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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 COSMETOLOGY

TIME: 9:03 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, November 5, 2018

State Board of Cosmetology
November 5, 2018

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BOARD MEMBERS:

Stephen A. Wallin, Teacher, Chair, Professional Member
James Farrell, Vice Chair, Public Member - Absent
Deborah S. Neatock, Secretary, Professional Member - Absent
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
Tammy Y. O'Neill, Professional Member
Tracy E. Bruno, Professional Member
Felicia Brown-Haywood, Professional Member

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
Cynthia K. Montgomery, Esquire, Deputy Chief Counsel
Kelly I. Diller, Board Administrator

ALSO PRESENT:

Stephen J. Szabo, Chief Operating Officer, Stephen Szabo Salon & Spa
Mary Strausser, Student, DeRielle Cosmetology Academy
Madison Manning, Student, DeRielle Cosmetology Academy
Taylor Cline, Student, DeRielle Cosmetology Academy
Donna Lalino Student, DeRielle Cosmetology Academy
Chris Lammado, Vice President, Gmerek Government Relations (GGR)
Mike Gent, Curriculum Coordinator, PA Department of Corrections
Teresa Whisler, Hairstylist, Lancaster, PA
Justin Lehman, Vice President, Jean Madeline Aveda Institute
Debbie Weidner, DeRielle Cosmetology Academy

1 ***

2 State Board of Cosmetology

3 November 5, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Cosmetology was held on Monday, November 5,
7 2018. Stephen A. Wallin, Teacher, Chairman,
8 Professional Member, called the meeting to order at
9 9:03 a.m. The Pledge of Allegiance was recited. Roll
10 call was taken. A quorum was noted to be present.

11 ***

12 Approval of Minutes of the September 10, 2018 meeting

13 CHAIRMAN WALLIN:

14 Do I have an approval of the minutes
15 from September 10? Motion to approve?

16 MS. BRUNO:

17 Motion.

18 MS. FOLK:

19 Second.

20 CHAIRMAN WALLIN:

21 We have a motion and a second. Are
22 there any questions, comments? All
23 those in favor, signify by saying aye.

24 [The motion carried unanimously.]

25 ***

1 Report of Prosecutorial Division

2 [Angela B. Lucci, Esquire, Board Prosecutor, presented
3 the following Consent Agreements: Case No. 17-45-
4 09050, Case No. 16-45-11419, and Case No. 17-45-
5 12431.]

6

7 [Caroline A. Bailey, Esquire, Board Prosecutor,
8 presented the following Consent Agreements: Case No.
9 16-45-07621, Case No. 16-45-08898, Case No. 17-45-
10 03204, Case No. 17-45-06196, Case No. 17-45-08314,
11 Case No. 17-45-09431, Case No. 17-45-09752, Case No.
12 17-45-14298, and Case No. 16-45-00592.]

13

14 Introduction of Audience Members

15 [Chairman Wallin requested the introduction of
16 audience members.]

17

18 Report of Commissioner - No Report

19

20 Report of Board Administrator - No Report

21

22 Report of Board Chairman

23 [Stephen A. Wallin, Teacher, Chairman, Professional
24 Member, noted that Cynthia Montgomery, Deputy Chief
25 Counsel for the Bureau of Professional and

1 Occupational Affairs, will be discussing personnel
2 matters with the Board during Executive Session.]

3 ***

4 Items for Discussion

5 [Shana M. Walter, Esquire, Board Counsel, referred to
6 Section 7.118(e) in the regulations regarding schools
7 requiring a physician on staff for consultation
8 purposes.

9 Chairman Wallin commented on the virtual
10 impossibility for a school to follow this regulation
11 and questioned options for the Board to consider.

12 Justin Lehman, Vice President, Jean Madeline
13 Aveda Institute, stated no physician wants to have
14 this position or take on this responsibility. He
15 noted accreditation repercussions regarding the
16 regulation and schools' inability to attach a
17 physician.

18 Debbie Weidner, DeRielle Cosmetology Academy,
19 noted that the regulation was never enforced and
20 questioned that the regulation would pertain to
21 anybody anymore.

22 Ms. Walter stated the regulation remains in
23 effect but there has been a lack of enforcement. She
24 stated options would be discussed during Executive
25 Session.

1 Chairman Wallin noted that the regulation
2 predates 1974.]

3

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:26 a.m. the Board entered into Executive Session
6 with Shana M. Walter, Esquire, Board Counsel, for the
7 purpose of conducting quasi-judicial deliberations and
8 to receive advice of Counsel. The Board returned to
9 open session at 12:11 p.m.]

10

11 MOTIONS

12 MS. WALTER:

13

We are returning from Executive Session
14 where the Board deliberated on the
15 Consent Agreements that are on the
16 agenda at items 2 through 13,
17 Adjudications and Orders at 14 through
18 16, Motions to Enter Default and Deem
19 Facts Admitted at items 17 through 31,
20 proposed Adjudications and Orders at 32
21 through 36, the Citation Appeal at 37,
22 and Accommodations for Testing at 38.

23

The Board discussed No. 39 on the
24 agenda, which is Section 7.118(e),
25 Application items 40 through 46, and 4

1 additional Applications.

2 CHAIRMAN WALLIN:

3 We are going to need a motion to approve
4 the Consent Agreements for Anita Thi Ngo
5 t/d/b/a Nail Studio, Case No. 17-45-
6 09050; Cindy Rivas t/d/b/a Liquid Layers
7 Hair Salon, Case No. 16-45-11419; Hanh
8 Thi Pham t/d/b/a Le Nails, Case No. 16-
9 45-07621; Oanh T. Ly t/d/b/a Tiffany
10 Nails, Case No. 16-45-08898; Lauren N.
11 Wilkins, Case No. 17-45-03204; Sass
12 Salon & Day Spa, Case No. 17-45-06196;
13 Sunny Hair, Case No. 17-45-08314;
14 Fashion Nails, Case No. 17-45-09431;
15 Alisha Nycole and Co., Case No. 17-45-
16 09752; Jennie Haasz, Case No. 17-45-
17 14298, and Tealia Elena Torres, Case No.
18 16-45-00592.

19 MS. FERRON:

20 I make the motion.

21 MS. BRUNO:

22 Second.

23 CHAIRMAN WALLIN:

24 We have a motion and a second. All in
25 favor, say aye. Any opposed?

1 Abstentions?

2 [The motion carried unanimously.]

3 ***

4 CHAIRMAN WALLIN:

5 May I have a motion to reject Item No.
6 4, Case No. 17-45-12431?

7 MS. GONZALEZ:

8 I make the motion.

9 MS. BROWN-HAYWOOD:

10 Second.

11 CHAIRMAN WALLIN:

12 We have a motion and a second to reject
13 No. 4. Any questions, comments? All
14 those in favor, signify by saying aye.

15 [The motion carried unanimously.]

16 ***

17 CHAIRMAN WALLIN:

18 These are all approvals. I will need a
19 motion to approve the final
20 Adjudications and Orders for Adrian R.
21 Baranick, Case No. 17-45-03033; Jill E.
22 Boyd, Case No. 17-45-11717; and Deborah
23 M. Gavin, Case No. 16-45-08711.

24 Do I have that motion?

25 MS. BROWN-HAYWOOD:

1 Motion.

2 MS. FERRON:

3 Second.

4 CHAIRMAN WALLIN:

5 We have a motion and a second. If there
6 are no additional comments, all those in
7 favor, signify by saying aye. Opposed?
8 Abstentions?

9 [The motion carried unanimously.]

10 ***

11 Motions to Enter Default and Deem Facts Admitted

12 CHAIRMAN WALLIN:

13 We are going to try to get a motion to
14 basically reject or defer. We will go
15 over these first. Motion to Enter
16 Default and Deem Facts Admitted for
17 Thomas W. Andrews, Case No. 16-45-13518,
18 moved to January; Item No. 21, Rachel K.
19 Jackson, Case No. 16-45-14806, moved to
20 January. Let's get a motion just on
21 those two, please.

22 MS. BRUNO:

23 Motion.

24 MS. GONZALEZ:

25 Second.

1 CHAIRMAN WALLIN:

2 We have a motion and a second. All
3 those in favor? Opposed? Abstentions?

4 [The motion carried unanimously.]

5 ***

6 CHAIRMAN WALLIN:

7 Sunny Hair, Case No. 17-45-08314 and
8 Hope Thomas, Case No. 17-45-01593.

9 Do we have a motion to deny those?

10 MS. FOLK:

11 Motion.

12 MS. FERRON:

13 Second.

14 CHAIRMAN WALLIN:

15 All those in favor, signify by saying
16 aye. Opposed? Abstentions?

17 [The motion carried unanimously.]

18 ***

19 CHAIRMAN WALLIN:

20 We are going to direct Counsel to grant
21 these Motions to Deem Facts Admitted and
22 direct Counsel to draft Adjudications in
23 accordance with the deliberations during
24 the Executive Session for Iris A.
25 Marmolejo t/d/b/a Beauty Rays &

1 Boutique, Case No. 16-45-07905; Lori A.
2 Burprich, Case No. 17-45-01652; Fashion
3 Nails, Case No. 17-45-09431; Deana
4 Liptak, Case No. 16-45-06416; Stephanie
5 Almeida Forty t/d/b/a Lush Salon & Spa,
6 Case No. 17-45-04154; Lindsay A.
7 McCullough, Case No. 16-45-03187; PL
8 Nails, Case No. 16-45-07593; Amy N.
9 Rummell, Case No. 16-45-04339; Amy M.
10 Serianni, Case No. 16-45-02259; Sasha
11 Nicole Spillar, Case No. 16-45-02195;
12 and Kelly J. Timko, Case No. 17-45-
13 01662.

14 Do I have that motion, please?

15 MS. BROWN-HAYWOOD:

16 Motion.

17 MS. BRUNO:

18 Second.

19 CHAIRMAN WALLIN:

20 We have a motion and a second. Any
21 abstentions or rejections?

22 [The motion carried unanimously.]

23 ***

24 Hearing Examiner Proposed Adjudications and Orders

25 CHAIRMAN WALLIN:

1 Do we have a motion to adopt the
2 recommendations of the Hearing
3 Examiner's proposed Adjudications and
4 Orders of Stephanie M. Deibert, Case No.
5 17-45-02291 and Wendell M. Fields, Case
6 No. 16-45-12445?

7 Do we have a motion?

8 MS. O'NEILL:

9 Motion.

10 MS. FOLK:

11 Second.

12 CHAIRMAN WALLIN:

13 All those in favor, signify by saying
14 aye. Opposed? Abstentions?

15 [The motion carried unanimously.]

16 ***

17 CHAIRMAN WALLIN:

18 Do we have a motion to have Counsel
19 draft the final Adjudication and Order
20 for Shaklya H. Easterling, Case No. 16-
21 45-09000; Samantha J. Hirt, Case No. 16-
22 45-14587; and Nabil Marsha, Case No. 17-
23 45-08813.

24 Do I have that motion, please?

25 MS. FERRON:

1 Motion.

2 MS. FOLK:

3 Second.

4 CHAIRMAN WALLIN:

5 Thank you, Tammy. Thank you, Carolyn
6 for the second. All those in favor,
7 signify by saying aye. Opposed?
8 Abstentions?

9 [The motion carried unanimously.]

10 ***

11 Citation Appeals

12 CHAIRMAN WALLIN:

13 Do I have a motion to uphold the Hearing
14 Examiner's suggestion on Paula
15 Desiderio, Case No. 18-45-03307?

16 MS. BROWN-HAYWOOD:

17 Motion.

18 MS. GONZALEZ:

19 Second.

20 CHAIRMAN WALLIN:

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

24 [The motion carried unanimously.]

25 ***

1 Accommodations for Testing

2 CHAIRMAN WALLIN:

3 Do I have a motion that we reject any
4 modifications to our regulations or
5 additions to it for testing of foreign
6 languages?

7 MS. FOLK:

8 Motion.

9 MS. FERRON:

10 Second.

11 CHAIRMAN WALLIN:

12 All those in favor, signify by saying
13 aye. Opposed? Abstentions?

14 [The motion carried unanimously.]

15 ***

16 CHAIRMAN WALLIN:

17 Our discussion was on Section 7.118(e)
18 that had to do with having a medical
19 doctor on staff for schools. We said
20 that we are not going to enforce that
21 and put it on our wish list of things
22 for modification to the rules.

23 Do I have a motion to that effect?

24 MS. O'NEILL:

25 Motion.

1 MS. BRUNO:

2 Second.

3 CHAIRMAN WALLIN:

4 All those in favor, signify by saying
5 aye. Any opposed? Abstentions?

6 [The motion carried unanimously.]

7 ***

8 Applications

9 CHAIRMAN WALLIN:

10 Do I have a motion for Image Recovery
11 Center to provisionally deny the
12 variance because it needs additional
13 sketches?

14 MS. BROWN-HAYWOOD:

15 Motion.

16 MS. BRUNO:

17 Second.

18 CHAIRMAN WALLIN:

19 All those in favor, signify by saying
20 aye.

21 [The motion carried unanimously.]

22 ***

23 CHAIRMAN WALLIN:

24 Can we have a motion to deny the
25 variance for Amy Kernahan Studios

1 because it needs walls?

2 MS. BRUNO:

3 Motion.

4 MS. O'NEILL:

5 Second.

6 CHAIRMAN WALLIN:

7 All those in favor, signify by saying
8 aye.

9 [The motion carried unanimously.]

10 ***

11 CHAIRMAN WALLIN:

12 Do I have a motion to deny Bonnieville,
13 Inc., because it is too small?

14 MS. BROWN-HAYWOOD:

15 Motion.

16 MS. BRUNO:

17 Second.

18 CHAIRMAN WALLIN:

19 All those in favor, signify by saying
20 aye. Opposed? Abstentions?

21 [The motion carried unanimously.]

22 ***

23 CHAIRMAN WALLIN:

24 Do I have a motion for Shanekia Miller
25 and Merita Veliu Selimi to approve

1 testing?

2 MS. FERRON:

3 Motion.

4 MS. BROWN-HAYWOOD:

5 Second.

6 CHAIRMAN WALLIN:

7 All those in favor, signify by saying
8 aye. Any opposed? Abstentions?

9 [The motion carried unanimously.]

10 ***

11 CHAIRMAN WALLIN:

12 Jessica Lynn Gonzales, approved to test
13 with one-year probation, Anthony O.
14 Madrigale approved to test with one-year
15 probation.

16 Do I have that motion, please?

17 MS. O'NEILL:

18 Motion.

19 MS. BROWN-HAYWOOD:

20 Second.

21 CHAIRMAN WALLIN:

22 All those in favor, signify by saying
23 aye. Opposed? Abstentions?

24 [The motion carried unanimously.]

25 ***

1 CHAIRMAN WALLIN:

2 Do I have a motion to deny the
3 application of Thu Thi Minh Bui?

4 MS. BRUNO:

5 Motion.

6 MS. BROWN-HAYWOOD:

7 Second.

8 CHAIRMAN WALLIN:

9 All those in favor, signify by saying
10 aye. Opposed? Abstentions?

11 [The motion carried unanimously.]

12 ***

13 CHAIRMAN WALLIN:

14 For Inskin Laser & Body, we are going to
15 have a provisional denial and remove the
16 approval from what was previously
17 approved?

18 MS. BROWN-HAYWOOD:

19 Motion.

20 MS. BRUNO:

21 Second.

22 CHAIRMAN WALLIN:

23 All those in favor, signify by saying
24 aye. Opposed? Abstentions?

25 [The motion carried unanimously.]

1 ***

2 CHAIRMAN WALLIN:

3 Do I have a motion to grant the
4 variances for Senior Salon Services and
5 Elmcroft of Reedsville?

6 MS. BROWN-HAYWOOD:

7 Motion.

8 MS. FERRON:

9 Second.

10 CHAIRMAN WALLIN:

11 All those in favor, signify by saying
12 aye. Opposed? Abstentions?

13 [The motion carried unanimously.]

14 ***

15 Election of Officers

16 Report of Board Chairman

17 [Stephen A. Wallin, Teacher, Chairman, Professional
18 Member, thanked the Board for allowing him the honor
19 to serve the Board and Commonwealth.]

20 CHAIRMAN WALLIN:

21 Do I have a motion for chairperson? I
22 think Tammy would make a good candidate.

23 MS. GONZALEZ:

24 I nominate Tammy for Chairperson.

25 ***

1 CHAIRMAN WALLIN:

2 We need a nomination for a Vice Chair.

3 MS. GONZALEZ:

4 I'd like to propose Felicia.

5 CHAIRMAN WALLIN:

6 Any additional nominations? Hearing
7 none. Congratulations. You are Chair
8 and Vice Chair.

9 [The motion carried unanimously.]

10 ***

11 CHAIRMAN WALLIN:

12 We need a Secretary.

13 MS. GONZALEZ:

14 I nominate Tracy to be the Secretary.

15 CHAIRMAN WALLIN:

16 We have a nomination. Any additional
17 ones? Thank you very much Tracy. Looks
18 like you are it. Good for you.

19 [The motion carried unanimously.]

20 ***

21 [Carolyn R. Folk, Public Member, proposed forming a
22 committee to review the state of the industry in terms
23 of graduation rates from cosmetology schools to
24 sitting for the state Board and then practicing in the
25 field.]

1 CHAIRMAN WALLIN:

2 We need a motion to form a committee.

3 MS. BROWN-HAYWOOD:

4 Motion.

5 MS. BRUNO:

6 Second.

7 CHAIRMAN WALLIN:

8 We have a motion and a second. All
9 those in favor? Opposed? Thank you.

10 We have a new committee.

11 [The motion carried unanimously.]

12 ***

13 [The Board agreed for the committee name to be the
14 "State of the Industry Initiative."]

15 ***

16 Miscellaneous

17 [Stephen A. Wallin, Teacher, Chairman, Professional
18 Member, noted January 7, 2019, as the next meeting
19 date.

20 Chairman Wallin also noted term limits and exam
21 statistics on the agenda.]

22 ***

23 Adjournment

24 CHAIRMAN WALLIN:

25 Do I have a motion to adjourn?

1 MS. BROWN-HAYWOOD:

2 Motion.

3 MS. BRUNO:

4 Second.

5 CHAIRMAN WALLIN:

6 We have a motion and a second. All
7 those in favor?

8 [The motion carried unanimously.]

9 ***

10 [There being no further business, the State Board of
11 Cosmetology Meeting adjourned at 12:44 p.m.]

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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.



Adam Beck,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF COSMETOLOGY
REFERENCE INDEX

November 5, 2018

TIME	AGENDA
9:03	Official Call to Order
9:03	Pledge of Allegiance
9:03	Roll Call
9:04	Approval of Minutes
9:04	Report of Prosecutorial Division
9:16	Introduction of Audience Members
9:18	Report of Board Counsel
9:19	Report of Board Chairman
9:20	Items for Discussion
9:26	Executive Session
12:11	Return to Open Session
12:11	Motions
12:42	Miscellaneous
12:44	Adjournment