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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
VIA MICROSOFT TEAMS**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110

Monday, April 25, 2022

State Board of Barber Examiners

April 25, 2022

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BOARD MEMBERS:

Matthew Eaton, Division Chief for Business Licensing
Division, 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:

Steven A. Mimm, Esquire, Board Counsel
Carole Clarke Smith, Esquire, Senior Board Counsel
Ronald K. Rouse, Esquire, Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
Division
Heather J. McCarthy, Esquire, Senior Board Prosecutor
James Ritchie Espino Ostman, Esquire, Board
Prosecution Liaison
Sparkle Thompson, Board Administrator
Amanda Richards, Fiscal Chief, Bureau of Finance and
Operations, Department of State
Michelle Witmer, Bureau of Finance and Operations,
Department of State

ALSO PRESENT:

Kelly Kolling, Director, Barber School of Pittsburgh
Ruthann Mulay, Lead Barber Evaluator, Pearson VUE
Barbara Sprindis, Program Manager, Pearson VUE
Derek Richmond

1 ***

2 State Board of Barber Examiners

3 April 25, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Board entered into Executive Session
7 with Steven A. Mimm, Esquire, Board Counsel, to have
8 attorney-client consultation and for the purpose of
9 conducting quasi-judicial deliberations. The Board
10 concluded its Executive Session at 10:30 a.m.]

11 ***

12 [Steven A. Mimm, Esquire, Board Counsel, noted the
13 meeting was being recorded, and those who continued to
14 participate were giving their consent to be recorded.

15 Mr. Mimm informed everyone that the Board met in
16 Executive Session to have attorney-client consultation
17 and for the purpose of conducting quasi-judicial
18 deliberations prior to the Board meeting.]

19 ***

20 The regularly scheduled meeting of the State Board
21 of Barber Examiners was held on Monday, April 25,
22 2022. Dominic A. Muniz, Chairman, Professional
23 Member, called the meeting to order at 10:30 a.m.

24 ***

25 Pledge of Allegiance

1 [The Pledge of Allegiance was recited.]

2 ***

3 Roll Call/Introduction of Attendees

4 [Steven A. Mimm, Esquire, Board Counsel, provided a
5 roll call and introduction of attendees.]

6 ***

7 [Ronald K. Rouse, Esquire, Board Counsel, expressed
8 gratitude for his years as Board counsel for the State
9 Board of Barber Examiners, noting the Board is in good
10 hands with Steve Mimm.]

11 ***

12 Approval of minutes of the February 28, 2022 meeting

13 MR. MIMM:

14 Our first order of business is approval
15 of the minutes. The minutes were
16 submitted from our last meeting on
17 February 28, 2022.

18 Do I hear a motion for approval of
19 the minutes?

20 CHAIRMAN MUNIZ:

21 Motion.

22 MR. MIMM:

23 Do I hear a second?

24 MR. GRAY:

25 Second.

1 MR. MIMM:

2 Could we just briefly go through and
3 make sure we are all in agreement?

4

5 Ms. Etter, yes; Mr. Edsall, yes; Mr.
6 Seright, yes; Mr. Muniz, yes; Mr. Gray,
7 yes; Mr. Eaton, yes.

8 [The motion carried unanimously.]

9

10 Report of Prosecutorial Division

11 [James Ritchie Espino Ostman, Esquire, Board
12 Prosecutor, presented the Consent Agreement for Case
13 No. 18-42-009511.]

14

15 [Michael McAndrew, Professional Member, entered the
16 meeting at 10:39 a.m.]

17

18 MR. MIMM:

19 Hearing and seeing no questions
20 regarding the Consent Agreement at item
21 4 of your agenda, Case No. 18-42-009511.

22 I believe the Board would like to
23 entertain a motion to adopt the Consent
24 Agreement.

25

Do I hear such a motion?

1 CHAIRMAN MUNIZ:

2 Motion.

3 MR. MIMM:

4 Do I hear a second?

5 MS. ETTER:

6 Second.

7 MR. MIMM:

8 Just to do a brief polling, do you agree
9 with the adoption of this Consent
10 Agreement?

11

12 Mr. Muniz, yes; Mr. Gray, yes; Ms.
13 Etter, yes; Mr. Edsall, yes; Mr.
14 McAndrew, yes; Mr. Seright, yes; Mr.
15 Eaton, yes.

16 [The motion carried unanimously. The Respondent's
17 name is Miguel Angel Castillo, Case No. 18-42-009511.]

18

19 Report of Department of State - Bureau of Finance and
20 Operations Annual Budget Presentation

21 [Michelle Witmer, Bureau of Finance and Operations,
22 Department of State, provided the 2021-2022 budget
23 presentation. She addressed the licensee population
24 for the Board, noting the Bureau of Finance and
25 Operations (BFO) looks at the licensee population on a

1 biennial basis to provide renewal and nonrenewal
2 information from a revenue standpoint. She compared
3 previous renewal years, noting continued growth in the
4 licensee population.

5 Ms. Witmer reported an increase of 1,386
6 licensees from FY15-16 to FY17-18 and a decrease of
7 893 licensees from FY17-18 to FY19-20. She noted an
8 increase to 9,176 licensees for FY21-FY21 as of the
9 date the report was prepared with an increase to 9,225
10 licensees as of this morning.

11 Ms. Witmer noted the current revenue. She stated
12 the Board was working through their first renewal
13 increase currently and BFO expected to see the revenue
14 grow. She referred to the new cost for a license,
15 which will be in April 2024. She noted the Board
16 extended their renewal period in FY20 due to COVID,
17 which ran through into the following fiscal period.
18 She also noted BFO made adjustments for that on the
19 financial statement for the years going forward.

20 Ms. Witmer addressed expenses, noting the Board
21 incurs expenses through direct costs, timesheets, and
22 licensees. She reported expenses in FY19-20, FY20-21,
23 and the current figure. She mentioned a recent
24 increase. She noted BFO's projection for their budget
25 for the remainder of the fiscal year. She reported it

1 to be a significant increase over the past two years,
2 noting the Board is seeing a high volume of cases.

3 Ms. Witmer explained that the Bureau of
4 Enforcement and Investigation (BEI) reported the
5 number of inspections have already equaled what was
6 done in the past year. She mentioned BFO did not want
7 to project expenses high throughout coming fiscal
8 years and based them on a more normal level but will
9 monitor it.

10 Ms. Witmer addressed revenue and expenses, noting
11 BFO is projecting the Board to have a positive balance
12 in FY24-25 with the fee increase.

13 Ms. Witmer noted the Board member direct cost
14 balance for FY19-20, FY20-21, and the current balance.
15 She stated BFO is going to continue to carry the
16 \$15,000 budget. She noted any money not used goes
17 back into the restricted fund.

18 Chairman Muniz commented that the Board's pay is
19 \$60 per diem and asked whether there is any way to
20 increase the per diem. He also mentioned Board travel
21 is fairly low.

22 Ms. Witmer explained that the rate is a state
23 statute and not set by the Board itself. She noted
24 travel expenses are expected to increase as more
25 members start attending meetings in Harrisburg.]

1

2 Miscellaneous - Pearson VUE Practical Examination

3 Update

4 [Ruthann Mulay, Lead Barber Evaluator, Pearson VUE,
5 stated Pearson VUE testing was returning to the way it
6 tested pre-COVID but would be following the Centers
7 for Disease Control and Prevention (CDC) Guidelines.

8 Chairman Muniz asked whether there were any
9 changes made to the candidate handbook.

10 Ms. Mulay informed the Board that the candidate
11 handbook has an attachment informing candidates of
12 pre-COVID testing. She noted Pearson VUE has a roster
13 and all of the candidates' emails, where it would
14 email the candidate directly a week prior, and there
15 would be COVID testing if there is a mask mandate in
16 their city or pre-COVID testing if there is no mask
17 mandate in their city.]

18 MR. MIMM:

19 Do I hear a motion to entertain a vote
20 on changing back to pre-COVID
21 restrictions?

22 CHAIRMAN MUNIZ:

23 Motion.

24 MR. MIMM:

25 Do I hear a second?

1 MR. EDSALL:

2 Second.

3 MR. MIMM:

4 Do you agree with the motion of pre-
5 COVID restriction?

6

7 Mr. Muniz, yes; Mr. Gray, yes; Ms.
8 Etter, yes; Mr. Edsall, yes; Mr.
9 McAndrew, yes; Mr. Seright, yes; Mr.
10 Eaton, yes.

11 [The motion carried unanimously.]

12

13 Report of Board Counsel - Motion to Deem Facts

14 Admitted

15 MR. MIMM:

16 We are going to move on to number 5, the
17 Motion to Deem Facts Admitted, BPOA v.
18 Ronald David Woodley, Case No. 19-42-
19 002396.

20 I believe the Board would have a
21 motion to grant the Motion to Deem Facts
22 Admitted and direct Board counsel to
23 prepare the Adjudication and Order in
24 accordance with discussion in Executive
25 Session.

1 Do I hear such a motion?

2 CHAIRMAN MUNIZ:

3 Motion.

4 MR. MIMM:

5 Do I hear a second?

6 MR. GRAY:

7 Second.

8 MR. MIMM:

9 Is this motion approved?

10

11 Mr. Muniz, yes; Mr. Gray, yes; Ms.

12 Etter, yes; Mr. Edsall, yes; Mr.

13 McAndrew, yes; Mr. Seright, yes; Mr.

14 Eaton, yes.

15 [The motion carried unanimously.]

16

17 Report of Board Counsel - Final Adjudication and

18 Order

19 MR. MIMM:

20 The next item on the agenda is the Final

21 Order and Adjudication, number 6, BPOA

22 v. Robert A. Young aka Robert Ameen

23 Young Jr. The Adjudication and Order

24 was discussed in Executive Session.

25

It is my understanding that the

1 Order as prepared will be adopted.

2 Do I hear a motion to adopt that
3 Adjudication?

4 CHAIRMAN MUNIZ:

5 Motion.

6 MR. MIMM:

7 Do I hear a second?

8 MR. MCANDREW:

9 Second.

10 MR. MIMM:

11 Are you in agreement to adopt the Final
12 Adjudication and Order for Mr. Young,
13 Case No. 18-42-007894?

14

15 Mr. Muniz, yes; Mr. Gray, yes; Ms.
16 Etter, yes; Mr. Edsall, yes; Mr.
17 McAndrew, yes; Mr. Seright, yes; Mr.
18 Eaton, yes.

19 [The motion carried unanimously.]

20

21 Report of Board Counsel - Regulatory Discussion

22 [Steven A. Mimm, Esquire, Board Counsel, referred to
23 16A-429 regarding general revisions, noting a number
24 of issues have been discussed at previous Board
25 meetings.]

1 Ronald K. Rouse, Esquire, former Board counsel,
2 mentioned that part of the prior discussion included
3 adding definitions to the definition section regarding
4 different types of virtual education and adding a
5 definition for distance education. He noted the Board
6 was in agreement with those definitions being added to
7 the regulations at the last Board meeting.

8 Mr. Rouse noted the Board agreed to change the
9 term "manager barber" to "barber manager" universally
10 throughout the regulations because everyone knows the
11 license as a barber manager license and not a manager
12 barber license.

13 Mr. Rouse noted the Board addressed inactive
14 status and failure to renew with adding additional
15 language that the licensees must file a reactivation
16 application with the Board and pay the appropriate
17 fee. The licensee may not resume the practice of
18 barbering or the operation of a facility until the
19 Board has reactivated the license.

20 Mr. Rouse referred to § 3.21 regarding a
21 temporary student permit, where a change was made from
22 "temporary student license" to "temporary student
23 permit."

24 Mr. Rouse informed the Board of an addition since
25 the last meeting that reads, "if an applicant submits

1 a new application to retake the barber examination
2 pursuant to § 3.43, the applicant may be issued a
3 temporary student permit if they meet the requirements
4 of § 3.21(a)" to provide a clarification to applicants
5 regarding student permits.

6 Kelly Kolling, Director of Operations, Barber
7 School of Pittsburgh, wanted to be clear in
8 understanding, where they have an application and they
9 fail one portion of it, their application is good for
10 one year. She noted their permit currently is nine
11 months, and upon reapplying after that one-year
12 expiration, a new temporary license was received.

13 Mr. Rouse further explained that there needed to
14 be a clarification because there had been a question
15 mark historically from the Board office of whether it
16 is just one per the lifetime of that applicant. He
17 stated the language added was clarifying the fact that
18 if it was a new application that person was eligible
19 for the temporary permit.

20 Mr. Rouse addressed additions regarding minimum
21 equipment requirements under § 3.54, including
22 subsection (9), where at least one shampoo bowl for
23 shops with one to three chairs and at least two
24 shampoo bowls for shops with four or more chairs.

25 Mr. Rouse also noted additions to subsection (16)

1 one straight razor, which may be disposable for each
2 chair; subsection (21) two clean hair cloths or drapes
3 for each chair; and subsection (b) a barbershop may
4 provide for the following: 1 strop, 1 hone, hair
5 tonic, face lotion, cold cream, or massage cream.

6 Mr. Rouse referred to the addition for § 3.71(d)
7 regarding a licensed cosmetologist who wishes to take
8 the barber examination, where a barber teacher or
9 barber manager providing instruction in a shop may
10 offer up to 345 hours of training and virtual
11 supervision through distance education. He noted a
12 student barber shop may only earn barbering study and
13 training hours for theory-based coursework, and
14 practical demonstrations may not be offered through
15 distance education. He also noted up to 345 hours of
16 theory-based coursework of the 1250-hour barber
17 curriculum may be delivered through distance
18 education.

19 Mr. Rouse addressed subjects and hours of theory
20 coursework for distance education. He noted state
21 boards have to account for virtual supervision of
22 students and allow for that under Act 100 of 2021. He
23 mentioned the Board determined in 2020 that 345 hours
24 of training and virtual supervision could be through
25 distance education when it comes to the cosmetology

1 and barber crossover.

2 Chairman Muniz commented that he is looking at it
3 like the apprenticeships inside the barbershops, where
4 they are able to have that 345 hours which is not even
5 a quarter of their hours as far as distance education
6 for apprenticeships.

7 Chairman Muniz suggested highlighting it in
8 there, distance education or at barbershops for
9 apprenticeships, so there is no confusion because that
10 was just for apprenticeships.

11 Mr. Rouse noted the language could be added to
12 make it clear this is for apprenticeship or training
13 to be a barber in a barbershop.

14 Ms. Kolling asked whether the Board is imbedding
15 asynchronous or synchronous learning into the
16 regulation.

17 Mr. Rouse stated the Board had definitions for
18 asynchronous and synchronous but did not believe the
19 Board discussed whether asynchronous was prohibited
20 for the regulation.

21 Ms. Kolling mentioned being thrown off that shops
22 would be allowed to do this online, where students
23 will get their hours, get to ready to take the boards,
24 have zero idea or preparation to take those boards,
25 and end up coming to the school anyway.

1 Chairman Muniz addressed attending the National
2 Association of Barber Boards of America (NABBA)
3 conferences and discussing matters with different
4 states, where there have been developments regarding
5 online systems and tracking. He noted the importance
6 of not limiting it and keeping an open mind.

7 Mr. Rouse commented that there are online tools
8 being developed to accurately collect the hours and
9 believed the Board did not want to limit anything if
10 something is developed. He reminded everyone that
11 regulations take about 18 months to 2 years to go
12 through the process, and it would be prudent to
13 explore all possibilities and not necessarily cut off
14 a possibility just because they do not necessarily see
15 it yet.

16 Chairman Muniz stated upgrades and adjustments
17 were being made to applications. He noted the
18 development is not definite but will provide people a
19 chance and not limit anyone.

20 Mr. Rouse addressed prior discussion regarding
21 the written and practical exam, where Board members
22 made the argument of the practical exam being the
23 thing that shows whether or not someone knows how to
24 do the shave and cutting but also how they deal with
25 health and safety issues. He commented that it would

1 come out somewhere in the examination process if
2 asynchronous ended up being a problem.

3 Chairman Muniz referred to apprentices completing
4 1,250 hours and allowing schools to complete 50
5 percent of the curriculum, noting they should give the
6 barbershops the opportunity to do at least 25 percent
7 of the curriculum online because there are things they
8 are able to do as teachers at home with the students
9 also.

10 Mr. Rouse explained that the section was put in
11 to fulfil the requirements of Act 100 of 2021
12 regarding virtual supervision because this would
13 essentially be the supervision of a student.

14 Chairman Muniz agreed with the apprenticeships
15 need to be inside the barbershop also, noting they are
16 not taking that away but stated some of the bookwork
17 could be completed at home.

18 Mr. Rouse referred to § 3.90(a), where a barber
19 school may offer up to 50 percent of the curriculum
20 through distance education because of the amendment to
21 the Barbers' License Law. He noted the Board had
22 reviewed Milady's to discussed what courses could be
23 done as theory coursework and is how the Board decided
24 on 625 hours and 347 hours for a crossover program.]

25 MR. ROUSE:

1 Would the Board entertain a motion to
2 direct Board counsel to release a copy
3 of this proposed annex as an exposure
4 draft to the stakeholders with the
5 amendment to § 3.71(a) that the Board
6 discussed regarding adding the language
7 of the apprenticeship program?

8 CHAIRMAN MUNIZ:

9 I will entertain a motion.

10 MR. ROUSE:

11 Is there a second?

12 MR. MCANDREW:

13 Second.

14 MR. ROUSE:

15 Any other discussion?

16 MR. MIMM:

17 Are you in agreement?

18

19 Mr. Muniz, yes; Mr. Gray, yes; Ms.
20 Etter, yes; Mr. Edsall, yes; Mr.
21 McAndrew, yes; Mr. Seright, yes; Mr.
22 Eaton, yes.

23 [The motion carried unanimously.]

24

25 Report of Board Counsel

1 [Steven A. Mimm, Esquire, Board Counsel, informed
2 Board members 16A-4211 regarding fees was finalized
3 and will be updated on the website.

4 Mr. Rouse mentioned the Independent Regulatory
5 Review Commission (IRRC) approved 16A-4211, and the
6 final rulemaking was published in the *Pennsylvania*
7 *Bulletin* on March 12, 2022. He noted renewal fees for
8 barber-related licenses were implemented on March 12,
9 2022, and increases for initial miscellaneous barber-
10 related applications will start on July 1, 2022.

11 Mr. Rouse thanked the Board for their hard work
12 on the fee regulation.]

13 ***

14 Report of Board Counsel - Other

15 [Steven A. Mimm, Esquire, Board Counsel, noted item 9
16 on the agenda regarding travel reimbursement was
17 tabled till the next agenda.]

18 MR. MIMM:

19 It is my understanding that we have a
20 motion to elect the probable cause
21 individuals, Mr. Muniz and, as a backup,
22 Mr. Edsall.

23 Do I hear such a motion?

24 CHAIRMAN MUNIZ:

25 Motion.

1 MR. MIMM:

2 Do I hear a second to that motion?

3 MR. GRAY:

4 Second.

5 MR. MIMM:

6 Are you in agreement to having Mr. Muniz
7 as the Probable Cause Committee and Mr.
8 Edsall as the alternate?

9

10 Mr. Muniz, abstain; Mr. Gray, yes; Ms.
11 Etter, yes; Mr. Edsall, abstain; Mr.
12 McAndrew, yes; Mr. Seright, yes; Mr.
13 Eaton, yes.

14 [The motion carried. Mr. Muniz and Mr. Edsall
15 abstained from voting on the motion.]

16 ***

17 Report of Board Chair

18 [Dominic A. Muniz, Chairman, Professional Member,
19 thanked Mr. Rouse for doing a great job and welcomed
20 Mr. Mimm to the Board.]

21 ***

22 Report of Acting Commissioner

23 [Matthew Eaton, Division Chief for Business Licensing
24 Division, Bureau of Professional and Occupational
25 Affairs, on behalf of Arion Claggett, Acting

1 Commissioner, also thanked Mr. Rouse for his time
2 serving on the Board. He thanked Mr. Mimm and Ms.
3 Thompson for all of their help with the hybrid Board
4 meeting.]

5 ***
6 Report of Board Administrator

7 [Sparkle Thompson, Board Administrator, also thanked
8 Mr. Rouse for his help.]

9 ***
10 Applications

11 MR. MIMM:

12 Item 11, Application AA0003470805,
13 Cutting Edge Family Barbershop LLC.

14 This is a Request for a Variance. I
15 believe we are going to have a motion to
16 grant the Variance at item 11.

17 Do I hear such a motion?

18 MR. EDSALL:

19 Motion.

20 MR. MIMM:

21 Do I hear a second?

22 MR. MCANDREW:

23 Second.

24 MR. MIMM:

25 Are you in agreement?

1

2

Mr. Muniz, yes; Mr. Gray, yes; Ms.

3

Etter, yes; Mr. Edsall, yes; Mr.

4

McAndrew, yes; Mr. Seright, yes; Mr.

5

Eaton, yes.

6

[The motion carried unanimously.]

7

8

MR. MIMM:

9

Item 12. That matter will be revisited

10

and is on hold for a request for more

11

information and will not be voted on

12

today.

13

14

Adjournment

15

CHAIRMAN MUNIZ:

16

Motion to adjourn?

17

MR. GRAY:

18

Motion.

19

MR. MIMM:

20

Do I hear a second?

21

MR. MCANDREW:

22

Second.

23

MR. MIMM:

24

We are hereby adjourned from the

25

meeting.

1 [The motion carried unanimously.]

2 ***

3 [There being no further business, the State Board of
4 Barber Examiners Meeting adjourned at 11:40 a.m.]

5 ***

6

7

CERTIFICATE

8

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

15

16

17



18

Derek Richmond,

19

Minute Clerk

20

Sargent's Court Reporting

21

Service, Inc.

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STATE BOARD OF BARBER EXAMINERS
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Pledge of Allegiance
10:32	Roll Call/Introduction of Attendees
10:35	Approval of Minutes
10:36	Report of Prosecutorial Division
10:41	Report of Department of State, Bureau of Finance and Operations
10:52	Miscellaneous - Pearson VUE Practical Examination Update
10:55	Report of Board Counsel
11:36	Report of Board Chairman
11:37	Report of Acting Commissioner
11:37	Report of Board Administrator
11:38	Applications
11:40	Adjournment