
Cosmetologist's Board Meeting

Monday, May 7, 2018

A meeting of the State Board of Cosmetologists was held on Monday, May 7, 2018 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, *Cosmetologist Member*
Ms. Charles Riser, *School Member, Acting Chair*
Mr. Bob Zupko, *Cosmetologist Member*

Other Attendees

Ms. Victoria Wilkins, *Commissioner*
Mr. Eric London, *Assistant Attorney General*
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 10:14 AM by Mr. Charles Riser, Acting Chair.

Approval of Agenda

Amendments were offered to the agenda. Ms. Rachel Allen made a motion to approve the meeting agenda as amended, and the motion was seconded by Mr. Bob Zupko. The agenda was approved.

Informal Conferences

Apprentice Restart—H. Herdeman

Ms. Harper Herdeman appeared before the Board to request a restart of her nail technician's apprentice permit. Ms. Herdeman was a licensed esthetician, and had begun her apprenticeship as a nail technician in April of 2016. However, she only completed five months of training. Ms. Herdeman explained that her health insurance costs went up unexpectedly, so she was required to temporarily change jobs to receive health coverage. She said that her husband was subsequently able to add her to his health insurance coverage, and she was interested in resuming the program. She said that she

understood she had to start over from the beginning, and that she would be maintaining the same sponsor and salon that she had previously worked with.

After reviewing her file, Mr. Charles Riser, Acting Chair, commented that it appeared she had done everything she was supposed to do during her initial apprenticeship. He added that he appreciated the extensive documentation provided by Ms. Herdeman, and that it was rare to see someone restart who had filled out all of the required paperwork and done things the correct way.

Mr. Riser asked for a motion to allow Ms. Herdeman to restart her apprentice permit. Mr. Bob Zupko made this motion, and it was seconded by Ms. Rachel Allen. The motion passed unanimously,

Apprentice Restart—S. Richardson

Ms. Shirley Richardson appeared before the Board to request a restart of her cosmetologist's apprentice permit. Ms. Richardson explained that she originally obtained her permit in 2004, but her mother passed away toward the beginning of her apprenticeship, and she had never returned to it. She renewed her permit in 2012, but the stylist who was sponsoring her sold the salon and was unable to continue training her.

Ms. Richardson's new sponsor, Ms. Shanelle Pollard, also appeared before the board. Ms. Pollard explained that Ms. Richardson had been working for her as a shampoo technician, and that she was a hard worker and she wanted to assist her in obtaining her license. She said that in addition to being a senior cosmetologist, she had experience working with students at Western Tech and Milford Mill, and that she was confident she could work with Ms. Richardson to complete her apprenticeship.

Mr. Charles Riser, Acting Chair, asked what books Ms. Pollard intended to train from. Ms. Pollard said that she had some older versions of the Milady's books, but would get the latest editions. Mr. Riser said that Milady's also had several online resources that could be helpful in her training.

Mr. Eric London, Board Counsel, said that since 2013 the Board had begun requiring all applicants to attend an apprentice and sponsor orientation that explained the program and gave information regarding how to report information properly and more. He added that if the Board agreed to allow this restart, they were well within their purview to require their attendance at the orientation.

Ms. Rachel Allen made a motion to allow a final restart of Ms. Richardson's apprentice permit, contingent on both Ms. Richardson and her sponsor attending the apprentice orientation. Mr. Zupko seconded the motion. The motion passed unanimously.

Apprentice Restart—T. Thomas

Ms. Tanisha Thomas appeared before the Board to request a restart of her cosmetologist's apprentice permit. Ms. Thomas originally held an apprentice permit in 2000, and renewed in early 2016. Her apprentice permit expired without any hours reported. Ms. Thomas explained that her sponsor, Ms. Kearstin Humphreys, had been under the impression that the salon owner was submitting her paperwork to the Board.

Ms. Kearstin Humphreys also appeared on Ms. Thomas's behalf. Ms. Humphreys said that the salon owner at her previous salon had insisted that all paperwork go through her, and so she had given all

of Ms. Thomas's forms reporting her hours directly to her. Several months into Ms. Thomas's apprenticeship, Ms. Humphries had asked the owner if she had been submitting them, and the owner had stated that she had misplaced the forms and not sent them.

Mr. Charles Riser, Acting Chair, stated that while he appreciated her position, it was ultimately the responsibility of Ms. Humphries to ensure that all paperwork was submitted properly. He also asked why no paperwork was submitted after that point. Ms. Thomas said that she continued working with Ms. Humphries in the salon and learning for the remainder of her apprenticeship permit, but that she was not sure what was going on, so she did not report any training.

Ms. Humphries explained that they had recently moved to a new salon, and the new owner that was a senior cosmetologist and was very familiar with the apprenticeship process. Ms. Rachel Allen reminded Ms. Humphries that it was not ultimately the owner's responsibility, and that if the Board agreed to reinstate Ms. Thomas's apprenticeship this time, she would not be given another opportunity again.

Ms. Rachel Allen made a motion to allow a final restart of Ms. Thomas's apprentice permit, contingent on both Ms. Thomas and her sponsor attending the apprentice orientation. Mr. Bob Zupko seconded this motion. The motion passed unanimously.

Apprentice Restart—K. Luong

Mr. Kai Luong appeared before the Board to request a restart of his nail technician's apprentice permit. Mr. Luong previously held an apprentice permit in 2006, but failed to complete the program after only one month was reported. Mr. Luong explained that his sponsor had run into financial difficulties early on in his sponsorship and had closed her salon. Mr. Luong went back to school and did not return to the nail industry until recently, when his sister offered to sponsor him at her nail salon.


Mr. Luong's sponsor also appeared on his behalf. She explained that while she had never sponsored anyone before, she had been working as a nail technician since 1998 and was very familiar with the industry.

Mr. Charles Riser, Acting Chair, said that it was important not to neglect the theory portion of Mr. Luong's training. He said that becoming a nail technician was not simply a matter of sitting with his sponsor and learning to do nails, but also involved learning things like bacteriology, sanitation and infectious diseases. He encouraged Mr. Luong and his sponsor to obtain all the necessary books and find a study routine that worked for them.

Ms. Rachel Allen made a motion to allow a final restart of Mr. Luong's apprentice permit, contingent upon both Mr. Luong and his sponsor attending the apprentice orientation. Mr. Bob Zupko seconded the motion. The motion passed unanimously.

License Reinstatement—M. Truong

Ms. Minh Truong appeared before the Board to request a reinstatement of her license. Ms. Truong applied for licensure by endorsement from Texas in July of 2014. Maryland subsequently determined that the certification of licensure provided by Texas was fraudulent, and flagged her



license. Ms. Truong explained that when she first moved to Maryland in 2014, she did not speak English and did not understand what was going on. She said that in the time since her license was flagged as fraudulent, she attended a nail school in the District of Columbia and obtained her DC nail technician's license. She requested that the Board allow her to transfer her nail technician's license from DC to Maryland.

Mr. Eric London, Board Counsel, explained that there was a scheme run in non-English speaking communities several years ago that involved encouraging new residents who were unfamiliar with the licensing process to pay to become licensed. He said that the previous Board had ruled that individuals who had obtained their license fraudulently would be required to wait three years before re-applying in the correct way.

Ms. Rachel Allen made a motion to allow Ms. Truong to receive her nail technician's license by endorsement from the District of Columbia. Mr. Bob Zupko seconded this motion. The motion passed.


Apprentice Restart—A. Boyd

Ms. Aubre Boyd appeared before the Board to request a restart of her nail technician's license. Ms. Boyd explained that the salon where she was apprenticing had told her that it would cost \$3,000 to apprentice there. Ms. Boyd said that at the time, she was unaware that sponsors were not allowed to charge their apprentices, and she had made a payment of \$1,000 to the salon before discovering that this was not allowed in Maryland. When she refused to make any subsequent payments, her sponsor stopped sending in her apprentice training reports. Ms. Boyd said that she wished to restart her apprenticeship under a new sponsor, and also to report her salon for charging her for her training.

Mr. Charles Riser, Acting Chair, explained that as far as sanctioning the salon, there was little that they could do from a Board standpoint. He recommended that Ms. Boyd reach out to the Maryland Higher Education Commission. Mr. Riser explained that the reason salons and sponsors were not allowed to charge for training was that doing so meant they were essentially acting as a school, and that schools were regulated by MHEC. Mr. Riser said that he would be happy to open a dialogue with MHEC to report the salon in question, but that without proof, he was not sure what they could do in this instance. Ms. Boyd said that she had text messages between herself and her sponsor confirming that she was charged for her training.

Mr. Eric London, Board Counsel, added that the Board's primary business here was whether or not they would allow the restart. Mr. London encouraged Ms. Boyd to contact an attorney to seek remunerations from the salon, and to report the salon to the Maryland Higher Education Commission as Mr. Riser suggested.

Mr. Riser asked for a motion to allow a restart of Ms. Boyd's apprentice permit, contingent upon Ms. Boyd finding a new sponsor, and upon Ms. Boyd and her sponsor attending the apprentice orientation. Ms. Rachel Allen made this motion, and Mr. Bob Zupko seconded it. The motion passed unanimously.



Mr. Zupko apologized to Ms. Boyd for the behavior of her previous sponsor. He said that it was completely appalling that a sponsor would attempt to charge thousands of dollars for their training, and wished Ms. Boyd luck on moving forward with her training.

New Business

Retirement of Executive Director Shirley Leach

Ms. Victoria Wilkins, Commissioner, announced that as of May 1, Executive Director Shirley Leach had officially retired. She added that Erica Lewis had been acting as director for several months, and would continue to do so until the position was filled officially. Ms. Wilkins said that Ms. Leach had a long tenure with the state of Maryland, and that they appreciated the years of service she had provided.

Complaint Committee Assignment

Ms. Rachel Allen and Mr. Charles Riser volunteered to sit on the Complaint Committee for the June meeting.

Proposed Regulatory Changes—Service Animals

Mr. Charles Riser, Acting Chair, explained that the language in Maryland's regulations regarding service animals was not in line with the standards presented in the Americans with Disabilities Act. He recommended that the language in 09.22.02.03(G) and 09.22.03.02(G) be amended to say that service animals regulated under the ADA were allowed.

Ms. Victoria Wilkins, Commissioner, explained that they were unable to submit regulatory changes during the legislative session. She said that now that the session had concluded, if the Board was interested in making this change, the next step would be to create a concept sheet and vote on it.

Ms. Rachel Allen made a motion to request that the Acting Executive Director create a concept sheet for proposed regulatory changes concerning 09.22.02.03(G) and 09.22.03.02(G). Mr. Bob Zupko seconded this motion. The motion passed unanimously.

Proposed Regulatory Changes—"Suite"-Style Salons

Mr. Charles Riser, Acting Chair, recommended that this discussion be tabled until a future meeting. Ms. Rachel Allen motioned that agenda item 5.3.2, discussion of "suite"-style salons, be tabled until a future date. Mr. Bob Zupko seconded this motion. The motion passed unanimously.

Fraudulent California Certifications

Mr. Matthew Dudzic, Board Administrator, provided an update to the Board. Mr. Dudzic explained that they had received notification from PSI Exams of an influx of people attempting to fraudulently obtain a California license by submitting falsified school information to the testing vendor. PSI had not reported any similar activity in the state of Maryland, but had notified all regulatory agencies of the issue.

Ms. Victoria Wilkins, Commissioner, said that there were plans to do audits of PSI applications in the future. She said that this had not yet been implemented, but was in the works.

Board Counsel Report

Mr. Eric London, Board Counsel, provided an update on recent regulatory changes. He explained that the changes to the regulations regarding fees and mobile salons had been voted on and approved during the April meeting. He said that he expected them to be published in the Maryland Register at the end of May, after which point they would go into public comment. He said that he expected a vote for final approval in September.

Apprenticeship Update


Mr. Charles Riser, Acting Chair, asked for an update regarding the Maryland Apprentice Training Program and PivotPoint partnerships that had been presented in August of 2017. He added that the Board was in favor of these ideas, and wanted to know what the next step was.

Ms. Victoria Wilkins, Commissioner, explained that she and Acting Director Erica Lewis had recently had a conference call with Chris Maclarion of the Maryland Apprentice Training Program. She said that they were hoping to have a business or association sponsor the program, but were having difficulty finding someone. Mr. Riser offered his assistance, and added that he regularly worked with people from organizations such as the Professional Beauty Association. He added that he was very eager to see these projects move forward, and that he believed the other members of the Board felt similarly.

Ms. Wilkins said that these were the pet projects of Shirley Leach, and they had been put on the back burner in her absence, but she would work with Erica Lewis to provide an update at the next meeting.

Continuing Education Update

Mr. Charles Riser, Acting Chair, asked if the continuing education regulations would go into effect once the special funding went into place. Ms. Victoria Wilkins, Commissioner, said that it was unlikely to immediately go into effect. She said that for continuing education to move forward they would require budgetary changes, because the positions that they requested in the fiscal note in order to implement the program were not approved.



Mr. Riser added that he was surprised at the number of people attending the meetings who were interested in this, and asked if there was a vision as to how this would be eventually implemented. Ms. Wilkins explained that there were no specific regulatory guidelines, and that they would not be able to explore this further until the necessary budgetary changes took place.

Mr. Riser asked how early this could potentially take place. Ms. Wilkins said that the Fiscal Year 2019 budget was already in place, so the absolute earliest it could take place would be for Fiscal Year 2020, which would begin on July 1, 2019.

Old Business

Inspection Report

Mr. Matthew Dudzic, Board Administrator, provided an update to the Board regarding inspections. Mr. Dudzic informed the Board that inspections for new shops and complaints were scheduled regularly, and occurring at a rate of approximately six inspections per day.

Public Comment

Tracy Misney

Ms. Tracy Misney introduced herself to the Board. She explained that she was a salon owner with Great Clips, and had worked with them for over 15 years with several salons. She said that it was important to be up-to-date with what was going on in the industry, and that she learned a lot at the meeting. She thanked the Board for allowing her to observe and added that she was happy to be a resource if she could.

Alberta Fisher

Ms. Alberta Fisher asked the Board if the procedure regarding the order of nail polish removal had changed. She explained that she had always taught that the correct order was to first remove the polish, then to file and then finally to soak, but that most salons she had been to recently soaked the nails before filing. Ms. Rachel Allen stated that what she was describing was procedural, and that the requirements did not specify the order in which the services needed to be performed. Mr. Charles Riser, Acting Chair, added that while the Board oversaw sanitation concerns, they did not oversee the publication of books or procedure. He said that as long as the state's sanitation requirements were being met, salons were free to perform such services in whatever order they felt was best.



Approval of April 2, 2018 Meeting Minutes

After reviewing the minutes from the April 2, 2018 meeting of the Board, Ms. Rachel Allen made a motion to approve the minutes. The motion was seconded by Mr. Bob Zupko, and the motion passed.

Mr. Charles Riser, Acting Chair, requested that in the future, the approval of minutes be moved to the beginning of the meeting.

Adjournment

There being no further business to discuss or to present before the Board, Mr. Charles 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 12:02 PM.

APPROVED BY: _____ ON JUNE 4, 2018.