## State Board of Barber Examiners August 23, 2021

#### BOARD MEMBERS:

K. Kalonji Johnson, 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 - Absent

#### BUREAU PERSONNEL:

Ronald K. Rouse, Esquire, Board Counsel
James Ritchie Espino Ostman, Esquire, Board
Prosecution Liaison
Kelly I. Diller, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State

#### ALSO PRESENT:

Sarah Miller

Tyrik Jackson, CEO, Premier Barber Institute
Daniel Gormley, CEO, Premier Barber Institute
Michelle Lipko, Corrections School Principal, State
Correctional Institution at Waymart
Mike Gent, Curriculum Coordinator, Pennsylvania
Department of Corrections
Kelly Kolling, Director of Operations, Barber School
of Pittsburgh

3 \* \* \* 1 State Board of Barber Examiners 2 3 August 23, 2021 \* \* \* 4 5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 6 9:00 a.m. the Board entered into Executive Session with Ronald K. Rouse, Esquire, Board Counsel, to have attorney-client communications and for the purpose of 9 conducting quasi-judicial deliberations. The Board 10 concluded its Executive Session at 10:30 a.m.] \* \* \* 11 Meeting Instructions 12 13 [Kelly I. Diller, Board Administrator, provided 14 instructions to be followed during the virtual 15 meeting.] \* \* \* 16 17 [Ronald K. Rouse, Esquire, Board Counsel, noted the 18 meeting was being recorded, and those who continued to 19 participate were giving their consent to be recorded. 20 Mr. Rouse informed everyone that the Board met in 21 Executive Session to have attorney-client consultation 22 and for the purpose of conducting quasi-judicial 23 deliberations prior to the Board meeting.] 24 25 Introduction of Attendees

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[Kelly I. Diller, Board Administrator, requested those
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   in attendance introduce themselves.]
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       The regularly scheduled meeting of the State Board
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   of Barber Examiners was held on Monday, August 23,
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   2021. Dominic A. Muniz, Chairman, Professional
   Member, called the meeting to order at 10:34 a.m.
       K. Kalonji Johnson, Commissioner, Bureau of
   Professional and Occupational Affairs, was not present
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   during commencement of the meeting.
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   Pledge of Allegiance
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   [The Pledge of Allegiance was recited.]
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   Roll Call
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   [Roll call was taken by Mr. Rouse. A quorum was not
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   present. Mr. Rouse informed the Board that matters
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   requiring deliberation and a vote cannot be dealt with
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   at today's meeting and will be placed on the next
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   agenda.]
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   Public Session
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   [Michelle Lipko, Corrections School Principal, State
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   Correctional Institute at Waymart, presented to the
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   Board to provide a character reference for Mr. Anthony
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1 Dennis. He had been an exemplary student in their
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- 2 cosmetology program and was worthy of having his
- 3 barber license restored. She informed the Board that
- 4 | she spoke on behalf of the cosmetology school
- 5 | instructor and personally witnessed him interacting
- 6 with staff and other offenders and has seen the
- 7 quality of work he has completed.
- 8 Mr. Rouse informed Ms. Lipko that the Board could
- 9 | not deliberate or vote on the matter until the October
- 10 4, 2021 meeting. He provided a summary of a final
- 11 adjudication and order and informed her that anything
- 12 regarding the matter would be sent out in writing
- 13 after October 4, 2021.]
- 14 \*\*\*
- 15 Report of Prosecutorial Division
- 16 | [James Ritchie Espino Ostman, Esquire, Board
- 17 | Prosecution Liaison, noted one Motion to Deem Facts
- 18 Admitted presented but had no Consent Agreements to
- 19 offer.1
- 20 \*\*\*
- 21 Minutes of June 21, 2021
- 22 | [The Board did not have a quorum for approval of
- 23 minutes of the June 21, 2021 meeting.]
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- 25 Report of Board Counsel Adjudications and Order

6 1 MR. ROUSE: 2 Item 2, the Proposed A&O of Johnny D. 3 Rodriguez, Case No. 18-42-008052, will 4 go to the next Board meeting. \* \* \* 5 6 MR. ROUSE: Item 3, the Final A&O, Anthony Dennis, 8 Case No. 20-42-010793, will go to the 9 next Board meeting. 10 MR. ROUSE: 11 Item 4, the Final A&O, Aurelio Rivera 12 Lopez, Case No. 18-42-011643, will also 13 go to the next Board meeting. 14 15 Report of Board Counsel - Citation Appeal MR. ROUSE: 16 17 Item 5, the Citation Appeal of Jack 18 Reeves Murray, Case No. 18-42-00088, 19 will go to the next Board meeting. \* \* \* 20 Report of Board Counsel - Motion to Deem Facts 21 22 Admitted 2.3 MR. ROUSE: 2.4 Item 6, the Motion to Deem Facts 25 Admitted in the Matter of BPOA v.

Timothy Woodard Barber Shop, Case No.

17-42-12026, also goes to the next Board

meeting.

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5 Report of Board Counsel - Other

6 [Ronald K. Rouse, Esquire, Board Counsel, referred to

House Bill 1182 of 2021 regarding proposed legislation

8 for distance education. He mentioned prior discussion

9 on the legislation at the last Board meeting. He

10 stated the distance education was referred to the

11 State House of Representatives Professional Licensure

12 Committee as of April 23, 2021.

Mr. Rouse provided an update, where the amended

14 | language was in Section 3(a) of the Barbers' License

15 Law and is now under Printer's No. 1715 in Section

16 | 12(b) of the Barbers' License Law.

17 Tyrik Jackson presented to the Board with his

18 partner, Daniel Gormley, owners of Premier Barber

19 | Institute. He stated Premier Barber Institute is a

20 | Title IV funded school. He mentioned prior discussion

21 regarding distance learning with Chairman Muniz in the

22 midst of COVID.

23 Mr. Jackson reported that the State Board of

24 | Cosmetology has five more students graduating than

25 barbers. He noted cosmetologists in the teacher

program can graduate from school, go right into 500
hours for a teacher, and become a teacher within a

year and a half, where barbers must wait a year. He
stated cosmetologists are already approved for up to

program of distance learning and allowed to do 900
hours of practical exams before they complete the
program.

Mr. Jackson noted his observation from over 28 years in the profession is that it has taken a lot of challenges to make adjustments to some of the rules. He addressed the possibility of another shutdown due to new COVID variants, noting textbooks, workbooks, and test booklets allow them to teach and can be taught via distance learning utilizing Cengage and Milady.

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Mr. Jackson commented that the profession is an ever-changing industry, and it is not about whether it has to be done but can it be done, and if it is allowed, whether a school chooses to do it. He stated Premier Barber Institute has to prove that it can do 50 minutes of the 60 minutes of an hour teaching as a Title IV funded school.

Mr. Jackson addressed the need for barbers, noting concern of not having a profession in the future if there are no schools pushing barbers out.

He reported no real incidents involving barber shops in Pennsylvania during COVID because of doing a good job applying protocols learned in school.

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Mr. Gormley stated House Bill 1182 and House Bill 1183 were approved by the House of Representatives overwhelmingly and went to the Senate and committee headed by Senator Tomlinson. He noted that the bills received an objection on a committee level that came from the Pennsylvania State Board of Barber Examiners at the last minute or the vote would have gone through.

Mr. Gormley addressed the breakdown of the curriculum, where they teach up to 50 percent via distance learning and can teach theory, which represents about 50 percent of the curriculum. He mentioned that COVID taught them the importance of being able to adapt very quickly, and people want to learn what they want to learn and how they want to learn.

Mr. Gormley requested support from the Board to approve distance learning and allow more flexibility in educating barbers. He reported reaching out to a lot of their legislators and had Representative Matt Bradford, who was the head of the State Appropriations Committee, visit their school to take more visibility

back to the House as they discuss some of these issues. He also noted Senator Amanda Cappalletti and Congresswoman Madeleine Dean visited the school.

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Mr. Gormley requested support from the Board to allow them to teach up to 50 percent of their curriculum via the theory part only through distance learning and enable them to teach students in various ways.

Chairman Muniz thanked Mr. Jackson and Mr.

Gormley for attending the meeting. He commented that the Board thoroughly reviews Pennsylvania texts and barber laws and does research before making any type of decision. He noted personally reviewing Pennsylvania text, which shows the barber shop curriculum as far as study inside the barber shops and also shows study inside the schools.

Chairman Muniz provided a breakdown of the hours, noting the amount of practical work during training is 550 hours, noting theory outweighs that 50 percent of the practical work, which makes it possible to say theory can be done as 50 percent of the work.

Chairman Muniz addressed how Pennsylvania text is written, where it seems to be a little bit more of theory than practical. He mentioned the importance of growing with the times and that distant education has

been approved for that 50 percent. He personally
believed it can be done but wanted to hear comments
from other Board members.

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Mr. Gray noted being appreciative of everybody looking for answers and the presentation today concerning the House bills but commented that it takes time and patience.

Mr. Rouse referred to prior discussion regarding synchronous distance education versus asynchronous, where there seemed to be a consensus at the last Board meeting that synchronous distance education was what the Board and stakeholders were looking for in terms of distance education, where the teaching and learning is happening at the same time virtually as opposed to asynchronous, where the student is basically learning on their own.

Chairman Muniz requested Mr. Jackson explain distance education as far as synchronous and asynchronous with Milady through Cengage.

Mr. Jackson stated the National Accrediting

Commission of Career Arts & Sciences (NACCAS) and

Department of Education require synchronous education

and that NACCAS is their accrediting agency. He noted

requesting permission for synchronous, not

asynchronous.

Mr. Jackson explained that it is 1250 hours in Pennsylvania law for barbers, but subtracting 550 practical hours that are required in order to become a professional makes it 700 total theory based on the current. He noted only asking for 625 hours, which is a total of 50 percent.

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Mr. Jackson commented that schools not having the ability is not the issue but is not limiting the opportunity for it to be done in the midst of another shutdown. He mentioned the difficulty finding capable personnel and the need to continue to push the profession forward. He stated it has already been pushed through the House and Senate and are waiting on the Barber Board for approval.

Mr. Gormley further explained that NACCAS is
Premier Barber Institute's accrediting agency and the
accrediting agency for most cosmetology and barber
schools. He stated NACCAS is going to require
synchronous, 50 minutes per hour of direct interactive
teaching, and the Department of Education is also
putting out guidelines for approval of distance
education, requiring synchronous with 50 hours of
interactive teaching, along with the required tools.

Mr. Jackson thanked the Board for approval during COVID to be able to continue to pay instructors and

allow students to be able to learn and take their test, noting some barber shops in the Greater Philadelphia area hired some of their students. mentioned Premier Barber Institute is constantly receiving phone calls for more students from owners of barber shops who are opening and expanding. expressed concern with barber shops not being able to hire at a good rate and hurting the profession long term.

Mr. Gormley commented that someone from the Board objected somewhere along the line and questioned whether that objection cannot be removed until the next Board meeting in two months.

Mr. Rouse noted discussion at the last Board meeting regarding House Bill 1182, where the Board and stakeholders discussed what they thought of the bill, which was generally positive, noting he is not sure of where the objection came from.

Chairman Muniz commented that there was no vote and only a discussion concerning synchronous and asynchronous. He stated there was no specification on the bill saying synchronous or asynchronous and that was something the Board wanted to include for that separation. He noted the importance of verbiage when looking at bills and laws being passed, so there is no

objection or somebody trying to fit in between the gray areas. He explained that the Board wanted to look at the bill thoroughly, but there was no objection.

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Mr. Gormley questioned whether any of the Board members could let someone from Senator Tomlinson's committee know that there was never a formal objection on behalf of the Board by way of a vote.

Mr. Rouse explained that the Board has and adjudicatory function regarding licensees, and a legislative matter is the role of the associations. He reiterated that it was just a public discussion so stakeholders could have a say and the Board could have a record.

Mr. Gormley noted that Senator Tomlinson is going to release the bill out for a vote when the Pennsylvania House and Senate are finished with their summer break. He noted being hopeful that no one would object and say they represent the Board at this point because it does not sound like the Board ever voiced an objection to begin with.

Mr. Rouse noted putting the matter before the Board for discussion, so they could actually have a transcript, which was on today's agenda, but the Board cannot vote on the transcript due to not having a

quorum. He noted prior discussion regarding the 50 percent distance learning.

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Chairman Muniz commented that the biggest thing the Board can do at this time is put it on public record and thanked Mr. Jackson and Mr. Gormley for their time.

Mr. Gormley noted that Premier Barber Institute is a resource for the Board and offered their help at any time. He offered the Board a tour of Premier Barber Institute.

Chairman Muniz read a question from an attendee asking how it would apply to the crossover program.

Mr. Gormley explained that Premier Barber

Institute is only allowed to do 50 percent based on

NAACAS and the Department of Education. He noted

asking for 50 percent, 625 for the barber program. He

noted 695 divided by 2 is 347.5 hours, which is 50

percent based on the current law and well under 700

hours of theory time.

Mr. Rouse noted that to be consistent with Board discussion at the last meeting, where 50 percent would be as to the crossover numbers out of that 695.

Kelly Kolling, Director of Operations, Barber School of Pittsburgh, mentioned concern during the last discussion about splitting it down the middle because the current code actually states 60 percent is to be devoted to practical and 40 to theory.

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Chairman Muniz explained that the Board wanted to look more thoroughly into that and does not think there is any argument on Mr. Jackson's end as far as what the numbers show in the law. He requested information regarding the Barber School of Pittsburgh's online program.

Ms. Kolling noted it was a nice option to offer students who had genuine concerns about being exposed to COVID. She noted not currently utilizing that option because the county has lifted restrictions. She mentioned that some students loved it and some students did not, but it is the new way and accommodations need to be made so students can further their education no matter what is going on in the world.

Mr. Rouse addressed House Bill 1268 of 2021 regarding barber teachers and provided an update, noting the barber teacher bill was referred to the State House of Representatives Professional Licensure Committee as of April 23, 2021.

Mr. Rouse mentioned there was concern from Board members at the last meeting regarding reducing the age for barber teacher candidates from 23 to 18 and

reducing the training requirement to 500 hours of training on teaching methods that was not necessarily related to barbering but more just teaching. He also noted concern about barber managers with 3 years of experience and no disciplinary record being able to get a barber teachers license without an examination.

Chairman Muniz commented that it would not look good on their part as far as their career and is downgrading the barber industry. He mentioned it to be one of the discussions as far as allowing it to go through at all, noting it was more about protecting the industry.]

happening throughout the state.

14 Report of Board Chair

[Dominic A. Muniz, Chairman, Professional Member, announced that he will be attending the National Association of Barber Boards of America (NABBA) Conference September 19-23, 2021, in Washington, DC, and is looking forward to receiving any information

Chairman Muniz addressed a prior conference, where distance education was already being discussed even before COVID. He stated NABBA gave him a broader aspect point of view regarding the industry and is hoping the September conference will provide more

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   information to bring back to the Board.]
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   Report of Board Administrator - No Report
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   [K. Kalonji Johnson, Commissioner, Bureau of
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   Professional and Occupational Affairs, entered the
   meeting at 11:30 a.m.]
   Report of Commissioner
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   [K. Kalonji Johnson, Commissioner, Bureau of
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   Professional and Occupational Affairs, notified the
   Board that physical presence requirements are back in
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   effect on October 1. He noted the department will
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   take every precaution regarding health and safety and
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   that all employees of the commonwealth are required to
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   wear masks. He asked all Board members to observe the
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   Centers for Disease Control and Prevention (CDC)
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   safety guidelines unless something changes.
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        Commissioner Johnson informed the Board that
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   physical travel is now allowed for the pre-COVID limit
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   of up to two Board members for regional and national
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   conferences. He strongly advised members to consider
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   the virtual option for health and safety. He
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   encouraged everyone to make requests at the earliest
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   convenience in terms of staffing shortages and recent
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legislative changes.

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Commissioner Johnson addressed Sunshine requirements for professional boards and commissions, where formal requests need to be adequately Sunshined and be presented at the public meeting to have an accurate record of those requests.

Mr. Rouse further explained that any travel requests would have to be on the Board's agenda, and Ms. Diller would need to know beforehand to be placed on the agenda.

Mr. Rouse informed everyone that the State Board of Barber Examiners does not have a physical presence requirement in its statute.

Commissioner Johnson commented that not having the physical presence requirement opens up Board options and provides greater flexibility with respect to public participation and will be discussed internally and with Board members.

Chairman Muniz noted the need for a Board discussion with respect to continuing online or having in-person meetings but mentioned that he would like to see the public be able to continue to view Board discussions even if it is with utilizing a camera.

Commissioner Johnson suggested the Board voice their concerns now even though there cannot be a

formal vote because of not having a quorum. He mentioned that the next meeting is October 4 and feedback on the record now would be helpful.

Chairman Muniz stated he personally would like to continue in-person meetings in Harrisburg and move forward with allowing virtual access for the public, which would be a benefit to the Board.

Mr. Rouse mentioned that Board members live in different parts of that state and brought up weather conditions, where some members may not be able to attend the in-person meeting.

Chairman Muniz noted the importance of having the online option for those who cannot attend in person and would like to be able to provide both options.

Commissioner Johnson addressed the administrative standpoint with respect to leveraging the technology in a hybrid situation between now and October 4 to have the best experience for the public and licensees.

Commissioner Johnson noted the need for discussions with the Office of Chief Counsel with respect to how flexible that will be because it not only is about the public but involves folks who have hearings or may have disciplinary matters before the Board and ensuring they have a fair and adequate opportunity to represent themselves or be represented

before the Board.

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Commissioner Johnson commented that as long as sufficient notice is provided that Board meetings will be held in a location with the ability for virtual participation should be sufficient notice for the Sunshine requirement.

Chairman Muniz addressed the technical side and questioned whether an experimental run between now and the next Board meeting would be possible.

Commissioner Johnson mentioned that someone could stand in for Chairman Muniz and run a couple of test cases through between now and October.

Chairman Muniz noted receiving a chat message from Mr. Jackson offering to help, and Chairman Muniz commented that Mr. Jackson is very technology savvy and has a good team around him.

Commissioner Johnson commented that the department will probably need all of the help they can get, stating that making the experience worthwhile for members of the public would be the real linchpin.

Commissioner Johnson deferred to Mr. Rouse and Ms. Diller regarding schedules and test run dates and will communicate that to Board members and other interested parties. Board members expressed their opinions and had no objections to virtual or in-person

meetings.

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Commissioner Johnson addressed the concern of making sure the experience for individuals who were in the room was the same for individual not in the room and whether a call in would be enough or would the audiovisual experience necessary be able to make it work and conduct business uninterrupted.]

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9 Exam Statistical Reports

10 [Dominic A. Muniz, Chairman, Professional Member,
11 provided a summary of the exam statistics from June 8,
12 2021 to August 10, 2021.

Chairman Muniz noted 78% of first-time takers passed the test with a total of 59% passing the theory examination, 88% passed the practical, 88% passed the managers, and 100% for everything else.]

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18 | Correspondence

[Ronald K. Rouse, Esquire, Board Counsel, referred to correspondence received from Ramone Pierce on behalf of barber school graduates at the State Correctional Institution (SCI) at Huntingdon. Mr. Pierce explained in the letter how the COVID-19 pandemic impacted the ability for inmates at the State Correctional

25 Institution SCI Huntingdon to take the Barber

Practical Examination. He commented that barber candidates at the prison usually take the practical examination at SCI Camp Hill, but there has been a suspension of transport due to COVID-19 complications.

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Mr. Rouse stated Mr. Pierce made a recommendation that the inmates should be granted licensure as barbers upon completion of the theory examination without having to take the practical examination and questioned why barbers must take a practical examination for licensure when cosmetology candidates do not.

Mr. Rouse informed that Board that since the date of Mr. Pierce's letter, SCI Camp Hill is scheduled to resume the practical examination and the transport on August 25, 2021.

Chairman Muniz addressed the importance of the practical exam and knowing state practices, where having direct contact with people is very important in gaining experience. He noted the importance of being able to shave someone properly and have the experience to know that every skin type and hair texture is different.

Mr. Edsall commented that there would be no way to see and judge the practical work, especially when it comes to sanitation and what their skill level is

1 | in those situations without the practical exam.]

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- 3 Miscellaneous
- 4 | [Dominic A. Muniz, Chairman, Professional Member,
- 5 noted the next scheduled Board meeting date is October
- 6 4, 2021.

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- Chairman Muniz asked Board members if they wanted to review term limits.
- 9 Mr. Rouse noted the term limits information would 10 need to be amended due to incorrect information.
- Mr. Muniz questioned whether Commissioner Johnson had any information concerning a quorum for the next Board meeting.
  - Commissioner Johnson informed the Board that staff was working to address the issue, but the real limitation is that the Senate does not come back from recess until the middle of September, where a lot of things would have to be moving in conjunction with one another in order for the quorum to be filled by the October 4 meeting.
  - Chairman Muniz questioned whether a push to have eight members on the Board by the end of the year would be possible.
- Commissioner Johnson commented that there are a number of moving parts that go into filling a Board

seat, including individuals applying and getting those applications before administration because they need to be vetted. He noted Board counsel ensures their qualifications meet the prescribed minimum requirements, making sure there are no conflicts and then they move forward to confirmation by the Senate. He mentioned that there is more of a chance bringing professional members historically to the table as

Chairman Muniz requested Commissioner Johnson explain the first step in joining the Board.

opposed to public members due to conflicts.

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Commissioner Johnson explained that it begins with their local elected officials from the House or Senate to put their name forward and get in touch with the administration. He stated professional members are required to be licensed for 5 years and be in good standing, and public members must be over the age of 18 and cannot have an affiliation with the profession governed by the board that they are seeking an appointment. He mentioned that being prepared certainly helps in case there are questions as to why they are seeking appointment and whether they understand the nature of the service.

Commissioner Johnson stated Board members are entitled to a per diem and may be entitled to travel,

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but for the most part, individuals are volunteering
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   for the opportunity to ensure public health and
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   safety. He mentioned the importance of members of the
   public understanding the level of sacrifice for the
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   work being done and the ethical responsibility not to
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   disclose information before committing to the Board.
        Chairman Muniz asked Mr. Johnson whether Board
   members were able to receive a raise with the prices
   of everything rising.
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        Commissioner Johnson explained that the per diems
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   are statutory and require a legislative amendment to
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   do that.]
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   Adjournment
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   CHAIRMAN MUNIZ:
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                  This meeting is adjourned. Thank you
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                  all for joining.
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   [There being no further business, the State Board of
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   Barber Examiners Meeting adjourned at 12:15 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.

Samantha Sabatini,

Minute Clerk

Sargent's Court Reporting Service, Inc.

#### STATE BOARD OF BARBER EXAMINERS REFERENCE INDEX

#### August 23, 2021

7	TIME	AGENDA
8	0 - 0 0	Dura sust i sus a Caracia su
9	9:00 10:30	Executive Session Return to Open Session
11 12	10:30	Introduction of Attendees
13 14	10:34	Official Call to Order
15 16	10:34	Pledge of Allegiance
17 18	10:35	Roll Call
19 20	10:37	Public Session
21 22	10:41	Report of Prosecutorial Division
23 24	10:41	Report of Board Counsel
25 26	11:25	Report of Board Chair
27 28	11:28	Report of Board Administrator
29 30	11:30	Report of Commissioner
31 32	11:54	Exam Statistical Reports
33 34	11 <b>:</b> 57	Correspondence
35 36 37 38	12:15	Adjournment
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