

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 COSMETOLOGY

TIME: 9:05 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, January 7, 2019

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,
7 2019. Tammy Y. O'Neill, Chair, Professional Member,
8 called the meeting to order at 9:05 a.m. Tracy E.
9 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.

18 MS. FERRON:

19 Motion.

20 MS. FOLK:

21 Second.

22 CHAIR O'NEILL:

23 Thank you.

24 [The motion carried unanimously.]

25

1 Report of Prosecutorial Division

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
7 Agreement for Case No. 16-45-03628.]

8 ***

9 [Angela B. Lucci, Esquire, Board Prosecutor, presented
10 the Consent Agreement for Case No. 17-45-014002.]

11 ***

12 [Caroline A. Bailey, Esquire, Board Prosecutor,
13 presented the Consent Agreement for Case No. 17-45-
14 07069 and Case No. 17-45-13800.]

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

24 ***

25 [Tracy E. Bruno, Secretary, Professional Member,

1 entered the meeting at 9:14 a.m.]

2 ***

3 Report of Board Chair - No Report

4 ***

5 Report of Board Administrator

6 [Kelly I. Diller, Board Administrator, provided an
7 ethics form with online instructions.]

8 ***

9 Introduction of Audience Members

10 [Tammy Y. O'Neill, Chair, Professional Member,
11 requested the introduction of the audience members in
12 attendance.]

13 ***

14 Items for Discussion

15 [Ms. Walter explained the variance request process.]

16 ***

17 Report of Committees - State of the Industry

18 Initiative

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
24 9:19 a.m. the Board entered into Executive Session
25 with Shana M. Walter, Esquire, Board Counsel, for the

1 purpose of conducting quasi-judicial deliberations and
2 to receive advice of Counsel. The Board returned to
3 open session at 10:31 a.m.]

4 ***

5 MOTIONS

6 MS. WALTER:

7 During Executive Session, I provided the
8 Board with legal advice regarding the
9 items on the agenda.

10 Before we get into those items, I
11 would like to note for the record that
12 Mr. James Farrell, who was a public
13 member of the Board, submitted his
14 resignation to Commissioner Ian Harlow
15 last week.

16 CHAIR O'NEILL:

17 Now, we can move on to the items that
18 were discussed in Executive Session
19 beginning with No. 7. We ask for a
20 motion to defer until the next meeting
21 for Aisha A. Murphy, Case No. 16-45-
22 10853.

23 MS. NEATOCK:

24 Motion.

25 MS. GONZALEZ:

1 I second.

2 CHAIR O'NEILL:

3 Thank you.

4 [The motion carried unanimously.]

5 ***

6 CHAIR O'NEILL:

7 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?

14 MS. BROWN-HAYWOOD:

15 I make a motion.

16 MS. FERRON:

17 Second.

18 CHAIR O'NEILL:

19 Thank you.

20 [The motion carried unanimously.]

21 ***

22 CHAIR O'NEILL:

23 We also have Case No. 17-45-014002, Case
24 No. 17-45-07069, and Case No. 17-45-
25 13800.

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.
7 Nguyen, Case No. 18-45-03014; Emma A.
8 Parkin, Case No. 16-45-04435; and Rachel
9 K. Jackson, Case No. 16-45-14806?

10 Is there a motion that the Board
11 grant the Motion to Enter Default and
12 Deem Facts Admitted and the Board and
13 Counsel be directed to prepare
14 Adjudications and Orders in accordance
15 with our discussion in Executive
16 Session?

17 MS. FOLK:

18 Motion.

19 MS. BRUNO:

20 Second.

21 CHAIR O'NEILL:

22 Thank you.

23 [The motion carried unanimously.]

24 ***

25 CHAIR O'NEILL:

1 We are going to move on to the Hearing
2 Examiner's proposed Adjudications and
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.

6 Is there a motion that the Board
7 adopt the Hearing Examiner's proposed
8 Adjudications and Orders in the cases
9 and direct Board Counsel to prepare the
10 Board's final order?

11 MS. NEATOCK:

12 Motion.

13 MS. BROWN-HAYWOOD:

14 Second.

15 CHAIR O'NEILL:

16 Thank you.

17 [The motion carried unanimously.]

18 ***

19 CHAIR O'NEILL:

20 Number 15 on the agenda, Tara Dunning
21 a/k/a Tara Marie Dunning, Case No. 17-
22 45-05110, I believe the Board would
23 entertain a motion to remand that matter
24 back to the Hearing Examiner.

25 MS. FOLK:

1 Motion.

2 MS. BRUNO:

3 Second.

4 CHAIR O'NEILL:

5 Thank you.

6 [The motion carried unanimously.]

7 ***

8 CHAIR O'NEILL:

9 Moving on to No. 16, is there a motion
10 for the Variance Request of Sphere LLC
11 d/b/a I AM Limitless?

12 MS. NEATOCK:

13 Motion to deny.

14 MS. GONZALEZ:

15 I second.

16 CHAIR O'NEILL:

17 Thank you.

18 [The motion carried unanimously.]

19 ***

20 CHAIR O'NEILL:

21 Moving on to Nos. 17 through 26, I
22 believe the Board would entertain a
23 motion regarding Elmcroft of Lebanon,
24 Shippensburg, Altoona, Berwick,
25 Chippewa, Mid Valley, Reading,

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

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.

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
9:16	Items for Discussion
9:18	Report of Committees
9:19	Executive Session
10:31	Return to Open Session
10:31	Motions
10:41	Adjournment