COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

FINAL MINUTES

MEETING OF:

STATE BOARD OF COSMETOLOGY

TIME: 9:05 A.M.

BOARD ROOM C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Monday, January 7, 2019
State Board of Cosmetology
January 7, 2019

BOARD MEMBERS:

Tammy Y. O’Neill, Chair, Professional Member
Felicia Brown-Haywood, Vice Chair, Professional Member
Tracy E. Bruno, Secretary, Professional Member
Ian J. Harlow, Commissioner of Professional and Occupational Affairs – Absent
Elisa Gonzalez, Professional Member
Kristal L. Ferron, Consumer Protection Member
Carolyn R. Folk, Professional Member
Stephen A. Wallin, Professional Member
Deborah S. Neatock, Professional Member
James Farrell, Public Member – Absent

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Board Counsel
Glenn P. Masser, Esquire, Board Prosecution Liaison
Angela B. Lucci, Esquire, Board Prosecutor
Caroline A. Bailey, Esquire, Board Prosecutor
Colby B. Widdowson, Esquire, Board Prosecutor
Kelly I. Diller, Board Administrator

ALSO PRESENT:

Christina Richardson, I AM Limitless
Michael Gent, Curriculum Coordinator, Pennsylvania Department of Corrections
Robert Breuner, Pittsburgh, Pennsylvania
Charles J. Hartwell, Esquire, Dethlefs-Pykosh Law Group, LLC
Justin Lehman, Vice President, Jean Madeline Aveda Institute
Linda Hockenberry, Empire Beauty School
The regularly scheduled meeting of the State Board of Cosmetology was held on Monday, January 7, 2019. Tammy Y. O’Neill, Chair, Professional Member, called the meeting to order at 9:05 a.m. Tracy E. Bruno, Secretary, Professional Member, was not present at the commencement of the meeting. The Pledge of Allegiance was recited. Roll call was taken. A quorum was noted to be present.

Approval of Minutes of the November 5, 2018 meeting

CHAIR O’NEILL:

We will begin with the motion to approve the minutes from November 5, 2018.

MS. FERRON:

Motion.

MS. FOLK:

Second.

CHAIR O’NEILL:

Thank you.

[The motion carried unanimously.]
Report of Prosecutorial Division

[Colby B. Widdowson, Esquire, Board Prosecutor, introduced himself and presented the Consent Agreements for Case No. 17-45-08317, Case No. 17-45-08318, and Case No. 18-45-03123.

Mr. Widdowson also presented the Consent Agreement for Case No. 16-45-03628.]

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[Angela B. Lucci, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 17-45-014002.]

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[Caroline A. Bailey, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 17-45-07069 and Case No. 17-45-13800.]

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Report of Board Counsel

[Shana M. Walter, Esquire, Board Counsel, noted five Motions to Enter Default and Deem Facts Admitted, three proposed Adjudications and Orders, and Variance Request items 16 through 26 for discussion during Executive Session.]

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Report of Commissioner – No Report

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[Tracy E. Bruno, Secretary, Professional Member,
entered the meeting at 9:14 a.m.]

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Report of Board Chair – No Report

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Report of Board Administrator
[ Kelly I. Diller, Board Administrator, provided an ethics form with online instructions.]

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Introduction of Audience Members
[Tammy Y. O’Neill, Chair, Professional Member, requested the introduction of the audience members in attendance.]

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Items for Discussion
[Ms. Walter explained the variance request process.]

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[Carolyn R. Folk, Public Member, discussed receiving research from various organizations but had not compiled the data.]

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:19 a.m. the Board entered into Executive Session with Shana M. Walter, Esquire, Board Counsel, for the
The purpose of conducting quasi-judicial deliberations and to receive advice of Counsel. The Board returned to open session at 10:31 a.m.]

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MOTIONS

MS. WALTER:

During Executive Session, I provided the Board with legal advice regarding the items on the agenda.

Before we get into those items, I would like to note for the record that Mr. James Farrell, who was a public member of the Board, submitted his resignation to Commissioner Ian Harlow last week.

CHAIR O’NEILL:

Now, we can move on to the items that were discussed in Executive Session beginning with No. 7. We ask for a motion to defer until the next meeting for Aisha A. Murphy, Case No. 16-45-10853.

MS. NEATOCK:

Motion.

MS. GONZALEZ:
I second.

CHAIR O’NEILL:

Thank you.

[The motion carried unanimously.]

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CHAIR O’NEILL:

We are going to move on to the Consent Agreements.

Is there a motion to accept the Consent Agreement for Case No. 17-45-08317, Case No. 17-45-08318, and Case No. 18-45-003123, for Yen Tran t/d/b/a Le Nails?

MS. BROWN-HAYWOOD:

I make a motion.

MS. FERRON:

Second.

CHAIR O’NEILL:

Thank you.

[The motion carried unanimously.]

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CHAIR O’NEILL:

We also have Case No. 17-45-014002, Case No. 17-45-07069, and Case No. 17-45-13800.
Is there a motion to accept those Consent Agreements?

MR. WALLIN:

Motion.

MS. NEATOCK:

Second.

CHAIR O’NEILL:

Thank you.

[The motion carried unanimously. The Respondent’s name in No. 4 is Robyn G. Motyl t/d/b/a Cheers 2 U Events. The Respondent’s name in No. 5 is Special Effects for Hair of Camp Hill, LLC t/d/b/a Special Effects for Hair. The Respondent’s name in No. 6 is Slay Hair Studio.]

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CHAIR O’NEILL:

Do I have a motion to reject the Consent Agreement for Case No. 16-45-03628?

MS. FERRON:

Motion.

MS. BRUNO:

Second.

CHAIR O’NEILL:

Thank you.

[The motion carried unanimously.]
CHAIR O’NEILL:

Do I have a motion to Enter Default and Deem Facts Admitted for Charlotta Ann Abbott, Case No. 16-45-03740; Thomas W. Andrews, Case No. 16-45-13518; Doan N. Nguyen, Case No. 18-45-03014; Emma A. Parkin, Case No. 16-45-04435; and Rachel K. Jackson, Case No. 16-45-14806?

Is there a motion that the Board grant the Motion to Enter Default and Deem Facts Admitted and the Board and Counsel be directed to prepare Adjudications and Orders in accordance with our discussion in Executive Session?

MS. FOLK:

Motion.

MS. BRUNO:

Second.

CHAIR O’NEILL:

[The motion carried unanimously.]

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CHAIR O’NEILL:
We are going to move on to the Hearing
Examiner’s proposed Adjudications and
Orders on No. 13 and No. 14; Andrea
Lenk, Case No. 17-45-01343; and
Elizabeth Olender, Case No. 17-45-05494.

Is there a motion that the Board
adopt the Hearing Examiner’s proposed
Adjudications and Orders in the cases
and direct Board Counsel to prepare the
Board’s final order?

MS. NEATOCK:
Motion.

MS. BROWN-HAYWOOD:
Second.

CHAIR O’NEILL:
Thank you.

[The motion carried unanimously.]

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CHAIR O’NEILL:
Number 15 on the agenda, Tara Dunning
a/k/a Tara Marie Dunning, Case No. 17-
45-05110, I believe the Board would
entertain a motion to remand that matter
back to the Hearing Examiner.

MS. FOLK:
Motion.

Second.

CHAIR O’NEILL:

Thank you.

[The motion carried unanimously.]

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CHAIR O’NEILL:

Moving on to No. 16, is there a motion for the Variance Request of Sphere LLC d/b/a I AM Limitless?

MS. NEATOCK:

Motion to deny.

MS. GONZALEZ:

I second.

CHAIR O’NEILL:

Thank you.

[The motion carried unanimously.]

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CHAIR O’NEILL:

Moving on to Nos. 17 through 26, I believe the Board would entertain a motion regarding Elmcroft of Lebanon, Shippensburg, Altoona, Berwick, Chippewa, Mid Valley, Reading,
Saxonburg, Dillsburg, and Loyalsock.

Is there a motion regarding these variance requests?

MS. NEATOCK:

I make a motion to approve.

MS. BRUNO:

Second.

CHAIR O’NEILL:

All in favor, say aye.

[The motion carried unanimously.]

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Adjournment

CHAIR O’NEILL:

May I ask for a motion to adjourn?

MS. NEATOCK:

I make the motion.

MS. BRUNO:

Second.

CHAIR O’NEILL:

Thank you.

[The motion carried unanimously.]

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[There being no further business, the State Board of Cosmetology Meeting adjourned at 10:41 a.m.]
CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Cosmetology meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Cosmetology meeting.

Seth R. Baier,
Minute Clerk
Sargent’s Court Reporting Service, Inc.
STATE BOARD OF COSMETOLOGY
REFERENCE INDEX

January 7, 2019

TIME AGENDA

9:05 Official Call to Order
9:05 Pledge of Allegiance
9:06 Roll Call
9:06 Approval of Minutes
9:07 Report of Prosecutorial Division
9:13 Report of Board Counsel
9:15 Report of Board Administrator
9:15 Introduction of Audience Members
9:16 Items for Discussion
9:18 Report of Committees
9:19 Executive Session
10:31 Return to Open Session
10:31 Motions
10:41 Adjournment