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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 COSMETOLOGY

TIME: 10:32 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, February 24, 2025

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State Board of Cosmetology
February 24, 2025

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
Tammy Y. O'Neill, Chair, Professional Member
Jennifer A. D'Amato-Dow, Vice Chair, Professional Member
Nicole Weakland, Secretary, Professional Member
Heather Kelly, Esquire, Deputy Attorney General, Consumer Protection Member
Felicia L. Brown-Haywood, Professional Member
Teresa Whisler, Professional Member
Sandra Jenkins, Professional Member
Linda Iezzi, Professional Member
Alexandria Lee, Public Member

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Senior Board Counsel
Michael P. Merten, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Counsel
J. Karl Geschwindt, Esquire, Senior Board Prosecutor and Prosecution Liaison
Liliana G. Fisher, Esquire, Board Prosecutor
William A. Newport, Esquire, Board Prosecutor
Riley M. Baker, Esquire, Board Prosecutor
Ronald Jackson, Esquire, Board Prosecutor
Valerie Eaton, Board Administrator
Tamie Laudenslager, Fiscal Management Specialist, Bureau of Finance and Procurement, Department of State
Stephanie Dunkerley, Legal Analyst, Office of General Counsel
Carlton Smith, Deputy Chief Counsel, Prosecution Division
Deena Parmelee, Legal Office Administrator 1, Department of State
Brooke Jones, Legal Extern, Department of State
Willow Marsh, Legislative Aide, Department of State

ALSO PRESENT:

Aaron Shenck, Executive Director, Mid-Atlantic Association of Career Schools

State Board of Cosmetology
February 24, 2025

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ALSO PRESENT: (cont.)

- Debbie Eckstine-Weidner, Supervisor, DeRielle
Cosmetology Academy
- Isaac P. Wakefield, Esquire, Salzman Hughes, P.C.
- Nicole Sidle, Republican Executive Director, House
Professional Licensure Committee
- Mike Gent, Curriculum Coordinator, Pennsylvania
Department of Corrections
- Emyline Breckenridge
- Bree Hovnick
- Sally Elizabeth
- Stephanie Karns
- Mallory Lauren Strawser
- "Z"
- Denise
- Carla Guss
- Emily Bundy
- Heather Kelly
- Jennifer
- Melissa
- Hannah Kerr
- Kyra Benz
- Kim
- Michelle
- Allison Walker, Sargent's Court Reporting Service,
Inc.

1 ***

2 State Board of Cosmetology

3 February 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 Michel 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 the advice of
11 counsel. The Board returned to open session at
12 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Cosmetology was held on Monday, February 24,
16 2025. Tammy Y. O'Neill, Chair, Professional Member,
17 called the meeting to order at 10:32 a.m.

18 ***

19 [Michel P. Merten, Esquire, Board Counsel, noted the
20 meeting was being recorded and voluntary
21 participation constituted consent to be recorded.

22 Mr. Merten also noted the Board entered into
23 Executive Session this morning and conducted quasi-
24 judicial deliberations with the advice of counsel.]

25 ***

1 Roll Call/Introduction of Attendees

2 [Valerie Eaton, Board Administrator, provided a roll
3 call of Board members and introduction of attendees.
4 A quorum of Board members was present.]

5 ***

6 Approval of minutes of October 21, 2024

7 CHAIR O'NEILL:

8 First on our agenda is approval of the
9 minutes from our October 21, 2024
10 meeting.

11 Can I have a motion to move and
12 approve the minutes?

13 ACTING COMMISSIONER CLAGGETT:

14 So moved.

15 CHAIR O'NEILL:

16 Second?

17 MS. D'AMATO-DOW:

18 Second.

19 MS. EATON:

20 Roll call.

21
22 Arion Claggett, abstain; Tammy O'Neill,
23 aye; Jennifer D'Amato-Dow, aye; Nicole
24 Weakland, aye; Heather Kelly, aye;
25 Felicia Brown-Haywood, aye; Teresa

1 Whisler, abstain; Sandra Jenkins, aye;
2 Linda Iezzi, aye; Alexandria Lee, aye.

3 [The motion carried. Arion Claggett and Teresa
4 Whisler abstained from voting on the motion.]

5 ***

6 Report of Board Prosecution

7 [J. Karl Geschwindt, Esquire, Senior Board Prosecutor
8 and Prosecution Liaison, presented the Consent
9 Agreement for Case Nos. 23-45-009334 & 24-45-002087.]

10 ***

11 [Liliana G. Fisher, Esquire, Board Prosecutor,
12 presented the Consent Agreements for Case No. 22-45-
13 008051, Case No. 23-45-014267, Case No. 24-45-004648,
14 Case No. 24-45-006562, Case No. 24-45-007720, and
15 Case No. 24-45-014794.]

16 ***

17 [Riley M. Baker, Esquire, Board Prosecutor, presented
18 the Consent Agreement for Case No. 24-45-016203.]

19 ***

20 [William A. Newport, Esquire, Board Prosecutor,
21 presented the Consent Agreements for Case No. 24-45-
22 012436, Case No. 24-45-014284, Case No. 24-45-015004,
23 Case No. 24-45-015850, Case No. 24-45-017077, and
24 Case Nos. 22-45-000657 & 24-45-001478.

25 Isaac Wakefield, Esquire, Salzman Hughes, P.C.,

1 counsel for the respondent, was present regarding
2 Case Nos. 22-45-000657 & 24-45-001478.]

3

4 [Nicole Weakland, Secretary, Professional Member,
5 exited the meeting at 10:55 a.m.]

6

7 MR. MERTEN:

8

I believe the Board would entertain a

9

motion to accept the Consent Agreements

10

at agenda items 2 through 14?

11

ACTING COMMISSIONER CLAGGETT:

12

So moved.

13

CHAIR O'NEILL:

14

Second?

15

MS. D'AMATO-DOW:

16

Second.

17

MS. EATON:

18

Roll call.

19

20

Arion Claggett, aye; Tammy O'Neill,

21

aye; Jennifer D'Amato-Dow, aye; Heather

22

Kelly, aye; Felicia Brown-Haywood, aye;

23

Teresa Whisler, aye; Sandra Jenkins,

24

aye; Linda Iezzi, aye; Alexandria Lee,

25

aye.

1 [The motion carried. Nicole Weakland did not vote on
2 the motion. Agenda item 2, Case No. 23-45-009334 &
3 24-45-002087, is Leonard J Serrani t/d/b/a
4 Professional Skin; item 3, Case No. 22-45-008051, E1
5 Pueblo Dominican Hair Salon; item 4, Case No. 23-45-
6 014267, Blooming Beauty Studio LLC; item 5, Case No.
7 24-45-004648, Hous of Beauty; item 6, Case No. 24-45-
8 006562, Krystal M. Clark; item 7, Case No. 24-45-
9 007720, Fresh Nails; item 8, Case No. 24-45-014794,
10 M. Nails & Spa; item 9, Case No. 24-45-016203,
11 Halogen Hair Company; item 10, Case No. 24-45-012436,
12 Ultra Nails; item 11, Case No. 24-45-014284, Erica R.
13 Stengel; item 12, Case No. 24-45-015004, Brenda L.
14 Shick; item 13, Case No. 24-45-015850, Tracy's
15 Tanning Nails and Beauty Salon; and item 14, Case No.
16 24-45-017077, Skyline Nails and Spa.]

17 ***

18 MR. MERTEN:

19 Agenda item 15. Attorney Newport, it
20 was brought to our attention that there
21 might be a mistake on one of the dates
22 you listed for licensure for the
23 subject of the second case number that
24 the license was good until 2026 not
25 until 2028.

1 Would you be willing to make that
2 amendment to the Consent Agreement?

3 MR. NEWPORT:

4 Yes, of course.

5 MR. MERTEN:

6 That being the case, I believe the
7 Board would entertain a motion to
8 accept the Consent Agreement at agenda
9 item 15.

10 CHAIR O'NEILL:

11 Could I have a motion to approve the
12 Consent Agreement?

13 ACTING COMMISSIONER CLAGGETT:

14 So moved.

15 MS. D'AMATO-DOW:

16 Second.

17 CHAIR O'NEILL:

18 Roll call.

19
20 Arion Claggett, aye; Tammy O'Neill,
21 aye; Jennifer D'Amato-Dow, aye; Heather
22 Kelly, aye; Felicia Brown-Haywood, aye;
23 Teresa Whisler, aye; Sandra Jenkins,
24 aye; Linda Iezzi, aye; Alexandria Lee,
25 aye.

1 [The motion carried. Nicole Weakland did not vote on
2 the motion. Agenda item 15, Case Nos. 22-45-000657 &
3 24-45-001478, is Shears Cosmetology School and Cosmo
4 Beauty Academy.]

5 ***

6 Report of Board Counsel - Citation Appeal

7 MR. MERTEN:

8 Agenda item 16. I believe the Board
9 would entertain a motion to uphold the
10 hearing examiner's decision and
11 Citation Appeal at Case No. 21-45-
12 001424, Keysha Marie Luna-Ortiz.

13 CHAIR O'NEILL:

14 Could I have a motion to approve?

15 ACTING COMMISSIONER CLAGGETT:

16 So moved.

17 CHAIR O'NEILL:

18 Second?

19 MS. D'AMATO-DOW:

20 Second.

21 CHAIR O'NEILL:

22 Roll call.

23

24 Arion Claggett, aye; Tammy O'Neill,

25 aye; Jennifer D'Amato-Dow, aye; Heather

1 Kelly, aye; Felicia Brown-Haywood, aye;
2 Teresa Whisler, aye; Sandra Jenkins,
3 aye; Linda Iezzi, aye; Alexandria Lee,
4 aye.

5 [The motion carried. Nicole Weakland did not vote on
6 the motion.]

7 ***

8 Report of Board Counsel - Motions to Deem Facts
9 Admitted

10 MR. MERTEN:

11 Agenda item 17. I believe the Board
12 would entertain a motion at Case No.
13 24-45-013858, Best Nails, to approve
14 the Motion to Deem Facts Admitted with
15 the suggested civil penalty of \$3,250.

16 CHAIR O'NEILL:

17 Can I have a motion to approve?

18 ACTING COMMISSIONER CLAGGETT:

19 So moved.

20 CHAIR O'NEILL:

21 Second?

22 MS. D'AMATO-DOW:

23 Second.

24 MS. EATON:

25 Roll call.

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Arion Claggett, aye; Tammy O'Neill,
aye; Jennifer D'Amato-Dow, aye; Heather
Kelly, aye; Felicia Brown-Haywood, aye;
Teresa Whisler, aye; Sandra Jenkins,
aye; Linda Iezzi, aye; Alexandria Lee,
aye.

[The motion carried. Nicole Weakland did not vote on
the motion.]

MR. MERTEN:

Agenda item 18. I believe the Board
would approve a motion at Case No. 24-
45-011563, Gel Nails and Spa, to
approve the Motion to Deem Facts
Admitted with the suggested civil
penalty of \$4,750.

CHAIR O'NEILL:

Can I have a motion to approve?

ACTING COMMISSIONER CLAGGETT:

So moved.

CHAIR O'NEILL:

Second?

MS. D'AMATO-DOW:

Second.

1 CHAIR O'NEILL:

2 Roll call.

3

4 Arion Claggett, aye; Tammy O'Neill,
5 aye; Jennifer D'Amato-Dow, aye; Heather
6 Kelly, aye; Felicia Brown-Haywood, aye;
7 Teresa Whisler, aye; Sandra Jenkins,
8 aye; Linda Iezzi, aye; Alexandria Lee,
9 aye.

10 [The motion carried. Nicole Weakland did not vote on
11 the motion.]

12

13 Report of Board Counsel - Proposed Adjudication and
14 Order

15 MR. MERTEN:

16 Agenda items 19 and 20. I believe the
17 Board would entertain a motion at Case
18 No. 23-45-013971, Andrea Heredia, and
19 Case No. 24-45-007488, Grace Kelly
20 Salon, to adopt the Proposed
21 Adjudication and Orders.

22 CHAIR O'NEILL:

23 Can I have a motion to adopt the
24 orders?

25 ACTING COMMISSIONER CLAGGETT:

1 So moved.

2 CHAIR O'NEILL:

3 Second?

4 MS. D'AMATO-DOW:

5 Second.

6 CHAIR O'NEILL:

7 Roll call.

8

9 Arion Claggett, aye; Tammy O'Neill,
10 aye; Jennifer D'Amato-Dow, aye; Heather
11 Kelly, aye; Felicia Brown-Haywood, aye;
12 Teresa Whisler, aye; Sandra Jenkins,
13 aye; Linda Iezzi, aye; Alexandria Lee,
14 aye.

15 [The motion carried. Nicole Weakland did not vote on
16 the motion.]

17 ***

18 Report of Board Chairperson - No Report

19 ***

20 Report of Acting Commissioner - No Report

21 ***

22 Appointment - Annual Prosecution Report

23 [Carlton Smith, Esquire, Deputy Chief Counsel,

24 Prosecution Division, presented the Annual

25 Prosecution Report. He reported 139,251 active

1 licensees for the State Board of Cosmetology. He
2 noted 1,944 cases were opened in 2024. He reported
3 just under 1,200 cases are currently open and 1,830
4 were closed in 2024.

5 Mr. Smith informed Board members that the goal is
6 to see the number of closed cases near the number of
7 cases opened for the year to avoid a backlog. He
8 mentioned the average length of time to close a case
9 for the Board was 188 days in 2024 and 251 days in
10 2023.

11 Mr. Smith addressed discipline cases and reported
12 45 fines, 500 citation, 13 probations, 34
13 reinstatements, 21 reprimands, and 60 suspensions.

14 Mr. Smith also addressed cases without
15 discipline, including prosecution not warranted at
16 362 cases. He noted prosecution looks at the
17 strength of the evidence, documentation, witnesses,
18 and expert opinion for prosecution not warranted. He
19 also noted 48 complaints were withdrawn.

20 Mr. Smith addressed warning letters in 2024. He
21 noted prosecution also looks at the strength of the
22 case, witnesses, discipline history, and seriousness
23 of the allegations for warning letters.

24 Mr. Smith noted 42 cases were closed by an order
25 or adjudication in 2024.]

1 ***

2 Appointment - Bureau of Finance and Procurement

3 Annual Budget Presentation

4 [Tamie Laudenslager, Fiscal Management Specialist,
5 Bureau of Finance and Procurement, Department of
6 State, presented the Annual Financial Report. She
7 referred to the license population over the last
8 seven years and breakdown of different classes.

9 Ms. Laudenslager reported the first biennial
10 license population at 127,925 and second at 129,071.
11 She noted the three braiding classes did not require
12 a license in FY24-25 and an increase of 1,145
13 licensees as of February 12, 2025.

14 Ms. Laudenslager addressed renewal fees, noting
15 the Board renews every January. She noted the Board
16 is in the last incremental increase for their last
17 Board fee increase, which was in 2022.

18 Ms. Laudenslager provided a breakdown of biennial
19 sources of revenue for licensees, showing renewals
20 and applications make up 94.6% of their revenue.

21 Ms. Laudenslager noted expenses can hit the Board
22 through timesheet-based charges, direct charges, and
23 license population. She reported on the expenses in
24 the prior biennial period and the current biennial
25 period.

1 Ms. Laudenslager explained that the increase in
2 expenses for this period is due to the Pennsylvania
3 Licensing System (PALS) modernization.

4 Ms. Laudenslager addressed expenses and revenue,
5 noting the Board started with a negative balance and
6 the revenue with expenses, noting the biennial.

7 Ms. Laudenslager noted going into FY24-25 and
8 FY25-26 that there is a negative biennial balance due
9 to a one-time cost for PALS modernization. She
10 explained that removing the PALS modernization cost
11 would show a positive biennial balance. She stated a
12 fee increase is not necessary at this time but will
13 continue to look at the license count for a possible
14 future fee increase.]

15

16 [Nicole Weakland, Secretary, Professional Member,
17 reentered the meeting at 11:21 a.m.]

18

19 Report of Board Counsel - Motions to Deem Facts

20 Admitted

21 [Michael P. Merten, Esquire, Board Counsel, reframed
22 agenda items 17 and 18 for clarity.]

23 MR. MERTEN:

24

I believe the Board would entertain a

25

motion to grant the Motion to Deem

1 Facts Admitted at agenda items 17 and
2 18 at Case No. 24-45-013858, Best
3 Nails, and Case No. 24-45-011563, Gel
4 Nails and Spa, and direct Board Counsel
5 to draft the Final Adjudication and
6 Order consistent with deliberations.

7 CHAIR O'NEILL:

8 Can I have a motion to grant the Motion
9 to Deem Facts Admitted?

10 ACTING COMMISSIONER CLAGGETT:

11 So moved.

12 CHAIR O'NEILL:

13 Second?

14 MS. D'AMATO-DOW:

15 Second.

16 MS. EATON:

17 Roll call.

18
19 Arion Claggett, aye; Tammy O'Neill,
20 aye; Jennifer D'Amato-Dow, aye; Nicole
21 Weakland, aye; Heather Kelly, aye;
22 Felicia Brown-Haywood, aye; Teresa
23 Whisler, aye; Sandra Jenkins, aye;
24 Linda Iezzi, aye; Alexandria Lee, aye.

25 [The motion carried unanimously.]

1 ***

2 Report of Board Administrator - Vote for New Officers

3 MR. MERTEN:

4 Are there any nominations for Board
5 Chairperson?

6 CHAIR O'NEILL:

7 I would like to nominate Jennifer
8 D'Amato-Dow.

9 MR. MERTEN:

10 Do we have a second?

11 MS. JENKINS:

12 I'll second.

13 MR. MERTEN:

14 Are there any other nominations from
15 the Board? Hearing none.

16 Do we have a motion to nominate
17 Jennifer D'Amato-Dow as Chair of the
18 State Board of Cosmetology with an
19 effective date of March 1?

20 Do we have a motion?

21 CHAIR O'NEILL:

22 Motion to approve.

23 MR. MERTEN:

24 Second?

25 MS. JENKINS:

1 Second.

2 MR. MERTEN:

3 Roll call.

4

5 Arion Claggett, aye; Tammy O'Neill,
6 aye; Jennifer D'Amato-Dow, aye; Nicole
7 Weakland, aye; Heather Kelly, aye;
8 Felicia Brown-Haywood, aye; Teresa
9 Whisler, aye; Sandra Jenkins, aye;
10 Linda Iezzi, aye; Alexandria Lee, aye.

11 [The motion carried unanimously.]

12

13 MS. EATON:

14 We would need a nomination for Board
15 Vice Chair.

16 MS. KELLY:

17 I nominate Sandra Jenkins for Vice
18 Chair.

19 MR. MERTEN:

20 Is there a second?

21 MS. D'AMATO-DOW:

22 Second.

23 MR. MERTEN:

24 Are there any other nominations?

25 ACTING COMMISSIONER:

1 I would like to nominate Linda Iezzi
2 for Vice Chair.

3 MR. MERTEN:

4 Do we have a second?

5 MS. LEE:

6 Second.

7 MR. MERTEN:

8 Is there a motion to approve Sandra
9 Jenkins as the Vice Chair of the State
10 Board of Cosmetology effective March 1?

11 MS. BROWN-HAYWOOD:

12 I make a motion.

13 CHAIR O'NEILL:

14 Second.

15 MR. MERTEN:

16 Just to clarify before we do the vote,
17 there are two nominations, we'll do the
18 vote for Sandra first and then we'll do
19 the vote for Linda if necessary.

20 ACTING COMMISSIONER CLAGGETT:

21 We're going to table this election
22 until the next meeting. We need to
23 make sure the motion and things are
24 framed correctly, so we're going to
25 table items 21, 22, and 23.

1 MR. MERTEN:

2 I believe that the Board would
3 entertain a motion to rescind the
4 election of Jennifer D'Amato-Dow as the
5 Chair of the State Board of
6 Cosmetology.

7 CHAIR O'NEILL:

8 Can I have a motion?

9 MS. KELLY:

10 So moved.

11 ACTING COMMISSIONER CLAGGETT:

12 Second.

13 MS. EATON:

14 Roll call.

15
16 Arion Claggett, aye; Tammy O'Neill,
17 aye; Jennifer D'Amato-Dow, aye; Nicole
18 Weakland, aye; Heather Kelly, aye;
19 Felicia Brown-Haywood, aye; Teresa
20 Whisler, aye; Sandra Jenkins, aye;
21 Linda Iezzi, aye; Alexandria Lee, aye.

22 [The motion carried unanimously. Heather Kelly
23 stated she voted for procedural reasons and in no way
24 should it reflect that it was a statement about
25 Jennifer D'Amato-Dow herself.]

1 ***

2 Report of Board Administrator - Vote for Application
3 Committee Members - Tabled

4 ***

5 Report of Board Administrator - Vote for Probable
6 Cause Screening Committee Members - Tabled

7 ***

8 Report of Board Administrator - Vote for 2026 Board
9 Meeting Dates

10 [Valerie Eaton, Board Administrator, provided 2026
11 Board meeting dates for discussion and approval.
12 Board members agreed to have 2026 meeting dates on
13 February 9, April 27, June 8, August 3, October 26,
14 and December 7.]

15 CHAIR O'NEILL:

16 Can I have a motion to approve the
17 meeting dates for 2026?

18 MS. IEZZI:

19 I'll make a motion to approve the dates
20 for 2026.

21 CHAIR O'NEILL:

22 Second?

23 MS. D'AMATO-DOW:

24 Second.

25 MS. EATON:

1 Roll call.

2

3 Arion Claggett, aye; Tammy O'Neill,
4 aye; Jennifer D'Amato-Dow, aye; Nicole
5 Weakland, aye; Heather Kelly, aye;
6 Felicia Brown-Haywood, aye; Teresa
7 Whisler, aye; Sandra Jenkins, aye;
8 Linda Iezzi, aye; Alexandria Lee, aye.

9 [The motion carried unanimously.]

10

11 Applications - Act 41/Endorsement Applications

12 MR. MERTEN:

13 I believe the Board would entertain a
14 motion for agenda items 25, 26, 27, 28,
15 30, 31, and 32 to provisionally deny
16 the Applications by Endorsement of Lady
17 Diana Marroquin Reyes, Valeriia
18 Myeshchaninova, Smarlin Polanco
19 Sanchez, Yolanda Rocio Rodriguez, Brice
20 Roles Bisci, Iryna Kryzhanovska, and
21 Magnolia Orsatelli.

22 CHAIR O'NEILL:

23 Can I have a motion to provisionally
24 deny?

25 ACTING COMMISSIONER CLAGGETT:

1 So moved.

2 CHAIR O'NEILL:

3 Second?

4 MS. D'AMATO-DOW:

5 Second.

6 CHAIR O'NEILL:

7 Roll call.

8

9 Arion Claggett, aye; Tammy O'Neill,
10 aye; Jennifer D'Amato-Dow, aye; Nicole
11 Weakland, aye; Heather Kelly, aye;
12 Felicia Brown-Haywood, aye; Teresa
13 Whisler, aye; Sandra Jenkins, aye;
14 Linda Iezzi, aye; Alexandria Lee, aye.

15 [The motion carried unanimously.]

16

17 MR. MERTEN:

18 I believe the Board would entertain a
19 motion for agenda item 29 to grant a
20 provisional license to Dulce Maria
21 Perez-Calderon.

22 CHAIR O'NEILL:

23 Can I have a motion to grant a
24 provisional license?

25 ACTING COMMISSIONER CLAGGETT:

1 So moved.

2 CHAIR O'NEILL:

3 Second?

4 MS. D'AMATO-DOW:

5 Second.

6 CHAIR O'NEILL:

7 Roll call.

8

9 Arion Claggett, aye; Tammy O'Neill,
10 aye; Jennifer D'Amato-Dow, aye; Nicole
11 Weakland, aye; Heather Kelly, aye;
12 Felicia Brown-Haywood, aye; Teresa
13 Whisler, aye; Sandra Jenkins, aye;
14 Linda Iezzi, aye; Alexandria Lee, aye.

15 [The motion carried unanimously.]

16

17 Applications - Variance Requests

18 MR. MERTEN:

19 I believe the Board would entertain a
20 motion to provisionally deny the
21 Applications at agenda items 33, 34,
22 35, and 36 of AcrylicsbyA, Wax &
23 Wildflowers LLC, Nails by Angela
24 Teresa, and Angel Wax Studio LLC.

25 CHAIR O'NEILL:

1 Can I have a motion to provisionally
2 deny the Variance Requests?

3 ACTING COMMISSIONER CLAGGETT:

4 So moved.

5 CHAIR O'NEILL:

6 Second?

7 MS. D'AMATO-DOW:

8 Second.

9 CHAIR O'NEILL:

10 Roll call.

11

12 Arion Claggett, aye; Tammy O'Neill,
13 aye; Jennifer D'Amato-Dow, aye; Nicole
14 Weakland, aye; Heather Kelly, aye;
15 Felicia Brown-Haywood, aye; Teresa
16 Whisler, aye; Sandra Jenkins, aye;
17 Linda Iezzi, aye; Alexandria Lee, aye.

18 [The motion carried unanimously.]

19

20 Report of Board Members - No Report

21

22 Report of Regulatory Counsel - January/February 2025

23 Regulatory Status Report

24 [Thomas M. Davis, Esquire, Regulatory Counsel,

25 provided a Status of Regulations Report prior to the

1 meeting showing four active regulations before the
2 Board. He announced 16A-4518 regarding the massage
3 therapists in cosmetology or esthetician salons
4 regulation was published as Final in the *Pennsylvania*
5 *Bulletin* on Saturday, January 18, 2025.

6 Mr. Davis noted working on a 16A-4521 regarding
7 licensure by endorsement under Act 41. He noted the
8 Board is currently licensing individuals under Act
9 41, and it is somewhat of a formality but is required
10 per Act 41.

11 Mr. Davis will be working on 16A-4517 regarding
12 the schedule of civil penalties regulation and 16A-
13 4516 general revisions regulation after the Act 41
14 regulation.]

15 ***

16 Discussion Item - Sunshine Act and Recusal
17 Presentation

18 [Michael P. Merten, Esquire, Board Counsel, stated
19 the purpose of the Sunshine Act is the right of the
20 public to be present at all meetings of agencies and
21 to witness the deliberations, policy formulation and
22 decision-making. He provided a definition of agency,
23 deliberations, and official action.

24 Mr. Merten addressed public notice concerning
25 regular and special meetings. He mentioned that

1 public notice is not required for emergency meetings
2 or conferences. He noted Act 65 of 2021 added the
3 agenda be posted on a publicly accessible website no
4 later than 24 hours in advance. He also noted the
5 agenda must be made available to individuals in
6 attendance at the meeting and include a listing of
7 each matter of agency business that will or may be
8 the subject of deliberations or official action.

9 Mr. Merten addressed the recording of votes and
10 minutes. He stated conferences and executive
11 sessions are the only applicable exceptions to the
12 open meeting requirements. He provided a definition
13 of conference, noting the deliberation of agency
14 business may not occur at a conference. He provided
15 an overview of when executive session may be held.
16 He noted executive session may not be used as
17 subterfuge to defeat the purposes of the act.

18 Mr. Merten addressed legal challenges under the
19 Sunshine Act, noting they shall be filed within 30
20 days from the date of the meeting or within 30 days
21 from the discovery of an action that occurred at a
22 meeting which was not open, at which the Sunshine Act
23 was violated. He mentioned that no action may be
24 commenced more than a year from the date of the
25 meeting at which an alleged violation occurred. He

1 discussed penalties for violations of the Sunshine
2 Act.

3 Mr. Merten emphasized the importance of Board
4 business, deliberations, and official action being
5 conducted in open meetings. He noted Board members
6 should not discuss agency business, especially
7 executive session matters, outside of an official
8 Board meeting. He noted committee meetings for the
9 role in formulating policy, regulations, etc., should
10 take place at an open meeting with appropriate public
11 notice. He mentioned that a committee performing
12 administrative functions and performing a
13 prosecutorial function are not subject to open
14 meeting requirements.

15 Mr. Merten addressed mandatory recusals, where a
16 Board member may have a prosecutorial role or direct
17 personal or financial interest in the outcome of the
18 matter.

19 Mr. Merten addressed strongly suggested recusals,
20 where a board member has a personal affection for
21 someone or outside knowledge and cannot make a fair
22 and unbiased determination.

23 Mr. Merten noted that discretionary recusals are
24 when a Board member cannot hear and dispose of the
25 case or participate in a decision on a subject fairly

1 and without prejudice. He encouraged Board members
2 who are uncertain whether to recuse themselves to
3 discuss the matter with Board Counsel privately.

4 Mr. Merten addressed abstention, noting
5 abstention means someone is withholding their vote
6 but does not affect quorum requirements. He noted
7 the Board member is unable to vote with recusal and
8 can affect the quorum requirement.

9 Mr. Merten discussed conflicts of interests,
10 where no member of any professional examining or
11 licensing board shall at the same time be an officer
12 or an agent of any statewide association or
13 organization representing the profession or the
14 occupation subject to the Board's actions.

15 Mr. Merten further explained that a public member
16 of the licensing board or commission designated as
17 representing the public at large shall be a private
18 citizen and shall not be a member of any profession
19 or occupation regulated by the licensing board,
20 commission, or Bureau of Professional and
21 Occupational Affairs. He noted they cannot be
22 related to or part of an immediate family of any
23 member of the profession or occupation to be licensed
24 or regulated by that particular board or commission.

25 Mr. Merten stated public members may not be

1 affiliated in any way with the profession or
2 occupation to be licensed or regulated or hold any
3 other appointed or elected public office or position
4 within the commonwealth, another state, or the United
5 States government during their appointed terms. He
6 noted that any person not meeting the standard shall
7 be ineligible for membership on the board or
8 commission as a public member.]

9

10 Report of Board Administrator - Vote for New Officers
11 [Arion R. Claggett, Acting Commissioner, Bureau of
12 Professional and Occupational Affairs, announced they
13 received procedural updates and could commence with
14 voting.]

15 MR. MERTEN:

16 Is there a nomination for Chair of the
17 State Board of Cosmetology?

18 CHAIR O'NEILL:

19 I would like to nominate Jennifer
20 D'Amato-Dow.

21 MR. MERTEN:

22 Is there a second?

23 MS. IEZZI:

24 I'll second.

25 MR. MERTEN:

1 Are there any other nominations for
2 Chair of the State Board of
3 Cosmetology? Hearing none.

4 Is there a motion to elect Jennifer
5 D'Amato-Dow as the Chair of the State
6 Board of Cosmetology?

7 CHAIR O'NEILL:

8 I'll motion.

9 MR. MERTEN:

10 Is there a second?

11 ACTING COMMISSIONER CLAGGETT:

12 Second.

13 MR. MERTEN:

14 Roll call.

15
16 Arion Claggett, aye; Tammy O'Neill,
17 aye; Jennifer D'Amato-Dow, aye; Nicole
18 Weakland, aye; Heather Kelly, aye;
19 Felicia Brown-Haywood, aye; Teresa
20 Whisler, aye; Sandra Jenkins, aye;
21 Linda Iezzi, aye; Alexandria Lee, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. MERTEN:

25 Is there a motion to elect Jennifer

1 D'Amato-Dow as the Chair of the State
2 Board of Cosmetology effective March 1?

3 CHAIR O'NEILL:

4 Motion.

5 MR. MERTEN:

6 Second?

7 ACTING COMMISSIONER CLAGGETT:

8 Second.

9 MS. EATON:

10 Roll call.

11

12 Arion Claggett, aye; Tammy O'Neill,
13 aye; Jennifer D'Amato-Dow, aye; Nicole
14 Weakland, aye; Heather Kelly, aye;
15 Felicia Brown-Haywood, aye; Teresa
16 Whisler, aye; Sandra Jenkins, aye;
17 Linda Iezzi, aye; Alexandria Lee, aye.

18 [The motion carried unanimously.]

19

20 MR. MERTEN:

21 Is there a nomination for the Vice
22 Chair of the State Board of
23 Cosmetology?

24 MS. KELLY:

25 I nominate Sandra Jenkins.

1 CHAIR O'NEILL:

2 I would like to second that.

3 MR. MERTEN:

4 Are there any other nominations for the
5 Vice Chair of the State Board of
6 Cosmetology?

7 MS. BROWN-HAYWOOD:

8 I'll nominate Linda Iezzi.

9 MR. MERTEN:

10 Do we have a second?

11 MS. LEE:

12 Second.

13 MR. MERTEN:

14 This would be a motion to elect the
15 nominee who obtains the most votes for
16 Vice Chair of the State Board of
17 Cosmetology with the effective date of
18 March 1.

19 MS. EATON:

20 Arion Claggett, Sandra Jenkins; Tammy
21 O'Neill, Sandra Jenkins; Jennifer
22 D'Amato-Dow, Sandra Jenkins; Nicole
23 Weakland, Sandra Jenkins; Heather
24 Kelly, Sandra Jenkins; Felicia Brown-
25 Haywood, Sandra Jenkins; Teresa

1 Whisler, Sandra Jenkins; Sandra
2 Jenkins, Sandra Jenkins; Linda Iezzi, I
3 might as well just vote for Sandra
4 Jenkins, doesn't matter; Alexandria
5 Lee, Sandra Jenkins.

6 MR. MERTEN:

7 Is there a motion to elect Sandra
8 Jenkins as Vice Chair of the State
9 Board of Cosmetology with an effective
10 date of March 1?

11 CHAIR O'NEILL:

12 Motion.

13 MR. MERTEN:

14 Second?

15 ACTING COMMISSIONER CLAGGETT:

16 Second.

17 MS. EATON:

18 Roll call.

19
20 Arion Claggett, aye; Tammy O'Neill,
21 aye; Jennifer D'Amato-Dow, aye; Nicole
22 Weakland, aye; Heather Kelly, aye;
23 Felicia Brown-Haywood, aye; Teresa
24 Whisler, aye; Sandra Jenkins, aye;
25 Linda Iezzi, aye; Alexandria Lee, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. MERTEN:

4 Are there any nominations for the
5 Secretary of the State Board of
6 Cosmetology?

7 CHAIR O'NEILL:

8 I would like to nominate Nicole
9 Weakland.

10 MR. MERTEN:

11 Is there a second?

12 MS. KELLY:

13 Second.

14 MR. MERTEN:

15 Are there any other nominations for the
16 Secretary of the State Board of
17 Cosmetology? Hearing none.

18 Is there a motion to elect Nicole
19 Weakland as the Secretary of the State
20 Board of Cosmetology with an effective
21 date of March 1?

22 CHAIR O'NEILL:

23 Motion.

24 MR. MERTEN:

25 Is there a second?

1 MS. BROWN-HAYWOOD:

2 Second.

3 MS. EATON:

4 Arion Claggett, aye; Tammy O'Neill,
5 aye; Jennifer D'Amato-Dow, aye; Nicole
6 Weakland, aye; Heather Kelly, aye;
7 Felicia Brown-Haywood, aye; Teresa
8 Whisler, aye; Sandra Jenkins, aye;
9 Linda Iezzi, aye; Alexandria Lee, aye.

10 [The motion carried unanimously.]

11 ***

12 Public Comment

13 [Mallory Strawser asked Board members whether it is
14 legal for an esthetician to wax legs.

15 Mr. Merten explained that the Board is not
16 allowed to give legal advice. He referred her to the
17 regulations and recommended she obtain counsel to
18 receive advice on the official regulations.

19 Carla Gus presented to the Board with colleague,
20 Emily Bundy, and stated Hannah Kerr, who is a
21 licensed cosmetologist, would like to have a salon to
22 perform waxing in their current building. She noted
23 their variance request was denied and requested
24 information concerning an appeal.

25 Mr. Merten informed Ms. Gus that she would be

1 receiving a paper version provisional denial in the
2 mail and outlining ways to appeal if she chooses to
3 do so. He offered to discuss the issue after the
4 meeting.

5 Kyra Benz referred to a list being made of what
6 estheticians can and cannot do. She asked whether
7 the list has been completed and where the list can be
8 found.

9 Mr. Merten stated the Board is not aware of a
10 list and would not know where it could be found.

11 Ms. Benz further mentioned being told that Thomas
12 Davis was making the list and asked whether he has
13 published anything.

14 Mr. Davis also stated he is not aware of any
15 list. He noted the regulations detail what
16 cosmetologists and estheticians may do. He mentioned
17 former counsel was working on possibly a statement of
18 policy or something along those lines and believed a
19 decision was made against that because it should be a
20 regulation.

21 Ms. Eaton read a question in chat requesting
22 information on House Bill 61, dermaplaning for
23 estheticians.

24 Mr. Merten noted House Bill 61 was submitted to
25 the legislature, and Ms. Eaton thanked Ms. Walter for

1 answering that question on chat.

2 Acting Commission Claggett read another question
3 asking who on the Board is an esthetician.

4 Ms. Iezzi noted they are all cosmetologists and
5 estheticians.

6 Acting Commissioner Claggett commented that the
7 Board reviews and creates the scope and regulations
8 but cannot speak on them.

9 Mr. Merten further explained that regulatory
10 interpretation oftentimes requires legal advice to
11 the person asking, and it is not the Board's role or
12 counsel's role to give legal advice to the licensees.

13 Ms. Eaton referred to another question asking
14 whether there are bios of the Board somewhere.

15 Acting Commissioner Claggett stated bios for
16 Board members are not public information.

17 Ms. Eaton noted the Board website lists the names
18 of the members and how long they have been a member.
19 She read another question asking how to become a
20 public member of the Board.

21 Acting Commissioner Claggett suggested anyone
22 interested in becoming a public Board member to reach
23 out to their local Senator and ask them to write a
24 letter of reference.

25 Acting Commissioner Claggett referred to a

1 question from Melissa asking how they would clarify
2 scope so they do not have to hire an attorney.

3 Mr. Merten referred her to the regulations,
4 noting they cannot provide legal advice.

5 Melissa further commented that they cannot
6 clarify scope but create the regulation and asked
7 what the process is of clarify the regulation so the
8 person they are intended for can read them.

9 Mr. Merten stated all of the final regulations
10 are published for the public in the *Pennsylvania*
11 *Bulletin*.

12 Melissa mentioned cosmetologists and estheticians
13 repeatedly have regulation questions but are told to
14 hire attorneys. She asked how the regulations could
15 be amended, so the Board would be able to speak on
16 them and where non-attorneys, like cosmetologists and
17 estheticians, would be able to interpret them in a
18 cosmetology or esthetics level versus having
19 regulations that the Board cannot speak on and
20 regulations that they cannot understand.

21 Mr. Davis stated all of the boards receive that
22 question very often. He explained that the Board
23 promulgates regulations and says what is and is not
24 allowed but oftentimes will leave questions as to
25 exactly what X means. He noted the Board only has

1 the power to draft and amend and draft and redraft
2 regulations and/or speak when it comes to
3 adjudications.

4 Mr. Davis noted the rule of thumb when it comes
5 to regulations or any law is to read it and do the
6 best they can with it as written. He mentioned they
7 could also hire an attorney for their legal opinion
8 based upon any case law.

9 Mr. Davis stated case law is available to the
10 public and the kind of thing the Board comes out with
11 when they talk about adjudications and orders. he
12 noted they sometimes touch on the regulations and
13 clarify through those, which are readily available in
14 the Prothonotary's Office at the Department of State
15 but difficult to get to them.

16 Mr. Davis stated the document could be provided
17 if Board Counsel is aware of anything that has come
18 down the pike that specifically addresses someone's
19 concern. He suggested she email the Board directly
20 and state the particular regulations that require
21 clarification, noting the Board can work to clarify
22 those but takes quite a bit of time.

23 Melissa stated the frustration of hearing they
24 cannot comment is really they need to research this
25 for someone and asked whether he is saying they could

1 clarify and interpret it at the next meeting with
2 case law.

3 Mr. Davis explained that an attorney could do the
4 research if she hires an attorney, but he and Board
5 Counsel work for the Board and cannot start doing
6 research for licensees because that would be on the
7 Board's dime.

8 Mr. Davis further explained that it takes the
9 Board directing counsel to do something; however,
10 they would provide the information if something came
11 down the pike in the recent past that would address
12 her issue. He again mentioned that case law is out
13 there, and she could hire an attorney or ask them to
14 try to clarify the regulations with an email.

15 Melissa asked how the Board has authority over a
16 fine or an interpretation by an inspector when they
17 are already getting fined, shutdown, and denied
18 variances, which are affecting their work.

19 Mr. Davis explained that the Board can speak
20 through regulations or adjudications. He stated the
21 prosecution put forward charging documents when they
22 feel someone has violated a regulation or law, which
23 are used as an adjudication before a hearing
24 examiner. He noted the hearing examiner then puts
25 together a proposed order saying it is their belief

1 that the individual violated a particular regulation.

2 Mr. Davis further explained that the Board looks
3 at it and either agrees or does not agree or amends
4 it and is where the clarification can come from. He
5 again suggested individuals contact an attorney for
6 clarification.

7 Melissa asked Mr. Davis to explain their
8 relationship with the inspectors and people who
9 review licenses and variances.

10 Mr. Davis stated detectives and investigators do
11 not write the law nor do they work for the judges.
12 He noted the Board is like the judge and jury, and
13 the prosecutors and inspectors work together to find
14 out whether everybody is doing what they are supposed
15 to do under the laws and regulatoins.

16 Mr. Davis explained that the hearing examiner or
17 Board hear the charging document if it is believed
18 someone has violated the laws and regulations. He
19 mentioned the inspectors work for the prosecution arm
20 but are paid by the Board.

21 Melissa asked whether anything happens to the
22 inspectors who shut down a business for a month
23 between Board meetings that incorrectly interpret the
24 law, noting there are many places dermaplaning and
25 getting fined depending on the mood of the inspector.

1 Mr. Merten explained that questions concerning
2 how inspectors are disciplined would be a question
3 for prosecution because counsel works closer with the
4 Board side of things.

5 Debbie Eckstine-Weidner, Cosmetology Instructor,
6 DeRielle Cosmetology Academy, noted being licensed
7 almost 50 years in this industry and having a school
8 since 1991. She mentioned that she has been pleading
9 with the Board for direct answers for students
10 for many years. She stated it is difficult for her
11 to teach when the Board will not say whether it is
12 legal to do dermaplaning, body treatments, and bikini
13 waxing but students are saying it is being done in
14 salons.

15 Ms. Eckstine-Weidner noted the Board always tells
16 her to get legal counsel to get it defined and
17 clarified as to what that regulation actually says.
18 She mentioned there was a policy manual for \$25 that
19 broke down the regulations when she started the
20 school.

21 Ms. Eckstine-Weidner commented that she has been
22 asking the question for 20 years, and it is not fair
23 for anyone teaching or for salons not to be able to
24 get answers without hiring an attorney when all they
25 need is an answer as to whether they can do body

1 treatments, bikini waxes, or dermaplaning.

2 Ms. Eckstine-Weidner reported writing to Ms.
3 Eaton in January of last year because somebody was
4 making a list of what the Board was being questioned
5 about so that they would have this list of what is
6 permitted. She requested the Board's help because
7 they do not have two years to go through regulations
8 and have legislation written or money for attorneys.

9 Mr. Merten noted the Board speaks through
10 adjudications, and there is a compiling of different
11 consent agreements in the works, which have been
12 approved by the Board that address some of these
13 regulations. He mentioned that everyone would be
14 able to review how those consent agreements address
15 the various different violations of the regulations
16 once it is published.]

17 ***

18 Adjournment

19 CHAIR O'NEILL:

20 Can I have a motion to adjourn the
21 meeting?

22 ACTING COMMISSIONER CLAGGETT:

23 So moved.

24 CHAIR O'NEILL:

25 Second?

1 MS. IEZZI:

2 Second.

3 CHAIR O'NEILL:

4 Thank you. Have a wonderful week.

5 ***

6 [There being no further business, the State Board of
7 Cosmetology Meeting adjourned at 12:21 p.m.]

8 ***

9

10 CERTIFICATE

11

12 I hereby certify that the foregoing summary
13 minutes of the State Board of Cosmetology meeting,
14 was reduced to writing by me or under my supervision,
15 and that the minutes accurately summarize the
16 substance of the State Board of Cosmetology meeting.

17

18

19



20

Allison Walker,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

24

25

26

	STATE BOARD OF COSMETOLOGY
	REFERENCE INDEX
	February 24, 2025
	AGENDA
1	TIME
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4	
5	
6	
7	9:00 Executive Session
8	10:30 Return to Open Session
9	
10	10:32 Official Call to Order
11	
12	10:33 Roll Call
13	
14	10:33 Introduction of Attendees
15	
16	10:37 Approval of Minutes
17	
18	10:38 Report of Board Prosecution
19	
20	11:00 Report of Board Counsel
21	
22	11:05 Appointment - Annual Prosecution Report
23	
24	11:13 Appointment - Bureau of Finance and
25	Procurement Annual Budget
26	Presentation
27	
28	11:21 Report of Board Prosecution (cont.)
29	
30	11:22 Report of Board Administrator
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32	11:35 Applications
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34	11:39 Report of Regulatory Counsel
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36	11:40 Discussion Items
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38	11:52 Report of Board Administrator (cont.)
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40	11:59 Public Comment
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42	12:21 Adjournment
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