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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 BARBER EXAMINERS
VIA VIDEOCONFERENCE**

TIME: 10:44 A.M.

Monday, December 14, 2020

State Board of Barber Examiners
December 14, 2020

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BOARD MEMBERS:

K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Dominic A. Muniz, Chairman, Professional Member
Ronald Gray Jr., Vice Chairman, Professional Member
Ginger Etter, Secretary, Consumer Protection Member
Ken Jaram, Professional Member
Michael McAndrew, Professional Member

BUREAU PERSONNEL:

Ronald K. Rouse, Esquire, Board Counsel
Carolyn A. DeLaurentis, Deputy Chief Counsel,
Prosecution Division
James Ritchie Espino Ostman, Esquire, Board
Prosecution Liaison
Kelly I. Diller, Board Administrator
Theodore Stauffer, Executive Secretary, Bureau of
Professional and Occupational Affairs

ALSO PRESENT:

Chris Lamato
Gavin Varley, Main Street Barber and Supply
Jen Smeltz, Executive Director, Senate Consumer
Protection & Professional Licensure Committee
Jerry J. Livingston, Democratic Executive Director,
Senate Consumer Protection & Professional Licensure
Committee
Kelly Kolling, Director of Operations, Barber School
of Pittsburgh
Marc Farrell, Deputy Policy Director, Department of
State
Yvette Huffman, SSII, Pennsylvania Department of
Corrections

1 ***

2 State Board of Barber Examiners

3 December 14, 2020

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Board entered into Executive Session
7 with Ronald K. Rouse, Esquire, Board Counsel, to have
8 attorney-client consultations and for the purpose of
9 conducting quasi-judicial deliberations. The Board
10 concluded its executive session at 10:30 a.m.]

11 ***

12 The regularly scheduled meeting of the State Board
13 of Barber Examiners was held on Monday, December 14,
14 2020. Dominic A. Muniz, Chairman, Professional
15 Member, called the meeting to order at 10:44 a.m.

16 ***

17 [Ronald K. Rouse, Esquire, Board Counsel, informed
18 everyone that the meeting of the State Board of Barber
19 Examiners was being recorded, and those continuing to
20 participate in the meeting were giving their consent
21 to being record.]

22 ***

23 Roll Call

24 [Roll call was taken.]

25 ***

1 Pledge of Allegiance

2 [The Pledge of Allegiance was recited.]

3

4 Approval of minutes of the October 19, 2020 meeting

5 CHAIRMAN MUNIZ:

6 Approval of minutes for October 19,
7 2020.

8 Do I have a motion to approve the
9 draft minutes?

10 MR. MCANDREW:

11 I move to approve the minutes from the
12 last meeting.

13 CHAIRMAN MUNIZ:

14 Do I have a second?

15 MR. GRAY:

16 Second.

17 MR. ROUSE:

18 All those in favor, say aye. All those
19 opposed, say nay.

20 [The motion carried unanimously.]

21

22 Report of Prosecutorial Division

23 [James Ritchie Espino Ostman, Esquire, Board
24 Prosecution Liaison, presented the Consent Agreement
25 for Case No. 17-42-13772.]

1 ***

2 MR. ROUSE:

3 Is there a motion regarding Consent
4 Agreement Item No. 2 on the agenda, Case
5 No. 17-42-13772?

6 Would the Board entertain a motion
7 to adopt the Consent Agreement?

8 CHAIRMAN MUNIZ:

9 Motion.

10 MR. ROUSE:

11 Is there a second?

12 COMMISSIONER JOHNSON:

13 Second.

14 MR. ROUSE:

15 Any discussion? All those in favor, say
16 aye. All those opposed, say nay.

17 [The motion carried unanimously. The Respondent's
18 name is Windsor Amador-Alonzo t/d/b/a Flow Factory,
19 Case No. 17-42-13772.]

20 ***

21 [Introduction of Public Members]

22 ***

23 Report of Board Counsel

24 MR. ROUSE:

25 Regarding the matter of BPOA v. Dana

1 Westover, Case No. 19-42-00227, which is
2 Item No. 3 on the agenda. This was a
3 matter that was discussed this morning
4 in executive session.

5 I believe the Board would entertain
6 a motion to adopt the Adjudication and
7 Order as presented by Board counsel and
8 to direct Board counsel to prepare the
9 Board's final order.

10 Is there such a motion?

11 CHAIRMAN MUNIZ:

12 Motion.

13 MR. ROUSE:

14 Is there a second?

15 MS. ETTER:

16 I second.

17 MR. ROUSE:

18 Any discussion? All those in favor, say
19 aye. All those opposed, say nay.

20 [The motion carried unanimously.]

21 ***

22 MR. ROUSE:

23 On the matter of BPOA v. Dennis Michael
24 Maryanski Sr., Case No. 18-42-007864 at
25 Item No. 4 on the agenda, I believe the

1 Board would entertain a motion to adopt
2 the Adjudication and Order as presented
3 by Board counsel and to direct Board
4 counsel to prepare the Board's final
5 order.

6 Is there such a motion?

7 MR. MCANDREW:

8 Motion.

9 MR. ROUSE:

10 Is there a second?

11 MR. GRAY:

12 Second.

13 MR. ROUSE:

14 Any discussion? All those in favor, say
15 aye. All those opposed, say nay.

16 [The motion carried unanimously.]

17 ***

18 MR. ROUSE:

19 Regarding the matter of BPOA v. Michael
20 Frye, Case No. 19-42-017123 at Item No.
21 5 on the agenda. This was also a matter
22 that was discussed in executive session
23 this morning.

24 I believe the Board would entertain
25 a motion to adopt the Adjudication and

1 Order, which was presented by Board
2 counsel and to direct Board counsel to
3 prepare the Board's final order.

4 Is there such a motion?

5 CHAIRMAN MUNIZ:

6 Motion.

7 MR. ROUSE:

8 Is there a second?

9 MS. ETTER:

10 Second.

11 MR. ROUSE:

12 Any discussion? All those in favor, say
13 aye. All those opposed, say nay.

14 [The motion carried unanimously.]

15 ***

16 [Ronald K. Rouse, Esquire, Board Counsel, provided an
17 update of Act 41 regarding licensure by endorsement
18 concerning barber and barber teacher. He reported no
19 written comments were received from stakeholders after
20 receiving a copy of the exposure draft for barber and
21 barber teacher.

22 Mr. Rouse reviewed the exposure draft for barbers
23 regarding substantially equivalent, where the person's
24 current and active license in another jurisdiction
25 must require at least 1000 training hours and

1 successful completion of a barber examination. He
2 noted substantially equivalent for barber teacher
3 would be determined by the Board on a case-by-case
4 basis.

5 Mr. Rouse reviewed competency requirements for a
6 barber, which include actively practicing as a barber
7 for at least 2 out of 5 years immediately preceding
8 the date of application or pass Pennsylvania's barber
9 examination within 18 months of the date of
10 application. He stated competency for barber teacher
11 would include actively practicing as a barber teacher
12 for at least 2 of the 5 years immediately preceding
13 the date of application or pass Pennsylvania's barber
14 examination within 18 months of the date of
15 application.]

16 ***

17 MR. ROUSE:

18 Since there were no written comments
19 from the stakeholders, is there a motion
20 to continue with the regulatory process
21 for regulation 16A-4212 regarding
22 licensure by endorsement for barber and
23 barber teacher.

24 CHAIRMAN MUNIZ:

25 Motion.

1 MR. ROUSE:

2 Is there a second?

3 MR. MCANDREW:

4 Second.

5 MR. ROUSE:

6 Any discussion? All those in favor, say
7 aye. All those opposed, say nay.

8 [The motion carried unanimously.]

9 ***

10 Report of Commissioner - No Report

11 [K. Kalonji Johnson, Commissioner, Bureau of
12 Professional and Occupational Affairs, wished everyone
13 a safe and happy holiday.]

14 ***

15 Report of Board Chair - No Report

16 ***

17 Report of Board Administrator - No Report

18 ***

19 Old/New Board Business - Correspondence

20 [Ronald K. Rouse, Esquire, Board Counsel, referred to
21 correspondence received from Gavin Varley.

22 Gavin Varley, Main Street Barber and Supply,
23 presented to the Board requesting permission to have a
24 booth rental in his barbershop in Monongahela,
25 Pennsylvania. He stated the booth rental is a

1 separate area from the barbershop and would be
2 generated toward stylists downstairs and barbers
3 upstairs. He mentioned backing off the plan when
4 COVID started, but the barbershop reopened.

5 Mr. Varley stated his wife is a licensed nurse
6 practitioner certified to provide Botox injections and
7 fillers and requested permission to have an area that
8 would be separated from the salon/booth rental
9 barbershop with locked exam rooms that could be rented
10 to her with the same structure as a booth rental.

11 Mr. Varley noted his wife's business, Polished
12 Aesthetics, LLC, was in the process of being licensed
13 through the state Board of Medicine with a physician
14 owning the company and his wife managing the company
15 as the injector nurse practitioner. He was waiting to
16 obtain the prescriptive authority but sought options
17 through the Board of Barber Examiners.

18 Mr. Rouse requested an explanation of what type
19 of services would be performed.

20 Mr. Varley stated his wife would be performing
21 Botox injections and dermal fillers in a locked exam
22 room similar to a doctor's office.

23 Commissioner Johnson questioned whether Mr.
24 Varley was seeking three distinct business licenses to
25 have a medical business inside of a salon inside of a

1 barbershop.

2 Mr. Varley sought a license from the Board of
3 Medicine to have a physician/nurse practitioner
4 provide aesthetics services as a booth rental in a
5 barbershop.

6 Chairman Muniz commented that Mr. Varley is able
7 to have cosmetologists working under the barbershop as
8 a barbershop license but recommended he acquire more
9 research as far as the Board of Medicine is concerned
10 on their regulations on providing the services. He
11 stated the Board of Barber Examiners cannot go against
12 the requirements of the Board of Medicine.

13 Mr. Rouse requested information regarding how Mr.
14 Varley was advertising the salon.

15 Mr. Varley explained that there are two
16 completely different areas with barbershop and the
17 booth rental area downstairs. He commented that he
18 did not have a salon license and would just bring
19 stylists in. The stylists would do their own
20 marketing and advertising.

21 Chairman Muniz questioned whether Mr. Varley ever
22 submitted a variance request to add more stations for
23 the salon section and suggested that be done first for
24 Board approval. He also noted the need for more
25 research as far as the medical service is concerned.

1 Mr. Rouse explained that the process on this
2 matter is to submit the application for the barber's
3 license to obtain a variance, so the inspectors can
4 perform an inspection to review the issues to make a
5 determination on whether this would be an appropriate
6 request of the Board.

7 Mr. Rouse clarified that the Board cannot make an
8 advisory opinion on this matter, but the point of the
9 correspondence was to get enough information to direct
10 Mr. Varley to the appropriate method of getting his
11 matter heard and reviewed in terms of issues of
12 inspections and other things.]

13

14 Old/New Board Business - Election of Officers

15 MR. ROUSE:

16 Is there a motion for the position of
17 chair?

18 MR. JARAM:

19 I nominate Dominic Muniz.

20 MR. ROUSE:

21 Is there a second?

22 MS. ETTER:

23 Second.

24 MR. ROUSE:

25 Any discussion? All those in favor of

1 Dominic Muniz as chair, say aye. All
2 those opposed, say nay.

3 [The motion carried unanimously.]

4 ***

5 MR. ROUSE:

6 For the position of vice chair, are
7 there any nominations?

8 MR. JARAM:

9 I nominate Ronald Gray.

10 MR. ROUSE:

11 Is there a second?

12 MS. ETTER:

13 Second.

14 MR. ROUSE:

15 Any discussion? All those in favor, say
16 aye. All those opposed, say nay.

17 [The motion carried unanimously.]

18 ***

19 MR. ROUSE:

20 For the position of secretary, are there
21 any nominations?

22 MR. JARAM:

23 I nominate Ginger Etter.

24 MR. ROUSE:

25 Any second?

1 MR. GRAY:

2 Second.

3 MR. ROUSE:

4 Any discussion? All those in favor, say
5 aye. All those opposed, say nay.

6 [The motion carried unanimously.]

7 ***

8 [Theodore Stauffer, Executive Secretary, Bureau of
9 Professional and Occupational Affairs, noted receiving
10 a statement, where a barbershop is allowed to offer
11 color and styling services under the current law.

12 Mr. Rouse noted that Chairman Muniz did state
13 that licensed cosmetologists and licensed barbers can
14 work in a licensed barbershop.]

15 ***

16 Adjournment

17 MR. ROUSE:

18 Is there a motion to adjourn?

19 MS. ETTER:

20 Motion to adjourn.

21 MR. ROUSE:

22 Is there a second?

23 MR. JARAM:

24 Second.

25 MR. ROUSE:

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All those in favor, say aye. All those
opposed, say nay.

[The motion carried unanimously.]

[There being no further business, the State Board of
Barber Examiners Meeting adjourned at 11:28 a.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.



Morgan McKendrick,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF BARBER EXAMINERS
REFERENCE INDEX

December 14, 2020

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12	10:44	Official Call to Order
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14	10:44	Roll Call
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18	10:46	Approval of Minutes
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24	10:53	Report of Board Counsel
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