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# Cosmetologist's Board Meeting

Monday, February 5, 2018

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A meeting of the State Board of Cosmetologists was held on Monday, February 5, 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, *Industry Member*

Ms. Valerie Mascaro, *Industry Member, Acting Chair*

Mr. Bob Zupko, *Industry Member*

## Other Attendees

Ms. Erica Lewis, *Deputy Executive Director*

Mr. Eric London, *Assistant Attorney General*

Mr. Matthew Dudzic, *Board Administrator*

## Not Attending

Mr. Charles Riser, *Industry Member*

## Agenda

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

A quorum was announced and the meeting was called to order at 10:04 AM by Ms. Valerie Mascaro, Acting Chair.

### Approval of Agenda

Ms. Erica Lewis offered amendments 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

### License Reinstatement—Linh M. Le

Ms. Linh M. Le came before the Board to request that she be allowed to reinstate her license.

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Ms. Erica Lewis provided a summary of Ms. Le's situation. Ms. Lewis explained that in 2006, the Board had received a massive fraud case from Texas, where numerous individuals obtained licenses by endorsement via fraudulent certifications that claimed to be from Texas. Ms. Lewis explained that at the time, the Board determined that individuals who had attempted to obtain a license fraudulently would have their accounts flagged in order to prevent them from obtaining a license by any means in the future. In 2016, the Board determined that individuals who had been flagged as fraudulent could come before the Board to request a reinstatement of their license after at least three years had lapsed, and provided that they went through non-fraudulent means to obtain the license. Ms. Lewis explained that the first three informal conferences were all individuals whose licenses had been flagged in 2006 due to these issues.

Ms. Linh Le explained that back in 2006, she moved to Maryland from Pennsylvania. She held a nail technician's license at the time, but a company that targeted new Vietnamese residents in Maryland came to her and told her that they could upgrade her license to a full cosmetology license and get her active in Maryland for a fee. Ms. Le explained that she was new to the state and did not know what to do, and she ended up paying thousands of dollars to this company. She apologized to the Board, and said that more than ten years had passed since then, and she wanted to do things the right way.

Mr. Bob Zupko asked if Ms. Le had been employed in a salon since then. Ms. Le said that her husband owned a nail salon in Ellicott City, and she worked there as a business manager, but was not permitted to perform services. Ms. Le stated that she did possess a non-fraudulent nail technician's license in the State of Virginia, and was requesting that she be allowed to become licensed as a nail technician in Maryland.

Ms. Rachel Allen made a motion to remove the flag on Ms. Le's license and allow her to receive her nail technician's license by endorsement from Virginia. Mr. Zupko seconded this motion, and the motion passed unanimously.

### License Reinstatement—Nhung Nguyen

Ms. Nhung Nguyen explained that she also obtained her license fraudulently through the same group as Ms. Le. She did not have a license in any other state, and has not attended school because she was told she would not be able to obtain a license if she graduated.

Mr. Eric London, Assistant Attorney General, clarified that if the Board allowed Ms. Nguyen to receive her license, she would still need to either attend school or complete an apprenticeship program in order to qualify to become licensed in Maryland. Ms. Nguyen stated that she was planning on becoming an apprentice underneath Ms. Le's husband.

Ms. Rachel Allen made a motion to remove the flag on Ms. Nguyen's license. Mr. Zupko seconded this motion, and the motion passed unanimously.

### License Reinstatement—Thang Vu

Ms. Thang Vu explained that her situation was very similar to Ms. Le's. She stated that she went to school in Virginia and received a nail technician's license, and when she moved to Maryland in 2006

she was told that she could be upgraded to a cosmetologist. She asked for an opportunity to transfer her nail technician's license from Virginia.

Ms. Rachel Allen made a motion to remove the flag on Ms. Vu's license and allow her to receive her nail technician's license by endorsement from Virginia. Mr. Zupko seconded this motion, and the motion passed unanimously.

### Violation Review—H&N Nail Spa

Ms. Ha Phan appeared on behalf of H&N Nail Spa, who received multiple sanitation violations during inspections following a complaint filed with the Board. Ms. Phan had entered into a consent order with the Board and was appearing before the Board as per the terms of the consent order.

Ms. Phan explained that she was on maternity leave when the inspectors came, and the salon had gotten out of hand in her absence. She said that they fixed some of the problems from the initial inspection, but then there were additional issues following the reinspection.

Ms. Valerie Mascaro expressed serious concern with the photographs from the inspections. She said that the photographs made it clear that the conditions of the shop at the time were extremely unsanitary, and that she was not surprised to hear that someone had filed a complaint. Ms. Phan explained that since her return they have cleaned up the shop, added lids to all of the trash cans and updated their sanitation procedures. She added that they now keep 20 sets of sanitation pouches at every station, and all technicians are required to rinse their implements in soapy water, soak them in disinfectant solution and then sterilize them overnight.

Ms. Mascaro stated that the Board asked her to come in because of how serious the sanitation violations were, and that as a shop owner, it was her responsibility to keep the shop clean and safe even when she was not present. Mr. Bob Zupko added that he was a salon owner himself, and that when he travels he still holds his employees responsible for the condition of the shop.

Ms. Phan offered photographs demonstrating that her shop had since come into compliance. She said that the photographs were taken that same day. The Board agreed that the photographs appeared to correct the issues, but reminded Ms. Phan that the Board would be following up with a reinspection.

### Violation Review—Isaula's Beauty 2 Salon and Barbershop

Ms. Claudia Isaula and Mr. Walter Isaula appeared on behalf of Isaula's Beauty 2 Salon and Barbershop, which received multiple violations for unlicensed workers. Ms. Isaula had entered into a consent order with the Board and was appearing before the Board as per the terms of the consent order.

A summary of the violations was provided to the Board. In July of 2017, Isaula's Beauty 2 Salon and Barbershop failed a routine inspection after multiple barbers were found working with fraudulent licenses. Ms. Claudia Isaula wrote to the Board stating that she was not aware that the licenses were fraudulent, and that the issues had been corrected. A reinspection in November of 2017 found that two of the barbers who had been working under fraudulent licenses in July were still employed at the shop, and were working without licenses.

Mr. Walter Isaula apologized on behalf of the shop. He stated that he did not know that the barbers were unlicensed, but that they were hardworking and talented barbers. He said that since discovering that they had been working on fraudulent licenses, the barbers have been attending school, and he is doing everything he can to get them licensed so that the shop can continue to employ them. He said that his lesson was learned and asked the Board for time to allow them to move forward.

Ms. Erica Lewis, Deputy Executive Director, stated that she recalled the same shop being brought before the Board three years prior due to unlicensed workers. She added that it was unacceptable to work without a license, and that the fact that this is now the second time she was seeing them brought before the Board, she was worried they were not taking this matter seriously.

Mr. Isaula assured the Board that they were taking this very seriously, and were taking steps to ensure everyone was licensed. Mr. Bob Zupko asked what those steps were. Mr. Isaula explained that previously they were not aware of various opportunities for licensure, such as the apprenticeship program or transferring licenses from other countries. Ms. Lewis said that it was good that they were taking steps to get their workers licensed, but that as a business owner it was their responsibility to be aware of the law.

Ms. Claudia Isaula said that it was very difficult to find licensed workers who fit their needs. She said that they were a prosperous and busy business with a high quality standard that primarily served the Hispanic community, so they needed to employ people who were talented, able to come in and work regularly and spoke both English and Spanish. She said that it was very demanding and difficult to find staff that met those standards. Ms. Erica Lewis informed Ms. Isaula that they offer special accommodations, including offering the written exam in Spanish for cosmetology examinations and permitting translators for barber examinations. Ms. Isaula said that these changes were recent, and when she opened the business that was not the case.

Mr. Eric London, Assistant Attorney General, added that this was an informal conference because the Board wanted to give their shop one more chance to get its licensing in order. He informed them that an inspector would be coming back to the shop, and that at this point in the time, there could only be licensed individuals. He said that he assumed that if their shop were to come before the Board again for unlicensed workers, it would not be an informal conference, but would be a much more serious formal hearing.

Ms. Erica Lewis added that the goal was not to attack their shop but to help them come into compliance. She offered to work with them to assist them in bringing people on as apprentices or transferring their licenses from other countries. She said that the Board's job was to make sure that the consumers were safe, and that the public frequently complained about unlicensed workers.

Ms. Claudia Isaula asked for more time to get her businesses in order. She said that her salons and barbershops were needed in their communities, and that there would be major issues if the shops were closed down.

### Apprentice Restart—Landon Weems, Jr.

Mr. Landon Weems, Jr. appeared telephonically before the Board to request a restart of his nail technician's apprenticeship. Mr. Weems explained that he was previously working at another salon,

but due to conflicts with his sponsor, he was unable to complete his program and left the nail salon. Mr. Weems stated that he was in a much better place, and found a new sponsor and salon willing to train him.

Ms. Rachel Allen made a motion to allow Mr. Weems to restart his nail technician's apprenticeship contingent on him attending the orientation workshop with his sponsor. Mr. Bob Zupko seconded the motion, and the motion passed unanimously.

Mr. Weems thanked the Board for giving him the opportunity to complete his career.

## New Business

### Complaint Committee Assignment

The Board determined that Ms. Rachel Allen and Ms. Valerie Mascaro would sit on the complaint committee for the March meeting.

### Occupational Licensing Consortium Update

Ms. Rachel Allen provided an update on the occupational licensing consortium. She explained that the consortium was developed by the National Board of Governors and consisted of 11 states. The discussion was focused on license reform and how to remove barriers for licensing, especially for military families, immigrants and the unemployed. Some of the discussion was in regard to a national license, which would require standardization of hour requirements.

Mr. Bob Zupko asked if the goal of this consortium was to remove licensing for cosmetologists altogether. Ms. Allen and Ms. Erica Lewis, Deputy Executive Director, explained that removing the license was not on the table, but that one discussion point was possibly reducing required hours in an effort to make a national standard. For example, seven states currently only require 1200 hours of training for cosmetologists. If a military spouse comes from one of those states and gets relocated to Fort Meade, by Maryland's current standards they would be unable to work without obtaining additional training. Mr. Zupko said that he agreed with making licensing easier, as long as it was not being removed outright.

Ms. Lewis added that this was a three year project, and nothing would be changing in the immediate future. She suggested that the Board remain open to change and what that might look like down the road.

## Old Business

### Inspection Report

Ms. Erica Lewis, Deputy Executive Director, updated the Board on the current state of inspections. She explained that she was still acting in the role of Licensing and Inspections Supervisor while waiting for the position to be filled. She advised that the job posting for the position expired on



December 28, but she was still waiting to receive the applications. She added that she was hoping to have the position filled by March or April.

Ms. Lewis said that their longest-serving inspector recently retired after more than 30 years, and they were currently employing five inspectors. Since the beginning of the year, they conducted 70 inspections.

## 2017 Consent Order Review

Mr. Matthew Dudzic, Board Administrator, reviewed the fines and consent orders from 2017. Over the course of the year, the Board requested consent orders and fines for 124 salons. 98 of those salons had fulfilled the terms of the consent order, for a 79% completion rate. The average fine amount was \$243, with a total of \$23,850 collected.

Mr. Dudzic explained that the number of issued and paid consent orders was up significantly from previous years, but the average fine amount was smaller.

The Board asked for clarification on what the next step was for the 26 salons that did not meet the terms of their consent orders. Mr. Eric London, Assistant Attorney General, explained that historically the Board held more formal hearings for cases such as these. While the Board had not done so in quite some time, it was possible that they could restart those once they had additional resources.

## Board Vacancy

Ms. Erica Lewis, Deputy Executive Director, explained that Ms. Piccola Winkey was no longer a member of the Board. Ms. Lewis thanked Ms. Winkey for her years of service, her hard work and her dedication. She explained that the Board was looking for a new industry member, in addition to the two vacant seats for consumer members.

Mr. Eric London, Assistant Attorney General, added that in order to maintain a seat on the Board, you must attend at least two thirds of the meetings. He thanked the Board members for coming in despite the inclement weather.

## 2018 Legislative Session

Ms. Erica Lewis, Deputy Executive Director, said that she was not aware of any relevant legislation introduced in the 2018 legislative session, but would update the Board if anything changed.

## Public Comment

There were no public comments.



## Approval of December 4, 2017 Meeting Minutes

After reviewing the minutes from the December 4, 2017 meeting of the Board, Mr. Bob Zupko suggested an amendment. Ms. Rachel Allen made a motion to approve the minutes as amended. The motion was seconded by Mr. Bob Zupko, and the motion passed.

## Adjournment

There being no further business to discuss or to present before the Board, Ms. Valerie Mascaro asked for a motion to adjourn the meeting. Mr. Bob Zupko made this motion, and it was seconded by Ms. Rachel Allen. The motion passed, and the meeting was adjourned at 11:48 AM.

APPROVED BY: \_\_\_\_\_ ON MARCH 5, 2018.