 2023. Dominic A. Muniz, Chairman, Professional  
16 Member, called the meeting to order at 10:35 a.m.

17 \*\*\*

18 Pledge of Allegiance

19 [The Pledge of Allegiance was recited.]

20 \*\*\*

21 [Sean C. Barrett, Esquire, Board Counsel, noted the  
22 meeting was being recorded, and those who continued  
23 to participate were giving their consent to be  
24 recorded.

25 Mr. Barrett informed everyone that the Board

1 entered into Executive Session for the purpose of  
2 conducting quasi-judicial deliberations on a number  
3 of matters currently pending before the Board and to  
4 receive advice of counsel.]

5 \*\*\*

6 Introduction of Board Members/Attendees

7 [Sparkle Thompson, Board Administrator, provided an  
8 introduction of Board members and attendees.]

9 \*\*\*

10 Approval of minutes of the December 19, 2022 meeting

11 CHAIRMAN MUNIZ:

12 Could we have a motion for the approval  
13 of minutes for December 19, 2022?

14 MR. EDSALL:

15 Motion.

16 CHAIRMAN MUNIZ:

17 Do I have a second?

18 MR. GRAY:

19 Second.

20 CHAIRMAN MUNIZ:

21 Roll call.

22  
23 Arion Claggett, aye; Dominic Muniz,  
24 aye; Ronald Gray, aye; Ginger Etter,  
25 aye; Burr Edsall, aye; Michael

1 McAndrew, aye; Charles Seright, aye.

2 [The motion carried unanimously.]

3 \*\*\*

4 Appointment - Prosecution Division Annual Report  
5 Presentation

6 [Carolyn A. DeLaurentis, Esquire, Executive Deputy  
7 Chief Counsel, Department of State, informed Board  
8 members that she is now the executive deputy chief  
9 counsel for the Department of State but is presenting  
10 to the Board on behalf of the prosecution division in  
11 her former role to provide the presentation.

12 Ms. DeLaurentis presented to the Board to provide  
13 a summary of the prosecution division's role and  
14 present annual numbers for 2022. She informed Board  
15 members that the Bureau of Professional and  
16 Occupational Affairs provides administrative and  
17 legal support to all 29 licensing boards and  
18 commissions with the mission to protect the health  
19 and safety of the public and the integrity of the  
20 profession. She noted legal support includes the  
21 prosecution division, counsel division, and hearing  
22 examiners.

23 Ms. DeLaurentis explained that the Office of  
24 Chief Counsel is under the Governor's Office of  
25 General Counsel and assigned to the Department of

1 State, noting the prosecution division is one  
2 division under the Office of Chief Counsel with about  
3 38 prosecuting attorneys and support staff. She  
4 noted the prosecution division works with the Bureau  
5 of Enforcement and Investigation (BEI), along with  
6 the Professional Compliance Office (PCO).

7 Ms. DeLaurentis stated BEI, PCO, and prosecution  
8 are all tasked with receiving complaints,  
9 investigating allegations, ensuring public safety,  
10 and enforcing compliance with the acts and  
11 regulations that govern the 29 licensing boards and  
12 commissions.

13 Ms. DeLaurentis stated the prosecution division  
14 has five senior prosecuting attorneys, noting Karl  
15 Geschwindt as the acting senior prosecutor, who would  
16 now be handling their Board, along with Paul  
17 Jarabeck, Heather McCarthy, Ray Michalowski, and  
18 William Newport as senior prosecutors for other  
19 boards. She mentioned there are currently 32  
20 prosecuting attorneys serving under the senior  
21 attorneys, including liaisons.

22 Ms. DeLaurentis explained that prosecution is a  
23 complaint-driven agency, noting complaints are  
24 received from any source but prefer complaints be  
25 submitted through the Pennsylvania Licensing System

1 (PALS) at pals.pa.gov because it is the most  
2 efficient. She noted prosecution also accepts  
3 complaints from sister agencies, state and federal  
4 agencies, law enforcement, and through media outlets.

5 Ms. DeLaurentis discussed levels of review,  
6 including jurisdiction checks to see if the complaint  
7 falls under their jurisdiction. She mentioned  
8 complaints are referred to the appropriate agency if  
9 prosecution does not have jurisdiction.

10 Ms. DeLaurentis stated prosecution works with BEI  
11 inspectors and investigators to determine whether  
12 there is a violation. She noted BEI interviews  
13 witnesses and gathers documents and social media  
14 evidence.

15 Ms. DeLaurentis addressed the various levels of  
16 review and determining whether there was a violation.  
17 She explained that matters could be closed if there  
18 is not a violation and focus attention on cases where  
19 there may be a violation.

20 Ms. DeLaurentis noted attorneys make charging  
21 decisions and determine whether to file an order to  
22 show cause or issue a citation. She addressed due  
23 process rights with formal charges through a hearing  
24 process, noting it is similar to a regular trial,  
25 where both sides are able to present evidence by way

1 of witness testimony, documents, and legal arguments.

2 Ms. DeLaurentis noted hearing examiners generally  
3 issue a proposed adjudication and order and then the  
4 final decision is made by the Board. She addressed  
5 consent agreements, where both sides have negotiated  
6 and reached a settlement they wished to present  
7 before the Board, but the Board has the final  
8 authority of whether to accept or reject the consent  
9 agreement.

10 Ms. DeLaurentis addressed the prosecution  
11 division's role at Board meetings, including  
12 presenting consent agreements and listening to  
13 concerns of the Board. She pointed out that  
14 prosecution has a confidentiality statute that  
15 applies to their files, where all of the contents  
16 within their files is confidential under the law and  
17 is why prosecution cannot speak on some matters. She  
18 noted all of the prosecuting attorneys and staff sign  
19 confidentiality affidavits indicating they understand  
20 all records are confidential and privileged and may  
21 be disciplined for any violations.

22 Ms. DeLaurentis stated BEI conducts interviews  
23 for certain boards and inspections to obtain  
24 evidence. She noted BEI also serves subpoenas and  
25 deliver orders and letters, along with testifying to



1 the results of their investigations and inspections.

2 She noted BEI is not considered law enforcement in  
3 Pennsylvania and does not have search warrant  
4 authority.

5 Ms. DeLaurentis addressed document authority,  
6 where some boards have regulations that require  
7 cooperation if a request is made to review their  
8 records but not everyone complies, where a subpoena  
9 may be warranted.

10 Ms. DeLaurentis addressed post-investigation,  
11 where BEI is gathering facts and present the evidence  
12 to the legal office for review. She stated BEI is  
13 not determining whether or not a law has been  
14 violated or determining whether discipline should be  
15 issued because that is the role of the prosecution  
16 division. She noted prosecuting attorneys work with  
17 legal analysts to determine whether there was a  
18 violation to decide whether to close the matter or  
19 file charges.

20 Ms. DeLaurentis addressed immediate temporary  
21 suspensions, where a license is immediately suspended  
22 if someone is an immediate danger to the health and  
23 safety of the public. She noted automatic  
24 suspensions include 302 commitments, drug act  
25 violations, and orders for examination for some

1 boards. She also noted petitions for appropriate  
2 relief are when someone has violated a board order.

3 Ms. DeLaurentis stated the levels of discipline  
4 include revocations, suspensions, probations,  
5 reprimands, fines, remedial education, and cost of  
6 the investigation.

7 Ms. DeLaurentis referred to the confidentiality  
8 statute under 63 Pa.C.S. § 3109, where prosecution and  
9 investigative files are deemed privileged and  
10 confidential under the law. She explained that  
11 investigative records are deemed noncriminal  
12 investigative records and exempt from disclosure  
13 under the Right-to-Know Law.

14 Ms. DeLaurentis stated that information could be  
15 shared with other agencies in furtherance of  
16 investigative efforts but only their final action  
17 could be shared publicly, including final  
18 adjudications and orders, final consent agreements,  
19 and closing letters.

20 Ms. DeLaurentis provided data as of January 3,  
21 2023, where the number of open cases for the  
22 prosecution division was 13,154, which is down from  
23 2022 at 15,141. She stated 16,084 cases were opened  
24 in 2022 and is down from 2021 at 18,363 cases. She  
25 reported closing 17,826 files in 2022 and is up from

1 2021, where 15,994 cases were closed. She thanked  
2 the prosecution division, counsel division, hearing  
3 examiners, BEI, and the Board for their group effort.

4 Ms. DeLaurentis informed Board members that an  
5 annual report is issued to the General Assembly,  
6 which includes a breakdown of case categories, and  
7 that counsel would be notified when the report is  
8 finalized.

9 Ms. DeLaurentis addressed specific information  
10 for the State Board of Barber Examiners as of January  
11 3, 2023, noting 427 cases were opened in 2022 and 471  
12 in 2021. She reported 670 cases were closed in 2022  
13 and 457 in 2021. She noted 276 open cases and 518  
14 open cases around this time last year.

15 Ms. DeLaurentis referred to disposition of closed  
16 cases, including discipline and non-discipline. She  
17 reported 101 Act 48 fines or citations in 2022, 46  
18 probations, 5 reprimands, and 21 suspensions.

19 Ms. DeLaurentis addressed the disposition of  
20 closed cases without discipline and referred to Z  
21 codes that are used when closing cases in their  
22 system. She noted code Z02 is prosecution not  
23 warranted and Z05 is withdrawal of complaint. She  
24 referred to Z18 warning letters, noting 212 warning  
25 letters for the Board last year and up from the prior

1 year at 66 warning letters. She explained that  
2 warning letters are not disciplinary but used for de  
3 minimis violations. She noted warning letters are a  
4 great tool for prosecutors on behalf of the Board to  
5 remind licensees to follow the act and regulations to  
6 protect the health and safety of the public and  
7 maintain the integrity of the profession.

8 Chairman Muniz thanked Ms. DeLaurentis for the  
9 presentation.]

10 \*\*\*

11 Report of Board Prosecution

12 [Heather J. McCarthy, Esquire, Senior Board  
13 Prosecutor, presented the Consent Agreement for Case  
14 No. 20-42-010830.]

15 MR. BARRETT:

16 After the presentation from  
17 prosecution, does any member of the  
18 Board wish to return to Executive  
19 Session for further deliberation?  
20 Hearing none.

21 I believe the Board Chair would  
22 entertain a motion to approve the  
23 Consent Agreement at agenda item 4,  
24 Case No. 20-42-010830.

25 CHAIRMAN MUNIZ:



1                   deliberation with counsel regarding  
2                   sanction. There is no vote that needs  
3                   to take place on those two numbers.

4   \*\*\*

5 Report of Board Counsel - Applications

6 MR. BARRETT:

7                   Number 7 is the Application of Eliseo  
8                   DeJesus, Application AA0003829891.

9                                   Based on Executive Session  
10                   deliberation, I believe the Board chair  
11                   would entertain a motion to  
12                   provisionally deny that application.

13 CHAIRMAN MUNIZ:

14                   Do I have a motion?

15 MR. EDSALL:

16                   Motion.

17 CHAIRMAN MUNIZ:

18                   Second?

19 MR. GRAY:

20                   Second.

21 MS. THOMPSON:

22                   Arion Claggett, aye; Dominic Muniz,  
23                   aye; Ronald Gray, aye; Ginger Etter,  
24                   aye; Burr Edsall, aye; Michael  
25                   McAndrew, aye; Charles Seright, aye.

1 [The motion carried unanimously.]

2 \*\*\*

3 MR. BARRETT:

4 Number 8. The Board, I believe will  
5 table this. The Applicant returned a  
6 signed waiver for an offer by the Board  
7 of a probationary license, so there is  
8 no vote needed on that.

9 \*\*\*

10 MR. BARRETT:

11 Number 9 is the Application of Michelle  
12 Slater, The Crystal Barber, Application  
13 AA0004422752. It's a variance request.

14 I believe, based on Executive  
15 Session deliberations, the Board Chair  
16 would entertain a motion to  
17 provisionally deny the application.

18

19 CHAIRMAN MUNIZ:

20 Do I have a motion?

21 MR. EDSALL:

22 Motion.

23 CHAIRMAN MUNIZ:

24 Second?

25 MR. GRAY:

1                   Second.

2 MS. THOMPSON:

3                   Arion Claggett, aye; Dominic Muniz,  
4                   aye; Ronald Gray, aye; Ginger Etter,  
5                   aye; Burr Edsall, aye; Michael  
6                   McAndrew, aye; Charles Seright, aye.

7 [The motion carried unanimously.]

8   \*\*\*

9 Report of Board Counsel - Regulatory Discussion

10 [Sean C. Barrett, Esquire, Board Counsel, addressed  
11 16A-429 regarding general revisions. He noted  
12 updating the annex regarding the containers for the  
13 soiled towels that were required; however, after  
14 hearing the variance request just denied, there was  
15 some discussion about incorporating some square  
16 footage changes regarding the layout of the shops and  
17 incorporated to the general revisions that would be  
18 tabled until the next meeting.]

19   \*\*\*

20 Report of Board Counsel - Discussion

21 CHAIRMAN MUNIZ:

22                   Do I have a motion to change the  
23                   meeting dates for 2023 from June 19 to  
24                   June 26 and also the December date to  
25                   January 22, 2024.



1 MR. EDSALL:

2 Motion.

3 CHAIRMAN MUNIZ:

4 Do I have a second?

5 MR. GRAY:

6 Second.

7 MS. THOMPSON:

8 Arion Claggett, aye; Dominic Muniz,  
9 aye; Ronald Gray, aye; Ginger Etter,  
10 aye; Burr Edsall, aye; Michael  
11 McAndrew, aye; Charles Seright, aye.

12 [The motion carried unanimously.]

13 \*\*\*

14 CHAIRMAN MUNIZ:

15 Do I have a motion to approve the  
16 proposed dates for 2024 of March 18,  
17 May 20, July 22, September 23, November  
18 25, and January 20, 2025?

19 MR. EDSALL:

20 Motion.

21 CHAIRMAN MUNIZ:

22 Do I have a second?

23 MR. GRAY:

24 Second.

25 MS. THOMPSON:

1 Arion Claggett, aye; Dominic Muniz,  
2 aye; Ronald Gray, aye; Ginger Etter,  
3 aye; Burr Edsall, aye; Michael  
4 McAndrew, aye; Charles Seright, aye.

5 [The motion carried unanimously.]

6 \*\*\*

7 [Sean C. Barrett, Esquire, Board Counsel, suggested  
8 having an updated agenda to know what they are voting  
9 on ahead of time.]

10 \*\*\*

11 Report of Board Counsel - Discussion - Amending the  
12 Delegation Order

13 [Sean C. Barrett, Esquire, Board Counsel, provided  
14 the amended Delegation Order for the Board's review.

15 He stated the Board has a Delegation Order with the  
16 Prothonotary's Office, so anything that comes in as a  
17 violation of their practice act is automatically  
18 referred to a hearing examiner for a hearing. He  
19 further explained that disciplinary cases go to the  
20 hearing examiner for a hearing and then the  
21 transcript with exhibits are provided for the Board  
22 to consider.

23 Mr. Barrett addressed discussion to include  
24 actions that come under Act 41, which is licensure by  
25 endorsement, for people coming from out of state and

1 their experience and cases under the Criminal History  
2 Records Information Act (CHRIA) and/or Act 53  
3 criminal history cases.

4 Mr. Barrett stated the Delegation Order for the  
5 Barber Board was updated in 2010, where Board Counsel  
6 does an order delegating it to the hearing examiner.

7 He noted the Board typically does not hear its own  
8 hearings and usually reviews the transcripts.

9 Mr. Barrett explained that the Delegation Order  
10 would be amended to allow Board Counsel to put those  
11 two acts into the Delegation Order for the  
12 prothonotary to automatically give those cases to a  
13 hearing examiner to speed up the process.]

14 MR. BARRETT:

15 Based on our discussions, I believe the  
16 Board Chair would entertain a motion to  
17 direct Board Counsel to draft a  
18 proposed amended Delegation Order to be  
19 presented to the Board at the next  
20 meeting.

21 CHAIRMAN MUNIZ:

22 Do I have a motion?

23 MR. EDSALL:

24 Motion.

25 CHAIRMAN MUNIZ:

1 Second?

2 MR. GRAY:

3 Second.

4 MS. THOMPSON:

5 Arion Claggett, aye; Dominic Muniz,  
6 aye; Ronald Gray, aye; Ginger Etter,  
7 aye; Burr Edsall, aye; Michael  
8 McAndrew, aye; Charles Seright, aye.

9 [The motion carried unanimously.]

10 \*\*\*

11 Report of Board Counsel - Discussion - Election of  
12 Alternate for Probable Cause Screening Committee  
13 [Dominic A. Muniz, Chairman, Professional Member,  
14 noted being Chairman of the Probable Cause Screening  
15 Committee but asked for volunteers to be an alternate  
16 member.]

17 Mr. Barrett explained the role of a probable  
18 cause screening member, noting there are some things  
19 that require the Board to determine there is probable  
20 cause of the violation, including immediate temporary  
21 suspension, where the probable cause screening member  
22 would be contacted and determine whether there is  
23 probable cause. Burr Edsall volunteered to be the  
24 alternate.]

25 MR. BARRETT:

1 Does anyone want to make a nomination  
2 for that spot?

3 CHAIRMAN MUNIZ:

4 I'll nominate Burr Edsall for my second  
5 of the Probable Cause Screening  
6 Committee.

7 MR. BARRETT:

8 If nominated, would you accept that  
9 position?

10 MR. EDSALL:

11 Yes.

12 MR. BARRETT:

13 Based on the discussion here today, I  
14 believe the Board Chair would entertain  
15 a motion for the election of Burr  
16 Edsall as an alternate for the Probable  
17 Cause Screening Committee.

18 CHAIRMAN MUNIZ:

19 Do I have a motion?

20 ACTING COMMISSIONER CLAGGETT:

21 So moved.

22 CHAIRMAN MUNIZ:

23 Do I have a second?

24 MR. GRAY:

25 Second.

1 MS. THOMPSON:

2 Arion Claggett, aye; Dominic Muniz,  
3 aye; Ronald Gray, aye; Ginger Etter,  
4 aye; Burr Edsall, aye; Michael  
5 McAndrew, aye; Charles Seright, aye.

6 [The motion carried unanimously.]

7 \*\*\*

8 [Kenneth J. Suter, Esquire, Board Prosecutor,  
9 suggested the Board also vote to reappoint Chair  
10 Muniz to the Probable Cause Screening Committee to  
11 have a record of the actual reappointment.]

12 \*\*\*

13 MR. BARRETT:

14 I believe the Board Chair would  
15 entertain a motion for the  
16 reappointment of Dominic Muniz as  
17 Chairman of the Probable Cause  
18 Screening Committee.

19 CHAIRMAN MUNIZ:

20 Do I have a motion?

21 MR. EDSALL:

22 Motion.

23 CHAIRMAN MUNIZ:

24 Second?

25 MR. GRAY:

1                   Second.

2 MS. THOMPSON:

3                   Arion Claggett, aye; Dominic Muniz,  
4                   aye; Ronald Gray, aye; Ginger Etter,  
5                   aye; Burr Edsall, aye; Michael  
6                   McAndrew, aye; Charles Seright, aye.

7 [The motion carried unanimously.]

8   \*\*\*

9 Report of Board Chair

10 [Dominic A. Muniz, Chairman, Professional Member,  
11 addressed his attendance, along with Mr. Edsall, at  
12 the National Association of Barber Boards of America  
13 (NABBA) Midyear Conference February 18-22. He  
14 addressed classes on state board prep courses and  
15 sharing resources to succeed in the barber industry.

16 He noted discussed Milady's Master Educator for  
17 schools, Shawn Conder's discussion from PSI Services  
18 concerning online testing, Beauty Cast Network, job  
19 placement conversations on how to help schools retain  
20 students, and classes on the modern-day mullet.

21 Chairman Muniz addressed discussions on testing  
22 nationally and what they should be focused on as an  
23 industry. He also mentioned there were discussions  
24 on regulations on local barbershops and whether every  
25 state has data regarding citations and being able to

1 share that.

2 Chairman Muniz stated prices are skyrocketing and  
3 asked whether they could request the amount be  
4 increased to \$180 or \$200 on hotel stays to make it  
5 easier for travel approval for conferences.

6 Chairman Muniz announced the NABBA Conference  
7 would be in Hershey, PA, September 17-20, 2023. He  
8 noted the president of NABBA, John Christopher, asked  
9 whether Acting Commissioner Claggett would like to  
10 speak on Pennsylvania rules and regulations and the  
11 differences between barbers and cosmetologists,  
12 whether Mike Gent would like to speak on behalf of  
13 barber schools within correction facilities, and also  
14 have a presentation on Pennsylvania's testing  
15 procedures.

16 Acting Commissioner Claggett commented that  
17 speaking on the difference between barbers and  
18 cosmetologists is overly broad but would be willing  
19 to show up in another capacity.]

20

\*\*\*

21 Report of Acting Commissioner

22 [Arion R. Claggett, Acting Commissioner, Bureau of  
23 Professional and Occupational Affairs, informed  
24 everyone of new functionality being added to the  
25 Pennsylvania Licensing System (PALS) in May to notify



1 licensees through email that their actual license has  
2 expired.]

3 \*\*\*

4 Report of Board Administrator - No Report

5 \*\*\*

6 Adjournment

7 CHAIRMAN MUNIZ:

8 Do I have a motion to adjourn?

9 MR. EDSALL:

10 Motion.

11 CHAIRMAN MUNIZ:

12 Do I have a second?

13 MR. GRAY:

14 Second.

15 \*\*\*

16 [There being no further business, the State Board of  
17 Barber Examiners Meeting adjourned at 11:29 a.m.]

18 \*\*\*

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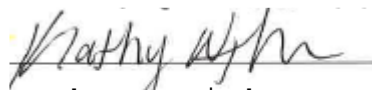
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## CERTIFICATE

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



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF BARBER EXAMINERS  
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:35	Official Call to Order
10:35	Pledge of Allegiance
10:36	Introduction of Board Members/Attendees
10:37	Approval of Minutes
10:38	Appointment - Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State, Annual Prosecutorial Division Presentation
11:01	Report of Board Prosecution
11:05	Report of Board Counsel
11:20	Report of Board Chairman
11:27	Report of Acting Commissioner
11:29	Adjournment