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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: 9:05 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, August 19, 2019

1 ***

2 State Board of Barber Examiners

3 August 19, 2019

4 ***

5 The regularly scheduled meeting of the State Board
6 of Barber Examiners was held on Monday, August 19,
7 2019. John C. Christopher, Chairman, called the
8 meeting to order at 9:05 a.m.

9 K. Kalonji Johnson, Acting Commissioner, Bureau
10 of Professional and Occupational Affairs, was not
11 present at the commencement of the meeting.

12 ***

13 Pledge of Allegiance

14 [The Pledge of Allegiance was recited.]

15 ***

16 Roll Call

17 [Roll call was taken.]

18 ***

19 Introduction of Audience

20 [Chairman Christopher requested the introduction of
21 audience members.]

22 ***

23 [K. Kalonji Johnson, Acting Commissioner, Bureau of
24 Professional and Occupational Affairs, entered the
25 meeting at 9:07 a.m.]

1 ***
2 Approval of minutes of the June 24, 2019 meeting
3 CHAIRMAN CHRISTOPHER:
4 Approval of our past meeting minutes
5 from June 24, 2019.

6 MR. GRAY:
7 So moved.

8 MR. MUNIZ:
9 Second.

10 CHAIRMAN CHRISTOPHER:
11 All in favor, say aye. Abstentions?
12 [The motion carried. Mr. Jaram and Mr. Johnson
13 abstained from voting on the motion.]

14 ***
15 Report of Prosecutorial Division
16 [Angela B. Lucci, Esquire, Board Prosecutor, presented
17 the Consent Agreement for Case No. 16-42-08113.]

18 ***
19 [Colby B. Widdowson, Esquire, Board Prosecutor,
20 presented the Consent Agreement for Case No. 18-42-
21 006431.]

22 ***
23 [James Ostman, Esquire, Board Prosecution Liaison,
24 presented the Consent Agreement for Case No. 16-42-
25 06007.]

1
2 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
3 Chief Counsel, Prosecution Division Presentation
4 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
5 Counsel, Prosecution Division, introduced herself and
6 provided a brief summary of her professional
7 background. Ms. DeLaurentis commended the Board
8 prosecutors for their work.

9 Ms. DeLaurentis provided information for the
10 Pennsylvania State Board of Barber Examiners for
11 FY 2018-2019, noting that 382 files were opened with
12 313 open files as of July 1, 2019.

13 Ms. DeLaurentis noted 23 warning letters, 41
14 suspensions, 8 reprimands, and 17 probations issued
15 during FY 2018-2019.

16 Ms. DeLaurentis noted 69 immediate temporary
17 suspensions in the prosecution division in
18 FY 2018-2019. She noted 11,359 open cases as of July
19 1, 2019. She reviewed the last fiscal year, noting
20 that 14,030 cases were opened, which was an increase
21 from 12,604 the prior year. She also noted 13,270
22 closed files the last fiscal year.

23 Ms. DeLaurentis discussed the Office of General
24 Counsel's Mediation Program, which is at no cost to
25 the respondent or the Board. She stated the case

1 essentially goes before a third party to provide
2 guidance on resolving the matter.

3 Ms. DeLaurentis addressed the Pennsylvania
4 Justice Network (JNET), where the prosecution division
5 receives an alert when licensees from all of the
6 Boards and Commissions are charged with a crime.

7 Ms. DeLaurentis noted complaints could be filed
8 online at pals.pa.gov.]

9

10 Appointment - Bureau of Finance and Operations Fee

11 Increase Presentation

12 [Kimberly Adams, Chief of Fiscal Management, Bureau of
13 Finance and Operations, introduced herself and Julie
14 Snader, Deputy Director, Bureau of Finance and
15 Operations.

16 Ms. Adams addressed the 2018-2019 and 2019-2020
17 biennial period, noting the revenue versus expenses,
18 as well as the projected biennial balance.

19 Ms. Adams addressed licensee population from a
20 revenue standpoint, noting 8,544 licensees, which was
21 a growth from last year. The licensee count was
22 checked earlier in the day, and currently stands at
23 8,595 licensees; an increase of 51 licensees from the
24 8,544 count. She broke down the licensees by class as
25 follows: Barber Teacher, 267; Barber Manager, 2,745;

1 Barber, 3,263; Barber Shop, 2,280; and Barber School,
2 40.

3 Ms. Adams reviewed revenues and expenses from
4 FY 2011-2012 to current. She mentioned possible
5 invoices and payments through October 31, 2019, that
6 would be applied to FY 2018-2019 expenses. She
7 specifically noted the current revenue for the FY
8 2018-2019. Ms. Adams reviewed the projections from
9 the current fiscal year until FY 2025-2026.

10 Ms. Adams discussed the projections with the
11 incremental renewal fee increases through FY 2025-2026
12 in order to assure a positive balance. She reviewed
13 the sporadic increases and decreases in the licensee
14 population.

15 Ms. Adams, responding to an inquiry from Mr.
16 Jaram, stated the Board's largest expenses would be
17 attributed to Board Enforcement and Investigation,
18 followed by Board administration and the Legal Office.
19 She also noted a decrease in these expenses in the
20 last year.

21 Acting Commissioner Johnson discussed the process
22 to accept the fees package for all applications to
23 decrease the Board's deficit.

24 Ms. Adams referred to a chart reflecting current
25 versus proposed application fees per license type to

1 explain the totals by renewal period.

2 Chairman Christopher commented that it is better
3 to make gradual fee increases on a regular basis over
4 a period of time than to have one large fee increase.

5 Acting Commissioner Johnson explained that the
6 graduated step increase occurring now was due to the
7 Independent Regulatory Review Commission's assessment
8 that a 10-year projected increase did not account for
9 anomalies.

10 Acting Commissioner Johnson commented that the
11 fear of being insolvent led IRRC to have the
12 department reconsider Board projections and make
13 gradual increases. He stated the Fiscal Operations
14 Bureau reviewed the numbers and devised graduated step
15 increases for renewals and applications to spread the
16 cost across licenses to assure that not one group was
17 unfairly taking the brunt of the fee increases.

18 Acting Commissioner Johnson mentioned the
19 uniqueness of the Practice Act for this particular
20 Board. He stated one recommendation would be that the
21 bureau lobby the legislature for a Practice Act that
22 could provide the Board the authority to regulate the
23 fee for the three classes or through legislation a
24 provision be crafted that would allow for a graduated
25 increase.

1 Acting Commissioner Johnson discussed costs
2 associated with JNET and active monitoring of
3 licensees that did not exist before. He mentioned the
4 importance of being mindful and realistic about
5 expenses and making sure revenue covers expenses.

6 Ms. Moore questioned the process to notify the
7 licensees of the fee increases. Ms. Walter stated,
8 once the regulation is accepted by IRRC, a mass email
9 would be sent to all of the licensees.

10 Acting Chairman Johnson reviewed the regulatory
11 process with publication in the bulletin, public
12 comment, and IRRC's decision to move forward or not.

13 Mr. Jaram addressed legal fees, noting that the
14 bulk of the people who are not committing crimes are
15 raising the money to pay for legal fees for the people
16 who are committing the crimes and suggested higher
17 penalties to cover more of those.

18 Ms. Walter explained that costs are set by
19 statute and Act 48. She stated there are some
20 violations where the Board votes not to impose any
21 monetary sanctions. She stated when the Board votes
22 on whether or not a person should be penalized civilly
23 for a violation of the act; it is related to the
24 violation that occurred, not the fiscal health of the
25 Board. She noted it to be the Board's duty to impose

1 disciplinary action and to raise fees if income does
2 not meet expenses.

3 Mr. Jaram stated, if fees are being raised on
4 licensees, then penalties should be raised for the
5 people who are committing the crimes.

6 Ms. Walter noted that there are cases in which
7 the prosecution in the order to show cause asks for
8 cost of the investigation and many times where the
9 cost of the investigation is recouped through the
10 disciplinary action. She stated the Board is imposing
11 civil penalties for the crime, not for the financial
12 health of the Board.]

13 ***

14 Report of Board Counsel

15 [Shana M. Walter, Esquire, Board Counsel, noted four
16 proposed adjudications and orders, two citation
17 appeals, and four applications listed on the agenda
18 with one additional application that was provided to
19 the Board members for discussion during executive
20 session.]

21 ***

22 Report of Acting Commissioner

23 [K. Kalonji Johnson, Acting Commissioner, Bureau of
24 Professional and Occupational Affairs, announced that
25 Governor Wolf signed House Bill 1172, which is now Act

1 41 of 2019, providing the process of licensure by
2 endorsement for all Boards and Commissions under the
3 Department of State. He stated the act recognizes
4 that Boards shall endorse licensure from individuals
5 coming from other jurisdictions who are actively
6 licensed if the standards of those jurisdictions are
7 substantially equivalent to the Commonwealth.

8 Acting Commissioner Johnson noted Act 41 to be an
9 expansion of reciprocity, which is a mutual compact
10 between states where they agree to accept licensees
11 from each other's jurisdictions. He mentioned
12 endorsement, where an individual coming from another
13 jurisdiction applies for licensure and if there is not
14 any type of reciprocity that exists between the two
15 states, then the state in which the individual is
16 applying for licensure may review that individual's
17 qualifications and competence.

18 Acting Commissioner Johnson addressed Act 41,
19 stating that it essentially expands the definition of
20 endorsement to cover all of the Boards and
21 Commissions. He stated the act leaves up to each
22 Board or Commission the discretion to determine what
23 substantial equivalence means.

24 Acting Commissioner Johnson stated Act 41 also
25 requires that the individual meet competency

1 requirements that are generally set by the Board. He
2 noted that the act itself gives guidance as to what
3 those competency requirements should be. He commented
4 that the only real change being seen is the
5 administrative side is developing the information
6 technology (IT) framework for these endorsements.

7 Acting Commissioner Johnson stated Act 41
8 provides for the issuance of a provisional license for
9 an individual who may be competent but comes from a
10 jurisdiction that may not be substantially equivalent.

11 He stated the Board or Commission could issue a
12 provisional license and it is up to the Board to
13 determine what the period of that license would be.

14 Acting Commissioner Johnson stated a provisional
15 license would be provided to allow the person to work
16 in the Commonwealth but the provisional licensee would
17 still need to make up the deficiency in the
18 requirements. He commented that at the end of the
19 provisional period, if all of the conditions are met,
20 a full, unrestricted license could be granted. He
21 also commented that if the individual did not meet
22 those qualifications, the Board would get to make the
23 decision whether or not to renew the duration of the
24 provisional license for a specified period of time or
25 if the provisional license would expire; that person

1 would be treated like any other expired license.

2 Ms. Walter stated the Barbers' License Law
3 actually is favorable to individuals coming in from
4 out of state, and there are about 12 states that
5 Pennsylvania has reciprocal agreements with and those
6 individuals can automatically get licensure to
7 practice. She noted in states that are not part of a
8 reciprocal agreement, a barber applicant who holds a
9 license in another state, would have to pass the exam.

10 She suggested that might be a consideration on how an
11 applicant for licensure by endorsement could be
12 granted a provisional license.

13 Ms. Walter noted the importance of setting
14 parameters for substantial equivalency and competency
15 because Act 41 goes into effect on August 29, where
16 the Board office will begin accepting applications.

17 Acting Commissioner Johnson noted the Board has
18 18 months to promulgate regulations to define
19 substantial equivalent and competency. He stated
20 applications will be determined on a case-by-case
21 basis and not all of them will have to go to the
22 Board. He noted that once the regulations are
23 promulgated and it is understood what is substantial
24 equivalent and what is not, a lot of this could be
25 processed administratively but foreign jurisdictions

1 will probably be the cases that the Board will have to
2 deliberate on. He noted that Act 41 does not
3 supersede any existing Practice Acts.

4 Acting Commissioner Johnson noted the importance
5 of determining whether or not that jurisdiction is
6 substantially equivalent first and then whether the
7 individual is qualified and competent.

8 Chairman Christopher discussed competency and
9 guidelines in Pennsylvania, where individuals must
10 work as a licensed barber for one year before becoming
11 a barber manager, and before becoming a
12 barber-teacher, individuals must work as a licensed
13 barber for five years. He noted that he was not
14 concerned as much about the hours, noting that 1000
15 hours of training in another state is acceptable, even
16 if Pennsylvania requires 1250 hours.

17 Mr. Muniz addressed education, stating that
18 individuals are able to receive a barber-teacher
19 license in Pennsylvania if the individual has a
20 manager's license and attends school for 1250 hours
21 for another nine months. He commented that
22 technically an individual could get their teacher's
23 license here within three years. He stated
24 individuals who have a barber manager license and
25 reached the age of 23 are able to go back to school

1 for a teacher's license.

2 Ms. Walter commented that on August 29, 2019, the
3 Board would start taking applications by endorsement
4 under Act 41. She noted that the Board could evaluate
5 all of the applications or have the Application
6 Committee review those.

7 Mr. Muniz stated right now 1000 hours or more
8 will be endorsed, and anything below that, individuals
9 have a year to take a test, like a provisional. He
10 stated a barber manager should also be endorsed but
11 barber-teacher should go through the Application
12 Committee.

13 Ms. Walter summarized the Board's decisions,
14 noting if individuals have a training program of 1000
15 or more hours, they are considered competent; and if
16 they are under 1000, they would be given a provisional
17 license and sit for the practical exam and theory
18 exam. She noted using the test to bring them up to
19 substantially equivalent as far as hours go, as well
20 as make sure the applicants are competent. She also
21 stated barber manager applications will be issued a
22 license by endorsement, and barber-teacher
23 applications will go to the Board.]

24

25 Old/New Business - Correspondence

1 [John C. Christopher, Chairman, Professional Member,
2 addressed updates from Pearson VUE regarding the
3 Pennsylvania Barber Candidate Handbook language. He
4 commented that the dress code is a good idea and is
5 pleased with the stricter model requirements.

6 Mr. Muniz suggested removing the word
7 "cosmetologist" but felt everything else was pretty
8 much standard.]

9 ***

10 [Dominic A. Muniz, Professional Member, stated the
11 testing for the practical examination is every three
12 months and suggested the testing be provided every two
13 months.]

14 Ms. Walter agreed to contact the state's contract
15 attorney to see if Pearson VUE could provide the
16 barber practical examination more times per year.]

17 ***

18 Report of Board Chair - No Report

19 ***

20 Report of Board Administrator - No Report

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 11:15 a.m. the Board entered into Executive Session
24 with Shana M. Walter, Esquire, Board Counsel, for the
25 purpose of conducting quasi-judicial deliberation on a

1 matter currently pending before the Board and to
2 receive advice of Counsel. The Board concluded its
3 Executive Session at 12:48 p.m.]

4 ***

5 MS. WALTER:

6 We are returning from executive session
7 where the Board members received legal
8 advice and deliberated on matters that
9 are set forth on the agenda under the
10 report of Board counsel.

11 The first thing I would like to
12 discuss is an issue that one of the
13 members would like to bring to the
14 Board's attention regarding testing for
15 the barber practical examination and
16 will add that under New Business.

17 ***

18 MOTIONS

19 MS. WALTER:

20 Now, we will move on to the matters that
21 were discussed during the executive
22 session, the first being the consent
23 agreements.

24 CHAIRMAN CHRISTOPHER:

25 I need a motion on the floor to approve

1 the Consent Agreements for Case No. 16-
2 42-08113, Case No. 18-42-006431, and
3 Case No. 16-42-06007.

4 MS. MOORE:

5 So moved.

6 CHAIRMAN CHRISTOPHER:

7 Second?

8 MR. MUNIZ:

9 Second.

10 CHAIRMAN CHRISTOPHER:

11 All in favor, say aye. Opposed?

12 [The motion carried unanimously. The name for Case
13 No. 16-42-08113 is Steven Soto t/d/b/a Fadez Barber
14 Shop; Case No. 18-42-006431, Patrick A. Perry; and
15 Case No. 16-42-06007, Hasan M. Bradley.]

16 ***

17 CHAIRMAN CHRISTOPHER:

18 Motion on the floor to adopt the
19 Adjudication and Order for Frank Brown,
20 Case No. 15-42-11282.

21 MR. MUNIZ:

22 So moved.

23 CHAIRMAN CHRISTOPHER:

24 Second?

25 MR. JOHNSON:

1 Second.

2 CHAIRMAN CHRISTOPHER:

3 All in favor, say aye. Opposed?

4 [The motion carried unanimously.]

5 ***

6 CHAIRMAN CHRISTOPHER:

7 I need a motion to direct counsel to
8 draft an Adjudication and Order for Case
9 No. 15-42-10315, Case No. 16-42-05148,
10 and Case No. 16-42-03741.

11 That final adjudication, the motion
12 is to ask counsel to draft a final
13 Adjudication as we discussed in
14 executive session.

15 MR. MUNIZ:

16 So moved.

17 CHAIRMAN CHRISTOPHER:

18 Second?

19 MR. GRAY:

20 Second.

21 CHAIRMAN CHRISTOPHER:

22 All in favor, say aye. Opposed?

23 [The motion carried unanimously. Number 6 on the
24 agenda is Leroy W. Dade, Case No. 15-42-10315; No. 7
25 is Hamin Gray, Case No. 16-42-05148; and No. 8 is

1 Ricardo Antuane Williams, Case No. 16-42-03741.]

2 ***

3 CHAIRMAN CHRISTOPHER:

4 I need a motion on the floor to uphold
5 the citation that was issued in Case No.
6 17-42-10994, Eric J. Smith t/d/b/a
7 Eric's Barber Shop.

8 MS. MOORE:

9 So moved.

10 CHAIRMAN CHRISTOPHER:

11 Second?

12 MR. JOHNSON:

13 Second.

14 CHAIRMAN CHRISTOPHER:

15 All in favor, say aye. Opposed?

16 [The motion carried unanimously.]

17 ***

18 CHAIRMAN CHRISTOPHER:

19 I would like a motion on the floor to
20 ask counsel granting the application for
21 review and direct counsel to draft a
22 final order in accordance with the
23 Board's discussions in executive session
24 for Tony Orr Sons and Daughter Barber
25 Shop, Case No. 19-42-006271.

1 MR. JOHNSON:

2 So moved.

3 CHAIRMAN CHRISTOPHER:

4 Second?

5 MS. ETTER:

6 Second.

7 CHAIRMAN CHRISTOPHER:

8 All in favor, say aye. Opposed?

9 [The motion carried unanimously.]

10 ***

11 CHAIRMAN CHRISTOPHER:

12 Number 16 on the agenda, Christopher
13 Willis, motion to grant an unrestricted
14 license.

15 Motion on the floor.

16 MR. JOHNSON:

17 So moved.

18 CHAIRMAN CHRISTOPHER:

19 Second?

20 MR. JARAM:

21 Second.

22 CHAIRMAN CHRISTOPHER:

23 All in favor, say aye. Opposed?

24 [The motion carried unanimously.]

25 ***

1 CHAIRMAN CHRISTOPHER:

2 This motion is for applications on the
3 agenda, No. 13, No. 14, No. 15, and the
4 paper copy. The names are Anthony
5 Michael Bisazza, Kevin Michael Love,
6 Staley Timothy Williams, and Arkino
7 Miguel Snead. The motion is to grant a
8 restricted license upon passing the exam
9 as we discussed in executive session.

10 Motion.

11 MR. JOHNSON:

12 So moved.

13 CHAIRMAN CHRISTOPHER:

14 Second?

15 MS. MOORE:

16 Second.

17 CHAIRMAN CHRISTOPHER:

18 All in favor, say aye. Opposed?

19 [The motion carried unanimously.]

20 ***

21 CHAIRMAN CHRISTOPHER:

22 The next one is a motion to direct
23 counsel to draft a preamble and annex
24 for the fee increase as presented by
25 BFO.

1 MS. ETTER:

2 So moved.

3 CHAIRMAN CHRISTOPHER:

4 Second?

5 MR. JOHNSON:

6 Second.

7 CHAIRMAN CHRISTOPHER:

8 All in favor, say aye. Opposed?

9 [The motion carried unanimously.]

10 ***

11 Miscellaneous

12 [Shana M. Walter, Esquire, Board Counsel, announced
13 today to be Chairman Christopher's last Board meeting,
14 noting the need for another member of the Application
15 Committee and the Informal Conference Committee.

16 Ms. Diller noted Mr. Muniz to be on the committee
17 alone, as there were no other volunteers. Mr. Jaram
18 volunteered for the Informal Conference Committee.

19 Acting Commissioner Johnson stated it to be an
20 honor and privilege to serve with Chairman
21 Christopher. He also welcomed Acting Chair Muniz and
22 is looking forward to working with him. He commented
23 that working with all of the Board has been a
24 rewarding experience.]

25 ***

1 Adjournment

2 CHAIRMAN CHRISTOPHER:

3 Motion to adjourn.

4 MS. MOORE:

5 So moved.

6 MR. JARAM:

7 Second.

8 CHAIRMAN CHRISTOPHER:

9 All in favor, say aye.

10 [The motion carried unanimously.]

11 ***

12 [There being no further business, the State Board of
13 Barber Examiners Meeting adjourned at 1:08 p.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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF BARBER EXAMINERS
REFERENCE INDEX

August 19, 2019

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TIME	AGENDA
9:05	Official Call to Order
9:05	Pledge of Allegiance
9:06	Roll Call/Introduction of Audience Members
9:08	Approval of Minutes
9:08	Report of Prosecutorial Division
9:13	Appointment - Carolyn A. DeLaurentis, Deputy Chief Counsel, Prosecution Division Presentation
9:22	Appointment - Kimberly Adams, Chief of Fiscal Management; Julie Snader, Deputy Director, Bureau of Finance and Operations, Fee Increase Presentation
10:06	Report of Board Counsel
10:07	Report of Acting Commissioner
11:01	Old/New Business
11:15	Executive Session
12:48	Return to Open Session
12:48	Motions
12:49	Old/New Board Business
1:00	Miscellaneous
1:08	Adjournment