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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF BARBER EXAMINERS

TIME: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Monday, March 24, 2025

1 ***

2 State Board of Barber Examiners

3 March 24, 2025

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Michael P. Merten, Esquire, Board Counsel, for
8 the purpose of conducting quasi-judicial
9 deliberations on a number of matters currently
10 pending before the Board and to receive advice of
11 counsel. The Board returned to open session at 10:30
12 a.m.]

13 ***

14 The regularly scheduled meeting of the State Board
15 of Barber Examiners was held on Monday, March 24,
16 2025.

17 ***

18 Official Call to Order

19 [Amber Derr, Chairperson, Professional Member, called
20 the meeting to order at 10:30 a.m.]

21 ***

22 Pledge of Allegiance

23 [The Pledge of Allegiance was recited.]

24 ***

25 [Michael P. Merten, Esquire, Board Counsel, noted the

1 meeting was being recorded, and those who continued
2 to participate were giving their consent to be
3 recorded.]

4 ***

5 Roll Call of Attendance

6 [Sharona Evans, Board Administrator, provided a roll
7 call of Board members and attendees. A quorum of
8 Board members was present.]

9 ***

10 Approval of Minutes of the January 27, 2025 meeting

11 MR. MERTEN:

12 I believe the Board would entertain a
13 motion to approve the Minutes from the
14 January session.

15 CHAIR DERR:

16 Do I have a motion?

17 ACTING COMMISSIONER CLAGGETT:

18 So moved.

19 MR. SERIGHT:

20 Second.

21 MS. EVANS:

22 Amber Derr, aye; Arion Claggett, aye;
23 Charles Seright, aye; Patrick Gavin,
24 aye; John Christopher, aye; Michael
25 McAndrew, aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Board Prosecution

4 [William A. Newport, Esquire, Acting Board

5 Prosecution Liaison, presented Item No. 2, Consent

6 Agreement for Case No. 1942-016-8882.]

7 MR. MERTEN:

8 Thank you. I believe that the Board
9 would entertain a motion to accept the
10 Consent Agreement at Case No. 1942-016-
11 8882.

12 CHAIR DERR:

13 Do I have a motion?

14 ACTING COMMISSIONER CLAGGETT:

15 So moved.

16 MR. SERIGHT:

17 Second.

18 MS. EVANS:

19 Amber Derr, aye; Arion Claggett, aye;
20 Charles Seright, aye; Patrick Gavin,
21 aye; John Christopher, aye; Michael
22 McAndrew, aye.

23 [The motion carried unanimously. The Respondent's
24 name at Item No. 2, Case No. 19-42-016882, is Abey
25 Abdul-Salaam.]

1 ***

2 Report of Board Counsel

3 Proposed Adjudication and Order

4 MR. MERTEN:

5 For the report of Board Counsel, we do
6 have a proposed Adjudication and Order.
7 I believe that the Board would
8 entertain a motion to deny the proposed
9 Adjudication and Order and direct
10 Counsel to draft a final Adjudication
11 and Order consistent with Executive
12 Session deliberations.

13 CHAIR DERR:

14 Do we have a motion?

15 ACTING COMMISSIONER CLAGGETT:

16 So moved.

17 MR. SERIGHT:

18 Second.

19 MS. EVANS:

20 Amber Derr, aye; Arion Claggett, aye;
21 Charles Seright, aye; Patrick Gavin,
22 aye; John Christopher, aye; Michael
23 McAndrew, aye.

24 [The motion carried unanimously.]

25 ***

1 So, Agenda No. 5 is a Variance Request,
2 Application No. A0006092998,
3 Chopzbychap. I believe that the Board
4 would entertain a motion to
5 provisionally deny the Variance
6 Request.

7 CHAIR DERR:

8 Do we have a motion?

9 ACTING COMMISSIONER CLAGGETT:

10 So moved.

11 MR. SERIGHT:

12 Second.

13 MS. EVANS:

14 Amber Derr, aye; Arion Claggett, aye;
15 Charles Seright, aye; Patrick Gavin,
16 aye; John Christopher, aye; Michael
17 McAndrew, aye.

18 [The motion carried unanimously.]

19 ***

20 Report of Board Counsel

21 Act 41 Applications

22 MR. MERTEN:

23 Agenda Item 6 is an Act 41 application,
24 Application No. AA0006084189, Kateryna
25 Popyk. I believe that the Board would

1 entertain a motion to provisionally
2 deny the Application for Licensure by
3 Endorsement.

4 CHAIR DERR:

5 Do I have a motion?

6 ACTING COMMISSIONER CLAGGETT:

7 So moved.

8 MR. SERIGHT:

9 Second.

10 MS. EVANS:

11 Amber Derr, aye; Arion Claggett, aye;
12 Charles Seright, aye; Patrick Gavin,
13 aye; John Christopher, aye; Michael
14 McAndrew, aye.

15 [The motion carried unanimously.]

16 ***

17 Presentation

18 Sunshine Act and Recusal Presentation

19 [Michael Merten, Esquire, Board Counsel, reviewed the
20 requirements of the Pennsylvania Sunshine Act. He
21 began by expressing that the purpose of the Act is to
22 enforce the right of the public to be present at all
23 meetings of agencies and to witness deliberations,
24 policy formulation, and decision making. The Act
25 helps to maintain the functioning of the democratic

1 process and demonstrate transparency to constituents.

2 Anytime an agency holds a meeting at which
3 deliberations or official action takes place, the
4 meeting must be open to the public after public
5 notice of the meeting. An agency includes the Board
6 and all committees authorized by the Board to take
7 official action or render advice on matters of agency
8 business.

9 Mr. Merten continued to lay out the regulations
10 of the Sunshine Act. He stated that deliberations
11 are considered to be the discussion of agency
12 business held for the purpose of deciding. Official
13 action, meanwhile, encompasses agency recommendations
14 made pursuant to statute, ordinance, or executive
15 order; agency establishment of policy; decisions made
16 by an agency concerning agency business; or a vote
17 taken by an agency on motions, proposals,
18 resolutions, rules, regulations, ordinances, reports,
19 or orders. The last category is what is
20 predominantly used in these meetings.

21 The Act also asserts that an agency shall give
22 public notice of its first regular meeting of each
23 calendar year at least 72 hours in advance of the
24 meeting, along with giving public notice of its
25 remaining scheduled regular meetings. An agency

1 shall give public notice of each special meeting or
2 each rescheduled meeting at least 24 hours in advance
3 of the time of the convening of the meeting. Public
4 notice is not required in the case of an emergency
5 meeting or conference.

6 Public notice includes publication of the notice
7 of the place, date, and time of meeting in a
8 newspaper or general circulation in the political
9 subdivision where the meeting will be held. It is
10 also acceptable to post a notice on a publicly
11 accessible website (no later than 24 hours in
12 advance) or at the location of the meeting at the
13 principal office of the agency.

14 Mr. Merten articulated that it is required to
15 make the agency's agenda available to all individuals
16 in attendance at the meeting. An agenda must include
17 a listing of each matter of business that will or
18 could be the discussed at the meeting. Boards cannot
19 discuss any topics not written out on the agenda.

20 Each board member's vote will be cast publicly
21 and recorded on video. Employing roll call in the
22 voting process ensures that any counselors joining
23 the meeting virtually cannot cast any secret ballots.
24 Counselors must be seen on camera in order for their
25 votes to be counted.

1 Mr. Merten also noted that written minutes of
2 all open meetings of agencies must be kept, including
3 the date, time, and place of the meeting; the names
4 of all members present; the substance of all official
5 actions; a record by individual members of the roll
6 call votes taken; and the names of citizens who
7 appear officially in the subject of their testimony.

8 He then stated that the only applicable
9 exceptions to the open meeting requirements are for
10 conferences and executive sessions. A conference is
11 any training program or seminar organized for the
12 sole purpose of providing information to members on
13 matters directly related to their official
14 responsibilities. Deliberation of agency business
15 may not occur at a conference.

16 An executive session may be held to discuss
17 personnel issues; to consult with one's attorney or
18 other professional advisor regarding information or
19 strategy in connection with litigation; to discuss
20 issues on which identifiable complaints are expected
21 to be filed; or to review and discuss agency
22 business, which, if conducted in the public, would
23 violate a lawful privilege or lead to the disclosure
24 of information or confidentiality protected by law,
25 including matters related to the initiation and

1 conduct of investigations of possible or certain
2 violations of the law and quasi-judicial
3 deliberations.

4 Mr. Merten went on to review the Act's
5 regulations regarding executive sessions and open
6 meetings. Executive sessions may be held before,
7 during or after an open meeting or may be announced
8 for a future time. The reason for the holding of an
9 executive session must be announced at the open
10 meeting occurring immediately prior subsequent to the
11 executive session.

12 Official action taken on matters discussed in an
13 executive session shall be taken at an open meeting.
14 Executive sessions may not be used as subterfuge to
15 defeat the purposes of the Act. A legal challenge
16 under the Sunshine Act must be filed within 30 days
17 from the date of the meeting which is open, or within
18 30 days from the discovery of any action that
19 occurred at a meeting which was not open, at which
20 the Sunshine Act was violated. Once the discovery of
21 an alleged violation has reached the one year mark,
22 it is unable to be legally challenged.

23 A violation of the Sunshine Act is a summary
24 offense, and any member of an agency who participates
25 in a meeting with the intent and purpose of violating

1 the Act may, upon conviction, be sentenced to pay a
2 fine of at least \$100, but not more than \$1,000 for a
3 first offense, and \$500 to \$2,000 for a second or
4 subsequent offense, not including the costs of
5 prosecution. A court may, in its discretion, declare
6 that all official action taken at the meeting is
7 invalid. Attorney fees may also be awarded to the
8 prevailing party, as well as the costs of litigation.

9 Merten also noted that deliberations and
10 official action should be conducted in open meetings.
11 Board members should not discuss agency business,
12 especially executive session matters, outside of an
13 official board meeting by any form of communication.
14 Where a board has delegated to a committee a role in
15 formulating policy, regulation, or other such things,
16 even if not a quorum of the board, those
17 deliberations should take place in an open meeting
18 with appropriate public notice. Committees dealing
19 with topics such as prosecutorial function (probable
20 cause screening) or with administrative functions
21 (reviewing applications) are not subject to the open
22 meeting requirements.

23 Mr. Merten also reported on how conflicts of
24 interest are addressed in court. Recusal is
25 mandatory in a situation where the board member had

1 some prosecutorial role in the matter (typically the
2 probable cause screening committee). Board members
3 must also recuse themselves if they have a direct
4 financial interest in the outcome of the matter.
5 Recusal is strongly suggested if the board member has
6 a personal affection for someone directly involved in
7 the subject at issue.

8 Another instance of when recusal is necessary
9 would be if the board member has knowledge from
10 outside of a case that they cannot set aside in order
11 to make a fair and unbiased determination. Their
12 decision must be based solely on the record made at
13 the hearing or presented by a consent agreement.

14 Discretionary recusal may be undertaken if a
15 board member feels that they cannot participate in a
16 decision on a subject fairly and without prejudice.
17 Recusal may also be employed if a counselor is
18 uncertain. Mr. Merten encouraged Board members to
19 discuss the matter with him privately prior to the
20 beginning of a meeting if they felt unsure of how to
21 proceed with a case.

22 Abstention is to withhold one's vote, but it
23 does not affect quorum requirements. Recusal,
24 however, is understood to mean that a counselor
25 cannot vote, thusly affecting the quorum. If any of

1 the Board members felt they had to recuse from a
2 case, they would not have quorum to be able to vote
3 on that case.

4 The Act also expressed that no member of any
5 professional examining and licensing board shall at
6 the same time be an officer or agent of any statewide
7 association or organization representing the
8 profession or occupation subject to the Board's
9 actions. Being part of an organization that lobbies
10 the board that a counselor is on would be a conflict
11 of interest. A Public Board member is a member of a
12 licensing board or commission designated as
13 representing the public at large.

14 Public Board members must be private citizens
15 and cannot be members of any professional or
16 occupational organization which is regulated or
17 licensed by the Board, Commission or Bureau of
18 Professional Occupational Affairs, or be directly
19 related to any person involved in the profession or
20 occupation to be licensed or regulated by the
21 particular board or commission.

22 Mr. Merten concluded his report with a
23 discussion of the requirements to become a Public
24 Board member. A Public Board member may not be
25 affiliated in any way with the profession or

1 occupation, be licensed or regulated, or hold any
2 other appointive or elective public office or
3 position within the Commonwealth, any other State, or
4 the United States Government during the appointee's
5 term for which they serve. Any person not meeting
6 this standard will be ineligible for membership on
7 the board or commission as a public member.]

8 ***

9 Report of Board Chairperson

10 [Amber Derr, Chairperson of the Board, provided
11 informational updates to the Board.

12 Chairperson Derr represented the Barber Board and
13 the Barber Industry of Pennsylvania at the NABA Mid-
14 Year Conference. The conference introduced her to
15 the concept of mobile barbering, whereupon barbers
16 take their businesses on the road as a way to keep
17 overhead costs low while being able to adapt to their
18 clients' needs (such as performing home visits).

19 She emphasized to the Board that it reminded her
20 of why it is important for the Board to stay aware of
21 new trends in the industry. Incorporating modern
22 ideas and language into the Board's regulations
23 allows both the industry and new licensees to thrive.

24 She concluded her report with the announcement
25 that the annual conference will take place in West

1 Virginia in September 2025.]

2 ***

3 Report of Acting Commissioner - No Report

4 ***

5 Report of Board Administrator - No Report

6 ***

7 Matters of Public

8 Questions from Public Attendees

9 [Attendee J. Graham asked the Board if there was a
10 possibility for her 14-year-old daughter to receive a
11 waiver to start barber school before the age of 16.

12 Mr. Merten replied that the Board cannot provide
13 advisory opinions, and it would be beneficial for her
14 to hire an attorney who could help to explain the
15 regulations to her.

16 Mr. Newport suggested some programs which her
17 daughter could enroll in at the current time, but
18 reiterated that she would not be able to receive a
19 waiver to begin barber school prior to age 16.]

20 ***

21 Adjournment

22 ACTING COMMISSIONER CLAGGETT:

23 If the Board would entertain a motion
24 to adjourn?

25 MS. DERR:

1 Do I have a motion?

2 ACTING COMMISSIONER CLAGGETT:

3 So moved.

4 MR. SERIGHT:

5 Second.

6 ACTING COMMISSIONER CLAGGETT:

7 We are adjourned.

8 ***

9 [There being no further business, the State Board of
10 Barber Examiners Meeting adjourned at 11:02 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Barber Examiners meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Barber Examiners meeting.



Jacob Hill,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF BARBER EXAMINERS
REFERENCE INDEX

March 24, 2025

1
2
3
4
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6
7
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:32	Pledge of Allegiance
10:33	Roll Call of Attendance
10:34	Approval of Minutes
10:35	Report of Board Prosecution
10:38	Report of Board Counsel
10:43	Presentation
10:54	Report of Board Chairperson
10:57	Report of Commissioner
10:58	Report of Board Administrator
10:59	Matters of Public
11:02	Adjournment