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# Cosmetologist's Board Meeting

Monday, March 5, 2018

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

## Other Attendees

Ms. Erica Lewis, *Acting Executive Director*  
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 10:10 AM by Ms. Rachel Allen, Acting Chair.

### Approval of Agenda


Ms. Valerie Mascaro made a motion to approve the meeting agenda, and the motion was seconded by Mr. Charles Riser. The agenda was approved.

## Informal Conferences

### Apprentice Restart—Justine Humes

Ms. Justine Humes appeared before the Board to request a restart of her nail technician's apprentice permit. Ms. Humes explained that she was unable to complete her original apprenticeship due to medical issues, but that she was ready to continue with her education now.

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Ms. Rachel Allen asked for a motion to allow Ms. Humes to restart her apprenticeship. Mr. Charles Riser made this motion, and Ms. Valerie Mascaro seconded it. The motion passed unanimously.

Ms. Humes thanked the Board for allowing her to restart.

### Apprentice Review—Thi Hong Hanh Nguyen.

Ms. Thi Hong Hanh Nguyen appeared before the Board. Ms. Nguyen explained that she had begun her training in early 2017, but her sponsor had not been turning in her monthly reports. When Ms. Nguyen attempted to submit them recently, she had been told that they could not be accepted due to the fact that more than 90 days had elapsed. Ms. Nguyen requested that the Board allow her to count her training.

Ms. Nguyen's sponsor also appeared on her behalf. She apologized and explained that previously when she had sponsored someone, he had submitted all of his own monthly reports. Ms. Valerie Mascaro asked if they had attended the apprentice orientation. They confirmed that they had. Ms. Mascaro explained that at the orientation, the process for submitting hours was clearly delineated, and that it was the sponsor's responsibility to ensure that the forms were all submitted in a timely fashion.

The Board reviewed the sponsorship training forms. Mr. Charles Riser asked Ms. Nguyen why there were training forms from March of 2017, when she had not been issued her apprentice permit until April 19, 2017. Ms. Nguyen's sponsor explained that she filled out several of the forms after the fact, and that it was possible that she had written the wrong month.


Mr. Eric London, Assistant Attorney General, explained that they could not count hours from prior to when her permit had been issued. He said that the Board had the authority to approve hours submitted after the fact in cases of exceptional circumstances. He recommended that if the Board believed that this qualified as an exceptional circumstance, that they make a motion to count the training forms from April 2017 through October 2017 toward her apprenticeship. Mr. Charles Riser made this motion, and Ms. Valerie Mascaro seconded it. The motion passed unanimously.

### Violation Review—Nail Envy and Spa

Ms. Kim Tran Nguyen appeared on behalf of Nail Envy & Spa, who had received multiple sanitation violations during inspections follow a complaint filed with the Board. Ms. Nguyen had entered into a consent order with the Board and was appearing before the Board as per the terms of the consent order.

Ms. Nguyen explained that they had a cleaning staff that came in daily, but that the inspections had occurred just before they had closed, and the cleaning staff had not begun working. She apologized to the Board for the conditions of her shop, and promised that it would look much better when the Board returned.

Mr. Charles Riser said that it was not up to a cleaning team to maintain conditions of the salon, but up to the technicians themselves. He explained that sanitation was her responsibility, not the responsibility of a cleaning crew. He said that in addition to the issues with the towels, the



photographs from the inspector showed multiple cheese grater-type implements and reused nail files. He explained that nail files were a porous surface and therefore not sanitizable, and that cheese grater-type implements were prohibited in the state of Maryland. Ms. Nguyen said that after speaking to the inspector, they no longer use the cheese graters, and throw away the nail files after each use.

Ms. Valerie Mascaro said that she had serious concerns that the shop still looked like this after multiple inspections. She said that it did not matter that the inspector came at night, and that she owned a salon and her salon never looked like that regardless of the time of day.

Ms. Erica Lewis, Acting Executive Director, thanked Ms. Nguyen for telling the Board that her shop had come into compliance, and explained that as part of the terms of the consent order, the shop would be inspected again. She said that the inspection could occur at noon or at 8 PM, but that regardless of the time, their salon's conditions needed to be up to par. She said that a third failed inspection meant that the Board would take a different direction.

### Violation Review—Pro Nails and Day Spa

Ms. Phuong Nguyen appeared on behalf of Pro Nails and Day Spa, who received multiple sanitation violations during an inspection following a complaint filed with the Board. Ms. Nguyen had entered into a consent order with the Board and was appearing before the Board as per the terms of the consent order.

Ms. Valerie Mascaro expressed serious concern with the photographs from the inspection, and asked Ms. Nguyen why she had allowed her salon to get into such a condition.

Ms. Nguyen explained that in November she had a death in the family, and left her salon for several weeks. During this time, the inspector came. She apologized to the Board, and said that she had held the location since 1999 without any previous issues, but that some of their standards had lapsed while she was away.

Mr. Charles Riser asked if Ms. Nguyen had ever failed an inspection previously. She said that she had not. Mr. Riser said that they were there to protect the public's safety, and some of the issues that the inspector had witnessed such as reusing nail boards and materials or cheese graters were simply not allowed. He said that he admired that she had been a salon owner for so long without any previous issues, but that if she appeared before the Board again, they would be a lot less forgiving the next time.

Ms. Mascaro suggested to Ms. Nguyen that she consider purchasing new wax pots. She said that since this was her first violation, she hoped that she took it seriously and would follow the rules in the future.

### Violation Review—QQ Nails

Mr. Jin Hua Chen appeared on behalf of QQ Nails, which received multiple violations for unlicensed workers. Mr. Chen had previously appeared before the Board in October 2017 regarding these issues, and during a follow-up inspection in November, more unlicensed workers were witnessed in

the salon. Mr. Chen had entered into a consent order with the Board and was appearing before the Board as per the terms of the consent order.

Ms. Valerie Mascaro expressed concern that despite being brought before the Board for this same issue in October, that Mr. Chen was still employing individuals that did not hold a Maryland license. She asked why he continued to employ these individuals.

Mr. Chen explained that he often tried people out, and that they all held licenses in other states, just not Maryland. He said that he often brought in workers from other states to work there for a couple of weeks and if they found the salon to be a good fit, helped them obtain their Maryland license.

Mr. Charles Riser stated that this was the same story he had heard from Mr. Chen in October, and that they had told him at the time that this was not acceptable.

Ms. Erica Lewis, Acting Executive Director, said that they had seen several unsafe practices that could lead to the spread of disease in that meeting already, and that this was why proper licensing was so important. She said that if Mr. Chen was not hiring licensed workers, there was no protection for the consumers and no guarantee that Mr. Chen's technicians had received the proper training.

Mr. Eric London, Assistant Attorney General, added that the Board would continue to have inspectors come out, and that the next time they found unlicensed workers in the salon, they may not allow Mr. Chen to enter into another consent order. Mr. London said that the Board was telling Mr. Chen in the strongest possible terms that the people working in his shop must hold a Maryland license.

Ms. Lewis also added that effective January of 2018, the Board began publishing consent orders online, and that Mr. Chen did not want QQ Nails listed online as having received multiple violations, because that could affect his business.

## Violation Review – Tiffany's Hair Salon

Ms. Tiffany Lay was not in attendance regarding violations at Tiffany's Hair Salon for operating without a permit. However, upon reviewing the file, the Board determined that Ms. Lay had paid all relevant fines and had passed a follow-up inspection, and that her presence at a future meeting was not necessary. The Board instructed the administrative staff to advise Ms. Lay that her attendance was no longer required.

## New Business

### Complaint Committee Assignment

The Board determined that Ms. Rachel Allen and Mr. Charles Riser would sit on the complaint committee for the April meeting.

### Lash Lift Services

The Board reviewed a video showing a lash lift procedure being performed.

## House Bill 1785

The Board reviewed the text of House Bill 1785, which would mandate that schools perform their practical examinations on-site, reduce the number of hours required before a student could sit for their examination and require schools to offer remedial training for certain students. Ms. Erica Lewis, Acting Executive Director, queried the Board about their thoughts on the proposed legislation.

Mr. Charles Riser stated that as a school owner, he had long been advocating having practical examinations administered on-site. He did express some concern that smaller schools may not be able to adequately absorb the costs associated with administering the examination. Regarding the remedial training, Mr. Riser stated that his school already offered this, but he had some concerns that the language in the legislation might require schools to bring students back after having completed their programs, which could lead to contractual issues. Mr. Riser also said that there was a mandated student/teacher ratio, so if he filled seats, he might not have space for returning students without hiring additional staff. He said that he loved the idea but was worried about some of the costs associated.

Ms. Lewis stated that she had received a couple of phone calls from people who were not pleased with the idea, and that some private schools were concerned about the idea of being required to offer adult learning. Ms. Victoria Wilkins, Commissioner, added that there might potentially be contractual issues with PSI. Ms. Lewis stated that she reached out to PSI following the news of the legislation, and they were looking over their contract.

## House Bill 75


The Board reviewed the text of House Bill 75, which mandated a certain amount of domestic violence and sexual assault training for cosmetologists as part of a continuing education program. Ms. Erica Lewis, Acting Executive Director, stated that this was the same bill that had been proposed in the previous legislative session, and that the Board was not taking a position on this.

Mr. Charles Riser stated that his school was already offering Act Up and Cut It Out training, which taught students how to identify signs of domestic abuse, and that he would like to see any certification received prior to licensing to count toward this requirement if the legislation passed.

## Old Business

### Occupational Licensing Consortium Update

Mr. Charles Riser expressed concern that the Board had moved forward in working with the occupational licensing consortium without first discussing this with the Board members. He stated that he would have loved to have been a part of the initial process, as he had been following this movement for more than two years on both the Federal and State levels.



Ms. Victoria Wilkins, Commissioner, provided a background. She stated that the US Department of Labor offered a grant, and three organizations, including the National Governor's Association, submitted and won this grant. The State of Maryland decided to apply to participate in this consortium, in order to remove barriers to licensure for military families, immigrants and those with criminal histories. As part of the application process they had to select several occupations to include, and they chose barbers, cosmetologists, HVAC workers, plumbers and real estate agents. Ms. Wilkins personally asked Ms. Rachel Allen and Ms. Shirley Leach to join the talks, though Ms. Erica Lewis had stepped in during Ms. Leach's absence. Ms. Wilkins stated that she leads the core team, as well as people from the governor's staff and legislator. She said that the process was still very much in its infancy, and she was aware that before anything moved forward they would need input from their stakeholders.

Mr. Charles Riser said that the concept of right to work was part of a massive movement, and that while Ms. Wilkins identified a small number of licenses in Maryland, there were hundreds that were simply ridiculous. He said that he would love to make it easier for his students who wanted to move to another state, and finding a way to ease that process, but it was important to find a balance. Mr. Riser added that regarding stakeholders, removing hours from required licensing would take away a significant amount of revenue from schools. For example, reducing licensing requirements in Maryland by 300 hours would result in a loss of 20 to 25% revenue from private schools. He added that doing so would simply shift the training requirements from the schools, be they public or private, to the salons. He said that reducing training hours wasn't saying that it takes less hours to train someone, but instead was saying that we would be putting less experienced people in the workforce.


## Inspection Report

Ms. Erica Lewis, Deputy Executive Director, provided an update to the Board regarding inspections. She stated that as of March 5, there had been 171 inspections performed in 2018, including new shops, complaints and Board-requested inspections. She added that the new fiscal year begins in July, and that once they entered the new fiscal year they would be able to pick up the rate of inspections.

## Mobile Salon Regulations

Ms. Erica Lewis, Acting Executive Director, explained that she and Mr. Eric London, Assistant Attorney General, had drafted some sample regulations mirroring California's requirements for mobile salons. Mr. Charles Riser also brought proposed regulations.

Mr. Riser explained that he had looked at several other states as well when coming up with his proposed regulations. He added qualifications that the vehicle would need to meet state regulations for mobile homes, that it had to be able to transverse on the highway, and a minimum size requirement. He also included information about required amounts of potable water and requirements that wastewater storage had to be larger than potable water storage.



Mr. Riser said that in his proposal, he included a diagram of the interior, though he was not sure if that was necessary since it was not required for salons. He added that safety catches needed to be required, and all equipment not placed in storage cabinets needed to be securely anchored while the vehicle was in motion. Mr. Riser also suggested adding requirements that all hoses were made of a material that would prevent bacterial buildup, and regulations disallowing alcohol to be served in mobile salons.

Ms. Victoria Wilkins, Commissioner, suggested that every gets this and reviews it, and that the Board vote for a finalized version at their next meeting. Mr. Eric London, Assistant Attorney General, added that he appreciated Mr. Riser's work on this, and while Mr. Riser had drilled down in great detail, in his mind the ideal set of regulations was fairly minimal. He said that he agreed with adding several of Mr. Riser's proposed elements, but also suggested rolling in as much as possible with other requirements.

## Public Comment

### Mike Ward


Mr. Mike Ward of Great Clips thanked the Board for their hard work. He stated that he had been struggling recently to find qualified candidates to fill jobs, and he was really worried about the future of the industry. He said that it did not seem like the industry was attracting people anymore. While he said that Mr. Riser ran a great school with some excellent graduates, it was not meeting the employment requirements in the State of Maryland. He added that they often had to accept people who had criminal records and other issues because they did not have the talent pool to staff their salons otherwise.

Mr. Charles Riser stated that according to Labor and Statistics, Maryland missed the mark regarding number of licensees versus jobs by 17%. He added that on the flipside of that, JC Penny's recently had announced that they intended to hire 6,500 hairdressers in 2018, and that their salons were the primary way they were generating a profit. Mr. Riser added that the Board's first concern was always public safety, and while they all understood the need to grow the industry, public safety was their primary mandate.

### Denise Brown

Ms. Denise Brown said that she had a few questions about continuing education, including how someone would get their hours and how it was noted so that it went through the Board. She also asked where to find information on the blood spill procedure for the senior cosmetologist examination.

Ms. Rachel Allen explained that there was no practical component to the senior cosmetologist examination, and that the procedure was described in the Milady's textbook. Ms. Erica Lewis, Acting Executive Director, added that Ms. Brown should also consider downloading the candidate information bulletin from PSI's website, as it had a lot of great information.



Ms. Lewis said that the state had mandated continuing education, but that the agency did not have the resources to implement the program at this time, so as of this moment there was nothing that she could do regarding continuing education.

Ms. Brown asked how individuals could remain updated on new sanitation requirements. Ms. Lewis said that they updated their website whenever new clarifications or changes occurred. For example, the Board had recently including articles about microblading, and had previously provided updates on services such as fish pedicures.

Ms. Brown asked if there was anything more that could be done about some of the salons in Maryland. She said that it seemed like people got caught providing bad services or hiring unlicensed workers, paid a fine and went on working. Mr. Charles Riser said that the best way to handle the situation was to talk with friends and family and tell them not to go into hair salons that are filthy or hiring unlicensed workers. Mr. Riser said that the Board did not have the ability to stop people from making bad decisions, and that the best way of going after these shops was to advocate that people stop giving them money.

Ms. Denise Brown asked if it was possible for cosmetologists to obtain a lobbyist to assist with legislation down the road. Ms. Lewis said that when the blow dry license passed, it was largely through the efforts of a lobbyist, Ashley Bagwell. Mr. Riser added that the Professional Beauty Association worked with three different lobbying organizations.

## Crystal Williams

Ms. Crystal Williams stated that she owned a studio, and wanted to change it to also make it a partial natural hair school, and wanted to know what would be involved with doing so, since natural hair was not licensed in Maryland. Mr. Charles Riser explained that the Maryland Higher Education Commission regulated school in Maryland, and that they would walk her through the process of opening a school.

Ms. Williams said that she suspected some of the issues with the pass rate on the written exam were due to literacy issues. She said that she knew of young people who had been doing hair at home since the sixth grade, and who were incredibly talented, but were unable to pass the theory portion of the exam because the school system had not taught them proper literacy. She said that was coming up with a program for literacy as it related to the hair business, and also working on programs discussing things like insurance, how to pay taxes as an independent contractor, the health implications of standing up all day, and more. She asked for some insight regarding how she could offer this training.

Ms. Rachel Allen recommended that Ms. Williams volunteer her time at some of the local cosmetology schools as a guest speaker. Mr. Riser added that while MHEC would have issues if she called herself a school, if she was offering general open classes and workshops to the public, that shouldn't be an issue.





## Approval of February 5, 2018 Meeting Minutes

After reviewing the minutes from the February 5, 2018 meeting of the Board, Ms. Valerie Mascaro made a motion to approve the minutes. The motion was seconded by Mr. Charles Riser, and 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. Mr. Charles Riser made this motion, and it was seconded by Ms. Valerie Mascaro. The motion passed, and the meeting was adjourned at 1:45 PM.

APPROVED BY: \_\_\_\_\_ ON APRIL 2, 2018.