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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 COSMETOLOGY

TIME: 10:36 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Monday, March 27, 2023

State Board of Cosmetology
March 27, 2023

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BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
Tammy Y. O'Neill, Chairperson, Professional Member
Nicole Weakland, Vice Chairperson, Professional Member
Elisa Brown, Secretary, Professional Member
Stephen J. Szabo, Professional Member
Felicia L. Brown-Haywood, Professional Member
Jennifer A. D'Amato-Dow, Professional Member
Teresa Whisler, Professional Member
Heather Kelly, Esquire, Consumer Protection Member

BUREAU PERSONNEL:

Sean C. Barrett, Esquire, Board Counsel
J. Karl Geschwindt, Esquire, Acting Senior Board Prosecutor
Garrett A. Rine, Esquire, Board Prosecution Liaison
Colby B. Widdowson, Esquire, Board Prosecutor
Andrea L. Costello, Esquire, Board Prosecutor
Valerie Eaton, Board Administrator
Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State

ALSO PRESENT:

Anthony Panuccio, Gmerek Government Relations, Inc.
Henry Pelusi, Vice President, Studio of Elegance
Nicole Sidle, Republican Executive Director, House Professional Licensure Committee
Aaron Shenck, Executive Director, Pennsylvania Association of Private School Administrators
Beth Krause, Vice President, Student Services, Empire Education Group
Cassie Rossochacy, Director of Career Services, Empire Education Group
Deanna Morgan
Debbie Eckstine-Weidner, Cosmetology Instructor, Cumberland Perry Vo-Tech
Helaina
Jacqueline Lewis
Karolina Santiago

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State Board of Cosmetology
March 27, 2023

ALSO PRESENT: (cont.)

- Natalie McNeill, Salon Owner, Ends Hair Design and Day Spa
- Patricia McCoy, Beauty School Owner, A Road to Success Cosmetology & Barbering Apprenticeship Program
- Tealia Torres, Modern Hair Designs, Inc.
- Olofi Akoma
- Lance Hostetter
- Monique White
- Taylor Jackson
- Vannah Yin Malika
- Kathryn Witherow

1 ***

2 State Board of Cosmetology

3 March 27, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Sean C. Barrett, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations on
9 a number of matters currently pending before the
10 Board and to receive the advice of counsel. The
11 Board returned to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Cosmetology was held on Monday, March 27,
15 2023. Tammy Y. O'Neill, Chairperson, Professional
16 Member, called the meeting to order at 10:36 a.m.

17 ***

18 [Sean C. Barrett, Esquire, Board Counsel, noted the
19 Board entered into Executive Session prior to the
20 commencement of the meeting for the purpose of
21 conducting quasi-judicial deliberations on a number
22 of matters pending before the Board and to receive
23 the advice of counsel.]

24 ***

25 Roll Call/Introduction of Attendees

1 [Valerie Eaton, Board Administrator, provided a roll
2 call of Board members and introduction of attendees.]

3 ***

4 Approval of Minutes of January 30, 2023

5 CHAIR O'NEILL:

6 First on our agenda is the approval of
7 minutes from January 30, 2023.

8 Could I have a motion to approve
9 the minutes from January 30, 2023?

10 MS. KELLY:

11 So moved.

12 MS. D'AMATO-DOW:

13 Second.

14 MS. EATON:

15 We'll do a roll call.

16
17 Tammy O'Neill, aye; Nicole Weakland,
18 aye; Elisa Brown, aye; Stephen Szabo,
19 abstain; Felicia Brown-Haywood,
20 abstain; Jennifer D'Amato-Dow, aye;
21 Teresa Whisler, aye; Heather Kelly,
22 aye.

23 [The motion carried. Felicia Brown-Haywood and
24 Stephen Szabo abstained from voting on the motion.]

25 ***

1 Report of Board Prosecution

2 [Garrett A. Rine, Esquire, Board Prosecutor,
3 presented the Consent Agreements for Case No. 22-45-
4 009876, Case No. 20-45-009861, and Case No. 22-45-
5 011003.]

6

7 [Garrett A. Rine, Esquire, Board Prosecutor, on
8 behalf of Kenneth J. Suter, Esquire, Board
9 Prosecutor, presented the Consent Agreement for Case
10 No. 22-45-008951 and noted an error in the language,
11 where it reads the respondent operated as a
12 cosmetology salon and should read, nail technology
13 salon. He asked the board to take note of this and
14 allow prosecution to make a correction before it is
15 signed by the Board Chair and commissioner.

16 Mr. Rine also presented the Consent Agreement for
17 Case No. 21-45-008499.]

18

19 MR. BARRETT:

20 Does any Board member wish to reenter
21 Executive Session for further
22 discussion after the Report of
23 Prosecution on those matters? Hearing
24 none.

25

I believe the Board Chair would

1 entertain a motion to grant the Consent
2 Agreements at agenda item 2, Case No.
3 22-45-009876; item 3, Case No. 20-45-
4 009861; item 4, Case No. 22-45-011003;
5 item 5, Case No. 22-45-008951; and item
6 6, Case No. 21-45-008499.

7 CHAIR O'NEILL:

8 Could I have a motion to approve?

9 MS. BROWN-HAYWOOD:

10 So moved.

11 MS. D'AMATO-DOW:

12 Second.

13 CHAIR O'NEILL:

14 Motion approved.

15
16 Tammy O'Neill, aye; Nicole Weakland,
17 aye; Elisa Brown, aye; Stephen Szabo,
18 aye; Felicia Brown-Haywood, aye;
19 Jennifer D'Amato-Dow, aye; Teresa
20 Whisler, aye; Heather Kelly, aye.

21 [The motion carried unanimously. The Respondent's
22 name in item 2 at Case No. 22-45-009876 is D Nail
23 Salon and Spa, LLC; item 3, Case No. 20-45-009861,
24 Jacquelyn B. Stoneberg; item 4, Case No. 22-45-
25 011003, Tony's Nails; item 5, Case No. 22-45-008951,

1 Julie's Nail Salon; and item 6, Case No. 21-45-
2 008499, Jazmin Rodriguez.

3 The Board consented to prosecution fixing the
4 typographical error in item 5 as long as the final
5 copy is correctly noted as nail technology salon.]

6

7 [Colby B. Widdowson, Esquire, Board Prosecutor,
8 presented the Consent Agreements for Case No. 22-45-
9 004426, Case No. 21-45-004923, Case No. 21-45-018897,
10 and Case No. 20-45-014604.]

11

12 [Andrea L. Costello, Esquire, Board Prosecutor,
13 presented the Consent Agreement for Case No. 21-45-
14 011051.]

15 MR. BARRETT:

16

After hearing the Report of

17

Prosecution, does any member of the

18

Board wish to go back to Executive

19

Session to have further discussion on

20

those matters? Hearing none.

21

I believe the Board chair would

22

entertain a motion to approve the

23

Consent Agreements at item 7, Case No.

24

22-45-004426; item 8, Case No. 21-45-

25

00493; item 9, Case No. 21-45-018897;

1 item 10, Case No. 20-45-014604; and
2 item 11, Case No. 21-45-011051.

3 CHAIR O'NEILL:

4 Could I have a motion to approve?

5 MS. BROWN-HAYWOOD:

6 So moved.

7 CHAIR O'NEILL:

8 Second?

9 MS. D'AMATO-DOW:

10 Second.

11 CHAIR O'NEILL:

12 Roll call.

13

14 Tammy O'Neill, aye; Nicole Weakland,
15 aye; Elisa Brown, aye; Stephen Szabo,
16 aye; Felicia Brown-Haywood, aye;
17 Jennifer D'Amato-Dow, aye; Teresa
18 Whisler, aye; Heather Kelly, aye.

19 [The motion carried unanimously. The Respondent's
20 name at item 7, Case No. 22-45-004426 is Gloria J.
21 Harrelson d/b/a Images Hair; item 8, Case No. 21-45-
22 00493, Matthew Derosé d/b/a Serenity Spa and
23 Salon at Heritage Hills; item 9, Case No. 21-45-
24 018897, Diane Ashford d/b/a Spruce It Up Salon; item
25 10, Case No. 20-45-014604, Ashley Young; and item 11,

1 Case No. 21-45-011051, Richard Juliani.]

2 ***

3 Report of Board Counsel - Proposed Adjudications and
4 Orders

5 MR. BARRETT:

6 At number 12, based on Executive
7 Session deliberations, I believe the
8 Chair would entertain a motion to adopt
9 the Proposed Adjudication and Order in
10 the matter of Case No. 21-45-017988,
11 Maurice Muhammad.

12 CHAIR O'NEILL:

13 Is there such a motion?

14 MS. BROWN-HAYWOOD:

15 So moved.

16 CHAIR O'NEILL:

17 Second?

18 MS. D'AMATO-DOW:

19 Second.

20 CHAIR O'NEILL:

21 Roll call.

22

23 Tammy O'Neill, aye; Nicole Weakland,
24 aye; Elisa Brown, aye; Stephen Szabo,
25 aye; Felicia Brown-Haywood, aye;

1 Jennifer D'Amato-Dow, aye; Teresa
2 Whisler, aye; Heather Kelly, aye.

3 [The motion carried unanimously.]

4 ***

5 MR. BARRETT:

6 At number 13 and 14, based on Executive
7 Session deliberations, I believe the
8 Chair would entertain a motion to
9 direct Board Counsel to draft an
10 Adjudication and Order consistent with
11 discussions in Executive Session in the
12 matter of Case No. 20-45-003613,
13 Danyelle VanOrden and Case No. 20-45-
14 003133, Lisa Young.

15 CHAIR O'NEILL:

16 Is there such a motion?

17 MS. BROWN-HAYWOOD:

18 So moved.

19 CHAIR O'NEILL:

20 Second?

21 MS. D'AMATO-DOW:

22 Second.

23 CHAIR O'NEILL:

24 Roll call.

25

1 Tammy O'Neill, aye; Nicole Weakland,
2 aye; Elisa Brown, aye; Stephen Szabo,
3 aye; Felicia Brown-Haywood, aye;
4 Jennifer D'Amato-Dow, aye; Teresa
5 Whisler, aye; Heather Kelly, aye.

6 [The motion carried unanimously.]

7 ***

8 Report of Board Counsel - Motions to Deem Facts
9 Admitted

10 MR. BARRETT:

11 At numbers 15 through 21, based on
12 Executive Session deliberations, I
13 believe the Chair would entertain a
14 motion to grant the Motion to Deem
15 Facts Admitted and Enter Default and
16 direct Board Counsel to prepare an
17 Adjudication and Order in accordance
18 with the discussion in Executive
19 Session in the matters of item 15, Case
20 No. 20-45-001459, Sonya Rae Connors;
21 item 16, Case No. 19-45-004361, Kelly
22 Sias; item 17, Case No. 19-45-017030,
23 New York Thread; item 18, Case No. 22-
24 45-010779, Posh Nails & Spa; item 19,
25 Case No. 20-45-010082, Scotty's Vintage

1 Unisex Salon; item 20, Case No. 21-45-
2 017810, Ashley Sist; and item 21, Case
3 No. 20-45-001979, Adriane Zapien.

4 CHAIR O'NEILL:

5 Is there such a motion?

6 MS. BROWN-HAYWOOD:

7 So moved.

8 CHAIR O'NEILL:

9 Second?

10 MS. D'AMATO-DOW:

11 Second.

12 CHAIR O'NEILL:

13 Roll call.

14
15 Tammy O'Neill, aye; Nicole Weakland,
16 aye; Elisa Brown, aye; Stephen Szabo,
17 aye; Felicia Brown-Haywood, aye;
18 Jennifer D'Amato-Dow, aye; Teresa
19 Whisler, aye; Heather Kelly, aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Board Counsel - Final Adjudications and
23 Orders

24 MR. BARRETT:

25 Numbers 22 through 27 are Final A&Os.

1 Based on Executive Session
2 deliberations, I believe the Chair
3 would entertain a motion to draft
4 Adjudications and Orders in the matter
5 of item 22, Case No. 20-45-000667,
6 Aminah Aguilar; item 23, Case No. 18-
7 45-010996, Beauty Secrets by Fior; item
8 24, Case No. 20-45-014126, Dean
9 Mallory; item 25, Case No. 19-45-
10 001073, Sophia Nuckles; item 26, Case
11 No. 21-45-005533, Rainy Day; and item
12 27, Case No. 21-45-012640, Melissa
13 Wismer.

14 CHAIR O'NEILL:

15 Could I get a motion to approve?

16 MS. BROWN-HAYWOOD:

17 So moved.

18 CHAIR O'NEILL:

19 Second?

20 MS. D'AMATO-DOW:

21 Second.

22 CHAIR O'NEILL:

23 Roll call.

24

25 Tammy O'Neill, aye; Nicole Weakland,

1 MS. D'AMATO-DOW:

2 Second.

3 CHAIR O'NEILL:

4 Roll call.

5

6 Tammy O'Neill, aye; Nicole Weakland,
7 aye; Elisa Brown, aye; Stephen Szabo,
8 aye; Felicia Brown-Haywood, aye;
9 Jennifer D'Amato-Dow, aye; Teresa
10 Whisler, aye; Heather Kelly, aye.

11 [The motion carried unanimously.]

12

13 Applications - Act 41/Endorsement Applications

14 MR. BARRETT:

15 Items 31 through 33. Based on
16 Executive Session deliberation, I
17 believe the Board Chair would entertain
18 a motion to provisionally deny the
19 Applications at item 31, AA0004460193,
20 Sally Phan; item 32, AA0004503304,
21 Lizbeth Tapia; and item 33,
22 AA0004512030, Batista Aries.

23 CHAIR O'NEILL:

24 Could I have a motion to provisionally
25 deny?

1 MS. BROWN-HAYWOOD:

2 So moved.

3 CHAIR O'NEILL:

4 Second?

5 MS. D'AMATO-DOW:

6 Second.

7 CHAIR O'NEILL:

8 Roll call.

9

10 Tammy O'Neill, aye; Nicole Weakland,
11 aye; Elisa Brown, aye; Stephen Szabo,
12 aye; Felicia Brown-Haywood, aye;
13 Jennifer D'Amato-Dow, aye; Teresa
14 Whisler, aye; Heather Kelly, aye.

15 [The motion carried unanimously.]

16

17 Applications - Variance Requests

18 MR. BARRETT:

19 Items 34 through 37. Based on
20 Executive Session deliberations, I
21 believe the Board Chair would entertain
22 a motion to provisionally deny item 34,
23 AA0004131936, Patricia McCoy; item 35,
24 AA0004463249, Chloe's Lash Room &
25 Esthetics; item 36, AA0004518403, Bare

1 Wax Studio; and item 37, AA0004567158,
2 Skin by Lyric LLC.

3 CHAIR O'NEILL:

4 Is there a motion to provisionally
5 deny?

6 MS. BROWN-HAYWOOD:

7 So moved.

8 CHAIR O'NEILL:

9 Second?

10 MS. D'AMATO-DOW:

11 Second.

12 CHAIR O'NEILL:

13 Roll call.

14

15 Tammy O'Neill, aye; Nicole Weakland,
16 aye; Elisa Brown, aye; Stephen Szabo,
17 aye; Felicia Brown-Haywood, aye;
18 Jennifer D'Amato-Dow, aye; Teresa
19 Whisler, aye; Heather Kelly, aye.

20 [The motion carried unanimously.]

21

22 Report of Board Chairperson - No Report

23

24 Report of Acting Commissioner - No Report

25

1 Report of Board Administrator - No Report

2 ***

3 Report of Board Members - No Report

4 ***

5 Discussion Items - Regulatory Status Report -

6 February

7 2023

8 [Sean Barrett, Esquire, Board Counsel, addressed the
9 February Status Report, noting it should be updated
10 to March but that there really is not much to change.

11 He noted the Board would be provided with a monthly
12 update of regulations. He informed Board members
13 that the massage therapy in a salon regulation had
14 been submitted to regulatory counsel and would be
15 going to the Independent Regulatory Review Committee
16 and through the process to be approved. He also
17 noted Mr. Hinsey is working on Act 41.

18 Mr. Barrett will be starting a regulation to
19 update their regulations to comply with the 120-
20 square foot requirement under Act 164 to avoid any
21 confusion because their regulations still have 180.]

22 ***

23 Discussion Items - Sunshine Act and Recusal

24 Presentation

25 [Sean C. Barrett, Esquire, Board Counsel, provided a

1 brief overview of the Pennsylvania Sunshine Act,
2 which
3 requires transparency in all government meetings to
4 ensure there is no secrecy in public affairs in order
5 to ensure that the faith in public government is not
6 undermined. He noted that it allows the public to be
7 present for all meetings to see the deliberations,
8 policy formulation, and the decision-making in order
9 to ensure confidence in government.

10 Mr. Barrett stated anytime an agency holds a
11 meeting, where deliberations or official actions take
12 place, the meeting must be open to the public after
13 public notice on their website. He noted all voting
14 must be done at the public meeting and anything the
15 Board does is subject to the Sunshine Act.

16 Mr. Barrett explained that official action is
17 defined as agency recommendations made pursuant to a
18 statute, ordinance, or executive order. Agency
19 establishment of policy decisions made by agency
20 concerning agency business or a vote taken by agency
21 on motions, proposals, resolutions, rules,
22 regulations, ordinances, and reports orders.

23 Mr. Barrett addressed public notice, where an
24 agency is required to give public notice on its first
25 regular meeting of each calendar year, not less than

1 three days in advance of the meeting and shall get
2 public notice of the schedule if its remaining
3 meetings. He noted the agency shall give public
4 notice of any special meetings within 24 hours. He
5 stated public notice is not required in the case of
6 an emergency meeting or conference.

7 Mr. Barrett explained that the commissioner's
8 office takes care of the public notice for the Board
9 and publishes it in a Harrisburg newspaper, posts it
10 at the office of the agency holding the meeting, and
11 is available on their website. He noted the agenda
12 must also be available.

13 Mr. Barrett address voting procedures, where the
14 vote of each member must be publicly cast and
15 recorded, noting one must be seen as well as heard
16 for virtual presence.

17 Mr. Barrett stated written minutes must be kept
18 of all meetings and made available to the public. He
19 noted the only exceptions for the open meeting
20 requirements are for conferences and executive
21 sessions. He mentioned that conferences are
22 basically training programs, where there may be a
23 quorum present but not discussing agency matters.

24 Mr. Barrett addressed executive session,
25 including personnel issues, consulting with attorneys

1 or other advisors regarding information, and legal
2 advice. He noted quasi-judicial deliberations,
3 include discussing disciplinary action or something
4 that can be deliberated in private session. He
5 mentioned that executive session could be held at any
6 time but must be announced at the open meeting
7 occurring immediately prior or subsequent to the
8 executive session. He noted that any matters
9 discussed in executive session must be voted on in an
10 open meeting. He also noted executive sessions may
11 not be used as subterfuge to defeat the purpose,
12 where going into executive session to avoid
13 discussing something in public is not allowed.

14 Mr. Barrett addressed legal challenge, noting
15 they must be filed 30 days from the date of the
16 meeting or 30 days from when it could have been
17 discovered. He stated legal challenges may not be
18 taken for violations of the Sunshine Act more than a
19 year from the date of which it occurred. He
20 addressed penalties for a violation, including
21 criminal sanctions and fines, along with possible
22 prosecution.

23 Mr. Barrett stated a court may have discretion to
24 declare all official action taken at the meeting is
25 invalid if there are findings that the board violated

1 the open records law and attorney fees could be
2 awarded to the prevailing party. He noted Board
3 members should not discuss agency business,
4 especially executive session matters, outside of the
5 official Board meeting.

6 Mr. Barrett stated deliberations for committee
7 meetings also have to take place in an open meeting
8 if it is for formulating policy or regulations but
9 applications and administrative functions do not have
10 to occur at an open meeting and could be done through
11 email.

12 Mr. Barrett addressed Recusal Guidelines, noting
13 recusal is mandatory when a Board member has a
14 prosecutorial role in the matter, including being on
15 the Probable Cause Screening Committee or having a
16 direct personal financial interest in the outcome of
17 the matter.

18 Mr. Barrett noted it is strongly suggested to
19 refuse if a Board member has a personal affection for
20 someone directly involved but simply knowing someone
21 or knowing of a person is not necessarily enough. He
22 noted it is also strongly suggested to recuse if they
23 have knowledge from outside of a case they cannot set
24 aside in order to make a fair and unbiased
25 determination.

1 Mr. Barrett addressed discretionary recusal,
2 where a Board members should recuse themselves if
3 they cannot decide on a subject fairly without
4 prejudice. He encouraged Board members to contact
5 him in advance if they are uncertain whether to
6 recuse.

7 Mr. Barrett addressed the difference between
8 abstention and refusal, where abstention is just
9 withholding a vote. He mentioned that abstaining
10 from a vote does not affect quorum requirements but
11 recusing does, noting the Board has a quorum of seven
12 members and one recusal would not give them the
13 quorum to vote on the subject.

14 Yin Malika, esthetician student, asked whether it
15 is legal to provide esthetician services on delicate
16 areas.

17 Mr. Barrett stated the Board is unable to give
18 legal advice and provide a definite answer. He
19 referred her to their law and regulations as to
20 whether or not that would be permissible but cannot
21 give advisory opinions as to the legality of certain
22 services.

23 Patricia McCoy, Beauty School Owner, A Road to
24 Success Cosmetology & Barbering Apprenticeship
25 Program, requested clarification as to whether the

1 provisional denial was for a variance request.

2 Mr. Barrett explained that the variance request
3 was provisionally denied and that Board Counsel would
4 send out a letter stating more specifically the
5 reasons for the denial. He informed Ms. McCoy that
6 she could appeal the denial within 30 days of that
7 letter and provide more information for the board to
8 consider.

9 Ms. McCoy addressed the difficulties small
10 businesses like herself experience trying to have a
11 cosmetology school. She noted having an approved
12 apprenticeship program through the Department of
13 Labor & Industry. She stated it is a real struggle
14 trying to get a small business up and running,
15 especially a cosmetology school. She explained to
16 the Board that the space is affordable and the reason
17 for the variance request.

18 Mr. Barrett stated the variance is under the
19 square footage allowance, and once the Board receives
20 an appeal in writing, if that is how Ms. McCoy wants
21 to proceed, they would consider other information and
22 it could be set for a hearing.

23 Karolina Santiago asked whether licensed
24 estheticians could provide paraffin on the hands and
25 feet.

1 Mr. Barrett stated the Board could not provide an
2 advisory legal opinion.

3 Ms. Eaton noted the Board's rules and regulations
4 provide definitions of each license type and services
5 they are permitted to provide.

6 Mr. Barrett informed Ms. Santiago that she could
7 consult her own attorney if there is an ambiguity
8 with the regulations because the Board is unable to
9 provide advisory opinions and referred her to the
10 Cosmetology Act and regulations at dos.pa.gov.

11 Monique White, licensed cosmetologist, referred
12 to a prior comment, where someone was fined for doing
13 hair at a hotel for a wedding, and asked how to find
14 rules and regulations for things of that nature.

15 Mr. Barrett explained that the comment was during
16 a consent agreement and would be in the act and
17 regulations. He stated the Cosmetology Practice Act,
18 Act 86 of 1933, and the enacted regulations by the
19 Board to further manage the conduct of cosmetologists
20 is what governs the cosmology practice and could be
21 found on the State Board of Cosmetology's website.

22 Ms. Eaton referred to a comment from Olofi Akoma
23 in chat, stating that as a small business accessing
24 the cosmetology school, the Board needs to make
25 considerations for commercial space and the cost of

1 rent inflation that is gatekeeping and making it
2 impossible for small and minority businesses to
3 access the industry. She noted if square footage is
4 determined, in part, by occupancy requirements, then
5 regulations should be amended to support this. She
6 commented that if they want to continue to be a
7 thriving industry, they have to pivot and adjust the
8 needs of those who are licensed and working in the
9 field and on the front line.

10 Mr. Barrett stated that square footage was
11 reduced from 180 to 120 for cosmetology salons by an
12 act of the General Assembly, and the primary purpose
13 of the Cosmetology Act from a legal perspective is to
14 protect the health and safety of the public. He
15 noted that it is a legislative mandate that square
16 footage be 120-square feet, and the Board does not
17 have the authority to go below that. He encouraged
18 Ms. Akoma to reach out to local representatives to
19 address that comment.

20 Helaina asked who the attorney would be
21 conferring with to determine which way the rules and
22 regulations go as far as what is allowed versus what
23 is not allowed if they hire an attorney for ambiguous
24 matters.

25 Mr. Barrett explained that attorneys would have

1 to use their own professional judgment and may know
2 from prior decisions and disciplinary decisions
3 published by the Board. He noted that if a private
4 attorney reaches out to him asking what something
5 means that he would also not be able to give them an
6 advisory opinion and refer them to the laws and
7 regulations. He mentioned that some of the
8 disciplinary orders are on the Pennsylvania Licensing
9 System (PALS) and would have discussions of things
10 like that as well.

11 Ms. Jackson asked whether cosmetology schools are
12 still required to have male and female lavatories
13 with the increasing transgender and gender identity
14 changes affecting their industry.

15 Mr. Barrett stated there has been some litigation
16 about the regulatory requirements of the Board with
17 regard to restrooms. He noted the Board is
18 expressing any political or otherwise opinion on that
19 subject and would potentially be an advisory opinion
20 with regard to their regulations.

21 Ms. Jackson asked whether restrooms would be
22 removed from schools since salons no longer require
23 restrooms.

24 Mr. Barrett stated the premise that cosmetology
25 salons do not require a bathroom is inaccurate and

1 are required under the Uniform Construction Code to
2 have bathrooms. He mentioned the previous
3 requirement that they have the bathroom within the
4 square footage of the salon. He noted the
5 Commonwealth Court said they cannot have the
6 requirement that it be within the square footage of
7 the salon. It did not speak to the Uniform
8 Commercial Code requirement that a place might need
9 to have a bathroom.

10 Mr. Barrett stated those things are subject more
11 than just decisions of the Board and are subject to
12 decisions of local municipal authorities, building
13 codes, and the Pennsylvania Uniform Commercial Code.

14 Ms. Jackson asked whether salons are then
15 required to have a bathroom.

16 Mr. Barrett again commented that it is getting
17 into advisory opinions and to apply that to the
18 Uniform Commercial Code and any other local mandates,
19 noting there is language on the Board's website.

20 Ms. White asked whether hair salons would be able
21 to rent chairs at some point like barbershops since
22 there is such a big explosion of salon suites.

23 Mr. Barrett mentioned being notified of a
24 proposed bill introduced last week regarding renting
25 in cosmetology, which is above the Board's level, but

1 the General Assembly could amend the act to do that.
2 He stated nothing occurred on the bill but would
3 remove the prohibition and allow renting in
4 cosmetology if it passes. He noted that Board
5 regulations and the act are still in full force and
6 cannot currently rent a booth.

7 Mr. Barrett further explained that the General
8 Assembly is the legislature and passes laws and then
9 the Board is constrained to follow it because they
10 have no authority there. He noted the Board then has
11 regulations in addition that they are authorized by
12 the General Assembly to consider. He informed
13 everyone that it is House Bill 328 and could be
14 tracked on the General Assembly's website.

15 Aaron Shenck, Executive Director, Pennsylvania
16 Association of Private School Administrators, asked
17 whether the Board was considering weighing in on the
18 booth rental issue to the committee.

19 Mr. Barrett explained that the Board has not
20 discussed the issue and would not share an opinion
21 until they are officially asked to provide one at
22 this point.]

23 ***

24 Upcoming Meeting Dates

25 [Tammy Y. O'Neill, Chairperson, Professional Member,

1 noted the next scheduled meeting date is May 22.]

2 ***

3 Adjournment

4 CHAIR O'NEILL:

5 Could I have a motion to adjourn?

6 MS. BROWN-HAYWOOD:

7 So moved.

8 MS. D'AMATO-DOW:

9 Second.

10 ***

11 [There being no further business, the State Board of
12 Cosmetology Meeting adjourned at 11:47 a.m.]

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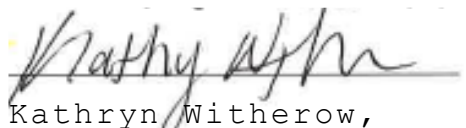
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CERTIFICATE

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.



Kathryn Witherow,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF COSMETOLOGY
REFERENCE INDEX

March 27, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:36	Official Call to Order
13		
14	10:37	Roll Call
15		
16	10:38	Introduction of Attendees
17		
18	10:40	Approval of Minutes
19		
20	11:41	Report of Board Prosecution Motions
21		
22	10:59	Report of Board Counsel
23		
24	11:07	Applications
25		
26	11:11	Discussion Items
27		
28	11:46	Upcoming 2023 Meeting Dates
29		
30	11:47	Adjournment
31		
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