



Cosmetologist's Board Meeting

Monday, September 24, 2018

A meeting of the State Board of Cosmetologists was held on Monday, September 24, 2018 on the 2nd 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, *Cosmetologist Member*
Mr. Charles Riser, *School Member, Acting Chair*
Mr. Bob Zupko, *Cosmetologist Member*

Other Attendees

Ms. Erica Lewis, *Acting Deputy Executive Director*
Mr. Eric London, *Assistant Attorney General*
Mr. Matthew Dudzic, *Board Administrator*

Not Present

Ms. Valerie Mascaro, *Cosmetologist Member*

Agenda

Quorum Announced and Meeting Called to Order—Chairperson

A quorum was announced and the meeting was called to order at 10:20 AM by Mr. Charles Riser, Acting Chair.

Approval of Agenda

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

Approval of July 2, 2018 Minutes

The minutes for the July 2, 2018 minutes were reviewed by the Board.

No corrections were noted. Mr. Charles Riser requested a motion to approve these minutes with no amendments. A motion was made by Ms. Allen to approve the minutes with no amendments and seconded by Mr. Zupko. The motion passed.

Old Business

Inspection Report

Ms. Erica Lewis, Acting Executive Director, said that she was pleased to announce that the Board had hired five additional per diem inspectors and will be looking for two full-time inspectors. Ms. Lewis explains to the Board of a recent change in electronic submission of reports. Mr. Riser inquired if this new platform would still allow photo submission and Ms. Lewis confirmed the photo submission would still be allowed. Time and monetary savings were stressed.

Vote for final approval of COMAR 09.22.02.01

Mr. Eric London, Assistant Attorney General, advised the Board the proposed regulation was published in the Maryland Register on June 22, 2018. During the 45 day public comment period, no public comments were received. The regulation was now ready to be voted upon by the Board for final approval.

The Board reviewed COMAR 09.22.02.01, which related to mobile salons. Mr. Charles Riser asked for a motion to give the Board's final approval of COMAR 09.22.02.01. Ms. Rachel Allen made this motion, and Mr. Zupko seconded. The motion passed.

Vote for proposed Regulation COMAR 09.22.01.16

Mr. Eric London further explained that at the previous Board meeting in July, the Board had agreed and voted upon a regulation regarding failure to respond to the Board by applicants and licensees. Mr. London explained that the regulation was not approved by the AELR Committee, as it did not have enough specificity. Mr. London advised the Board that he edited the proposed regulation to meet the AELR Committee's recommendations. The regulation would apply to all applicants as well as licensees, requiring a response within 30 days of communication from the Board. Failure to respond within 30 days may lead to disciplinary action.

The Board reviewed COMAR 09.22.01.16. Mr. Charles Riser asked for a motion to approve proposed COMAR 09.22.01.16. Ms. Rachel Allen made this motion, and Mr. Zupko seconded. The motion passed.

New Business

Informal Conference—Apprentice Restart, A. Dixon

Not present.

Informal Conference—Apprentice Restart, J Winston

An informal conference was held for Ms. J. Winston, who requested that she be allowed to restart her cosmetologist's apprenticeship. According to Ms. Beverly, she began her apprenticeship in 2015, but stopped her apprenticeship due to a lack of apprentice forms. She renewed her apprenticeship permit in 2017, but was unable to complete her apprenticeship program. Ms. Winston 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. Winston that if the restart was granted, it would be her final restart, and she would start over from the beginning, redoing all 24 months.

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

Informal Conference—Apprentice Restart, B. Lowery

An informal conference was held for Ms. B. Lowery, who requested that she be allowed to restart her nail technician apprenticeship. A review of Ms. Lowery license history and an explanation of circumstances causing her to not complete her apprenticeship were discussed.

Mr. Charles Riser asked for a motion to allow Ms. Lowery to restart her apprenticeship, contingent upon her sponsor and herself attending an apprenticeship workshop. Ms. Rachel Allen made this motion, and Mr. Zupko seconded. The motion passed.

Informal Conference—Apprentice Restart, C. Nguyen

Matthew Dudzic briefly explained to the Board that Ms. Nguyen over 9 years ago acquired a Nail Technician license in Maryland by fraudulent activity. Ms. Nguyen since has obtained a Nail Technician license in the District of Columbia through examination requirements. The Board instructed the Administration to review similar cases and remove the mandatory step to come before the Board unless needed.

Mr. Charles Riser asked for a motion to allow Ms. Nguyen to obtain licensure through reciprocity. Ms. Rachel Allen made this motion, and Mr. Zupko seconded. The motion passed.

Violation Review—Star Hair Design, LLC

Mr. Edwin Castillo appeared before the Board for an informal conference the salon was inspected on 6/7/2018 as the result of a complaint filed with the Board. At the time of inspection, the inspector found that the shop had unlicensed personnel working for compensation. Mr. Castillo had entered into a consent order with the Board and was appearing before the Board as per the terms of the consent order.

Mr. Castillo explained that the unlicensed barbers were in the process of finishing the reciprocity process and no longer worked in the shop. Mr. Riser advised the owner activities such as open blade shaving is not permitted in his salon. The Board explained to Mr. Castillo that although his shop is categorized as a full service salon, he would not be allowed to perform traditional barbering services without a barber shop permit. Mr. Castillo stated he would speak with the Zoning Board to determine if he could completely divide his current shop.

Mr. Riser advised Mr. Castillo the purpose of the Board is not to shut down his business, but rather to bring his business into compliance. In great detail the Board explained that Maryland does not require the owner to be on premises, however it is the owner's responsibility to manage day to day activities such as licensing and sanitation. Mr. Castillo said he understood and thanked the Board.

Violation Review—Misa Nails

Mr. Huynh Le appeared before the Board for an informal conference. The salon was inspected on 4/28/2018 and 5/9/2018 as the result of a complaint filed with the Board. At the conclusion of his inspection, Mr. Le offered the inspector an envelope of \$500.00. Mr. Le explained he was unaware inspections could take place on Saturdays and tested the validity of the inspector by offering her money. He believed only a fake inspector would take the cash offer.

The Board advised Mr. Le that inspections can take place any day of the week during business hours. Acting Executive Director, Erica Lewis, suggested for Mr. Le to call into our office if he ever

feels uncomfortable or has questions about an inspection. Mr. Le said he understood and thanked the Board.

Violation Review—Westbard Hair Studio

Mr. Rao appeared before the Board for an informal conference on the behalf of his wife Pamela Rao. The salon was inspected on 9/29/217, 1/26/18 and 6/7/2018 as the result of a complaint and a request from the Board. At the time of all three inspections, the inspector found that the shop had Hrant Khanzetican, an unlicensed individual, working for compensation. Ms. Rao had entered into a consent order with the Board and was appearing before the Board as per the terms of the consent order.

Mr. Rao admitted to the Board that Mr. Khanzetican is still employed at Westbard Hair Studio without a valid license. Ms. Lewis explained that the shop is in violation for hiring unlicensed workers and Mr. Khanzetican cannot service customers for compensation in a salon or shop until he holds a Maryland license. The Board explained to Mr. Rao that Mr. Khanzetican can obtain his license through apprenticeship or reciprocity. Mr. Zupko expressed sympathy for Mr. Khanzetican's circumstances, but explained to Mr. Rao that he does not warrant him to work under a fraudulent license. Mr Rao said he understood and thanked the Board.

Wedding Event Services

Ms. Lewis stated there has been a recent discussion surrounding wedding event services. Concierge services off-site in the State of Maryland are not allowed. Mr. Riser expressed his concern with the growing amount of individuals using their car as unlicensed mobile salons. Mr. Riser suggested individuals interested in performing wedding services consider renting a booth from a brick and mortar. Mr. Zupko requested to further this discussion at the next meeting.

Offering Prohibited Services While Closed

Ms. Lewis mentioned to the Board of a recent tattoo party ad which was brought to the attention of staff by an email. The salon owner was under the impression that if their shop was closed that they were not doing anything wrong by hosting a party offering prohibited services. Mr. Zupko said owners offering services after hours are just circumventing the law. Mr. Riser stated that public perception is key. The license of the facility mandates the operating services.

Complaint Committee Assignment

Mr. Charles Riser and Ms. Rachel Allen volunteered to sit on the complaint committee before the next meeting.

Resignation of Board Specialist Matthew Dudzic

Mr. Matthew Dudzic has served for over a year on both the Board of Cosmetologists and Board of Barbers as a Board Specialist. Mr. Dudzic has been afforded a great career opportunity with another State agency. Mr. London added that Mr. Duzic is a very talented young man, very responsive and his absence will be a tremendous loss.

Items Tabled

Glycolic acids and chemical exfoliation

"Suite" Style Salons

Public Comment

None

Adjournment

There being no further business to discuss or to presented before the Board, Mr. Riser asked for a motion to adjourn the meeting. Ms. Rachel Allen made this motion, and it was seconded by Mr. Bob Zupko. The motion passed, and the meeting was adjourned at 12:00 PM.