

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, December 19, 2022

State Board of Barber Examiners
December 19, 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
Tyesha C. Miley, Esquire, Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel,
Prosecution
Division
Heather J. McCarthy, Esquire, Senior Board Prosecutor
Andrea L. Costello, Esquire, Board Prosecution
Liaison
Kenneth J. Suter, Esquire, Board Prosecution Liaison
Colby B. Widdowson, Esquire, Board Prosecutor
Sparkle Thompson, Board Administrator
Amanda Li, Department of State
Amanda Richards, Fiscal Chief, Bureau of Finance and
Operations, Department of State
Michelle Witmer, Fiscal Management Specialist 1,
Bureau of Finance and Operations, Department of
State
Jennifer Gage, Fiscal Management Specialist,
Department of State
Tamie Laudenslager, Fiscal Specialist, Bureau of
Finance and Operations, Department of State
Richard E. Morrisette, Deputy Director, Bureau of
Enforcement and Investigation, Department of State
Danie Bendesky, Director of Intergovernmental
Affairs, Department of State

ALSO PRESENT:

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

1 ***

2 State Board of Barber Examiners

3 December 19, 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, December 19,
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 [Sparkle Thompson, Board Administrator, provided a
8 roll call of Board members and introduction of
9 attendees.]

10 ***

11 Approval of minutes of the October 17, 2022 meeting

12 CHAIRMAN MUNIZ:

13 Approval of minutes. We'll need a vote
14 on that for October 17, 2022.

15 MR. EDSAL:

16 Motion for approval.

17 CHAIRMAN MUNIZ:

18 Do I have a second?

19 MR. SERIGHT:

20 Second.

21 CHAIRMAN MUNIZ:

22 Roll call.

23
24 Arion Claggett, aye; Dominic Muniz,
25 aye; Ronald Gray, aye; Ginger Etter,

1 aye; Burr Edsall, aye; Michael
2 McAndrew, aye; Charles Seright, aye.

3 [The motion carried unanimously.]

4 ***

5 Amendment to the Agenda

6 MR. BARRETT:

7 Case No. 17-42-12739 was added to the
8 agenda and is the only addition from
9 the previous agenda.

10 MR. EDSAL:

11 Motion.

12 CHAIRMAN MUNIZ:

13 Do I have a second?

14 MR. SERIGHT:

15 Second.

16 MS. THOMPSON:

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

21 [The motion carried unanimously.]

22 ***

23 Appointment - Bureau of Finance and Operations

24 Annual Budget Presentation

25 [Amanda Richards, Chief of Fiscal Management, Bureau

1 of Finance and Operations, Department of State,
2 referred to licensee population over the past seven
3 years, noting the Board had 9,176 licensees in FY21-
4 22 but decreased to 8,090 as of the time of the
5 report. She reported on a recent increase of 69
6 licenses for a total of 8,159 licensees.

7 Ms. Richards addressed license class. She stated
8 the Board renews in April of even years, where the
9 Board had 8,953 licensees and 9,176 at the last
10 renewal. She commented that the Board is increasing
11 licensees with every renewal and that it is normal to
12 see a decrease in a nonrenewal year.

13 Ms. Richards addressed revenue, noting it is
14 reviewed on a biennial basis. She reported on the
15 revenue for FY20-21 and for FY21-22, noting the
16 biennial total.

17 Ms. Richards noted 95 percent of revenue comes
18 from renewals and applications. She stated that
19 revenue is received from other categories but is not
20 consistent. She noted a renewal fee increase went
21 into effect at the last renewal and referred to the
22 listing of the next incremental step in FY23.

23 Ms. Richards stated expenses are brought in
24 through direct charges, timesheet-based charges, and
25 licensee population. She noted the two main

1 categories when reviewing expenses are administrative
2 and legal costs. She referred to expenses in FY20-
3 21, FY21-22, FY22-23, noting the current figure at
4 the time of the report. She noted the budgeted
5 amount for FY22-23 is very adequate.

6 Ms. Richards addressed revenue and expenses
7 showing a projected balance in FY22-23 to be a
8 negative balance, but the renewal fee increase going
9 into effect puts the Board back in the black at
10 \$462,000 by FY25-26.]

11 ***

12 Report of Board Prosecution

13 [Andrea L. Costello, Esquire, Board Prosecution
14 Liaison, presented the Consent Agreement for Case No.
15 21-42-013892.]

16 ***

17 [Colby B. Widdowson, Esquire, Board Prosecutor,
18 presented the Consent Agreements for Case No. 20-42-
19 010400 and Case No. 17-42-12739.]

20 ***

21 [Heather J. McCarthy, Esquire, Senior Board
22 Prosecutor, presented the Consent Agreement for Case
23 No. 19-42-004566.]

24 MR. BARRETT:

25 Based on the presentation from

1 prosecution, would any Board member
2 like to return to executive session for
3 further deliberations on any of these
4 consent agreements? Hearing none.

5 I believe the Board, based on
6 executive session deliberations, the
7 Board Chair would entertain a motion to
8 approve the Consent Agreements at
9 number 3, Case No. 21-42-013892; number
10 4, Case No. 20-42-010400; number 5,
11 Case No. 17-42-12739; and number 6,
12 Case No. 19-42-004566.

13 CHAIRMAN MUNIZ:

14 Do I have a motion?

15 MR. EDSALL:

16 Motion.

17 CHAIRMAN MUNIZ:

18 Second?

19 MR. SERIGHT:

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. The Respondent's
2 name at number 3, Case No. 21-42-013892 is Ryan M.
3 Showers d/b/a Razor Ryan's Barber Shop; number 4,
4 Case No. 20-42-010400, Robert McGowan; number 5, Case
5 No. 17-42-12739, Eric R. Cheatom; and number 6, Case
6 No. 19-42-004566, Rashaan Stevenson.]

7 ***

8 Report of Board Counsel - Motion to Deem Facts
9 Admitted

10 MR. BARRETT:

11 Moving on to number 7, Case No. 18-42-
12 011047, New York Connection Barber
13 Shop.

14 I believe the Board Chair would
15 entertain a motion to grant the
16 Commonwealth's Motion to Deem Facts
17 Admitted and to direct Board counsel to
18 draft an Adjudication and Order
19 consistent with discussions during
20 executive session.

21 CHAIRMAN MUNIZ:

22 Do I have a motion?

23 MR. EDSALL:

24 Motion.

25 CHAIRMAN MUNIZ:

1 Do I have a second?

2 MR. SERIGHT:

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 - Final Adjudication and
12 Order

13 MR. BARRETT:

14 Number 8 under Final Adjudication and
15 Order at Case No. 19-42-00296.

16 Based on executive session
17 deliberations, I believe the Board
18 Chair would entertain a motion to adopt
19 the Final Adjudication and Order in the
20 Matter of Commonwealth of Pennsylvania
21 Bureau of Professional and Occupational
22 Affairs v. Ronald David Woodley, Case
23 No. 19-42-002396.

24 CHAIRMAN MUNIZ:

25 Do I have a motion?

1 MR. EDSALL:

2 Motion.

3 CHAIRMAN MUNIZ:

4 Do I have a second?

5 MR. SERIGHT:

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 Report of Board Counsel - Regulatory Discussion

15 [Sean Barrett, Esquire, Board Counsel, addressed 16A-
16 429 regarding general revisions to barber
17 regulations. He noted prior Board discussion
18 concerning changes to § 3.54 regarding minimum
19 equipment requirements, noting language was added to
20 include one basket for every two students, where the
21 current regulation for a shop is one basket for every
22 two chairs.

23 Chair Muniz explained that it was one soiled
24 basket for the entire barbershop, and for schools, it
25 was one for every two students. He noted trash cans

1 was one for every two chairs inside a barbershop.

2 Mr. Barrett referred to § 3.54(8) one soiled
3 towel receptacle for the schools. He noted that
4 under the proposed regulation, one soiled towel
5 receptacle is needed for every two chairs, and the
6 Board wanted to change it to one per shop and one per
7 school. He will make that change and then send it
8 out for an exposure draft.

9 Mr. Barrett provided information regarding the
10 \$30,000 bond discussed at the last meeting. He noted
11 a comparison made with other state requirements, and
12 the \$30,000 is a big increase with a maximum of
13 \$5,000 under the current regulation. He mentioned it
14 was consistent with what other states require for
15 cosmetology and barber schools.]

16 ***

17 Discussion - Reelection of Board Positions and
18 Nominations from Board Members

19 MR. BARRETT:

20 Is there a nomination and a second for
21 the position of Chair?

22 MR. EDSALL:

23 I nominate Dominic Muniz for Board
24 Chair.

25 MR. BARRETT:

1 Is there a second to that?

2 MR. SERIGHT:

3 Second.

4 MR. BARRETT:

5 Chairman Muniz, if offered that
6 position, would you serve in that
7 capacity?

8 CHAIR MUNIZ:

9 Yes.

10 MR. BARRETT:

11 At this time, would the Board entertain
12 a motion to elect Dominic Muniz as the
13 Chair?

14 MR. EDSALL:

15 Motion.

16 MR. BARRETT:

17 Second?

18 MR. SERIGHT:

19 Second.

20 MS. THOMPSON:

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

25 [The motion carried unanimously.]

1
2 MR. BARRETT:

3 Is there a nomination for the position
4 of Vice Chair?

5 MR. EDSALL:

6 I'd like to nominate Ronald Gray.

7 MR. BARRETT:

8 Second?

9 MR. SERIGHT:

10 Second.

11 MR. BARRETT:

12 I believe the Board Chair would
13 entertain a motion for the election of
14 Ronald Gray as Vice Chair of the Barber
15 Board.

16 CHAIR MUNIZ:

17 Could I have a motion?

18 MR. EDSALL:

19 Motion.

20 CHAIR MUNIZ:

21 Could I have a second?

22 MR. SERIGHT:

23 Second.

24 MS. THOMPSON:

25 Arion Claggett, aye; Dominic Muniz,

1 aye; Ronald Gray, aye; Ginger Etter,
2 aye; Burr Edsall, aye; Michael
3 McAndrew, aye; Charles Seright, aye.

4 [The motion carried unanimously.]

5 ***

6 MR. BARRETT:

7 Is there a nomination for secretary?

8 MR. EDSALL:

9 I'd like to nominate Ginger Etter as
10 secretary.

11 CHAIR MUNIZ:

12 Second?

13 MR. SERIGHT:

14 Second.

15 MR. BARRETT:

16 Ms. Etter if offered that position,
17 would you serve in that capacity?

18 MS. ETTER:

19 Yes.

20 MR. BARRETT:

21 At this point, I believe the Board
22 Chair would entertain a motion for the
23 election of Ginger Etter as secretary.

24 CHAIR MUNIZ:

25 Is there a motion?

1 MR. EDSALL:

2 Motion.

3 CHAIR MUNIZ:

4 Do I have a second?

5 MR. SERIGHT:

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 Discussion - Vote on Travel for the National
15 Association of Barber Boards of America (NABBA)
16 Midyear Conference February 19-21, 2023

17 CHAIR MUNIZ:

18 Myself and Mr. Edsall would like to
19 attend this. We need to vote on
20 agreeing to send us to the midyear
21 conference.

22 MR. BARRETT:

23 I believe the Board Chair would
24 entertain a motion to send Chairman
25 Muniz and Board member Edsall to the

1 NABBA Midyear Conference February 19-
2 21, 2023, in Memphis.

3 CHAIR MUNIZ:

4 Do I have a motion?

5 MR. EDSALL:

6 Motion.

7 CHAIR MUNIZ:

8 Do I have a second?

9 MR. SERIGHT:

10 Second.

11 MS. THOMPSON:

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

16 [The motion carried unanimously.]

17 ***

18 [Dominic A. Muniz, Chairman, Professional Member,
19 noted the National Association of Barber Boards of
20 America's Annual Conference would be held in Hershey,
21 PA, and informed Board members that the Board has
22 been asked to provide a list of barber schools and
23 barber teachers.]

24 ***

25 Discussion - Vote on 2023 Board Meeting Dates

1 MR. BARRETT:

2 The 2023 dates are February 27, April
3 24, June 19, August 21, October 23, and
4 December 28.

5 CHAIR MUNIZ:

6 Do I have a motion for the dates just
7 announced?

8 MR. EDSALL:

9 Motion.

10 CHAIR MUNIZ:

11 Do I have a second?

12 MR. SERIGHT:

13 Second.

14 MS. THOMPSON:

15 Arion Claggett, aye; Dominic Muniz,
16 aye; Ronald Gray, aye; Ginger Etter,
17 aye; Burr Edsall, aye; Michael
18 McAndrew, aye; Charles Seright, aye.

19 [The motion carried unanimously.]

20 ***

21 Report of Board Chair - No Report

22 ***

23 Report of Acting Commissioner - No Report

24 ***

25 Report of Board Administrator - No Report

1
2 Public Comment

3 [Sean Barrett, Esquire, Board Counsel, addressed a
4 question at the last meeting concerning lavatories.
5 He explained that the Eleven Pennsylvania, LLC,
6 decision applied to the State Board of Cosmetology
7 regulation requiring the Board have a lavatory within
8 the square footage of the salon. He noted the Board
9 found that Section 104(d)(1) of the Construction Code
10 Act preempted the regulation, making it
11 unenforceable, where the Construction Code Act
12 overrules the Cosmetology regulation in that section.

13 Mr. Barrett explained that it does not apply to
14 the Barber Board because the Cosmetology Board has
15 its own regulations, and the Barber Board does not
16 require the lavatory be within the square footage of
17 a barbershop. He noted the cosmetology regulations
18 state something that is not in the barber
19 regulations.

20 Kathleen Lyons, Hamlin Barber Shop, requested
21 clarification as to whether barbershops do require
22 the bathroom to be open to the public.

23 Mr. Barrett could not give an advisory opinion
24 and the question is different than what was asked at
25 the last meeting. He referred Ms. Lyons to the

1 Construction Code requirements and regulations.

2 Matthew Lyons, Hamlin Barber Shop, asked whether
3 any research had been done concerning mobile
4 barbershops regarding the length of the trailer and
5 whether a bathroom would be required in that
6 facility.

7 Mr. Barrett explained that it was a still a
8 proposed bill and no legislation had been passed, but
9 the Board may have to issue regulations at some time.
10 He encouraged anyone with input or questions on the
11 bill to look on the General Assembly's website or
12 contact their local representatives.]

13 ***

14 Adjournment

15 CHAIRMAN MUNIZ:

16 Do I have a motion to adjourn?

17 MR. EDSALL:

18 Motion.

19 CHAIRMAN MUNIZ:

20 Do I have a second?

21 MR. SERIGHT:

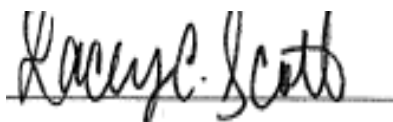
22 Second.

23 ***

24 [There being no further business, the State Board of
25 Barber Examiners Meeting adjourned at 11:10 a.m.]

CERTIFICATE

1
2
3
4
5
6 I hereby certify that the foregoing summary
7 minutes of the State Board of Barber Examiners
8 meeting, was reduced to writing by me or under my
9 supervision, and that the minutes accurately
10 summarize the substance of the State Board of Barber
11 Examiners meeting.
12

13
14 

15 Lacey C. Scott,

16 Minute Clerk

17 Sargent's Court Reporting
18 Service, Inc.
19
20
21
22
23
24
25
26

STATE BOARD OF BARBER EXAMINERS
REFERENCE INDEX

December 19, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:30	Official Call to Order
13		
14	10:30	Pledge of Allegiance
15		
16	10:31	Roll Call/Introduction of Attendees
17		
18	10:33	Approval of Minutes
19		
20	10:36	Amendment to the Agenda
21		
22	10:37	Appointment - Bureau of Finance and
23		Operations Annual Budget Presentation
24		
25	10:44	Report of Board Prosecution
26		
27	10:54	Report of Board Counsel
28		
29	10:59	Discussion
30		
31	11:07	Public Comment
32		
33	11:10	Adjournment
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		