# State Board of Barber Examiners June 26, 2017

# 3 BOARD MEMBERS:

Ian J. Harlow, Commissioner of Professional and
 Occupational Affairs

John C. Christopher, Professional Member, Chairman Robert V. Vavro, Professional Member, Vice Chairman Ginger Etter, Consumer Protection Member, Secretary Ronald Gray, Jr., Professional Member Margaret A. Moore, Public Member Dominic A. Muniz, Professional Member

## BUREAU PERSONNEL:

Dana Wucinski, Esquire, Board Counsel
Kenneth J. Suter, Esquire, Board Prosecution Liaison
Robert B. Armour, Esquire, Board Prosecutor
Timothy Smith, Esquire, Board Prosecutor
Caroline Bailey, Esquire, Board Prosecutor
Kelly I. Diller, Board Administrator

#### ALSO PRESENT:

Brendan Lynch, Staff Attorney, Community Legal Services

Kelly Kolling, Director of Operations, Barber School of Pittsburgh

Ken Jaram, President, Barber School of Pittsburgh Mike Gent, Curriculum Coordinator, Department of Corrections

Matt Schwalm, Barber Styling Institute

Joseph Cartwright, business manager of a barbershop in Philadelphia Pennsylvania

3 \* \* \* 1 2 State Board of Barber Examiners 3 June 26, 2017 \* \* \* 4 5 The regularly scheduled meeting of the State 6 Board of Barber Examiners was held on Monday, June 26, 2017. John C. Christopher, Chairman, called the meeting to order at 9:09 a.m. 10 Pledge of Allegiance 11 [The Pledge of Allegiance was recited.] \* \* \* 12 Introduction 13 14 [Roll call was taken, followed by the introduction of 15 the audience members.] 16 17 Approval of Minutes of the February 27, 2017 meeting CHAIRMAN CHRISTOPHER: 18 19 Any questions on the meeting minutes 20 from the last meeting? Could I have a 21 motion on the floor to accept the 22 meeting minutes? 2.3 MR. VAVRO: 24 I make a motion to accept. 25 CHAIRMAN CHRISTOPHER:

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Second?
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   MR. GRAY:
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                  Second.
   CHAIRMAN CHRISTOPHER:
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                  All in favor, say aye. Opposed?
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                  ayes have it.
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   [The motion carried unanimously.]
   Report of Prosecutorial Division
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   [Kenneth J. Suter, Esquire, Board Prosecution Liaison,
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   welcomed the new Board members.]
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   [Robert B. Armour, Esquire, Board Prosecutor,
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   presented the Consent Agreements for File Nos. 13-42-
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   10472, 13-42-10473, 13-42-10474.]
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17
   [Timothy Smith, Esquire, Board Prosecutor, presented
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   the Consent Agreement for File No. 13-42-06252.]
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   Report of Board Counsel
   [Dana Wucinski, Esquire, Board Counsel, noted matters
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   for the Board's discussion in Executive Session.
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        Ms. Wucinski noted House Bill 1123 and House Bill
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   1452 included in the agenda for the Board's
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   information.
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She also noted that House Bill 1123 was a reintroduction of the former House Bill 246, which amends the Barbers' License law, and would allow licensed barbers with three years of experience or licensed barber managers with one year of experience to become barber teachers without examination.
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House Bill 1452 amends the barber law to allow barber services to be provided for events for charitable purposes.

Ms. Wucinski will provide the new Board members with copies of recusal guidelines and the new Executive Order regarding the executive branch employee gift ban.]

15 Public Session

[Kelly Kolling, Director of Operations, Barber School of Pittsburgh, commented on House Bill 1123. She submitted a revision two weeks ago to be presented in front of Mr. Mako.

Ms. Kolling addressed her concerns that educational institutions have relating to the automatic election of a teacher without examination and suggested reducing the number of hours mandated for teaching. She disagreed that individuals could graduate from a cosmetology teaching program and

obtain a barber-teacher license and teach barbering without barber trade knowledge.

2.0

Ms. Kolling also suggested the elimination of apprenticeships regarding discrepancies between code and law. The law does not state that an individual can do an apprenticeship under a barber manager; however, the code permits the same.

Ken Jaram, President, Barber School of
Pittsburgh, agreed with Ms. Kolling. Mr. Jaram
commented on a major shortage of barber-teachers. He
discussed preserving the integrity of barbering.

Mr. Jaram suggested a separation between apprenticeship hours and barber schooling hours.

Matt Schwalm, Barber Styling Institute, discussed House Bill 1123 and the cosmetology aspect. Mr. Schwalm discussed cosmetologists obtaining their cosmetology teacher license after completing a cosmetology program. With a cosmetology teacher license, House Bill 1123 permits a cosmetology teacher to then continue their education in a cosmetology school to acquire a barber-teacher license.

Mr. Schwalm noted that there are currently 3,220 active barbers in Pennsylvania and 2,998 barber managers.

Chairman Christopher discussed the difference in

numbers between cosmetology and barbering. The total
number for barbers is less than 10,000, and
cosmetology has well over 100,000 in the Commonwealth
of Pennsylvania. Barber managers may be upgraded to a
barber-teacher after a minimum of five years of
experience, who then could be entrepreneurs and open a
school or multiple shops to assist in growing the

barber business and profession.

2.2

Mr. Schwalm discussed a cosmetologist or a barber could either going to a barber school or a cosmetology school to acquire their barber-teacher license with strict teaching methods. Mr. Schwalm suggested removing the apprenticeship program to motivate barbers to acquire a barber-teacher license.

Ian J. Harlow, Commissioner of Professional and Occupational Affairs, urged the public, Board members or schools with a concern such as the language of the bill to contact either their local state rep or senator to facilitate that matter.

Commissioner Harlow explained the process for the passage of bills. He suggested sharing all concerns with him or with Counsel.

Ginger Etter, Secretary, Consumer Protection

Member, stated educational institutions have started working with Representative Mako regarding the

rewriting and resubmission of the bill.

Ken Jaram mentioned House Bill 246 had barber manager crossed out. House Bill 1123 does not contain the term barber manager. Mr. Jaram stated upon graduation from school and obtaining a temporary license, an individual can work under a barber manager or barber-teacher. There are not many barber teachers.

Chairman Christopher stated there was discussion to keep all three designations and that the barber manager designation was not to be taken out.]

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13 | Appointment - Brendan Lynch

[Brendan Lynch, Staff Attorney, Community Legal Services, discussed complaints from confused barbers regarding the right to sit for the barber exam. Mr. Lynch suggested the Board not deny or revoke licenses for felony convictions not related to the practice of barbering, but to confine its denials or revocations where the criminal activity directly related to barbering.

Mr. Lynch pointed out a section of the 1979

Criminal History Record Information Act (CHRIA) as

cited by the Board in its decisions and final orders.

He stated 90 percent of employers conduct criminal

1 background checks, which makes it very difficult to 2 obtain work.

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2.4

Mr. Lynch noted that the United States Equal Employment Opportunity Commission explained that a neutral hiring policy can have a disparate impact. He also noted Title VI of the Civil Rights Act of 1964 does apply to public entities.

Mr. Lynch presented felony conviction statistics involving African Americans and Hispanics due to the effects of our criminal justice system. He addressed Senator Scavello's memo wherein he stated, while background checks have never been a part of licensing for barbers and cosmetologists in the past, the Department of State has now decided barbers and cosmetologists should have to do a criminal background check as a prerequisite of obtaining a license. For careers that do not have a specific authorization to do background checks in their practice act, the Department of State would be prohibited from implementing one.

This would protect against individuals seeking licensure as barbers against discrimination based on criminal background. Senator Scavello's legislation does not amend the law to end the existing requirements.

Prior, the Board would issue final orders in which 1 2 they could declare that they were revoking a license 3 or denying an application under two types of authority, both CHRIA and the law, that the Board was 4 5 created to enforce, which is the Barbers' License Law, the Act of 1931. He also noted the Kirkpatrick 6 decision. The Commonwealth Court explained that the Barbers' License Law does not give the Board authority to deny or revoke a license based on a conviction 10 unless it is directly related to barbering. 11 Mr. Lynch suggested the Board start citing only CHRIA because CHRIA permits the denial of licenses. 12 13 He urged the Board to write decisions which cite and enforce the Barbers' License Law. He emphasized the 14 15 Board has the power to only deny or revoke licenses for acts that are directly connected to barbering and 16 17 to focus their efforts on making sure that when people 18 are in barber chairs they are having their hair cut by 19 someone who is licensed and skilled to cut their hair 20 properly and safely. He discussed ensuring proper 21 reentry and reintegration into the economy by

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individuals leaving state correctional institutions.

24 Report of Commissioner

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25 [Ian J. Harlow, Commissioner of Professional and

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Occupational Affairs, updated the Board on the (IT)
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   Information Technology infrastructure and (PALS)
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3
   Pennsylvania Licensing System. Commissioner Harlow
   anticipated completion by the end of this calendar
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5
   year or January of next year. This $2.5 million
6
   project impacts all licensees across all Boards.
        Commissioner Harlow welcomed two new Board
   members.1
10
   Report of Board Chairman
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   [John C. Christopher, Professional Member, Chairman,
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   updated the Board on legislation regarding the use of
13
   barbershop poles strictly for barbershop designations
14
   in Pennsylvania.]
                              * * *
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   Board Administrator
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   [Kelly I. Diller, Board Administrator, informed the
   Board of new barber school licenses in Pottstown and
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19
   Lancaster and one relocation.
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                              * * *
21
   Miscellaneous
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   Next Meeting Date
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   [Chairman Christopher noted the next scheduled Board
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   meeting date as Monday, August 21, 2017.]
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1 | Active License Barber Count
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- 2 [Chairman Christopher informed the Board that there
- 3 are 3,220 licensed barbers in the Commonwealth, 2,998
- 4 barber managers, 40 barber schools, 2,384 barbershops,
- 5 270 barber teachers, and 145 temporary licenses for a
- 6 total of 9,058.
- 7 Chairman Christopher addressed term limits.]
- 8 \*\*\*
- 9 Other
- 10 2018 Tentative Board Meeting Dates
- 11 [Chairman Christopher discussed 2018 Board meeting
- 12 dates.]
- 13 CHAIRMAN CHRISTOPHER:
- 14 Okay, if there are no issues with these
- dates, if I could have a motion on the
- floor to pass these dates tentatively.
- 17 MR. GRAY:
- 18 Motion.
- 19 MR. VAVRO:
- 20 Second.
- 21 CHAIRMAN CHRISTOPHER:
- 22 Are there question? Everybody good with
- it? All in favor, say aye. Opposed?
- The ayes have it.
- 25 [The motion carried unanimously.]

13 \* \* \* 1 2 National Association of Barber Boards of America 3 Conference [Chairman Christopher discussed the National 4 5 Association of Barber Boards of America Conference to 6 be held September 17 through September 21, 2017, and Board member attendance.] CHAIRMAN CHRISTOPHER: Let's take nominations. MR. GRAY: 10 11 I'd like to nominate the Chair to go to 12 the conference, and I think we're 13 entitled to two, correct? 14 15 MS. WUCINSKI: Right. 16 17 CHAIRMAN CHRISTOPHER: 18 Okay. Nominate Bob. Bob, do you want 19 to go? 20 MR. VAVRO: 21 That's fine. 22 CHAIRMAN CHRISTOPHER: 2.3 Any other nominations want to go or 2.4 interested? All those in favor. Could 25 we have a motion on the floor for that

or second, whatever you want to do, depending on how that works.

Just a regular vote, okay. All those in favor of Bob and myself going, please say aye. Opposed? The ayes have it.

7 [The motion carried unanimously.]

\* \*

9 [The Board recessed from 10:49 p.m. to 11:06 a.m.]

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 11:07 a.m. the Board entered into Executive Session with Dana Wucinski, Board Counsel, and for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to receive advice of Counsel. The Board concluded its Executive Session at 12:54 p.m.]

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### 19 MOTIONS

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20 MS. WUCINSKI:

Having returned from Executive Session,

I believe the Board will entertain a

motion to adopt the Consent Agreement at

File Nos. 13-42-10472, 13-42-10473, and

13-42-10474.

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   CHAIRMAN CHRISTOPHER:
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                  Can I have a motion on the floor to
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                  accept?
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   MR. GRAY:
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                  Motion.
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   CHAIRMAN CHRISTOPHER:
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                  Second?
   MS. ETTER:
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                  Second.
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   CHAIRMAN CHRISTOPHER:
                  All in favor? Opposed? The ayes have
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                  it.
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   [The motion carried unanimously. The Respondent's
   name is Wandy I. Tiburcio.]
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16
   MS. WUCINSKI:
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                  I believe the Board will entertain a
18
                  motion to adopt the Consent Agreement at
                  File No. 13-42-06252.
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   CHAIRMAN CHRISTOPHER:
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                  Motion on the floor to accept?
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   MR. GRAY:
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                  Motion.
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   CHAIRMAN CHRISTOPHER:
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                  Second?
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16 1 MR. VAVRO: 2 Second. 3 CHAIRMAN CHRISTOPHER: 4 All in favor, say aye? Opposed? 5 ayes have it. 6 [The motion carried unanimously. The Respondent's name is Ramon A. Mateo.] \* \* \* 8 9 MS. WUCINSKI: 10 Agenda Item 4 for Ramon Mateo, Motion to 11 Deem Facts Admitted at 13-42-06252, will 12 be tabled at this point. \* \* \* 13 14 MS. WUCINSKI: I believe the Board will entertain a 15 16 motion to adopt the draft Adjudication 17 and Order as final for Mel Johnson, 15-42-08956. 18 19 CHAIRMAN CHRISTOPHER: 20 Motion on the floor to accept the 21 motion, accept the Adjudication? 22 MR. VAVRO: 2.3 Motion. 2.4 CHAIRMAN CHRISTOPHER: 25 Second?

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   MR. GRAY:
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                  Second.
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   CHAIRMAN CHRISTOPHER:
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                  All in favor, say aye. Opposed?
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                  ayes have it.
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   [The motion carried unanimously.]
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   MS. WUCINSKI:
                  I believe the Board will entertain a
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                  motion to adopt the Hearing Examiner's
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                  proposed Adjudication and Order as final
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                  for James Carden, File 16-42-02064.
   CHAIRMAN CHRISTOPHER:
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                  Motion on the floor to accept?
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   MR. GRAY:
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                  Motion granted.
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   CHAIRMAN CHRISTOPHER:
                  Second?
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   MR. VAVRO:
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                  Second.
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   CHAIRMAN CHRISTOPHER:
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                  All in favor, say aye. Opposed?
                                                       The
23
                  ayes have it.
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   [The motion carried unanimously.]
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18 1 MS. WUCINSKI: 2 I believe the Board will entertain a 3 motion to adopt the Hearing Examiner's 4 proposed Adjudication and Order as final 5 for Patrick Casey Carrick, File No. 16-42 - 14004. 6 7 CHAIRMAN CHRISTOPHER: Motion on the floor to accept? 9 MR. VAVRO: 10 Motion granted. 11 CHAIRMAN CHRISTOPHER: 12 Second? MR. GRAY: 13 14 Second. 15 CHAIRMAN CHRISTOPHER: 16 All in favor, say aye. Opposed? The 17 ayes have it. 18 [The motion carried unanimously.] \* \* \* 19 20 MS. WUCINSKI: 21 I believe the Board will entertain a 22 motion to adopt the Hearing Examiner's 2.3 proposed Adjudication and Order as final 2.4 for Christopher Diaz, File No. 16-42-25 06472.

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   CHAIRMAN CHRISTOPHER:
                  Motion on the floor to accept?
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   MR. VAVRO:
4
                  Accept.
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   CHAIRMAN CHRISTOPHER:
6
                  Second?
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   MS. ETTER:
                  Second.
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   CHAIRMAN CHRISTOPHER:
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                  All in favor, say aye. Opposed?
                                                       The
11
                  ayes have it.
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   [The motion carried unanimously.]
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   MS. WUCINSKI:
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                  I believe the Board will entertain a
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                  motion to order Board Counsel to draft
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17
                  an Adjudication and Order consistent
                  with the discussions in Executive
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19
                  Session for Anthony Galvin, File No. 16-
20
                   42-13892.
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   CHAIRMAN CHRISTOPHER:
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                  Motion on the floor to accept?
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   MR. VAVRO:
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                  So moved.
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   CHAIRMAN CHRISTOPHER:
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                  Second?
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   MR. GRAY:
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                  Second.
   CHAIRMAN CHRISTOPHER:
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                  All in favor, say aye. Opposed? Motion
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                  passed.
   [The motion carried unanimously.]
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   MS. WUCINSKI:
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                  I believe the Board will entertain a
11
                  motion to adopt, with changes as
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                  discussed in Executive Session, the
13
                  proposed Adjudication and Order for the
14
                  Commonwealth of Pennsylvania, Bureau of
15
                  Professional and Occupational Affairs
16
                  vs. Virgus T. Kidd, File No. 16-42-
17
                  00683.
   CHAIRMAN CHRISTOPHER:
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19
                  Motion on the floor to accept?
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   MR. MUNIZ:
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                  Motion.
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   CHAIRMAN CHRISTOPHER:
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                  Second?
2.4
   MS. ETTER:
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                  Second.
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   CHAIRMAN CHRISTOPHER:
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                  All in favor, say aye. All opposed, say
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                  nay? Motion passed.
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    [The motion carried unanimously.]
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6
   MS. WUCINSKI:
                  I believe the Board will entertain a
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                  motion to adopt, with changes as
                  discussed in Executive Session, the
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                  proposed Adjudication and Order as final
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                  for David Ledesma-Mendez, File No. 16-
                  42-01331.
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   CHAIRMAN CHRISTOPHER:
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14
                  Motion on the floor to adopt?
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   MS. MOORE:
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                  So moved.
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   CHAIRMAN CHRISTOPHER:
                  Second?
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   MR. MUNIZ:
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                  Second.
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   CHAIRMAN CHRISTOPHER:
22
                  All in favor, say aye. Opposed?
                                                       The
23
                  ayes have it.
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   [The motion carried unanimously.]
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22 1 MS. WUCINSKI: 2 I believe the Board will entertain a 3 motion to adopt the Hearing Examiner's proposed Adjudication and Order as final 4 5 for the Commonwealth of <a href="Pennsylvania">Pennsylvania</a>, 6 Bureau of Professional and Occupational Affairs vs. Daniel Ortiz, File No. 15-8 42 - 10763. CHAIRMAN CHRISTOPHER: 10 Motion on the floor to adopt? 11 MS. MOORE: 12 So moved CHAIRMAN CHRISTOPHER: 13 14 Second? 15 COMMISSIONER HARLOW: 16 Second. 17 CHAIRMAN CHRISTOPHER: 18 All in favor, say aye. Opposed? Motion 19 passed. 20 [The motion carried unanimously.] 21 \* \* \* 22 MS. WUCINSKI: 2.3 I believe the Board will entertain a 2.4 motion to adopt, with changes as 25 discussed in Executive Session, the

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23
                  proposed Adjudication and Order as final
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                  for Terrence Zeppenfeldt, File No. 16-
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                  42 - 09928.
   CHAIRMAN CHRISTOPHER:
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                  Motion to accept?
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   MR. VAVRO:
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                  So moved.
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   CHAIRMAN CHRISTOPHER:
9
                  Second?
   MS. MOORE:
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11
                  Second.
12
   CHAIRMAN CHRISTOPHER:
13
                  All in favor, say aye. Opposed? Motion
14
                  passed.
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   [The motion carried unanimously.]
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17
   MS. WUCINSKI:
                  I believe the Board will entertain a
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19
                  motion to grant the application of Keith
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                  Washington to sit for the barber
2.1
                  examination. Upon successful completion
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                  of the examination, the applicant's
2.3
                  license will be placed on probation for
2.4
                  no less than two years or for as long as
25
                  he is on criminal supervision.
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24 1 CHAIRMAN CHRISTOPHER: 2 Motion to accept? 3 MR. VAVRO: 4 So moved. 5 CHAIRMAN CHRISTOPHER: 6 Second? 7 MS. MOORE: Second. 9 CHAIRMAN CHRISTOPHER: 10 All in favor, say aye. Opposed? The 11 ayes have it. 12 [The motion carried unanimously.] 13 \* \* \* 14 MS. WUCINSKI: I believe the Board will entertain a 15 16 motion to grant the application to sit 17 for the barber manager examination of 18 Salvador Pagan. Upon successful 19 completion of the examination, the 2.0 applicant's license will be placed on 2.1 probation for no less than two years or for as long as he is on criminal 22 2.3 supervision. 2.4 CHAIRMAN CHRISTOPHER: 25 Motion on the floor to accept?

25 1 MR. MUNIZ: 2 Motion. 3 CHAIRMAN CHRISTOPHER: Second? 4 MS. ETTER: 5 Second. 6 7 CHAIRMAN CHRISTOPHER: 8 All in favor, say aye. Opposed? The 9 ayes have it. 10 [The motion carried unanimously.] \* \* \* 11 12 MS. WUCINSKI: 13 I believe the Board will entertain a motion to grant the application to sit 14 15 for the barber manager examination of 16 Anthony Williams, Hector Avilez, and 17 Ahmed Meyreles. Upon successful completion of the barber manager 18 examination, the licensees will be 19 2.0 placed on probation for no less than two 2.1 years or for as long as they are on 2.2 criminal supervision. 2.3 The Board notes that Ahmed 2.4 Myreles, having already refused a 25 probation offer, shall be provisionally

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26
                  denied; however, he may be offered a
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                  probationary license a second time with
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                  the same provisional denial letter.
   CHAIRMAN CHRISTOPHER:
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5
                  Motion to adopt?
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   MS. MOORE:
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                  So moved.
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   CHAIRMAN CHRISTOPHER:
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                  Second?
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   MR. GRAY:
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                  Second.
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   CHAIRMAN CHRISTOPHER:
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                  All in favor, say aye. Opposed? Motion
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                  passed.
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   [The motion carried unanimously.]
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   MS. WUCINSKI:
                  I believe the Board will entertain a
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19
                  motion to grant the applications to sit
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                  for the barber examination of Daren
2.1
                  Williams, Mark Collins, Christopher
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                  Daves, Christopher Morris, and Frank
2.3
                  Toaltoan. Upon successful completion of
                  the barber examination, the licensees
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                  will be placed on probation for no less
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27 than two years or for as long as they 1 2 are on criminal supervision. 3 CHAIRMAN CHRISTOPHER: 4 Motion to move. 5 MS. WUCINSKI: I want to not a correction for the 6 7 record of No. 19, Daren Williams. previously indicated that he would be 9 granted and then placed on probation; 10 however, I believe the Board indicated 11 they will grant the application without 12 That is the same for any restrictions. 13 No. 18 for Solomon Montgomery. 14 CHAIRMAN CHRISTOPHER: 15 Okay. Motion on the floor to accept. 16 MS. MOORE: So moved. 17 CHAIRMAN CHRISTOPHER: 18 19 Second? 20 MS. ETTER: 21 Second. 22 CHAIRMAN CHRISTOPHER: 2.3 All in favor, say aye. Opposed? Motion 24 passed.

[The motion carried unanimously.]

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   Adjournment
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   CHAIRMAN CHRISTOPHER:
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                   Could I have a motion to adjourn?
   MR. VAVRO:
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 6
                   So moved.
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   CHAIRMAN CHRISTOPHER:
                   Second?
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   MS. ETTER:
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                   Second.
11
   CHAIRMAN CHRISTOPHER:
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                   All in favor, say aye. Opposed?
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    [The motion carried unanimously.]
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15
    [There being no further business, the State Board of
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   Barber Examiners meeting adjourned at 1:05 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.

Adam Beck,

Minute Clerk

Sargent's Court Reporting
Service, Inc.