

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 10:30 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, October 17, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

State Board of Barber Examiners
October 17, 2022

BOARD MEMBERS:

Arion Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
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 Barrett, Esquire, Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division
Heather J. McCarthy, Esquire, Senior Prosecuting Attorney
Andrea L. Costello, Esquire, Board Prosecution Liaison,
Kenneth J. Suter, Esquire, Board Prosecution Liaison
Miranda Murphy, Board Administrator, on behalf of Sparkle Thompson
Andrew LaFratte, MPA, Executive Policy Specialist, Department of State

ALSO PRESENT:

Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure
Matthew Lyons, Hamlin Barber Shop
Kathleen Lyons, Hamlin Barber Shop

1 ***

2 State Board of Barber Examiners

3 October 17, 2022

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 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, October 17,
15 2022. Dominic A. Muniz, Chairman, Professional
16 Member, called the meeting to order at 10:30 a.m.

17 ***

18 Pledge of Allegiance

19 [The Pledge of Allegiance was recited.]

20 ***

21 [Sean 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 met

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

5 ***

6 Roll Call/Introduction of Attendees

7 [Miranda Murphy, Board Administrator, on behalf of
8 Sparkle Thompson, provided a roll call of Board
9 members and introduction of attendees.]

10 ***

11 Approval of minutes of the August 15, 2022 meeting

12 CHAIRMAN MUNIZ:

13 I'd like have a motion for approval of
14 minutes of August 15, 2022?

15 MR. EDSALL:

16 Motion.

17 MR. MCANDREW:

18 Second.

19 CHAIRMAN MUNIZ:

20 Roll call.

21

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

1 [The motion carried. Ronald Gray abstained from
2 voting on the motion.]

3 ***

4 [Arion R. Claggett, Acting Commissioner, Bureau of
5 Professional and Occupational Affairs, informed
6 Ronald Gray that he would have to abstain from the
7 last vote and any votes going forward due to his
8 camera not working.]

9 ***

10 Report of Board Prosecution

11 [Andrea L. Costello, Esquire, Board Prosecution
12 Liaison, presented the Consent Agreement for Case No.
13 20-42-010040.

14 Ms. Costello informed Board members that item 3
15 had been tabled until the next meeting.]

16 ***

17 MR. BARRETT:

18 After the report of prosecution, is
19 there any member of the Board who would
20 like to return to Executive Session to
21 discuss that matter any further?

22 Hearing none.

23 Regarding agenda item 2, based upon
24 the discussions in Executive Session, I
25 believe the Board chair would entertain

1 a motion to approve the Consent
2 Agreement and Order at agenda item 2,
3 Case No. 20-42-010040.

4 CHAIRMAN MUNIZ:

5 Do I have a motion?

6 MR. EDSALL:

7 Motion.

8 MR. MCANDREW:

9 Second.

10 MS. MURPHY:

11 Arion Claggett, aye; Dominic Muniz,
12 aye; Ronald Gray, abstain; Ginger
13 Etter, aye; Burr Edsall, aye; Michael
14 McAndrew, aye; Charles Seright, aye.

15 [The motion carried. Ronald Gray abstained from
16 voting on the motion. Agenda item 2 at Case No. 20-
17 42-010040 is Luis E. Vasquez, d/b/a Major League's.]

18 ***

19 MR. BARRETT:

20 Number 3, as noted, was tabled by the
21 prosecution division.

22 ***

23 Report of Board Counsel - Motion to Deem Facts

24 Admitted

25 MR. BARRETT:

1 Number 4 on the agenda. Based on
2 Executive Session deliberations, I
3 believe the Board chair would entertain
4 a motion to grant the Motion to Deem
5 Facts Admitted and Enter Default and
6 direct Board Counsel to prepare an
7 Adjudication and Order in accordance
8 with discussion in Executive Session in
9 the matter of Case No. 21-42-001434.

10 CHAIRMAN MUNIZ:

11 May I have a motion?

12 MR. EDSALL:

13 Motion.

14 CHAIRMAN MUNIZ:

15 Do I have a second?

16 MR. MCANDREW:

17 Second.

18 MS. MURPHY:

19 Arion Claggett, aye; Dominic Muniz,
20 aye; Ronald Gray, abstain; Ginger
21 Etter, aye; Burr Edsall, aye; Michael
22 McAndrew, aye; Charles Seright, aye.

23 [The motion carried. Ronald Gray abstained from
24 voting on the motion.]

25

1 MR. BARRETT:

2 Agenda item 5. Based on Executive
3 Session deliberations, I believe the
4 Board chair would entertain a motion to
5 grant the Motion to Deem Facts Admitted
6 and Enter Default and direct Board
7 Counsel to prepare an Adjudication and
8 Order in accordance with discussions in
9 Executive Session in the matter of Case
10 No. 22-42-006835.

11 CHAIRMAN MUNIZ:

12 Do I have a motion for number 5 on the
13 agenda?

14 MR. EDSALL:

15 Motion.

16 CHAIRMAN MUNIZ:

17 Do I have a second?

18 MR. MCANDREW:

19 Second.

20 MS. MURPHY:

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

25 [The motion carried. Ronald Gray abstained from

1 voting on the motion.]

2

3 Report of Board Counsel - Preliminary Adjudication
4 and

5 Order

6 MR. BARRETT:

7 Agenda item 6. Based on Executive
8 Session deliberations, I believe the
9 Board chair would entertain a motion to
10 adopt the Proposed Adjudication and
11 substitute or correct the Board's Order
12 in the matter of Case No. 19-42-008887
13 and direct Board Counsel to draft an
14 appropriate order in that matter.

15 CHAIRMAN MUNIZ:

16 Do I have a motion?

17 MR. EDSALL:

18 Motion.

19 CHAIRMAN MUNIZ:

20 Do I have a second?

21 MR. MCANDREW:

22 Second.

23 MS. MURPHY:

24 Arion Claggett, aye; Dominic Muniz,
25 aye; Ronald Gray, abstain; Ginger

1 Etter, aye; Burr Edsall, aye; Michael
2 McAndrew, aye; Charles Seright, aye.
3 [The motion carried. Ronald Gray abstained from
4 voting on the motion.]

5 ***

6 MR. BARRETT:

7 Agenda item 7. Based on Executive
8 Session deliberations, I believe the
9 chair would entertain a motion to adopt
10 the Proposed Adjudication and Order in
11 the matter of Jaime Acosta at Case No.
12 21-42-007327.

13 CHAIRMAN MUNIZ:

14 Do I have a motion?

15 MR. EDSALL:

16 Motion.

17 CHAIRMAN MUNIZ:

18 Do I have a second?

19 MR. MCANDREW:

20 Second.

21 MS. MURPHY:

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

1 [The motion carried. Ronald Gray abstained from
2 voting on the motion.]

3

4 Report of Board Counsel - Regulatory Discussion

5 [Sean Barrett, Esquire, Board Counsel, addressed 16A-
6 429 regarding general revisions to barber
7 regulations. He noted Board members voted to send
8 that out as an exposure draft at a previous Board
9 meeting but that has not happened yet. He informed
10 Board members that he would take steps to do that and
11 asked whether the Board would like to move forward
12 with the previous vote on the exposure draft or have
13 more discussion.

14 Chairman Muniz mentioned there were a few things
15 that needed to be reviewed and referred to § 3.54(8),
16 where it reads one soiled towel receptacle for each
17 chair. He stated the Board was talking about laundry
18 baskets for every two chairs and one towel receptacle
19 for each chair is excessive. He noted the Board
20 voted on the waste container for every two chairs and
21 is not the same thing.

22 Chairman Muniz commented that there is only one
23 soiled towel container in the entire barber school
24 when looking at schools and one for every two chairs
25 in the barbershop and should be changed to one

1 laundry basket or soiled towel container for the
2 barbershop.

3 Chairman Muniz addressed school bonds and
4 referred to § 3.83, noting the previous amount was
5 \$2,500 to a maximum of \$5,000 based on a scale of
6 \$2,500 for up to 60 students and \$5,000 for more than
7 60 students. He stated the amount is now at \$30,000
8 and requested information regarding the increase from
9 \$2,500 to \$5,000 to \$30,000 and what that entails.

10 Mr. Barrett explained that it is an insurance
11 product and insures assets and tuitions are paid in
12 case a school closes. He offered to speak to Mr.
13 Rouse about the appropriateness of the numbers. He
14 mentioned being unaware of the last time the
15 regulation was updated, and it may have been a long
16 time since the original one was drafted.

17 Matthew Lyons, Hamlin Barber Shop, addressed
18 cosmetology and barbershop lavatories and referred to
19 § 3.55(a), where every barbershop shall be provided
20 with adequate lavatories that are readily accessible
21 and kept in a sanitary condition. He expressed
22 concern that the cosmetology section had done away
23 with a lavatory for the general public.

24 Mr. Lyons mentioned that the State Board of
25 Cosmetology had been involved in discussion and

1 litigation concerning the Board's authority to
2 require a lavatory and Board issuance of a variance
3 requirement for three years. He noted a decision on
4 August 14, 2017, where cosmetology no longer
5 considered lavatories for their location in reviewing
6 applications for salon licensure but still is a
7 consideration for barbers. He also noted that a
8 Pennsylvania court ruled that barbers and
9 cosmetologist must be treated equally when applying
10 for licensure, but barbers still require a bathroom
11 and salons have not had a bathroom since 2017.

12 Chairman Muniz asked Mr. Barrett whether the
13 Barbers' License Law states that they must have a
14 bathroom accessible for the general public or just a
15 bathroom in the building.

16 Mr. Barrett informed Board members that he would
17 have to further research the cosmetology variance
18 issue. He stated the licensure was related to
19 different language that was in the Cosmetology Law
20 that had been present in the Barbers' License Law and
21 would look into that as it relates to the two.

22 Kathleen Lyons, Hamlin Barber Shop, referred to
23 § 7.79 for cosmetology, where it reads that a salon
24 must have adequate lavatories on the premises and
25 barbers at § 3.55, where every barbershop shall be

1 provided with adequate lavatories, readily
2 accessible, and kept in a sanitary condition. She
3 also noted that it read, the Board will no longer
4 consider lavatories for their location when reviewing
5 applications for salon licensure and will be updated
6 in the near future to reflect this change.

7 Ms. Lyons provided paperwork from 2017 that read,
8 over the past two years, the State Board of
9 Cosmetology has been involved in discussions and
10 litigation regarding the Board's authority to require
11 a lavatory and the Board's issuance of variance
12 requirements.

13 Mr. Lyons commented that the addition of a
14 bathroom when opening up a single or double chair
15 barbershop adds on another cost and lessens the
16 square footage of the barbershop for the bathroom.

17 Chairman Muniz reiterated Mr. Barrett's statement
18 that the matter would require more research and would
19 be placed back on the agenda at the next Board
20 meeting.

21 Mr. Barrett stated the proposed rulemaking for
22 16A-4212 regarding licensure by Endorsement under Act
23 41 is still with regulatory counsel. He informed
24 Board members that he would inquire as to the status
25 and provide an update at the next Board meeting.]

1 ***

2 Report of Board Counsel - Discussion Items
3 [Sean Barrett, Esquire, Board Counsel, addressed the
4 career and technology center (CTC) pilot program that
5 was signed into law on July 8, 2022. He noted Act 55
6 allows students to get a certain amount of hours via
7 distance education through internship and job
8 shadowing with a three-year program.

9 Mr. Barrett stated the schools involved in those
10 programs must provide the Board with certain
11 statutory information and the Board can require any
12 other information they want the programs to report
13 back to the Board. He asked the Board to consider
14 whether they want any tracking information or
15 potential form and to have that available on an
16 upcoming agenda for distribution to the program.

17 Mr. Barrett further explained that students also
18 receive compensation, where some of those credits
19 could be done through distance education instead of
20 the classroom. He mentioned that Act 55 is for both
21 CTC cosmetology and barber schools, and both would
22 have the same program and requirements.

23 Mr. Barrett stated Act 55 was passed as a law,
24 and schools are required to report statistical
25 numbers to the Board, which is where the Board has to

1 decide whether they want to streamline that
2 information. He mentioned the Board could add
3 something the legislature did not think of for
4 purposes of tracking the program.

5 Mr. Barrett noted that CTC programs for barber
6 and cosmetology students allow 50 percent of online
7 theory-based education. He stated the CTC program
8 allows students to get practical education in an
9 actual job under the tutelage of an experienced
10 barber or shop owner.]

11

12 Report of Board Counsel - Discussion

13 [Sean Barrett, Esquire, Board Counsel, noted House
14 Bill 1182 was passed and signed. He stated House
15 Bill 1268 regarding reducing the requirements for
16 barber teachers was not reintroduced and nothing has
17 been going on with that.

18 Mr. Barrett noted that there was a report issued
19 but had no recommendations for House Bill 88
20 regarding the study of regulatory waivers and
21 suspensions.

22 Mr. Barrett stated House Bill 2565 concerning
23 mobile barbershops is currently in the Professional
24 Licensure Committee. He noted the mobile barbershop
25 would need to be 24 feet in length and licensed by

1 the Board.

2 Chairman Muniz commented that the bill did not go
3 into detail or give any requirements. He mentioned
4 the need for more research and discussion concerning
5 Board requirements and inspections to be better
6 prepared.]

7

8 Report of Board Counsel - Discussion

9 [Sean Barrett, Esquire, Board Counsel, referred to
10 ideas for engagement in the community.

11 Chairman Muniz noted prior discussion concerning
12 Board involvement in barbershops and barbers in
13 general. He suggested presenting a certificate of
14 appreciation for their years in the industry from the
15 State Board of Barber Examiners. He also suggested
16 getting involved in hair shows by setting up a booth
17 and providing information explaining the duties of
18 the Board and state laws.

19 Mr. Seright recommended the addition of an
20 application more streamline than just the website
21 itself. He mentioned having difficulties when he
22 first started as a barber and going through a lot of
23 different things on the Uniform Resource Locator
24 (URL) to find answers. He noted moving into an era
25 where apps are super dominant and having forms and

1 suggestive things on the app that would keep the
2 Board engaged outside of people coming to the
3 meetings would be helpful.

4 Mr. Seright commented that being able to go to
5 some of the schools and provide information
6 concerning regulations and things they can and cannot
7 do without having to search for it on a URL or
8 website would better equip them for when they are
9 finished with school.

10 Mr. Edsall suggested the Board distribute an
11 email blast newsletter to better explain and provide
12 information concerning business of the Board,
13 including why professional license fees are
14 increasing. He mentioned it would also be helpful
15 for those applying for licensure and during renewals
16 to be able to communicate and provide information
17 when there are speed bumps during that process.

18 Chairman Muniz stated Board members can no longer
19 sit in on a practical examinations now that they have
20 Pearson VUE. He believed it would be good for the
21 industry to have Board member at the practical
22 examinations overlooking everything to make sure
23 everyone is doing the job they are supposed to be
24 doing.

25 Acting Commissioner Claggett offered to give some

1 thought to Board members sitting in on practical
2 examinations and would reach out to Pearson VUE. He
3 stated he would be hesitant to offer any recognition
4 for years of service to the industry from the Board
5 because they may run into issues where someone
6 receives a plaque and someone does not.

7 Acting Commissioner Claggett commented that the
8 trade show is a great idea and would benefit
9 everybody.

10 Acting Commissioner Claggett addressed the app
11 request, noting there were plans to have an app when
12 the Pennsylvania Licensing System (PALS) originated
13 but unfortunately fell through. He stated there
14 would be no app for the life of PALS due to issues,
15 but the next system would have an app hopefully by
16 the end of 2023.

17 Chairman Muniz commented that the transition from
18 PALS to the new system would need to be a smooth
19 transition because there was a lot of confusion with
20 the transition to PALS, where a lot of barbers did
21 not know how to renew their license. He suggested
22 having an email blast to explain everything with
23 step-by-step instructions to help with log-in
24 procedures and other issues during the transition.

25 Acting Commissioner Claggett mentioned the

1 importance of everyone updating their email addresses
2 to avoid confusion during the transition and being
3 able to receive the information. He stated
4 everything would be out in the open during the next
5 transition, where there would be email blasts and
6 engagement with stakeholders.

7 Acting Commissioner Claggett addressed the
8 newsletter request, noting they have the ability to
9 send out email blasts and agreed that sharing
10 problems and having solutions for problems many
11 barbers are encountering would be helpful if that
12 information is sent out.]

13 ***

14 Report of Board Chair

15 [Dominic A. Muniz, Chairman, Professional Member,
16 addressed his and Mr. Edsall's attendance at the
17 National Association of Barber Boards of America
18 (NABBA) Conference in September. He mentioned there
19 was discussion concerning the compact and the ability
20 to move freely from state to state with their
21 license. He commented that state-to-state laws change
22 and could see it being an issue, especially regarding
23 taxes.

24 Chairman Muniz noted discussion regarding license
25 renewal and believed Pennsylvania is doing a great

1 job accepting a lot of applicants and out-of-state
2 licensees.

3 Chairman Muniz mentioned Leslie Roste from
4 BARBICIDE spearheaded discussions on deregulation and
5 things to look out for, noting there are companies
6 that would try to lessen hours and are red flags.

7 Chairman Muniz noted there were presentations to
8 help teachers walk through the process of doing
9 better with a hands-on class, business presentations,
10 and presentations that opens their mind to new things
11 happening within the industry.

12 Chairman Muniz announced the next Annual NABBA
13 Conference is in Hershey, PA, in September 2023. He
14 informed Board members that president of NABBA, John
15 Christopher, already asked for the Board's help. He
16 believed it is the first conference in Pennsylvania
17 and suggested having further discussion on how to
18 make it a successful conference.

19 Acting Commissioner Claggett noted the importance
20 of the Board being available to assist with the NABBA
21 Conference.]

22 ***

23 Report of Acting Commissioner - No Report

24 ***

25 Report of Board Administrator - No Report

1 ***

2 Public Session

3 [Matthew Lyons, Hamlin Barber Shop, noted the Board
4 reaching out to the public is a great idea and
5 suggested promoting barbers at the Harrisburg Farm
6 Show.

7 Acting Commissioner Claggett agreed with looking
8 into having a career fair or career expo of different
9 professions and having something at the Harrisburg
10 Farm Show.

11 Mr. Lyons asked whether NABBA Learn About
12 Barbering (LAB) is open to the public.

13 Mr. Edsall explained that NABBA is the National
14 Association of Barber Boards of America and then LAB
15 was later started, and anyone who wanted to attend a
16 LAB class at the national conference would have to
17 belong to the school divisions and be a member
18 school. He further explained that many states belong
19 to NABBA, and the Board attends because Pennsylvania
20 belongs to NABBA and votes on national issues as a
21 representative of Pennsylvania.

22 Chairman Muniz noted NABBA LAB is very beneficial
23 for those who own a school or are a teacher as far as
24 being able to pass that information to students.]

25

1 [Dominic A. Muniz, Chairman, Professional Member,
2 noted that the next scheduled Board meeting is
3 Monday, December 19.]

4 ***

5 Adjournment

6 CHAIRMAN MUNIZ:

7 Do I have a motion to adjourn?

8 MR. EDSALL:

9 Motion.

10 CHAIRMAN MUNIZ:

11 Do I have a second?

12 MR. MCANDREW:

13 Second.

14 ***

15 [There being no further business, the State Board of
16 Barber Examiners Meeting adjourned at 11:45 a.m.]

17 ***

18

19

20

21

22

23

24

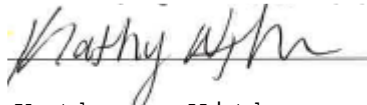
25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

October 17, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Pledge of Allegiance
10:32	Roll Call/Introduction of Attendees
10:33	Approval of Minutes
10:34	Report of Board Prosecution
10:36	Report of Board Counsel
11:32	Report of Board Chairman
11:40	Public Session
11:45	Adjournment