

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**JULY 16, 2017
Enforcement and Inspection
Committee Meeting**

**California Board of Barbering and Cosmetology
2420 Del Paso Road
Sequoia Room, 1st Floor
Sacramento, CA 95834**



P.O. Box 944226, Sacramento, CA 94244-2260
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**ENFORCEMENT AND INSPECTIONS
COMMITTEE MEETING
July 16, 2017**

*Action may be taken on any item
listed on the agenda.*

MEMBERS OF THE COMMITTEE
Jacquelyn Crabtree
Joseph Federico
Richard Hedges
Lisa Thong

Department of Consumer Affairs
2420 Del Paso Road
Sequoia Room
Sacramento, CA 95834

AGENDA

10:00 AM –Until Completion of Business

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Election of Committee Chairperson.
3. Public Comment on Items Not on the Agenda
The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))
4. Approval of Committee Minutes
 - October 19, 2015
5. Discuss and Make Recommendations to the Board Regarding Proposed Amendments to Title 16, CCR Section 974.1 to Revise the Membership Requirements for Serving on the Disciplinary Review Committee.
6. Agenda Items for the Next Meeting
7. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chairperson and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).*

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

No Attachment



DRAFT
**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY**

**ENFORCEMENT COMMITTEE MEETING
MINUTES OF OCTOBER 19, 2015**

Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

COMMITTEE MEMBERS PRESENT

Dr. Kari Williams, President
Richard Hedges, Vice President
Polly Codorniz
Andrew Drabkin
Joseph Federico

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Tami Guess, Board Policy Analyst
Rebecca Bon, Legal Counsel

1. Agenda Item #1, ESTABLISHMENT OF A QUORUM; WELCOME AND INTRODUCTIONS

Richard Hedges, the Board Vice President, called the meeting to order at 9:30 a.m.

2. Agenda Item #2, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no questions or comments from members of the public.

3. Agenda Item #3, APPROVAL OF ENFORCEMENT COMMITTEE MEETING MINUTES

MOTION: Mr. Drabkin made a motion, seconded by Mr. Federico, that the Enforcement Committee approves the April 20, 2015, Meeting Minutes as presented. Motion carried by a 5-0 vote.

4. Agenda Item #4, UPDATE ON THE MEDICAL SERVICES TASK FORCE

Mr. Hedges stated the Medical Services Task Force met twice since the last Committee meeting. There was a short report in the July meeting on what occurred since May. He gave a brief background of the Task Force composition. The Task Force discussed items that the industry faces today regarding the line between skin care and medical services. The Task Force developed a bulletin and posted it on the website. The Task Force also discussed how to enforce illegal advertising. There will be discussion and approval later in the agenda of the Task Force's recommended regulatory language regarding false/misleading advertising.

Kristy Underwood, the Executive Officer, stated the proposed regulatory language to amend Sections 973(d), 973.4, and 973.5 of the California Code of Regulations is specific to advertisement. This language would strengthen the advertisement regulations on how people in the industry might be misleading consumers.

Mr. Hedges stated this is long overdue. He shared stories of going on ride-alongs and finding needles, numbing drugs, and other violations.

Public Comment

Patrick Romani, Face Reality, asked where the terms are on the website. A staff member directed his attention to the language.

MOTION: Mr. Federico made a motion, seconded by Dr. Williams, to approve the proposed regulatory language to amend Sections 973(d), 973.4, and 973.5 of the California Code of Regulations. Motion carried by a 5-0 vote.

5. Agenda Item #5, DISCUSSION AND RECOMMENDATIONS OF REMEDIAL TRAINING FOR IMMEDIATE SUSPENSIONS

Ms. Underwood stated individuals are required to complete eight hours of remedial training within a year of suspension but there are currently no approved providers. The regulations do not specify that the training must be completed in an approved school. She suggested changing the regulations to specify that either the Board or an approved school can provide the training course.

Ms. Underwood suggested that staff develop an online remedial training course with the assistance of this Committee and the Department of Consumer Affairs. The cost would be minimal and it would ensure that the individuals under probation receive the required training for public safety.

Joseph Federico, an Enforcement Committee Member and a Member of the Board, stated there is not enough demand for schools to offer one eight-hour class.

Public Comment

Fred Jones, Professional Beauty Federation of California (PBFC), agreed that the market for one eight-hour class is not economical but cautioned against setting the precedent that the Board is the only outlet for remediation. An opportunity should be provided for schools to offer remedial courses as approved by the Board.

Mr. Hedges stated the concern that, if all remedial training is done online, there will be no practical training on how to clean. He suggested that the Board charge for the online class, because the Board and staff will need to put a course together, keep it updated, verify that the course has been completed, and provide certification of completion.

Ms. Underwood stated the Board may need statutory authority to charge for the course.

Mr. Drabkin, an Enforcement Committee Member and a Member of the Board, suggested offering the course to approved schools to use. He agreed that there should

be a charge for the online Board course so it will not deter individuals from taking the course at approved schools.

Mr. Hedges asked Rebecca Bon, Legal Counsel, to review the Board's statutory ability to charge fees to see if it might also include coursework.

Polly Codorniz, an Enforcement Committee Member and a Member of the Board, asked if the fee for remediation could be included in the fine for the infraction.

Ms. Underwood agreed it may be more easily appropriated that way or by including the fee for remediation in the charge for re-inspection. The legislation mandated a charge for re-inspection of \$40 for each foot spa tub.

Mr. Hedges raised the issue of individuals who opt to take the course at a school potentially being charged twice for the remediation course.

6. Agenda Item #6, AGENDA ITEMS FOR NEXT COMMITTEE MEETING

Ms. Underwood suggested discussing the continued practice of establishments of licenses changing hands when they are fined as a way to escape fines.

7. Agenda Item #7, PUBLIC COMMENT

There were no questions or comments from members of the public.

8. ADJOURNMENT

With no further business, the meeting was adjourned.



Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

DATE	July 16, 2017
TO	Members, Enforcement and Inspections Committee
FROM	Kristy Underwood, Executive Officer
SUBJECT	Disciplinary Review Committee Membership

Board staff is proposing to revise the membership requirements for the Disciplinary Review Committee (DRC) to allow non-Board members to serve and extend the authority to appoint DRC members and multiple DRCs to the full Board. Board staff is suggesting the following changes be made to the language of 974.1, California Code of Regulations:

§ 974.1 Disciplinary Review Committee

(a) ~~The~~ A disciplinary review committee of the Board shall be composed of three (3) members appointed for a term of two years by of the board. ~~(b) The board president, in his or her discretion, may appoint multiple disciplinary review committees.~~

(b) Each committee shall include at least one member of the barbering and cosmetology industry and one member who is not associated professionally or financially with that industry.

(c) Each member of a disciplinary review committee may be removed before the end of his or her term by a majority vote of the Board.

~~The board president shall annually appoint members of the disciplinary review committee; the appointment will be made concurrently with the annual election of the Board President.~~

(d) Each committee shall meet as deemed necessary by the Board. Each committee member shall be paid a per diem pursuant to Section 103 of the Business and Professions Code and shall be reimbursed for any travel expenses according to the policies of the Department of Consumer Affairs and the laws of the State.

~~The board president shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee.~~

NOTE: Authority cited: Sections 7312 and 7410, Business and Professions Code.
Reference: Section 7410, Business and Professions Code.