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

D R A F T M I N U T E S

MEETING OF:

STATE BOARD OF COSMETOLOGY

TIME: 9:07 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, July 9, 2018

1 State Board of Cosmetology
2 July 9, 2018

3
4
5 BOARD MEMBERS:

6
7 Ian J. Harlow, Commissioner of Professional and
8 Occupational Affairs
9 Stephen A. Wallin, Teacher, Professional Member, Chair
10 James Farrell, Public Member, Vice Chair - Absent
11 Deborah S. Neatock, Professional Member, Secretary
12 Elisa Gonzalez, Professional Member
13 Kristal L. Ferron, Consumer Protection Member
14 Addrean Hahn, Professional Member - Absent
15 Carolyn R. Folk, Professional Member - Absent
16 Tammy Y. O'Neill, Professional Member
17 Tracy E. Bruno, Professional Member
18 Felicia Brown-Haywood, Professional Member
19

20
21 BUREAU PERSONNEL:

22
23 Shana M. Walter, Esquire, Board Counsel
24 Glenn P. Masser, Esquire, Board Prosecution Liaison
25 Wade A. Fluck, Esquire, Board Prosecution Liaison
26 Angela B. Lucci, Esquire, Board Prosecutor
27 Caroline A. Bailey, Esquire, Board Prosecutor
28 Kelly I. Diller, Board Administrator
29
30 Jacob (Jake) Derrick, Policy Analyst, Office of
31 Pennsylvania Governor Tom Wolf
32

33
34 ALSO PRESENT:

35
36 Mike Gent, Curriculum Coordinator, PA Department of
37 Corrections
38 Steve C. Breuner, Owner, Sola Salons
39 Debbie Weidner, DeRielle Cosmetology Academy
40 Skylar Bevenour, DeRielle Cosmetology Academy
41 Kanyon Reichard, DeRielle Cosmetology Academy
42 Ryan Strickler, Blush Salon
43 Natalie Strickler, Blush Salon
44 Robert Echells, Windy Hill Village
45 Chris Lamando, Sola Salon
46 Henry Pelusi, Vice President, Studio of
47 Elegance/Philip Pelusi Salons
48 Takejah Lambert, Owner, Respect the License
49 Joseph Cimerola, Bellezza Salon & Spa
50

1 ***

2 State Board of Cosmetology

3 July 9, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Cosmetology was held on Monday, July 9, 2018.
7 Stephen A. Wallin, Teacher, Professional Member,
8 Chair, called the meeting to order at 9:07 a.m. The
9 Pledge of Allegiance was recited. Roll call was
10 taken.

11 ***

12 Introduction of Audience Members

13 [Chairman Wallin requested the introduction of
14 audience members.]

15 ***

16 Approval of Minutes of the March 5, 2018 meeting

17 CHAIRMAN WALLIN:

18 The March 5 meeting minutes apparently
19 were not attached. We approved
20 unattached minutes, so we are going to
21 have to reapprove the March minutes.

22 Do I have a motion to approve March
23 5, 2018?

24 MS. FERRON:

25 Motion.

1 CHAIRMAN WALLIN:

2 We have a motion. Is there a second?

3 MS. NEATOCK:

4 I'll second.

5 CHAIRMAN WALLIN:

6 Thank you, Deb. We have a motion and a
7 second. Are there any questions about
8 it? All those in favor, please consent
9 by saying aye. Any opposed?

10 Abstentions?

11 [The motion carried. Ian J. Harlow abstained from
12 voting on the motion.]

13 ***

14 Approval of Minutes of the May 7, 2018 meeting

15 CHAIRMAN WALLIN:

16 Let's do the May 7 meeting.

17 Do we have a motion to approve the
18 minutes from May 7?

19 MS. BRUNO:

20 Motion.

21 CHAIRMAN WALLIN:

22 We have a motion. Do we have a second?

23 MS. BROWN-HAYWOOD:

24 I'll second.

25 CHAIRMAN WALLIN:

1 Thank you. Anybody have questions or
2 comments about it?

3 [The Board discussed corrections to the minutes.]

4 CHAIRMAN WALLIN:

5 We have an amended motion and an amended
6 second. Are there any additional
7 comments or question? I'll call the
8 question. All those in favor, signify
9 by saying aye. Any opposed?

10 Abstentions?

11 [The motion carried. Ian J. Harlow abstained from
12 voting on the motion.]

13 ***

14 Appointment - Ryan Strickler, Blush Salon

15 [Ryan Strickler, Blush Salon, presented to request
16 approval of a variance for the square footage of Blush
17 Salon. Mr. Strickler provided updated plans. He
18 presented pictures to show space with a cutting
19 station and wash station. He explained Blush Salon
20 was by appointment only.]

21 ***

22 Appointment - Julia Gregory, Salon PS - No Show

23

24 Report of Prosecutorial Division

25 [Caroline A. Bailey, Esquire, Board Prosecutor,

1 presented the following Consent Agreements: File No.
2 16-45-08899, File No. 17-45-00683, File No. 17-45-
3 09278, File No. 17-45-08892, File No. 16-45-03020,
4 File No. 17-45-00116, File No. 16-45-02336, File No.
5 17-45-11841, File No. 15-45-13047, File No. 16-45-
6 01837, File No. 17-45-06139, File No. 17-45-011915,
7 File No. 17-45-09966, File No. 17-45-04478, File No.
8 17-45-06739, File No. 16-45-13615, and File No. 16-45-
9 13390.]

10

11 Appointment - Robert Etchells, Windy Hill Village
12 Salon

13 [Robert Etchells, Executive Director, Windy Hill
14 Village Salon, presented to clarify a variance request
15 for an area to serve as a beauty salon for residents
16 in the skilled nursing facility.

17 Mr. Etchells discussed the square footage
18 violation, whereby the area to be used would be short
19 by approximately 53 square feet. He explained the
20 building was constructed in 1988 and designed to be a
21 beauty shop.

22 Mr. Etchells presented pictures, noting that the
23 room was safety inspected every year by the
24 Pennsylvania Department of Health. There had been no
25 violations.

1 Mr. Etchells stated residents are transported to
2 the Bombshell, an outside salon. Those residents who
3 cannot be transported are left with very few options.

4 Mr. Etchells stated the community is owned by
5 Presbyterian Senior Living, a not-for-profit entity.
6 He discussed plans to use cosmetologists from
7 Bombshell with a savings of 30 percent for clients.
8 He explained that no more than two clients at any one
9 time would be in the shop.

10 Mr. Etchells presented a picture of a common
11 waiting area, consisting of approximately 360 to 400
12 square feet with no more than 5 feet from the egress
13 of the door to the beauty shop. He added that
14 permitting the facility this variance request would
15 not only keep clients in a safe environment but would
16 allow them great service at much less cost within our
17 community.

18 Chairman Wallin questioned whether the salon
19 would pass inspection with the addition of equipment.
20 Mr. Etchells replied two hairdryers would be the only
21 additional equipment.]

22

23 Report of Commissioner

24 [Ian J. Harlow, Commissioner of Professional and
25 Occupational Affairs, updated the Board regarding the

1 Pennsylvania Licensing System (PALS). Commissioner
2 Harlow stated contractors will be retained through
3 September to assist with stabilizing the system. He
4 noted the total project cost at approximately \$4.5
5 million.

6 Commissioner Harlow discussed new efficiencies
7 and different ways to retool the staff with
8 reassignments. He discussed converting the entire
9 operation to a customer service-based operation with a
10 call center operating from 7:00 a.m. to 7:00 p.m.

11 Commissioner Harlow addressed difficulties with
12 incoming phone calls due to staffing issues. He
13 discussed filling the vacancies while meeting the
14 requirements of the Civil Service standards. He
15 discussed working with Governor Wolf's office to
16 conduct a lien assessment to improve performance and
17 efficiency.

18 Commissioner Harlow stated the processing of
19 applications may take up to 22 days on the high-end,
20 but most average about 3 days. He recognized Ms.
21 Diller and staff for their great work.

22 Commissioner Harlow discussed the completion of
23 work on Governor Wolf's Executive Order 2017-03
24 regarding an assessment of the professional licensing
25 operation. He noted Governor Wolf's emphasis to

1 reduce barriers to licensure and encouraged the Board
2 to review the data. He informed the Board of a grant
3 to collect data nationally.

4 Commissioner Harlow reviewed Governor Wolf's
5 recommendation to consider reducing training hours
6 from 1,250 down to 1,000.

7 Commissioner Harlow next discussed House Bill
8 2539 that would allow booth rental. He stated the
9 Executive Order was posted on the website.

10 The Board discussed the Executive Order with
11 regard to identifying with other states that provide
12 similar or equivalent license, such as licensing for
13 electrolysis. Chairman Wallin requested
14 recommendations on the "gray zones". Commissioner
15 Harlow agreed that the Bureau of Professional and
16 Occupational Affairs (BPOA) could maybe take a look
17 and compare, at least regionally, how other states
18 handle electrolysis and make further recommendations.

19 Commissioner Harlow will present findings for
20 discussion at one of the upcoming meetings after
21 completion of the data collection.]

22

23 [Ian J. Harlow, Commissioner of Professional and
24 Occupational Affairs, exited the meeting at
25 9:58 a.m.]

1 ***

2 Application - Bellezza Salon & Spa

3 [Joseph Cimerola, LifeCare Holding, LLC, on behalf of
4 South Mountain Memory Care, addressed the Board to
5 appeal the Board's decision to request the variance
6 for the salon at South Mountain Memory Care, a
7 facility that serves residents with dementia.

8 Mr. Cimerola noted correspondence from legal
9 Counsel, including a preliminary request and response
10 to the denial. He presented facility layout drawings,
11 noting a restroom directly adjacent, approximately
12 nine feet away.

13 Mr. Cimerola described the building as an 18,000
14 square feet single-story building. He explained that
15 residents would always be accompanied to the salon.
16 He stated the services would be one person at a time
17 fully attended.]

18 ***

19 Report of Board Chairman

20 [Chairman Wallin informed the Board of the
21 Pennsylvania Association of Private School
22 Administrators Annual Conference July 24-25, 2018, in
23 Pittsburgh. He stated Commissioner Harlow agreed to
24 field questions.

25 Chairman Wallin noted that PALS was functioning

1 but that individuals are waiting extensive periods of
2 time for either licensure or testing.]

3 ***

4 Report of Board Administrator - No Report

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 10:03 a.m. the Board entered into Executive Session
8 with Shana M. Walter, Esquire, Board Counsel, for the
9 purpose of conducting quasi-judicial deliberations and
10 to receive advice of Counsel. The Board returned to
11 open session at 12:02 p.m.]

12 ***

13 MOTIONS

14 MS. WALTER:

15 The Board was in quasi-judicial
16 deliberations with myself and Counsel,
17 during which time the Board deliberated
18 matters on the agenda including the
19 report of the prosecutorial division.
20 The Motions to Enter Default Judgment
21 that are on the agenda as well as the
22 Hearing Examiner's proposed
23 Adjudications and Orders, Citation
24 Appeals, the Commonwealth's applications
25 for review and two final orders that

1 were on the agenda.

2 CHAIRMAN WALLIN:

3 Do I have a motion to accept the
4 findings from the prosecutorial division
5 on the Consent Agreements for everything
6 except File No. 17-45-11841?

7 Do I have a motion to approve the
8 rest of them?

9 MS. FERRON:

10 I make the motion.

11 MS. BROWN-HAYWOOD:

12 Second.

13 CHAIRMAN WALLIN:

14 We have a motion and a second. Thank
15 you.

16 MS. WALTER: I am going to read the file numbers and
17 associated names. File No. 16-45-08899,
18 Thanh Van Vu t/d/b/a Oriental Nail; 17-
19 45-00683, Linh Lu t/d/b/a Nail Trix;
20 File No. 17-45-09278, Mary L. Turner
21 t/d/b/a Mary Turner Day Spa; File No.
22 17-45-08892, 3rd Element Inc. t/d/b/a
23 3rd Element Salon & Spa; File No. 16-45-
24 03020, Heaven on Earth Care Boutique &
25 Spa; File No. 17-45-00116, Dawn R.

1 CHAIRMAN WALLIN:

2 We have a motion and a second. Any
3 other questions? All those in favor,
4 signify by saying aye. Opposed?
5 Abstentions?

6 [The motion carried unanimously.]

7 ***

8 CHAIRMAN WALLIN:

9 Do I have a Motion to Enter Default and
10 Deem Facts Admitted for Item No. 20,
11 Deborah Gavin, File No. 16-45-08711;
12 Item No. 21, Aisha Murphy, File No. 16-
13 45-10853; Item No. 22, Shanell Summers,
14 File No. 13-45-02790?

15 MS. FERRON:

16 Motion.

17 MS. O'NEILL:

18 Second.

19 CHAIRMAN WALLIN:

20 We have a motion and a second. Any
21 additional questions? All those in
22 favor, signify by saying aye. Any
23 opposed? Abstentions?

24 [The motion carried unanimously.]

25 ***

1 CHAIRMAN WALLIN:

2 We are going to need a Motion to Adopt
3 the Hearing Examiner's Proposed
4 Adjudications and Orders. That means to
5 adopt Item No. 23, Timothy Barnhart,
6 File No. 16-45-00368; Item No. 24,
7 Elegant Nails & Spa, File No. 17-45-
8 04363; Item No. 26, Jamie Lunz, File No.
9 16-45-12382; and Item No. 27, Theresa
10 Sever, File No. 16-45-02252.

11 Do we have a motion, please?

12 MS. BROWN-HAYWOOD:

13 Motion.

14 MS. FERRON:

15 Second.

16 CHAIRMAN WALLIN:

17 We have a motion and a second to adopt
18 those proposed Adjudications and Orders.
19 Are there any additional questions or
20 comments about them? Hearing none.
21 I'll call the question. All those in
22 favor, signify by saying aye. Any
23 opposed? Abstentions?

24 [The motion carried unanimously.]

25

1 CHAIRMAN WALLIN:

2 Item No. 25, Kelly Kleckner aka Kelly
3 Miller, File No. 16-45-03369.

4 We would like to adopt the Hearing
5 Examiner's Order but directing Shana to
6 develop a final Adjudication and Order,
7 which is somewhat less lenient, if you
8 remember.

9 MS. NEATOCK:

10 I make a motion.

11 MS. O'NEILL:

12 Second.

13 CHAIRMAN WALLIN:

14 We have a motion and a second. Are
15 there any additional comments or
16 questions? Hearing none. I'll call the
17 question. All those in favor, signify
18 by saying aye. Any opposed?
19 Abstentions?

20 [The motion carried unanimously.]

21 ***

22 CHAIRMAN WALLIN:

23 Item No. 28, Jill Laughman, File No. 16-
24 45-10238.

25 We need a motion to deny that

1 appeal.

2 MS. BRUNO:

3 Motion.

4 MS. NEATOCK:

5 Second.

6 CHAIRMAN WALLIN:

7 We have a motion and a second. All
8 those in favor, signify by saying aye.
9 Opposed? Abstentions?

10 [The motion carried unanimously.]

11 ***

12 CHAIRMAN WALLIN:

13 Item No. 29 and Item No. 30. We need a
14 motion to adopt the Hearing Examiner's
15 Order and direct Counsel to do a final
16 order for Stacey Blair aka Stacey
17 Marshall, File No. 17-45-09998 and
18 Amanda Sterner, File No. 17-45-01709.

19 MS. BROWN-HAYWOOD:

20 Motion.

21 MS. FERRON:

22 Second.

23 CHAIRMAN WALLIN:

24 We have a motion and a second. All
25 those in favor, signify by saying aye.

1 Opposed? Abstentions?

2 [The motion carried unanimously.]

3 ***

4 CHAIRMAN WALLIN:

5 We are going to need a motion to adopt
6 the final orders on Rosemarie Abruzzese
7 and the final order on Shawneen Bentley.

8 MS. NEATOCK:

9 Motion.

10 MS. GONZALEZ:

11 Second.

12 CHAIRMAN WALLIN:

13 We have a motion and a second. Any
14 questions or comments? All those in
15 favor, signify by saying aye. Opposed?
16 Abstentions?

17 [The motion carried unanimously.]

18 ***

19 CHAIRMAN WALLIN:

20 I need a motion to file the
21 Adjudications and Orders for Item No.
22 20, Item No. 21, and Item No. 22 for
23 Robert Gavin, Aisha Murphy, and Shanell
24 Summers. Officially, we need you to
25 have our solicitor put together their

1 final Adjudications and Orders?

2 MS. FERRON:

3 Motion.

4 MS. O'NEILL:

5 Second.

6 CHAIRMAN WALLIN:

7 Thanks, Krista. You made that motion,
8 and Tammy has a second. All those in
9 favor, signify by saying aye. Any
10 opposed? Abstained?

11 [The motion carried unanimously.]

12 ***

13 CHAIRMAN WALLIN:

14 We are going to need a motion to grant
15 the extension of time for accreditation
16 for Fortis Institute till January 31,
17 2019.

18 MS. FERRON:

19 I make a motion.

20 MS. O'NEILL:

21 Second.

22 CHAIRMAN WALLIN:

23 We have a motion and a second. All
24 those in favor, signify by saying aye.
25 Opposed? Abstentions?

1 [The motion carried unanimously.]

2 ***

3 CHAIRMAN WALLIN:

4 We need a motion to deny the provisional
5 appeal for Bellezza Salon & Spa, deny
6 the appeal for Windy Hill Village, and
7 deny the appeal for Salon PS.

8 We have a motion?

9 MS. BRUNO:

10 Motion.

11 MS. O'NEILL:

12 Second.

13 CHAIRMAN WALLIN:

14 We have a motion and a second. All
15 those in favor, signify by saying aye.
16 Opposed? Abstentions?

17 [The motion carried unanimously.]

18 ***

19 CHAIRMAN WALLIN:

20 We also need a motion to grant the
21 appeal for Blush Salon, No. 35.

22 MS. NEATOCK:

23 I make a motion.

24 MS. FERRON:

25 Second.

1 CHAIRMAN WALLIN:

2 We have a motion and a second. All
3 those in favor, signify by saying aye.
4 Opposed? Abstentions?

5 [The motion carried unanimously.]

6 ***

7 CHAIRMAN WALLIN:

8 We need a motion to grant No. 38, Tina
9 Moyer the ability to take her test with
10 probation concurrent with her criminal
11 probation.

12 MS. GONZALEZ:

13 I make a motion.

14 MS. FERRON:

15 Second.

16 CHAIRMAN WALLIN:

17 We have a motion and a second. Any
18 questions about Tina Moyer? All those
19 in favor, signify by saying aye.
20 Opposed? Abstentions?

21 [The motion carried unanimously.]

22 ***

23 CHAIRMAN WALLIN:

24 I'll need a motion to reject the
25 variance applications for Item No. 39,

1 We have a motion and a second. Any
2 questions? All those in favor, signify
3 by saying aye. Opposed? Abstentions?

4 [The motion carried unanimously.]

5 ***

6 Variance Committee - No Report

7 ***

8 [Chairman Wallin noted that the next meeting is
9 scheduled for September 10, 2018.]

10 ***

11 Adjournment

12 CHAIRMAN WALLIN:

13 Do I have a motion to adjourn?

14 MS. NEATOCK:

15 I make a motion to adjourn.

16 MS. BRUNO:

17 I second.

18 CHAIRMAN WALLIN:

19 We have a motion and a second. All
20 those in favor, signify by saying aye?
21 Thank you very, very much for the time
22 you put in today. I appreciate it.

23 [The motion carried unanimously.]

24 ***

25 [There being no further business, the State Board of

1 Cosmetology Meeting adjourned at 12:20 p.m.]

2

3

4

CERTIFICATE

5

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

11

12

13



14

Adam Beck,

15

Minute Clerk

16

Sargent's Court Reporting

17

Service, Inc.

18

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STATE BOARD OF COSMETOLOGY
REFERENCE INDEX

July 9, 2018

TIME

AGENDA

9:07	Official Call to Order
9:07	Pledge of Allegiance
9:07	Roll Call
9:09	Approval of Minutes
9:11	Appointment - Ryan Strickler, Blush Salon
9:19	Report of Prosecutorial Division
9:32	Appointment - Robert Echells, Windy Hill Village Salon
9:44	Report of Commissioner
9:58	Application - Bellezza Salon & Spa
10:02	Report of Board Chairman
10:03	Executive Session
12:02	Return to Open Session
12:02	Motions
12:20	Adjournment