State Board of Barber Examiners April 24, 2023

BOARD MEMBERS:

Matthew Eaton, Director of Operations, Bureau of Professional and Occupational Affairs, on behalf of Arion Claggett, Acting Commissioner Dominic A. Muniz, Chairman, Professional Member

Ronald Gray Jr., Vice Chairman, Professional Member Ginger Etter, Secretary, Consumer Protection Member

Burr L. Edsall, Professional Member Michael McAndrew, Professional Member Charles Seright, Professional Member

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Sean C. Barrett, Esquire, Board Counsel
J. Karl Geschwindt, Esquire, Acting Senior Board
Prosecutor

Andrea L. Costello, Esquire, Board Prosecution Liaison

Colby B. Widdowson, Esquire, Board Prosecutor Sparkle Thompson, Board Administrator Sharona Evans, Board Administrator

ALSO PRESENT:

Mike Gent, Curriculum Coordinator, Pennsylvania
Department of Corrections
Tohn Christopher President National Association

John Christopher, President, National Association of Barber Boards of America Derek Richmond

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2 State Board of Barber Examiners

April 24, 2023

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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

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.]

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13 The regularly scheduled meeting of the State Board

14 of Barber Examiners was held on Monday, April 24,

15 2023. Dominic A. Muniz, Chairman, Professional

16 Member, called the meeting to order at 10:31 a.m.

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18 Pledge of Allegiance

19 [The Pledge of Allegiance was recited.]

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21 Introduction of Board Members/Attendees

22 | [Sparkle Thompson, Board Administrator, provided an

23 introduction of Board members and attendees.]

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25 [Sean C. Barrett, Esquire, Board Counsel, noted the

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meeting was being recorded, and those who continued to participate were giving their consent to be recorded.
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Mr. Barrett informed everyone that the Board entered into executive session for the purpose of conducting quasi-judicial deliberations on a number of matters currently pending before the Board and to receive advice of counsel.]

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10 Approval of minutes of the February 27, 2023 meeting 11 CHAIRMAN MUNIZ:

May I have a motion to approve the minutes for February 27, 2023?

14 MR. EDSALL:

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Motion.

16 CHAIRMAN MUNIZ:

Do I have a second?

18 MR. GRAY:

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19 Second.

20 MS. THOMPSON:

Dominic Muniz, aye; Ginger Etter, aye;

22 Michael McAndrew, aye; Charles Seright,

aye; Matthew Eaton, abstain.

24 [The motion carried. Matthew Eaton abstained from

25 voting on the motion. ??? Ronald Gray and Burr

5 1 Edsall were not called to vote on the motion.] 2 3 Report of Board Prosecution 4 [Andrea L. Costello, Esquire, Board Prosecution 5 Liaison, presented the Consent Agreements for Case No. 20-42-002564 and Case No. 21-42-001451.16 7 * * * 8 [Colby B. Widdowson, Esquire, Board Prosecutor, presented the Consent Agreements for Case No. 22-42-10 014184 and Case No. 20-42-014425 & Case No. 20-42-014426.1 11 * * * 12 13 MR. BARRETT: 14 Based on the Report of Prosecution, 15 does any member of the Board wish to 16 enter into executive session for further deliberations? Hearing none. 17 18 Based on the presentation from 19 prosecution and executive session 20 deliberations, I believe the Board 21 Chair would entertain a motion to 22 approve the Consent Agreement at item 23 4, Case No. 20-42-002564; item 5, Case 24 No. 21-42-001451; item 7, Case No. 20-25 42-01445 & 20-42-014426.

6 1 CHAIRMAN MUNIZ: 2 Do I have a motion? 3 MR. EDSALL: 4 Motion. 5 CHAIRMAN MUNIZ: Do I have a second? 6 7 MR. GRAY: 8 Second. 9 MS. THOMPSON: 10 Dominic Muniz, aye; Ronald Gray, aye; 11 Ginger Etter, aye; Burr Edsall, aye; 12 Michael McAndrew, aye; Charles Seright, 13 aye; Matthew Eaton, aye. 14 [The motion carried unanimously. The Respondent's name at item 4, Case No. 20-42-002564 is William 15 16 Navedo DBA Above The Rest Barbershop; item 5, Case 17 No. 21-42-001451, Calvin A. McKinnie; and item 7, 18 Case No. 20-42-01445, Antonio Estrada DBA The House 19 of Kutz & 20-42-014426, Antonio Estrada.] * * * 20 21 MR. BARRETT: 22 Based on executive session 23 deliberations and the presentation of 24 prosecution, I believe the Board Chair 25 would entertain a motion to reject the

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                  Consent Agreement at item 6, Case No.
                  22-42-014184 as too lenient.
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   CHAIRMAN MUNIZ:
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                  Do I have a motion?
   MR. EDSALL:
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                  Motion.
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   CHAIRMAN MUNIZ:
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                  Do I have a second?
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   MR. GRAY:
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                  Second.
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   MS. THOMPSON:
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                  Dominic Muniz, aye; Ronald Gray, aye;
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                  Ginger Etter, aye; Burr Edsall, aye;
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                  Michael McAndrew, aye; Charles Seright,
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                  aye; Matthew Eaton, aye.
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   [The motion carried unanimously.]
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   Report of Board Counsel - Motions to Deem Facts
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     Admitted
   MR. BARRETT:
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                  Number 9, Sculpture Barber Studio, Case
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                  No. 21-42-012306.
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                       Based on executive session
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                  deliberation, the Board Chair would
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                  entertain a motion to approve the
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8 Motion to Deem Facts Admitted and 1 2 direct counsel to draft an Adjudication 3 and Order consistent with executive session deliberations. 4 5 CHAIRMAN MUNIZ: 6 Do I have a motion? 7 MR. EDSALL: 8 Motion. 9 CHAIRMAN MUNIZ: 10 Do I have a second? 11 MR. GRAY: Second. 12 13 MS. THOMPSON: 14 Dominic Muniz, aye; Ronald Gray, aye; 15 Ginger Etter, aye; Burr Edsall, aye; 16 Michael McAndrew, aye; Charles Seright, 17 aye; Matthew Eaton, aye. 18 [The motion carried unanimously.] * * * 19 20 Report of Board Counsel - Citation Appeal 21 MR. BARRETT: 22 Number 10 on the agenda, One Cut Above, 23 Case No. 21-42-015465, a Citation 24 Appeal. 25 Based on executive session

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                  deliberations, I believe the Board
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                  Chair would entertain a motion to
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                  uphold the Citation and dismiss the
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                  appeal.
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   CHAIRMAN MUNIZ:
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                  Do I have a motion?
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   MR. EDSALL:
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                  Motion.
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   CHAIRMAN MUNIZ:
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                  Do I have a second?
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   MR. GRAY:
                  Second.
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   MS. THOMPSON:
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                  Dominic Muniz, aye; Ronald Gray, aye;
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                  Ginger Etter, aye; Burr Edsall, aye;
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                  Michael McAndrew, aye; Charles Seright,
                  aye; Matthew Eaton, aye.
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   [The motion carried unanimously.]
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   Report of Board Counsel - Petition for Final Order
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   MR. BARRETT:
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                  Number 11 on the agenda. Based on
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                  executive session deliberations, I
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                  believe the Board Chair would entertain
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                  a motion to grant the Petition for a
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1 Final Order and direct counsel to draft

an Appropriate Order for <u>Michael</u>

3 Baltimore, Case No. 21-45-009536.

4 CHAIRMAN MUNIZ:

Do I have a motion?

6 MR. EDSALL:

7 Motion.

8 CHAIRMAN MUNIZ:

9 Do I have a second?

10 MR. GRAY:

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11 Second.

12 MS. THOMPSON:

Dominic Muniz, recuse; Ronald Gray,

aye; Ginger Etter, aye; Burr Edsall,

aye; Michael McAndrew, aye; Charles

Seright, aye; Matthew Eaton, aye.

17 | [The motion carried. Dominic Muniz recused himself

18 | from deliberations and voting on the motion because

19 he is a member of the Probable Cause Screening

20 Committee.

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22 Report of Board Counsel - Barber Shop Variance

23 Applications

24 MR. BARRETT:

Based on executive session

11 deliberations, I believe the Board 1 2 Chair would entertain a motion to deny 3 the Variances at item 12, Sarah Ellis 4 Studio, AA0004428812; item 13, Andrew 5 Cuts Barber Shop, AA0004499689; item 14 6 Clippers & Company, AA0004513840; and 7 item 15, Shave McKenna's Barber Shop, AA0004489118. 8 9 CHAIRMAN MUNIZ: 10 Do I have a motion? MR. EDSALL: 11 Motion. 12 13 CHAIRMAN MUNIZ: Do I have a second? 14 15 MR. GRAY: 16 Second. MS. THOMPSON: 17 18 Dominic Muniz, aye; Ronald Gray, aye; 19 Ginger Etter, aye; Burr Edsall, aye; 20 Michael McAndrew, aye; Charles Seright, 21 aye; Matthew Eaton, aye. [The motion carried unanimously.] 22 23 24 Report of Board Counsel - Discussion 25 [Sean C. Barrett, Esquire, Board Counsel, referred to

- 1 | 16A-429 regarding general revisions and noted prior
- 2 | Board discussion on barbershop square footage
- 3 | reduction. He noted the Board received variance
- 4 application requests for the square footage
- 5 requirement in the Board's regulation. He mentioned
- 6 that the Board's current regulation for a one chair
- 7 barbershop requires a minimum space of 180 square
- 8 feet with a minimum width of 12 feet.
- 9 Mr. Barrett stated that the Board is also aware
- 10 of salon suites and the cosmetology rentals and the
- 11 change in the Cosmetology Law to reduce the square
- 12 footage required to 120 square feet. He noted the
- 13 Board wanted to add that to the general revisions
- 14 regulation.
- 15 Chair Muniz commented that this came about from
- 16 their variance requests for studios and suites and
- 17 noted being aware that this has been a new phase
- 18 in the industry and that the Board is trying to
- 19 provide a solution that meets their laws and
- 20 regulations. He noted prior discussion regarding
- 21 | going from a width of 10 feet to a length of 12 feet
- 22 and that there are things in the general revisions
- 23 that they have been working on concerning the sinks,
- 24 waiting area, and the closet.
- 25 Mr. Barrett stated that there are a number of

equipment requirements that have been reduced and are in the general revisions package as well. mentioned the Board was about to send those out for comment but had the square footage issue and wanted to include that in the package. He mentioned that the main issue with the reduction to potentially 120 square feet is that the seating area must accommodate three people and whether that would be possible to figure that within 120 square feet.

Mr. Barrett referred to § 3.53 regarding minimum space requirement, where every barbershop shall provide a minimum length of 15 feet for 1 chair shops, 20 feet for 2 chair shops, and 5 feet additional length for each additional chair with a minimum width of at least 12 feet. He noted the easiest way to 120 square feet is to drop those numbers.

Mr. Barrett stated that there is a minimum width of 10 feet and length of 12 feet with the Cosmetology Act changes and would be a reduction of 3 feet on length and 2 feet on the width, which would bring the total square footage for 1 chair shops down to 120 square feet for the minimum requirement.

Mr. Barrett noted the regulations currently require an additional 5 feet for each chair so

bringing it to 12 feet for a one chair shop it would have to be 17 feet foot length for two chair shops would be 170 square feet. He mentioned that there was no reason to change the additional 5 feet for each chair because that is based on the equipment for the additional chair and not on the other equipment needed.

Chair Muniz stated that the Board was in agreement regarding space requirements as far as the 12 feet minimum and then 5 additional because it is enough space to provide services, and most of the issues are with the minimal equipment requirements. He explained that the biggest issue was the one cabinet or closet for mops and brooms and seating accommodations for at least three people.

Chair Muniz mentioned that studios and suites are appointment-based and having a seating accommodation would take more space, making a 10 x 12 square foot area tight for seating accommodations, along with the closet for the mops and brooms, which would take away some of the square footage also.

Mr. Barrett asked whether the Board wanted to reduce the seating accommodations section to one or two people or one chair per chair in the shop. He noted the Board could also remove the requirement

altogether.

Chair Muniz noted not being opposed to having one patron chair per chair in the shop.

Mr. Barrett stated the best change would be to modify Section 12 concerning seating accommodations and changing the square footage minimum requirements.

Chair Muniz also mentioned one cabinet or closet room should be within the building. He noted they would have one bathroom for the entire studio, and the mop and broom closet would be the same as the bathroom within that area.

Mr. Barrett mentioned that it could be done for the seating accommodation if they want to just provide access to those, where they do not necessarily require that to be within the square footage. He referred to the cleanliness of the salon and whether they have a shared access broom closet and would they rely on a licensee to walk across the building to get the broom.

Chair Muniz stated that the closet is where the issue is and having a cabinet within an enclosed space would save some of the square footage.

Mr. Barrett commented that the regulation does not require a cabinet or closet and had no problem

striking the cabinet or closet.

Chair Muniz agreed with removing the cabinet or closet and leaving everything else the same.

Mr. Barrett noted the Board wanted to reduce the square footage; reduce the seating accommodations in line with the amount of chairs in the shop by capping it to one for one, two for two, and three for anything above; and remove the requirement of a cabinet or closet for mops and brooms.]

10 MR. BARRETT:

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Based on discussions here today, I believe the Board Chair would entertain a motion to release an exposure draft of the proposed annex that we just discussed, 16A-429, as well as some changes the Board discussed to interested parties and stakeholders for comment.

19 CHAIRMAN MUNIZ:

20 Do I have a motion?

21 MR. EDSALL:

22 Motion.

23 CHAIRMAN MUNIZ:

Do I have a second?

25 MR. GRAY:

1 Second. 2 MS. THOMPSON: 3 Dominic Muniz, aye; Ronald Gray, aye; 4 Ginger Etter, aye; Burr Edsall, aye; 5 Michael McAndrew, aye; Charles Seright, 6 aye; Matthew Eaton, aye. 7 [The motion carried unanimously.] 8 9 Report of Board Counsel - Discussion 10 [Sean C. Barrett, Esquire, Board Counsel, noted House Bill 327 was introduced and would alter the 11 12 requirements for a barber teacher, where someone 13 currently would need to be a barber for 5 years for 14 experience and has not changed. He mentioned the 15 second option, where someone could be a manager 16 barber and take the 1250-hour course, which basically 17 reduces the requirement of 1250 hours of education to 18 500 hours.

Mr. Barrett noted the Board would probably need to make some regulations regarding the curriculum for barber teachers. He also noted a change that would allow those hours to be earned in a barber school or cosmetology school. He mentioned that there are some legal problems regarding the aspect of barber teachers getting trained in a cosmetology school,

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where the Cosmetology Board does not have the power to implement such a regulation and would require a change to the Cosmetology Act as well.

Mr. Barrett also addressed a proposed provision, where someone who was a barber manager for 3 years could instantly become a barber teacher upon application and would not have to take the test. He noted it also reduces the age of the barber teacher from 23 to 18. He mentioned that someone would probably be over 21 by that point with the experience requirement of 5 years for a barber.

Chair Muniz addressed current laws, where someone would be 17 with 5 years to get a teacher's license from having an active barber license, noting it would make someone 23 years of age and believed that would be enough experience. He commented that the ability to teach should never go without testing to ensure students are getting the proper education.

Chair Muniz disagreed with grandfathering in after having a manager's license for 3 years because teachers should be tested. He also disagreed with going to a cosmetology school for barbering because cosmetology and barbering are two separate boards.

Mr. Barrett mentioned that they are changing the 1250 hours, the 500 hours of subject dealing with

basically how to teach, so they are trying to focus
on moving the barber teacher curriculum from just

1250 hours to actually having to teach people and is
a change but is counterintuitive from a legal
perspective to just give every barber manager a
teacher's license because barber managers might not
necessarily have knowledge of how to actually teach.

Chair Muniz noted the importance of barbers being able to handle clippers and razors properly, stating that cosmetologists are not trained on those and would not be able to teach certain topics to students.

Mr. Barrett noted the bill is pending and that he provided a bill analysis for the governor's office, where from a legal perspective and after speaking with counsel from cosmetology, a barber teacher curriculum would need to be provided for cosmetology students.

Chair Muniz commented that there are ways for someone to get a teacher's license but falls on the individual as to whether they want a teacher's license. He mentioned that plenty of barbers and barber managers have had their license for a long time. He noted the practical on the teacher's license is a whole different thing.

Mr. Edsall commented that laws, stipulations, and the testing for teachers right now are not very extreme and is attainable.

Mr. Barrett reported pass rates from Pearson VUE within the last 5 years show barber teachers with overall pass rate of 76 percent and that 91 percent of test takers pass on their first try, but the pass rate falls to 21 percent for repeat takers, noting a class of people who may not be qualified.

Mr. Edsall commented that they need quantity but also quality and noted the importance of students having qualified teachers. He believed that someone who is 18 years old does not have haircutting background or industry experience and that barbering is not just cutting hair but also includes business and other layers of the profession.

Mr. Barrett noted they lowered it to 500 hours, which is the same amount of hours required for cosmetology. He stated that the cosmetology curriculum is mostly related to teaching but also includes management of salons, and when looking at the barber teacher requiring 500 hours in just education, the cosmetology curriculum would not apply to barbers because it is not just in teaching.

John Christopher, President, National Association

of Barber Boards of America, expressed opposition to House Bill 327 because there is too much to learn and understand for someone who is 18 years of age to be prepared to be a teacher. He mentioned being a member of the Board when the age was changed from 25 to 23 based on a licensed barber at 18 years of age.

Mr. Christopher addressed House Bill 327, stating that there should be no crossover, where cosmetologists should not be training somebody to become a barber teacher, especially since licensed cosmetologists are no longer required to take a practical test and only have to take a theory test.

Mr. Christopher referred to a discrepancy on the Pearson VUE application for a cosmetology teacher, where one area lists 400 hours of training and another area lists 500 hours of training were required to test and should be corrected.

Mr. Barrett commented that it should be 500 hours for a cosmetology teacher and would look into that matter.

Mr. Christopher commented that anyone training for a barber teacher test should not be tested on whether or not they could construct a lesson plan because anybody could do that and is more for a

person who would teach history in a high school. He noted that they wanted to know if someone would be able to teach subjects related to the profession and not setting up a lesson plan. He suggested that be spelled out and addressed if it becomes part of House Bill 327.

Mr. Christopher referred to grandfathering of the barber teacher license. He noted working with outside agencies and that it could be a good thing if spelled out properly. He stated that the language is worded now, where a licensed barber manager, a minimum of 3 years, has a one-time only opportunity to upgrade to a barber teacher without testing.

Mr. Christopher noted that it should not be continual, where somebody receives a license all of the sudden and could just upgrade. He stated they should go through some steps, become a licensed barber manager, and serve as a barber manager before considered for a license upgrade.

Mr. Christopher mentioned that if it is put into play in January 2024 that there would be one licensing cycle, and whenever someone's license is due in 2026, they have that amount of time within that window to upgrade after 2026 and then it is done and not continual.

Mr. Barrett explained that they tried to do that by requiring 3 years of experience as a manager barber as of January 1, 2022, but has not passed.

Mr. Christopher addressed the importance of building up the licensed barber teachers in the profession. He commented that he was not opposed to barber teacher as part of House Bill 327 but believed there may be ways to rewrite the language to make it more understandable and fair.

Mr. Christopher referred to the barber teacher part of the bill and believed the crossing over of being able to take the required hours from a licensed cosmetology situation is not a good thing and believed it should be done in a barber situation. He also mentioned that there may not be curriculum in place to obtain that and should be looked at as well.

Mr. Edsall explained that part of the practical testing for a teacher is actually a two-part practical that includes a classroom setting teaching shaving and then the practical part of how to perform a shave. He mentioned that it should be maintained the same way, where the teacher would submit an outline and follow the outline, along with teaching a theory and practical class.

Mr. Barrett stated that there have been concerns

about the bill and informed everyone that they could reach out to their local representatives. He mentioned that the Board is limited in terms of an opinion and noted it is an enactment of the General Assembly and that the Board is not writing it.

Mr. Christopher informed Board members that the National Association of Barber Boards of America is expressing their opposition to House Bill 327.

Mike Gent, Curriculum Coordinator, Pennsylvania
Department of Corrections, agreed that someone 18
years old is too young to teach, noting it to be a
challenge even at 22. He stated that having
knowledge is crucial for the health of the public.
He informed Board members that the Department of
Corrections has to go to cosmetology schools because
they cannot find barber teachers. He reported five
male institutions are going to have to be cosmetology
schools and possibly seven within a relatively short
time.

Mr. Gent mentioned that residents in their institutions become barber teachers and noted the importance of training but the conundrum of getting people prepared to teach successfully.]

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25 Report of Board Chair

1 [Dominic A. Muniz, Chairman, Professional Member,

- 2 announced the NASBA Conference is September 16-21 in
- 3 Hershey, PA, and that further information could be
- 4 | found on NASBA's website.]

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- 6 Report of Acting Commissioner
- 7 | [Matthew Eaton, Director of Operations, Bureau of
- 8 | Professional and Occupational Affairs, on behalf of
- 9 Arion Claggett, Acting Commissioner, noted Pearson
- 10 VUE would be holding a fully virtual industry day on
- 11 | Tuesday, July 11. He mentioned that email blasts
- 12 | would be sent to all licensees once more information
- 13 is available, along with placing the information on
- 14 | the Board's website.]
- 15 ***
- 16 Report of Board Administrator No Report
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- 18 | Adjournment
- 19 CHAIRMAN MUNIZ:
- 20 Motion to adjourn?
- 21 MR. EDSALL:
- 22 Motion.
- 23 CHAIRMAN MUNIZ:
- Do I have a second?
- 25 MR. GRAY:

Second.

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[There being no further business, the State Board of Barber Examiners Meeting adjourned at 11:48 a.m.]

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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.

Derek Richmond,

Minute Clerk

Sargent's Court Reporting

Service, Inc.