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# Cosmetologist's Board Meeting

Monday, April 3, 2017

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A meeting of the State Board of Cosmetologists was held on Monday, April 3, 2017 on the 3rd floor conference room at the Department of Labor, Licensing and Regulation building located at 500 North Calvert Street, Baltimore, Maryland 21202.

## Board Member Attendees

Ms. Rachel Allen, *Industry Member, Acting Chair*  
Ms. Valerie Mascaro, *Industry Member*  
Mr. Charles Riser, *Industry Member*

## Other Attendees

Ms. Victoria Wilkins, *Commissioner*  
Ms. Shirley Leach, *Executive Director*  
Ms. Erica Lewis, *Deputy Executive Director*  
Mr. Eric London, *Assistant Attorney General*  
Ms. Nicole Thompson, *Licensing and Investigations Supervisor*  
Mr. Matthew Dudzic, *Board Administrator*

## Not Present

Ms. Piccola Winkey, *Industry Member*  
Mr. Bob Zupko, *Industry Member*

## Agenda

### Quorum Announced and Meeting Called to Order—Chairperson

A quorum was announced and the meeting was called to order at 10:00 AM by Ms. Rachel Allen, Acting Chair.

### Approval of Agenda

Mr. Matthew Dudzic offered amendments to the agenda. Ms. Rachel Allen asked for a motion to approve the amended agenda. Ms. Mascaro made this motion, and the motion was seconded by Mr. Riser. The amended agenda was approved.

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### Informal Conference—Apprentice Restart, K. Beverly

An informal conference was held for Ms. K. Beverly, who requested that she be allowed to restart her cosmetologist's apprenticeship. According to Ms. Beverly, she began her apprenticeship in 2011 but moved out of state in late 2012. She renewed her apprenticeship permit in 2014 after returning to Maryland, but a new job prevented her from completing the program. Ms. Beverly stated that she is fully committed to the program and that she is currently working in a salon as a shampoo assistant and has a sponsor.

The Board reminded Ms. Beverly that if this restart were granted, it would be her final restart, and she would start over from the beginning, redoing all 24 months.

Ms. Rachel Allen asked for a motion to allow Ms. Beverly to restart her apprenticeship, contingent upon her sponsor and herself attending an apprenticeship workshop. Ms. Mascaro made this motion, and the motion was seconded by Mr. Riser. The motion passed.

### Informal Conference—Conduct Review, F. Manansala


An informal conference was held for Mr. F. Manansala. Mr. Manansala answered yes to a conduct question when applying for his cosmetologist's license. Mr. Manansala explained that he had been previously convicted of conspiracy, and that after being released from commitment early, he attended Aspen Beauty Academy. He finished his cosmetologist's program in under a year and passed both of his examinations. Mr. Manansala stated that he had never been charged with a crime outside of this, and that he was fully committed to starting over as a cosmetologist.

Ms. Valerie Mascaro made a motion for the Board to enter into a closed session with Mr. Eric London, Board Counsel, to seek legal counsel. Mr. Riser seconded this motion, and the Board entered into closed session at 10:29 AM. The Board came out of closed session at 10:37 AM.

Ms. Rachel Allen asked for a motion to approve the licensing of Mr. Manansala. Ms. Mascaro made this motion, and Mr. Riser seconded. The motion passed. Mr. Manansala thanked the Board for allowing him to obtain his license.

### Informal Conference—Apprentice Restart, J. Ly

An informal conference was held for Ms. J. Ly, who requested that she be allowed to restart her nail technician's apprenticeship. Also present at the hearing were Mr. Nguyen Phi Loc, attorney, and Mr. Ly, Ms. Ly's sponsor. A review of Ms. Ly's license history showed that she was originally given a nail technician's apprentice permit in 1997, but completed no hours. She also requested a renewal in 2014, but did not appear before the Board. Mr. Nguyen explained on Ms. Ly's behalf that Ms. Ly and her sponsor had some misunderstandings regarding the requirements of the sponsorship program initially, and they did not properly submit their hours. Ms. Ly's youngest child was preparing to go to college, and Ms. Ly wished to return to work at her husband's nail salon. Mr. Nguyen further explained that Ms. Ly was not aware in 2014 that she would have to go before the Board to have her license reinstated.



The Board asked Ms. Ly what had changed since 1997 and 2014. Mr. Nguyen stated on Ms. Ly's behalf that her sponsor was willing to work with her to ensure her completion of the program. Mr. Nguyen also stated that Ms. Ly was in the process of learning sufficient English to take her examination. He also stated that he had not been involved previously when Ms. Ly had her initial apprenticeship permit, but that he would be working with Ms. Ly and her sponsor to ensure that they understood all requirements.

Ms. Rachel Allen asked for a motion to allow Ms. Ly a final apprenticeship restart, contingent upon her sponsor and herself attending an apprenticeship workshop. Ms. Mascaro made this motion, and Mr. Riser seconded. The motion passed. Ms. Shirley Leach, Executive Director, reiterated that this would be the final restart offered to Ms. Ly.

## Old Business

### **Vote for final approval of repeal of 09.22.01.05**

Mr. Eric London, Assistant Attorney General, advised the Board that there has been a big push to make changes to regulations that had become antiquated or inaccurate due to modernization. He further stated that four such regulations pertaining to the industry were identified, and on October 3, 2016, the previous Board voted to amend these regulations. These regulations were published in the Maryland Register in January, at which point a public comment period of 30 days was opened. Following this public comment period, where there was no public comment, and the required waiting period of 45 days, these regulations were now ready to be voted upon by the Board for final approval.

Mr. London reviewed the repeal of 09.22.01.05, which would remove the reference to makeup artist licenses, as this was a license no longer offered in Maryland. Ms. Rachel Allen asked for a motion to give the Board's final approval of the repeal of 09.22.01.05. Ms. Valerie Mascaro made this motion, and Mr. Riser seconded. The motion passed.

### **Vote for final approval of amendments of 09.22.01.11, 09.22.01.12 and 09.22.01.13**

Mr. Eric London further explained that the previous Board had agreed and voted upon amending the regulations currently listed as 09.22.01.11, 09.22.01.12 and 09.22.01.13 (to become 09.22.01.10, 09.22.01.11 and 09.22.01.12 following the repeal of 09.22.01.05). These amendments included removing extra requirements for non-English speakers and hearing- and reading-disabled individuals, clarifying that fees for examinations were determined by the testing vendor, and adding language to incorporate new limited licenses.

Ms. Rachel Allen asked for a motion to give the Board's final approval of the amendments of 09.22.01.11, 09.22.01.12 and 09.22.01.13. Mr. Riser made this motion, and Ms. Mascaro seconded. The motion passed.

### **Blow Dry Stylist Curriculum**

Mr. Charles Riser and Ms. Valerie Mascaro expressed concerns with the proposed curriculum for the blow dry stylist license, and how that curriculum will be properly covered in only 350 hours. Ms. Mascaro stated that after being tasked with looking into this, she determined that using existing curricula as a basis of comparison, the minimum amount of hours needed to accomplish this would be just over 600 hours. Mr. Riser expressed concern that there would be no way to reduce those hours by more than a third without compromising Maryland's standards. The Board asked what leeway they had in increasing the required hours.

Ms. Victoria Wilkins, Commissioner, stated that the legislation required that the required schooling be at least 350 hours, and while this number was provided primarily as a guideline, the Board could potentially face legal challenges if they came back with a schooling program of 600 hours.

Ms. Shirley Leach, Executive Director, suggested that we look to the curriculum of other states with similar limited licenses for ideas in how to move forward.

Ms. Rachel Allen suggested that the Board should do what it can to trim down the hours as necessary, and if it still turned out to be impossible to produce a curriculum within the required hours, they could return to this point. Ms. Leach stated that she would provide a content outline from Texas, which has two limited licenses with a 300 hour requirement. Ms. Mascaro stated that she would provide a blow dry stylist curriculum with reduced hours to the next Board meeting.

## **New Business**

### **Legislative Update—House Bill 250**

Ms. Shirley Leach, Executive Director, and Ms. Victoria Wilkins, Commissioner, presented to the Board an update on House Bill 250, which dealt with special funding for the State Board. Ms. Wilkins stated that there was a hearing on the bill before a Senate committee scheduled for Wednesday. There will also be a public hearing and vote, and then the bill will go before the full Senate.

Ms. Leach emphasized the importance of this legislation, which could potentially mean more inspectors and more staff members for the Board. Mr. Charles Riser congratulated everyone on the unanimous vote in the House,

### **Legislative Update—House Bill 501**

Ms. Shirley Leach, Executive Director, presented to the Board an update on House Bill 501, which would require that upon renewal of their license, each licensee partake in a continuing education domestic violence and sexual assault course. Ms. Leach stated that this bill and its companion bill in the Senate, Senate Bill 1030, have not moved out of their chambers.

Ms. Victoria Wilkins, Commissioner, added that there was also a late bill introduced for general continuing education for cosmetologists, but that it may not move forward because of how late it was introduced in the session. Ms. Wilkins went on to state that if the bills moved forward, we would add in the fiscal notes that the State Board would need additional staffing to handle this.

### **Inspection Report by Investigations Supervisor Nicole Thompson**

Ms. Nicole Thompson, Investigations Supervisor, informed the Board that they were now operating with ten inspectors on the payroll for the Barbers and Cosmetologists. From November of 2016 through February of 2017, there were only three inspectors covering the entire State. Ms. Thompson stated that training was complete and the inspectors have begun working in full capacity to complete inspections.

Ms. Thompson stated that from November through March, 129 new shops were inspected, 402 routine inspections were conducted, and 25 late renewals and 31 complaints received inspections. She went on to say that the new inspectors were each being assigned an average of 15 to 20 shops to inspect each two week period, and that we were on the right path for getting everything inspected.

Ms. Thompson also said that word is getting out that the inspectors are back out in full force, especially with respect to routine inspections.

### **Complimentary Alcohol in Barbershops**

Mr. Matthew Dudzic, Board Administrator, explained to the Board that a recently contested violation regarding the serving of complimentary wine in a beauty salon prompted a review of procedures for when inspectors observe this practice in a salon. Mr. Dudzic explained that the regulations for salons did not address this issue.

Mr. Dudzic explained that only two counties, Montgomery and Frederick, had legislation specifically addressing this issue. Mr. Dudzic contacted the liquor boards in several other counties for insight into the legality of this practice. Mr. Dudzic was informed by the Liquor Boards in Baltimore City and Baltimore County that no liquor license was required as long as no fees were being charged for the alcohol, and no alcohol was being stored in the shop overnight. The Liquor Boards in Prince George's County and Howard County stated that a liquor license should be required for this practice, as they believed that providing beer or wine to customers constituted indirect sales. The Liquor Board in Anne Arundel County stated that this practice should be prohibited and would absolutely constitute serving alcohol without a license.

Because of the variety of responses from local Liquor Boards and the lack of regulations regarding this matter, a question was posed to the Board as to how they would like inspectors to respond if they go into a salon and observe the shop offering complimentary alcoholic beverages.

The Board agreed that as our regulations do not reference alcohol, there was no reason for our inspectors to issue violations or forward these observations to the relevant liquor boards. Ms. Nicole Thompson, Investigations Supervisor, agreed to pass this on to the inspectors.

### **Complaint Committee Assignment and Review**

Ms. Shirley Leach, Executive Director, stated that previously complaints and violations were reviewed by a small committee at the end of the meeting. In the future, these meetings would be accompanied by Assistant Attorney General Susan Cherry, head of litigation for DLLR. To better accommodate this new procedure, Ms. Leach recommended that the review process be moved to 9

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AM prior to the Board meeting, and that a rotating committee be established. Mr. Eric London, Assistant Attorney General, stated that there could be no more than two Board members present during this review process, as any more than two would constitute a quorum.

Mr. Charles Riser and Ms. Valerie Mascaro volunteered to sit on the complaint committee following this meeting. Mr. Riser and Ms. Rachel Allen agreed to serve as the complaint committee at the next Board meeting on Monday, May 1, 2017.

## Public Comment

### **Denise Brown**

Ms. Denise Brown posed a question to the Board regarding the required licensing for mobile salons and spas, and what would be required to obtain a permit for a mobile salon.

The Board responded that the regulations had not yet been developed for this, but that mobile salons would need to be associated with a brick and mortar shop. Ms. Erica Lewis, Deputy Executive Director, stated that there would still be the same sanitation requirements that you would expect in a salon, including hot and cold running water.

Ms. Brown also asked if there were any other limited licenses planned, and if the cosmetologist license would eventually be replaced by limited licenses.

Mr. Eric London, Assistant Attorney General, stated that while he could not speak to what legislators would do in the future, the Boards were currently very strong in the position that further limited licenses were probably unnecessary. He also stated that the cosmetologist's license would continue to exist.

### **Maritza Guerrero**

Ms. Maritza Guerrero posed a question regarding what could be done about new salons opening in close proximity to an existing salon. She stated that there were approximately fifteen salons with a few blocks of her shop's location, many of which popped up very recently and only offered evening or weekend hours. She expressed concern that these limited hours might allow new shops to evade inspection and operate without a permit.

Ms. Nicole Thompson, Investigations Supervisor, stated that inspectors were now coming out even in the evenings and on the weekends. She explained that the inspectors could not reach every single shop to find out if they were unlicensed, but that if there were any concerns about the licensing of a shop, a formal complaint could be filed to initiate an inspection.

Ms. Guerrero asked if there was any way to restrict new shops from opening within half a block of existing shops, as so many shops in such close proximity was bad for business. The Board explained that the Board of Cosmetologists did not control zoning and business regulations, and could not restrict new shops from receiving a permit based solely on their proximity to another shop. Mr. Charles Riser recommended that Ms. Guerrero contact her local zoning board or community association if she had further concerns.

### **Alberta Fisher**

Ms. Alberta Fisher stated that she had wanted to observe a cosmetologist's board meeting to see how it runs. She stated that she was an educator for 35 years, and regarding proposed continuing education, assault prevention education was required for educators every year.

Ms. Fisher asked whether the addition of the blow dry license would mean that shampoo assistants would need to become licensed. Mr. Charles Riser stated that shampoo assistants would not be regulated. Ms. Fisher stated that shampoo assistants often blow dried the hair as well. The Board stated that a shampoo assistant was not permitted to blow dry the hair.

Ms. Fisher also asked where these proposed regulations were published. Ms. Shirley Leach, Executive Director, stated that you could view all of these from the DLLR Board of Cosmetologists website under Laws/Regulations by clicking on the "Regulations in Process" link.

Ms. Fisher wished the Board luck with their work on the curriculum for the blow dry stylist license.

### **Approval of February 6, 2017 Minutes**

The minutes for the February 6, 2017 minutes were reviewed by the Board.

Mr. Charles Riser requested an amendment to the New Business portion of the minutes.

After these corrections were noted, Ms. Rachel Allen requested a motion to approve these minutes as amended. A motion was made by Mr. Riser to approve the minutes as amended, and seconded by Ms. Mascaro. The motion passed.

### **Adjournment**

There being no further business to discuss or to present before the Board, Ms. Rachel Allen asked for a motion to adjourn the meeting. Ms. Valerie Mascaro made this motion, and it was seconded by Mr. Charles Riser. The motion passed, and the meeting was adjourned at 12:10 PM.





