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# Cosmetologist's Board Meeting

Monday, June 5, 2017

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A meeting of the State Board of Cosmetologists was held on Monday, June 5, 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*  
Ms. Piccola Winkey, *Industry Member*  
Mr. Bob Zupko, *Industry Member*

## Other Attendees

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

## Agenda

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

A quorum was announced and the meeting was called to order at 10:08 AM by Ms. Rachel Allen, Acting Chair.

### Approval of Agenda

Mr. Bob Zupko offered an amendment 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.

### Informal Conference—Apprentice Restart, T. Tran

An informal conference was held for Ms. T. Tran, who requested that she be allowed to restart her nail technician's apprenticeship. Ms. Tran originally held a nail technician's apprentice permit in 2014. Ms. Tran stated that she was still in high school when she initially began her apprenticeship, and chose not to continue with her apprenticeship after leaving high school. Ms. Tran did not submit

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any hours during her apprenticeship. She stated that she had received training during that original apprenticeship, but had been unaware of how to submit her monthly hours. Ms. Tran stated that she did attend an apprenticeship orientation, but due to language barriers did not fully understand the requirements involved with being an apprentice.

Ms. Piccola Winkey asked Ms. Tran what would be different this time if she was allowed to restart her apprenticeship. Ms. Tran stated that her mother now owned a nail salon and was willing to sponsor her. Ms. Tran also stated that if she was given a second chance, she would do everything that was required.

Mr. Charles Riser asked for clarification regarding Ms. Tran's first language. Ms. Tran stated that her first language was Vietnamese. Mr. Riser explained that if Ms. Tran completed her apprenticeship and took her examinations, while the written examination was administered in Vietnamese, the practical examination was conducted in English, and no interpreters were allowed. Ms. Tran stated that she would learn more English before her examination.

Mr. Eric London, Assistant Attorney General, stated that as a condition of Ms. Tran's apprenticeship restart, the Board could require that Ms. Tran and her sponsor attend the orientation along with an interpreter, to ensure that she fully understood the requirements. Ms. Rachel Allen asked for a motion to allow Ms. Tran to restart her apprenticeship under the condition that she and her sponsor attend the apprenticeship orientation with a Vietnamese interpreter. Ms. Valerie Mascaro made this motion, and the motion was seconded by Mr. Bob Zupko. Ms. Allen, Ms. Mascaro and Mr. Zupko voted in favor of the motion, while Mr. Riser and Ms. Winkey opposed it. The motion passed.

## **Informal Conference—Apprenticeship Restart, T. Nguyen**

An informal conference was held for Mr. T. Nguyen, who requested that he be allowed to restart his nail technician's apprenticeship. Mr. Nguyen had originally held a nail technician's apprentice permit in 2009, and did not complete his hours. In 2013 he requested a restart from the Board, and this restart was approved. However, he did not attend his apprenticeship orientation or complete any hours. Mr. Nguyen stated that his daughters lived in California, and he left the State of Maryland to work in California in 2009. Mr. Nguyen returned in 2013 to continue his apprenticeship, but that the nail salon went out of business. Mr. Nguyen stated that when the salon closed, he was uncertain of his future as a nail technician, and so he did not pursue his apprenticeship.

Mr. Charles Riser and Mr. Eric London, Assistant Attorney General, clarified that if an apprenticeship restart was granted in this case, it would be Mr. Nguyen's final chance to complete his apprenticeship. Ms. Rachel Allen, Acting Chair, asked for a motion to allow Mr. Nguyen to restart his apprenticeship. Mr. Riser made this motion, and Mr. Bob Zupko seconded it. The motion passed unanimously.

## **New Business**

### **Complaint Committee Assignment**

Ms. Valerie Mascaro volunteered to be the rotating member of the Complaint Committee for the upcoming meeting. Ms. Shirley Leach, Executive Director, stated that we were in the process of

auditing how complaints and violations were reviewed by the Board, and that in the future they would be scanned into a shared drive so that they could be reviewed prior to the meeting.

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

Ms. Nicole Thompson, Investigations Supervisor, stated that in April and May, 45 new shops received inspections, 280 routine inspections (including follow-ups) were conducted, 14 shops were inspected due to late renewals, and 46 complaints were investigated. Ms. Thompson added that pursuant to the discussion during the May meeting, she had advised all of her inspectors to look out for shops that advertised prohibited services such as microblading. She also advised her inspectors to look out for “cheese grater”-type implements in nail salons, which violated Maryland’s prohibition on removing callouses or growths by cutting.

Ms. Thompson stated that this had been a good year for inspectors, and that she had received positive feedback from the community, who were excited to see routine inspections occurring regularly. She added that there was a staff meeting with the inspectors coming up in mid-June.

### **Sterilization and Sanitation Regulations**

Ms. Shirley Leach, Executive Director, advised the Board that they had the opportunity to meet with Ms. Leslie Roste, who writes the scientific content for the Milady’s books. Ms. Roste is a registered nurse who also works for King Research, and she gave a presentation to the Board and its inspectors regarding sterilization and sanitation in salons. Ms. Roste also has previously worked with several states when writing regulations regarding sanitation standards.

Ms. Roste offered to look at Maryland’s regulations and make suggestions regarding places where we can make improvements, condense language, and become more in line with what other states require. Ms. Leach stated that she believed this would be a great opportunity, and recommended that she meet with the Board during their August or September meeting. After some discussion, the Board agreed to meet with Ms. Roste in September.

### **Head Lice Procedures**

Ms. Piccola Winkey expressed concern with the lack of official guidelines for how to deal with head lice in a salon. According to Ms. Winkey, there was no policy in place in our regulations, which meant that it was left open to the salon owners to determine how they should handle it. Ms. Winkey was concerned that Maryland would end up with different procedures from salon to salon, and with apprentices being trained inconsistently on this matter. She was further concerned with recent reports of “super lice” that were difficult to kill easily and that were capable of transmitting disease.

Mr. Charles Riser stated that he had done some research with the Maryland Occupational Safety and Health, and that MOSH instructed that lice should be treated as a communicable disease, and that any outbreak discovered in a public environment must be reported to the health department. Mr. Eric London, Assistant Attorney General, advised that if MOSH already had regulations in place regarding lice, then the Board should not amend that.

Ms. Shirley Leach, Executive Director, stated that she had asked Ms. Roste about how head lice should be handled, and was given some feedback. According to Ms. Roste, head lice rarely transmit communicable diseases, and that while any outbreak should be taken seriously, there was no advantage to ceasing service midway through a cut, as any contamination at that point had already occurred. She also advised if stylists were performing their required scalp analysis prior to providing service, there would not be an issue where service would be stopped midway through. Mr. Riser expressed concerns that this sentiment went against the documentation he read from the State of Maryland, and that Maryland physicians disagreed strenuously regarding the ability of head lice to transmit communicable diseases.

After further discussion, the Board agreed to table this matter until the August meeting.

### **National Legislation and Deregulation Efforts**

Mr. Charles Riser gave a report on the efforts of the Future of Beauty Industry Coalition. According to Mr. Riser, this organization began in Texas with the owner of Sports Clips. It originally arose in response to a push to move Texas from requiring 1,500 hours of training for a cosmetologist's license down to 1,000 hours of training. Mr. Riser went on to say that a big reason for this push to reduce required hours was to create one national standard for hours in an effort to make licenses portable from state to state.

Mr. Riser stated that a Texas senator added a rider to the Education Reauthorization Act to do this, but it was removed. He stated that senators from Virginia, North Carolina and Texas were still pushing to make this federal law. They sought to earmark Perkins money in order to implement their own studies to see which professional licenses might be considered unnecessary and removed from the books, and were specifically looking at cosmetology.

Mr. Riser said that this movement had received financial backing from the Koch brothers, who have been opposing several forms of occupational licensing and recently put money behind deregulating braiding and hair extensions. Mr. Riser stated that they just had a major victory in Ohio, successfully reducing the required hours of training to 1,000. Mr. Riser wanted to advise the Board that this push was happening on both a state and a federal level, and that there was currently a Virginia senator who was pushing to make this a federal issue.

Mr. Riser stated that he visited Capitol Hill at least once a month regarding federal deregulation efforts. He stated that this was still an outlier issue, but that where there was money, there was often movement. Recently, the president of the Professional Beauty Association recommended that this reduction in hours become adopted. Mr. Riser said that there were studies showing that there was no functional difference between 1,000 hour training programs and 1,500 hour training programs in regard to percentage of students passing examinations or number of complaints filed against licensed cosmetologists.

Ms. Valerie Mascaro asked why 1,000 hours was the goal if the reason for reduction of hours was portability of licensure. She said that as states fluctuated from 1,000 required hours on the low end to 2,200 required hours on the high end, it seemed to make more sense to settle on something in the middle such as 1,500 hours. Mr. Riser agreed, and said that there were 27 states that required 1,500 hours, but only two states that required 1,000 hours. He said that he did not believe this was anything the Board needed to act on immediately, but that he wanted the Board to be aware of it.

The Board thanked Mr. Riser for the information.

### **Salon Suites and Implementation of Violations**

Mr. Bob Zupko expressed concerns with the way sanitation and licensing violations in salon suites were being handled. Mr. Zupko explained that, when reviewing violations, we issued violations against the salon itself. However, in the case of salon suites, this meant we were issuing violations to the owners of the salon suites and not the individual businesses renting out space, as those businesses did not have salon permits. Mr. Zupko suggested that in these instances, the Board should issue violations both to the owner and to the individual licensees who were renting space.

Mr. Charles Riser stated that our regulations were not properly adapted to handle this situation, and that this was no different than a mall leasing space to businesses. Mr. Riser said that when a mall leases a space to a salon, we do not fine the mall, we fine the salon. He did not see why this was being treated differently, when the person who was leasing the space was essentially acting as a landlord.

Mr. Eric London, Assistant Attorney General, said that some of these issues fell beyond the scope of the Board of Cosmetologists and approached employer/employee relationships.

Ms. Valerie Mascaro expressed concern that fining the owners of the salon suites in cases where their renters received violations was not an adequate response. She stated that a \$50 fine to the owner of the suites may never even make it to the individual operators who were in violation, and the problem might never be resolved. Ms. Mascaro suggested that all renters at salon suites should be required to apply for an owner's permit, rather than working under the permit of the suites.

Mr. Zupko asked where the decision to fine salon owners rather than individual licenses came from. Mr. London stated that, while the regulations do allow for citations against individual licensees, historically the Board has not gone after individual licensees because they have worked for salons. Mr. London stated that it is often easier to go after a salon because the salon is at a fixed location, making enforcement of penalties easier.

Mr. Zupko asked Ms. Nicole Thompson, Investigations Supervisor, who would receive the violation if an inspector found an esthetician providing microblading services in a rented salon suite. Ms. Thompson stated that in that instance, the fine would go to the owner of the salon suites. Mr. Zupko said that the main reason someone would leave a salon and move into a salon suite was because they were going into business for themselves. He said that as things are currently enforced, they can move into a suite, receive a violation for offering a prohibited service or for being unsanitary, and have nothing happen to them, with the only penalty going to the person they were renting the space from. Mr. Zupko said that it was his opinion that this was wrong, and that the Board must address the issue.

Ms. Rachel Allen, Acting Chair, suggested that the Board review the regulations to see if they sufficiently addressed these concerns. If after review, it was determined that those already existing regulations were sufficient to handle this, we could go from there. Ms. Shirley Leach, Executive Director, stated that she would send those regulations and fines to the Board, and research whether any other states had set up specific regulations regarding salon suites.

The Board agreed to table the matter until these regulations could be properly reviewed.

## Old Business

### Mobile Salon Regulations

Ms. Shirley Leach, Executive Director, stated that she had sent information to the mobile salon committee, which was comprised of Mr. Bob Zupko and Mr. Charles Riser, to get things started. She also stated that the Board of Barbers was also in the process of developing these regulations on their side, and suggested that the two committees meet and work together.

Mr. Charles Riser recommended adding a message to the Board of Cosmetologists webpage to remind licensees and the public that mobile salons were not allowed in Maryland until the regulations were fully developed.

## Public Comment

### Tamara Dent

Ms. Tamara Dent posed a question to the Board regarding cleanliness of pedicure tubs in nail salons. Ms. Dent expressed concern that many salons were not running the jets in pedicure bowls after each client, and that this practice could lead to the spread of fungus and bacteria.

Ms. Nicole Thompson, Investigations Supervisor, explained that inspectors were all instructed to open up the drain in each pedicure tub to be sure it was being properly cleaned. She stated that lots of salons were merely spraying in some sanitizing solution rather than cleaning the actual drains out, and that it is immediately apparent when the drain is removed whether or not those tubs were being properly cleaned.

Mr. Charles Riser said that many licensees may not realize that they must sanitize the bowls with jets. He said that in his school, the pedicure bowls did not have jets, so only thing to do was to sanitize the surface of the bowl. The manufacturers of the bowls with jets often claim that the bowls are self-sanitizing, but that they are not, and nail salons do not realize this until an inspector comes in and tells them otherwise. Mr. Riser went on to say that now that inspections were occurring more regularly, these types of issues would probably be less common.

### Yvonne Gilbert

Ms. Yvonne Gilbert asked the Board for clarification regarding head lice. She wanted to know if a stylist was permitted to inform a client that they found lice during a scalp inspection, or if they could only say that they couldn't service their hair without explaining why. Mr. Charles Riser stated that there was no regulation that currently defined that, but that he certainly would inform the client as a courtesy so that they could deal with the issue in their home.

Ms. Gilbert also asked whether liquor was permitted in a salon. The Board explained that there were no specific regulations prohibiting salons from serving alcohol, though there were prohibitions from performing services while intoxicated. They went on to say that individual liquor boards may have

specific restrictions or licensing requirements for serving alcohol, but that such issues should be addressed with the local liquor board.

### **Theresa Brown**

Ms. Theresa Brown stated that she was a little bit upset to hear the Board talk about advising shops on what to do. She expressed concern that shops were giving people funguses and bacterial infections, and instead of being shut down, they were being advised or fined. She said that after paying thousands of dollars because of a nail infection she received after visiting several salons, she believes it is appalling that a shop with mold or fungus in a drain would be allowed to remain open.

Mr. Charles Riser stated that it was not the job of the Board to shut a salon down or put people out of business, but rather to ensure that salons come into compliance. Mr. Riser said that when repeat violations occur, the Board has the ability to revoke licenses completely. He also said that some shops never open because they never come into sufficient compliance with the Board to receive their license. However, Mr. Riser stated that it was his belief that the Board's role was to coach, advise and correct in hopes that shops would learn how to operate correctly.

Mr. Riser went on to say that the Board has recently made advances in enforcement, and that many shops operated for years without ever being told they were doing anything wrong, and that he believed they should have an opportunity to make the necessary changes. Mr. Riser thanked Ms. Brown for bringing these issues to the Board's attention, and asked Ms. Brown for the opportunity to act.

### **Gennien Georgie**

Ms. Gennien Georgie stated that she was very excited to hear about the Board's activity and to see the industry changing. Ms. Georgie said that when she first became involved in the industry at the age of 14, inspectors would come out every month, but that until recently it seemed like inspectors were never coming out. She said that as an educator, she has been telling her students that this Board was stirring the industry up. She said that students had been dropping out of school because they did not believe they needed a license to work on hair, and that with new increases in enforcement, students would now have a greater incentive to stay in school to receive their license.

Ms. Georgie asked how long the limited hairstylist would take before it was available. Ms. Shirley Leach, Executive Director, stated that it would probably be approximately three months. She said that the test was developed, the Department of Education had the approved curriculum, and schools could apply to teach the program, but that they did not yet have the capability to print licenses yet.

### **Wendell Lockhart**

Mr. Wendell Lockhart spoke on behalf of Lockhart Enterprises. Mr. Lockhart stated that he had been a distributor for over 30 years. He asked the Board for clarification regarding continuing education. Mr. Charles Riser explained that while continuing education legislation had recently been passed, it had not yet been signed into law, and the Board did not know yet what would be provided.

### **Michelle Williams**

Ms. Michelle Williams stated that she was a salon owner and a member of the natural hair industry. Ms. Williams asked if licenses for natural stylists, hair weavers and blow dry bars were being considered down the road, and whether

Ms. Shirley Leach, Executive Director, clarified that blow drying is currently a licensed activity, and that a blow dry technician license was already in the works and would be available shortly, with a 400 hour curriculum. She explained that the Board did not have jurisdiction over natural hair care.

Mr. Charles Riser added that legislation was introduced last year to regulate natural hair services, but that it did not pass. Mr. Riser suggested that Ms. Williams track this issue in the legislature if it was important to her.

### **Approval of May 1, 2017 Minutes**

The minutes for the May 1, 2017 meeting were reviewed by the Board. Ms. Rachel Allen, Acting Chair, requested a motion to approve these minutes. A motion was made by Ms. Valerie Mascaro to approve these minutes, and Mr. Charles Riser seconded the motion. 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 Ms. Piccola Winkey. The motion passed, and the meeting was adjourned at 12:21 PM.

APPROVED BY: \_\_\_\_\_ ON AUGUST 7, 2017.