

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

TIME: 9:08 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, April 16, 2018

1 ***

2 State Board of Barber Examiners

3 April 16, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Barber Examiners was held on Monday, April
7 16, 2018. John C. Christopher, Chairman, called the
8 meeting to order at 9:08 a.m.

9 ***

10 Pledge of Allegiance

11 [The Pledge of Allegiance was recited.]

12 ***

13 Roll Call

14 [Roll call was taken.]

15 ***

16 Introduction of Audience

17 [Chairman Christopher requested the introduction of
18 audience members.]

19 ***

20 Approval of Minutes of the February 26, 2018 meeting

21 CHAIRMAN CHRISTOPHER:

22 Approval of minutes from the February 26
23 meeting. Are there any corrections,
24 questions, anything we need to do
25 differently? If not, can have a motion

1 to adopt the minutes?

2 MR. FERRUZZA:

3 I make a motion to adopt them as
4 presented.

5 MR. GRAY:

6 Second.

7 CHAIRMAN CHRISTOPHER:

8 All in favor, say aye? Opposed?

9 [The motion carried unanimously.]

10 ***

11 Report of Prosecutorial Division

12 [Caroline A. Bailey, Esquire, Board Prosecutor,
13 presented the following Consent Agreements: File No.
14 17-42-09118, File No. 16-42-00365, File No. 16-42-
15 14431, File No. 16-42-01270, File No. 16-42-04417,
16 File No. 16-42-07673, File No. 16-42-07917, File No.
17 16-42-14432.]

18 ***

19 Report of Board Counsel

20 [Ian B. Everhart, Esquire, Board Counsel, noted
21 matters for discussion during Executive Session.

22 ***

23 Report of Commissioner - No Report

24 ***

25 Report of Board Chair

1 [John C. Christopher, Professional Member, Chairman,
2 informed the Board of his service on the Executive
3 Order 2017-03 Advisory Committee. He explained that
4 the Bureau of Professional and Occupational Affairs
5 was taking a comprehensive look at licensing
6 professions and comparing the professions regionally
7 and nationally based on the requirements of Executive
8 Order 2017-03.

9 Chairman Christopher explained a report will be
10 issued by license type, state, and region. He
11 provided a summary of the data elements for each
12 license type. The Bureau of Professional and
13 Occupational Affairs (BPOA) partnered with St. Francis
14 University for analysis. He stated Dr. Timmons of St.
15 Francis University and his team from the Knee Center
16 for the Study of Occupational Regulation (CSOR) are
17 performing the bulk of the work in coordination with
18 the BPOA staff.

19 Chairman Christopher added that the work will
20 focus mainly on analysis of the current licensing
21 standards within the Northeast quadrant of the United
22 States. Chairman Christopher stated the Advisory
23 Committee is merely guiding and shaping the data
24 collection but will also be responsible for compiling
25 the final report for the Governor. The report will

1 also be provided to stakeholders, licensing Boards,
2 and other interested parties to review the data and
3 present recommendations.

4 Chairman Christopher will continue to update the
5 Board on the progress of this report and its impact on
6 the Boards and licenses.]

7 ***

8 Report of Board Administrator - No Report

9 ***

10 Old/New Board Business

11 [Ian B. Everhart, Esquire, Board Counsel, discussed
12 the role of a Probable Cause Screening Committee,
13 which is a new requirement for business Boards. He
14 explained that the committee member would be recused
15 from any Board action.

16 Mr. Everhart recommended this Board appoint one
17 committee member. He discussed the guidelines
18 regarding probation and suspension.

19 Mr. Blackburn discussed Act 6 passed by the
20 General Assembly that authorizes all of the licensing
21 Boards to take action in the form of an immediate
22 temporary suspension.

23 Mr. Everhart suggested further discussion in
24 Executive Session regarding the designation of a
25 Probable Cause Screening Committee member.]

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 9:35 a.m. the Board entered into Executive Session
4 with Ian B. Everhart, Esquire, Board Counsel, and
5 Thomas Blackburn, Esquire, Senior Counsel-in-Charge,
6 for the purpose of conducting quasi-judicial
7 deliberations on a number of matters that are
8 currently pending before the Board and to receive
9 advice of Counsel. The Board concluded its Executive
10 Session at 12:50 p.m.]

11 ***

12 MOTIONS

13 MR. EVERHART:

14 Having convened into Executive Session
15 for quasi-judicial deliberations and
16 review of the Consent Agreements that
17 were presented for us, I believe the
18 Board will entertain a motion to reject
19 the Consent Agreement at No. 17-42-09118
20 as too lenient.

21 CHAIRMAN CHRISTOPHER:

22 Motion to accept?

23 MR. FERRUZZA:

24 So moved.

25 CHAIRMAN CHRISTOPHER:

1 Second?

2 MS. ETTER:

3 Second.

4 CHAIRMAN CHRISTOPHER:

5 All in favor, say aye? Opposed?

6 [The motion carried unanimously.]

7 ***

8 MR. EVERHART:

9 I believe the Board will entertain a
10 motion to adopt the Consent Agreement at
11 No. 16-42-00365, the name of the file
12 being Detailed Cuts Barber Shop.

13 CHAIRMAN CHRISTOPHER:

14 Motion on the floor?

15 MR. MUNIZ:

16 Motion.

17 CHAIRMAN CHRISTOPHER:

18 Second?

19 MS. FERRUZZA:

20 Second.

21 CHAIRMAN CHRISTOPHER:

22 All in favor, say aye? Opposed?

23 [The motion carried unanimously.]

24 ***

25 MR. EVERHART:

1 I believe the Board will entertain a
2 motion to adopt the Consent Agreement at
3 No. 16-42-14431, the name of the file
4 being Da Chop Shop.

5 CHAIRMAN CHRISTOPHER:

6 Motion?

7 MR. FERRUZZA:

8 So moved.

9 CHAIRMAN CHRISTOPHER:

10 Second?

11 MR. MUNIZ:

12 Second.

13 CHAIRMAN CHRISTOPHER:

14 All in favor, say aye? Opposed?

15 [The motion carried unanimously.]

16 ***

17 MR. EVERHART:

18 I believe the Board will entertain a
19 motion to adopt the Consent Agreement at
20 File No. 16-42-01270, the name of the
21 file being James E. O'Brien.

22 CHAIRMAN CHRISTOPHER:

23 Motion on the floor?

24 MR. FERRUZZA:

25 So moved.

1 CHAIRMAN CHRISTOPHER:

2 Second?

3 MS. ETTER:

4 Second.

5 CHAIRMAN CHRISTOPHER:

6 All in favor, say aye? Opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. EVERHART:

10 I believe the Board will entertain a
11 motion to adopt the Consent Agreement at
12 File No. 16-42-04417, the name of the
13 file being New Dimensions Unisex.

14 CHAIRMAN CHRISTOPHER:

15 Motion on the floor?

16 MR. GRAY:

17 Motion.

18 CHAIRMAN CHRISTOPHER:

19 Second?

20 MS. ETTER:

21 Second.

22 CHAIRMAN CHRISTOPHER:

23 All in favor, say aye? Opposed?

24 [The motion carried unanimously.]

25 ***

1 MR. EVERHART:

2 I believe the Board will entertain a
3 motion to adopt the Consent Agreement at
4 File No. 16-42-07673, the name of the
5 file being Cutmasters Barber Shop.

6 CHAIRMAN CHRISTOPHER:

7 Motion on the floor?

8 MR. FERRUZZA:

9 So moved.

10 CHAIRMAN CHRISTOPHER:

11 Second?

12 MS. MOORE:

13 Second.

14 CHAIRMAN CHRISTOPHER:

15 All in favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 MR. EVERHART:

19 I believe the Board will entertain a
20 motion to adopt the Consent Agreement at
21 File No. 16-42-07917, the name of the
22 file being Exclusive Cutz.

23 CHAIRMAN CHRISTOPHER:

24 Motion on the floor?

25 MS. MOORE:

1 So moved.

2 CHAIRMAN CHRISTOPHER:

3 Second?

4 MR. FERRUZZA:

5 Second.

6 CHAIRMAN CHRISTOPHER:

7 All in favor, say aye? Opposed?

8 [The motion carried unanimously.]

9 ***

10 MR. EVERHART:

11 I believe the Board will entertain a
12 motion to adopt the Consent Agreement at
13 File No. 16-42-14432, the name of the
14 file being Vernon C. Chaney.

15 CHAIRMAN CHRISTOPHER:

16 Motion on the floor?

17 MS. MOORE:

18 So moved.

19 CHAIRMAN CHRISTOPHER:

20 Second?

21 MS. ETTER:

22 Second.

23 CHAIRMAN CHRISTOPHER:

24 All in favor, say aye? Opposed?

25 [The motion carried unanimously.]

1 ***

2 MR. EVERHART:

3 I believe the Board will entertain a
4 motion to approve the Motion to Deem
5 Facts Admitted in the case of John
6 Rodriguez dba New York Barber Shop,
7 Docket No. 2426-42-17, File No. 15-42-
8 13089, and direct Counsel to draft an
9 Adjudication consistent with discussions
10 in Executive Session.

11 CHAIRMAN CHRISTOPHER:

12 Motion on the floor?

13 MR. GRAY:

14 So moved.

15 CHAIRMAN CHRISTOPHER:

16 Second?

17 MR. FERRUZZA:

18 Second.

19 CHAIRMAN CHRISTOPHER:

20 All in favor, say aye? Opposed?

21 [The motion carried unanimously.]

22 ***

23 MR. EVERHART:

24 I believe the Board will entertain a
25 motion to dismiss the Motion to Deem

1 Facts Admitted for Dawud Dabney, Docket
2 No. 1810-42-17, File No. 17-42-09118.

3 CHAIRMAN CHRISTOPHER:

4 Motion on the floor?

5 MR. FERRUZZA:

6 So moved.

7 CHAIRMAN CHRISTOPHER:

8 Second?

9 MS. MOORE:

10 Second.

11 CHAIRMAN CHRISTOPHER:

12 All in favor, say aye? Opposed?

13 [The motion carried unanimously.]

14 ***

15 MR. EVERHART:

16 I believe the Board will entertain a
17 motion to adopt the proposed
18 Adjudication and Order in the case of
19 Aleen Darden, Docket No. 0360-42-17,
20 File No. 14-42-06052, and substitute the
21 proposed penalty of suspension with
22 three months active suspension for a
23 period of suspension, of which all of it
24 is stayed in favor of probation.

25 CHAIRMAN CHRISTOPHER:

1 Motion?

2 MS. MOORE:

3 So moved.

4 CHAIRMAN CHRISTOPHER:

5 Second?

6 MS. ETTER:

7 Second.

8 CHAIRMAN CHRISTOPHER:

9 All in favor, say aye? Opposed?

10 [The motion carried unanimously.]

11 ***

12 MR. EVERHART:

13 I believe the Board will entertain a
14 motion to adopt the proposed
15 Adjudication and Order at File No. 17-
16 42-01961, the name of the file being
17 Marc Blackwell.

18 CHAIRMAN CHRISTOPHER:

19 Motion on the floor?

20 MR. FERRUZZA:

21 So moved.

22 CHAIRMAN CHRISTOPHER:

23 Second?

24 MR. GRAY:

25 Second.

1 CHAIRMAN CHRISTOPHER:

2 All in favor, say aye? Opposed?

3 [The motion carried unanimously.]

4 ***

5 MR. EVERHART:

6 I believe the Board will entertain a
7 motion to adopt the proposed
8 Adjudication and Order at File No.
9 16-42-13512, the name of the file being
10 Vincent M. Pahula, subject to the change
11 in the sanction imposed, being a
12 five-year probation period starting on
13 his release date.

14 CHAIRMAN CHRISTOPHER:

15 Motion on the floor?

16 MR. MUNIZ:

17 So moved.

18 CHAIRMAN CHRISTOPHER:

19 Second?

20 MR. FERRUZZA:

21 Second.

22 CHAIRMAN CHRISTOPHER:

23 All in favor, say aye? Opposed?

24 [The motion carried unanimously.]

25 ***

1 MR. EVERHART:

2 I believe the Board will entertain a
3 motion to adopt the proposed
4 Adjudication and Order at File No.
5 15-42-03012, the name of the file being
6 Anthony R. Skelton.

7 CHAIRMAN CHRISTOPHER:

8 Motion on the floor?

9 MR. GRAY:

10 Motion.

11 CHAIRMAN CHRISTOPHER:

12 Second?

13 MR. FERRUZZA:

14 Second.

15 CHAIRMAN CHRISTOPHER:

16 All in favor, say aye? Opposed?

17 [The motion carried unanimously.]

18 ***

19 MR. EVERHART:

20 The next motion of concern; items 16,
21 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
22 28, 29, and 30. That's 16 through 30,
23 except for 17, and reverse the orders
24 that the Hearing Examiner proposed in
25 those cases relating to those citations

1 for Arnaldo Rodriguez Delgado, File No.
2 16-42-00685; Leydy Malenda & Juan
3 Espiritusanto dba Patron Barber Shop,
4 File No. 17-42-02255; Jerome Jackson dba
5 Jerome Jackson Barbershop, File No. 17-
6 42-00465; Alexander A. Heredia, File No.
7 17-42-03681; Anthony A. Lutz dba Anthony
8 Allen's, File No. 17-42-05477; Jackie
9 Bailey, File No. 16-42-10080; Luis M.
10 Espinal, File No. 16-42-12627; Joseph
11 Davis dba Fresh Cuts on Midvale, File
12 No. 17-42-04929; Cory N. Jones, File No.
13 17-42-03035; Bonafide Films LLC dba
14 Original Styling Hair Gallery, File No.
15 17-42-04988; Mervin Forestier-Trabal dba
16 PA Finest Kutz, File No. 16-42-11397;
17 Francisco J. Reillo Jr., File No. 16-42-
18 10975; Alexis Lucinda Smiley, File No.
19 16-42-14719; Bruce C. Stagg II, File No.
20 17-42-07275.

21 I believe the Board will adopt the
22 motion to reverse the orders of the
23 Hearing Examiner on all those cases and
24 sustain the citations.

25 CHAIRMAN CHRISTOPHER:

1 Motion on the floor?

2 MS. MOORE:

3 So moved.

4 CHAIRMAN CHRISTOPHER:

5 Second?

6 MR. FERRUZZA:

7 Second.

8 CHAIRMAN CHRISTOPHER:

9 All in favor, say aye? Opposed?

10 [The motion carried unanimously.]

11 ***

12 MR. EVERHART:

13 I believe the Board will entertain a
14 motion to nominate Joseph Ferruzza as
15 the member of the Probable Cause
16 Screening Committee.

17 CHAIRMAN CHRISTOPHER:

18 Motion on the floor?

19 MR. GRAY:

20 Motion.

21 CHAIRMAN CHRISTOPHER:

22 Second?

23 MS. ETTER:

24 Second.

25 CHAIRMAN CHRISTOPHER:

1 All in favor, say aye? Opposed?

2 [The motion carried unanimously.]

3 ***

4 MR. EVERHART:

5 I believe the Board will entertain a
6 motion to grant the Application to Sit
7 for the Barber Exam of Justin Lawrence
8 Kyle, subject to a two-year period of
9 probation.

10 CHAIRMAN CHRISTOPHER:

11 Motion on the floor?

12 MR. MUNIZ:

13 Motion.

14 CHAIRMAN CHRISTOPHER:

15 Second?

16 MS. ETTER:

17 Second.

18 CHAIRMAN CHRISTOPHER:

19 All in favor, say aye? Opposed?

20 [The motion carried unanimously.]

21 ***

22 MR. EVERHART:

23 I believe the Board will entertain a
24 motion to grant the Application to Sit
25 for the Barber License Exam of Frank B.

1 Rodriguez with no conditions.

2 CHAIRMAN CHRISTOPHER:

3 Motion on the floor?

4 MR. GRAY:

5 Motion.

6 CHAIRMAN CHRISTOPHER:

7 Second?

8 MR. FERRUZZA:

9 Second.

10 CHAIRMAN CHRISTOPHER:

11 All in favor, say aye? Opposed?

12 [The motion carried unanimously.]

13 ***

14 MR. EVERHART:

15 I believe the Board will entertain a
16 motion to approve the Application to
17 Michael Ott to Sit for the Barber Exam
18 with no conditions.

19 CHAIRMAN CHRISTOPHER:

20 Motion on the floor?

21 MR. FERRUZZA:

22 So moved.

23 CHAIRMAN CHRISTOPHER:

24 Second?

25 MS. ETTER:

1 Second.

2 CHAIRMAN CHRISTOPHER:

3 All in favor, say aye? Opposed?

4 [The motion carried unanimously.]

5 ***

6 MR. EVERHART:

7 Relating to the legislative initiative,
8 I wanted to restate or revisit some of
9 the items, which we briefly discussed in
10 Executive Session.

11 There was discussion of the terms
12 to be added to the new subsection that
13 we proposed as to the barber statute, in
14 particular to specify that it must be
15 used at a licensed barbershop employing
16 licensed barbers.

17 The Board also wanted to make it
18 clear that it was not only a vertical
19 emblem but any kind of emblem, so we
20 were removing vertical from the proposed
21 new text. The Board wanted to make
22 clear that the restrictions apply to any
23 image or representation of the pole, not
24 just a physical pole and wanted to add
25 the power to order removal of a pole,

1 which violates the proposed section in
2 addition to the prohibition on its use
3 to make clear of that power.

4 As it relates to the legislative
5 initiative process, we discussed the
6 basis that we would add, the reasoning
7 behind this, the pole being the most
8 identifiable emblem of profession,
9 clearly communicate the location of our
10 rank services, wants to ensure the
11 public knows that locations using the
12 symbol are fully licensed to offer
13 barbering services.

14 We want to include in that, the
15 harm to the customer of potentially
16 being misled as to the nature of the
17 services being offered and noting also
18 the potential for unfair competition of
19 nonlicensed shops displaying the pole.

20 Any further commentary?

21 CHAIRMAN CHRISTOPHER:

22 Motion on the floor?

23 MR. FERRUZZA:

24 So moved.

25 CHAIRMAN CHRISTOPHER:

1 Second?

2 MS. ETTER:

3 Second.

4 CHAIRMAN CHRISTOPHER:

5 All in favor, say aye? Opposed?

6 [The motion carried unanimously.]

7 ***

8 Newsletter Update

9 [Joseph T. Ferruzza, Professional Member, requested a
10 sample graphic display of a newsletter from the
11 editorial staff by next meeting. Upon his review of
12 the newsletter, articles can be submitted.]

13 ***

14 Adjournment

15 CHAIRMAN CHRISTOPHER:

16 Motion to adjourn?

17 MS. MOORE:

18 So moved.

19 CHAIRMAN CHRISTOPHER:

20 Second?

21 MS. ETTER:

22 Second.

23 CHAIRMAN CHRISTOPHER:

24 All in favor? Opposed?

25 [The motion carried unanimously.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[There being no further business, the State Board of Barber Examiners Meeting adjourned at 1:08 p.m.]

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.



Adam Beck,

Minute Clerk

Sargent's Court Reporting Service, Inc.

STATE BOARD OF BARBER EXAMINERS
REFERENCE INDEX

April 16, 2018

TIME	AGENDA
9:08	Official Call to Order
9:08	Pledge of Allegiance
9:09	Roll Call
9:10	Approval of Minutes
9:11	Report of Prosecutorial Division
9:18	Report of Board Counsel
9:19	Report of Chairman
9:26	New/Old Business
9:35	Executive Session
12:50	Return to Open Session
12:50	Motions
1:06	Newsletter Update
1:08	Adjournment