State Board of Cosmetology January 7, 2019

BOARD MEMBERS:

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

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 Colby B. Widdowson, Esquire, Board Prosecutor Kelly I. Diller, Board Administrator

ALSO PRESENT:

Christina Richardson, I AM Limitless
Michael Gent, Curriculum Coordinator, Pennsylvania
Department of Corrections
Robert Breuner, Pittsburgh, Pennsylvania
Charles J. Hartwell, Esquire, Dethlefs-Pykosh Law
Group, LLC
Justin Lehman, Vice President, Jean Madeline Aveda
Institute
Linda Hockenberry, Empire Beauty School

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3 * * * 1 2 State Board of Cosmetology 3 January 7, 2019 * * * 4 5 The regularly scheduled meeting of the State 6 Board of Cosmetology was held on Monday, January 7, 2019. Tammy Y. O'Neill, Chair, Professional Member, called the meeting to order at 9:05 a.m. Tracy E. Bruno, Secretary, Professional Member, was not present 10 at the commencement of the meeting. The Pledge of 11 Allegiance was recited. Roll call was taken. A 12 quorum was noted to be present. 13 * * * 14 Approval of Minutes of the November 5, 2018 meeting 15 CHAIR O'NEILL: 16 We will begin with the motion to approve 17 the minutes from November 5, 2018. MS. FERRON: 18 19 Motion. 20 MS. FOLK: 21 Second. 22 CHAIR O'NEILL: 2.3 Thank you. 24 [The motion carried unanimously.] * * * 25

Report of Prosecutorial Division 1 2 [Colby B. Widdowson, Esquire, Board Prosecutor, 3 introduced himself and presented the Consent 4 Agreements for Case No. 17-45-08317, Case No. 17-45-5 08318, and Case No. 18-45-03123. 6 Mr. Widdowson also presented the Consent Agreement for Case No. 16-45-03628.] [Angela B. Lucci, Esquire, Board Prosecutor, presented 10 the Consent Agreement for Case No. 17-45-014002.] * * * 11 [Caroline A. Bailey, Esquire, Board Prosecutor, 12 13 presented the Consent Agreement for Case No. 17-45-07069 and Case No. 17-45-13800.114 * * * 15 16 Report of Board Counsel 17 [Shana M. Walter, Esquire, Board Counsel, noted five 18 Motions to Enter Default and Deem Facts Admitted, 19 three proposed Adjudications and Orders, and Variance 20 Request items 16 through 26 for discussion during 21 Executive Session. * * * 22 23 Report of Commissioner - No Report 2.4 25 [Tracy E. Bruno, Secretary, Professional Member,

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   entered the meeting at 9:14 a.m.]
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   Report of Board Chair - No Report
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   Report of Board Administrator
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   [Kelly I. Diller, Board Administrator, provided an
   ethics form with online instructions.]
   Introduction of Audience Members
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   [Tammy Y. O'Neill, Chair, Professional Member,
11
   requested the introduction of the audience members in
12
   attendance.]
                              * * *
13
   Items for Discussion
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15
   [Ms. Walter explained the variance request process.]
                              * * *
16
   Report of Committees - State of the Industry
17
      Initiative
18
19
   [Carolyn R. Folk, Public Member, discussed receiving
20
   research from various organizations but had not
21
   compiled the data.]
                              * * *
22
23
   [Pursuant to Section 708(a)(5) of the Sunshine Act, at
2.4
   9:19 a.m. the Board entered into Executive Session
25
   with Shana M. Walter, Esquire, Board Counsel, for the
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purpose of conducting quasi-judicial deliberations and 1 2 to receive advice of Counsel. The Board returned to 3 open session at 10:31 a.m.] * * * 4 5 MOTIONS 6 MS. WALTER: During Executive Session, I provided the Board with legal advice regarding the 9 items on the agenda. 10 Before we get into those items, I would like to note for the record that 11 12 Mr. James Farrell, who was a public member of the Board, submitted his 1.3 14 resignation to Commissioner Ian Harlow 15 last week. 16 CHAIR O'NEILL: 17 Now, we can move on to the items that were discussed in Executive Session 18 19 beginning with No. 7. We ask for a 2.0 motion to defer until the next meeting 2.1 for Aisha A. Murphy, Case No. 16-45-10853. 22 2.3 MS. NEATOCK: 24 Motion. 25 MS. GONZALEZ:

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1
                   I second.
 2
   CHAIR O'NEILL:
 3
                   Thank you.
 4
    [The motion carried unanimously.]
                               * * *
 5
 6
   CHAIR O'NEILL:
                   We are going to move on to the Consent
 8
                   Agreements.
 9
                        Is there a motion to accept the
10
                   Consent Agreement for Case No. 17-45-
11
                   08317, Case No. 17-45-08318, and Case
12
                  No. 18-45-003123, for Yen Tran t/d/b/a
13
                   Le Nails?
   MS. BROWN-HAYWOOD:
14
15
                   I make a motion.
16
   MS. FERRON:
                   Second.
17
18
   CHAIR O'NEILL:
19
                   Thank you.
    [The motion carried unanimously.]
20
                               * * *
21
   CHAIR O'NEILL:
22
2.3
                   We also have Case No. 17-45-014002, Case
24
                  No. 17-45-07069, and Case No. 17-45-
25
                   13800.
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Is there a motion to accept those
1
2
                  Consent Agreements?
3
   MR. WALLIN:
4
                  Motion.
5
   MS. NEATOCK:
                  Second.
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7
   CHAIR O'NEILL:
                  Thank you.
   [The motion carried unanimously. The Respondent's
10
   name in No. 4 is Robyn G. Motyl t/d/b/a Cheers 2 U
11
   Events. The Respondent's name in No. 5 is Special
12
   Effects for Hair of Camp Hill, LLC t/d/b/a Special
13
   Effects for Hair. The Respondent's name in No. 6 is
14
   Slay Hair Studio.]
                              * * *
15
16
   CHAIR O'NEILL:
                  Do I have a motion to reject the Consent
17
18
                  Agreement for Case No. 16-45-03628?
19
   MS. FERRON:
20
                  Motion.
21
   MS. BRUNO:
22
                  Second.
2.3
   CHAIR O'NEILL:
24
                  Thank you.
25
   [The motion carried unanimously.]
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9 * * * 1 2 CHAIR O'NEILL: 3 Do I have a motion to Enter Default and 4 Deem Facts Admitted for Charlotta Ann 5 Abbott, Case No. 16-45-03740; Thomas W. 6 Andrews, Case No. 16-45-13518; Doan N. Nguyen, Case No. 18-45-03014; Emma A. Parkin, Case No. 16-45-04435; and Rachel 9 K. Jackson, Case No. 16-45-14806? 10 Is there a motion that the Board grant the Motion to Enter Default and 11 12 Deem Facts Admitted and the Board and 1.3 Counsel be directed to prepare Adjudications and Orders in accordance 14 15 with our discussion in Executive 16 Session? MS. FOLK: 17 18 Motion. 19 MS. BRUNO: 20 Second. 21 CHAIR O'NEILL: 22 Thank you. 23 [The motion carried unanimously.] * * * 2.4 25 CHAIR O'NEILL:

10 We are going to move on to the Hearing 1 Examiner's proposed Adjudications and 2 3 Orders on No. 13 and No. 14; Andrea 4 Lenk, Case No. 17-45-01343; and 5 Elizabeth Olender, Case No. 17-45-05494. Is there a motion that the Board 6 adopt the Hearing Examiner's proposed Adjudications and Orders in the cases 9 and direct Board Counsel to prepare the 10 Board's final order? 11 MS. NEATOCK: 12 Motion. MS. BROWN-HAYWOOD: 1.3 14 Second. 15 CHAIR O'NEILL: 16 Thank you. 17 [The motion carried unanimously.] * * * 18 CHAIR O'NEILL: 19 2.0 Number 15 on the agenda, Tara Dunning 2.1 a/k/a Tara Marie Dunning, Case No. 17-2.2 45-05110, I believe the Board would 2.3 entertain a motion to remand that matter 24 back to the Hearing Examiner. 25 MS. FOLK:

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11
1
                  Motion.
2
   MS. BRUNO:
3
                   Second.
   CHAIR O'NEILL:
4
5
                   Thank you.
6
   [The motion carried unanimously.]
                               * * *
   CHAIR O'NEILL:
                  Moving on to No. 16, is there a motion
10
                   for the Variance Request of Sphere LLC
11
                  d/b/a I AM Limitless?
   MS. NEATOCK:
12
13
                  Motion to deny.
   MS. GONZALEZ:
14
15
                  I second.
16
   CHAIR O'NEILL:
17
                   Thank you.
18
   [The motion carried unanimously.]
                               * * *
19
   CHAIR O'NEILL:
20
21
                  Moving on to Nos. 17 through 26, I
                  believe the Board would entertain a
22
23
                  motion regarding Elmcroft of Lebanon,
24
                   Shippensburg, Altoona, Berwick,
25
                   Chippewa, Mid Valley, Reading,
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12
1
                   Saxonburg, Dillsburg, and Loyalsock.
2
                        Is there a motion regarding these
3
                  variance requests?
   MS. NEATOCK:
4
5
                   I make a motion to approve.
6
   MS. BRUNO:
                  Second.
   CHAIR O'NEILL:
                  All in favor, say aye.
10
   [The motion carried unanimously.]
                               * * *
11
12
   Adjournment
13
   CHAIR O'NEILL:
                  May I ask for a motion to adjourn?
14
15
   MS. NEATOCK:
                   I make the motion.
16
17
   MS. BRUNO:
18
                   Second.
19
   CHAIR O'NEILL:
20
                   Thank you.
21
   [The motion carried unanimously.]
                               * * *
22
23
   [There being no further business, the State Board of
24
   Cosmetology Meeting adjourned at 10:41 a.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.

Seth R. Baier,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

			14
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23		STATE BOARD OF COSMETOLOGY REFERENCE INDEX	
		January 7, 2019	
	TIME	AGENDA	
	9:05	Official Call to Order	
	9:05	Pledge of Allegiance	
	9:06	Roll Call	
	9:06	Approval of Minutes	
	9:07	Report of Prosecutorial Division	
	9:13	Report of Board Counsel	
	9:15	Report of Board Administrator	
	9:15	Introduction of Audience Members	
23 24 25	9:16	Items for Discussion	
26 27 28 29 31 32 33 34 35 37 38 39	9:18	Report of Committees	
	9:19 10:31	Executive Session Return to Open Session	
	10:31	Motions	
	10:41	Adjournment	
40 41 42			
43 44 45			
46 47 48			
49 50			