



**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY
LICENSING AND EXAMINATION COMMITTEE MEETING**

MINUTES OF JULY 16, 2013

**Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room S-102, 1st Floor
Sacramento, CA 95834**

COMMITTEE MEMBERS PRESENT

Joseph Federico
Andrew Drabkin
Mary Lou Amaro

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tami Guess, Board Policy Analyst

1. Agenda Item #1, WELCOME AND INTRODUCTIONS

Mr. Joseph Federico, Board President, called the meeting to order at 9:00 a.m.

2. Agenda Item #2, ELECTION OF A COMMITTEE CHAIRPERSON

Upon motion by Mr. Joseph Federico, seconded by Mr. Andrew Drabkin, Mr. Joseph Federico was elected by a 3-0 vote as Chair of the Licensing and Examination Committee.

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

Upon motion by Mr. Joseph Federico, seconded by Ms. Mary Lou Amaro, the minutes from the August 13th, 2012, Licensing Committee meeting were approved to be posted on the website by a 3-0 vote.

4. Agenda Item #4, REVIEW OF LICENSING REQUIREMENTS FOR ESTABLISHMENT OWNERS

Ms. Kristy Underwood requested that the Committee delay discussing this item. This is an item that has been discussed previously and one member of the Committee is not present. In the past, the Committee has talked about adding additional requirements to establishment owners because the Board believes the establishment licenses are disposable and change hands over and over. The Board is taking internal preventative steps. The establishment owner is considered the licensee in charge. This discussion will be held over until there is a full Committee.

5. Agenda Item #5, DISCUSSION AND RECOMMENDATIONS FOR CONTINUING EDUCATION REQUIREMENTS FOR LICENSEES

It was recommended the Board not pursue continuing education. An industry certification program that is being looked at by the Board would address the continuing education concerns.

6. Agenda Item #6, DISCUSSION AND RECOMMENDATIONS ON BOOTH RENTAL LICENSURE

This is another item that the Board has discussed in the past and no recommendations have been made. Ms. Kristy Underwood is asking the Committee for direction as to whether they wish to pursue some type of licensure certification for booth rentals.

Public Comment

Mr. Fred Jones, Professional Beauty Federation of California (PBFC). It has been PBFC's position that the professionalism of the industry needs to be raised. The mission of the Board of Barbering and Cosmetology (BBC) is to protect consumers. The mission of the PBFC is to raise the professionalism of licensees. 60 to 75 percent of salons utilize booth rentals. The salon owner does not cover workers' compensation, does not take out taxes, i.e., FICA, for the booth renters. The salon owners are taking advantage of the independent contractor relationship. Booth rental has grown exponentially in California. Most of the booth renters act like employees. The salon owners do the advertising, maintain the facilities, etc. PBFC has embraced the idea of this Board sending a clear message to the industry about what responsibilities, roles, functions, and delineations exist between a salon owner and a booth renter. If the salon owner and booth renter truly want the, quote/unquote, benefits of separation, which means they don't have to withhold taxes, they don't have to cover workers' comp, etc., then both parties need to understand a booth renter is literally a separate business entity operating within the salon. The PBFC suggests that booth renters have their own license separate and distinct from the salon. The new license would move with the booth renter. The license does not have to be salon specific. Consumers also should know that when they enter the salon door, they are dealing with one business, but when they enter the workstation of the booth renter, they are dealing with another business. The business of the booth renter should have liability insurance, a city business permit, etc.

Mr. Gary Federico, Federico Beauty Institute, agrees with Mr. Fred Jones. Mr. Gary Federico noted that when he enters a salon as a consumer, he assumes all cosmetologists in that salon are employees of the salon and the owner is responsible. Inspectors fine both the booth renter and the salon owner.

Ms. Jamie Schrabek, Precision Nails, encourages that schools incorporate in their curriculum information about what is fair compensation and the different kinds ownership structures. Cosmetologists would own their own business under a proposed booth rental license. Ms. Jamie Schrabek suggested that owners' names and businesses be made public record.

Mr. Joseph Federico recommends that the Committee and Board move forward with some form of booth rental licensure. Mr. Joseph Federico motioned that the Committee/Board continue to look into booth rental licensure. Mr. Andrew Drabkin seconded the motion. The motion carried with a 3-0 vote.

8. Agenda Item #7, DISCUSSION OF FREELANCE AUTHORIZATION

The idea of some type of mechanism to allow licensees to travel to locations to perform services such as for weddings, proms, etc., has been discussed in the past.

Public Comment

Ms. Jamie Schragebeck, Precision Nails. Those of us who are establishment owners with our businesses licensed and paying rent, utilities, etc., are competing against businesses in the industry who are literally just advertising on the Internet and sending people out to offices, homes, parties, whatever the location may be, to perform services. The Board does not have the control over these traveling operators, especially if the operator is not associated with a salon.

Mr. Fred Jones stated PBFC would like to see all licensees doing services tied to a licensed establishment. An exemption is available for purposes of shut-ins, people who are incapacitated and cannot leave their residence. Except for mobile units that can be inspected and are under the control of the BBC, there are no other exceptions for practicing barbering and cosmetology for remuneration outside of a licensed establishment. Traveling operators should be tied to a salon and there should be records at the salon of, for example, weddings and other things that beauty services are being rendered for money outside of the establishment. The PBFC believes that there should be some system in place for the equipment and procedures followed to be inspected by the State Board inspectors. Booth renters would not have to be tied to any particular salon, but they still have a physical establishment that can be inspected. PBFC encourages the Board to establish a way of bringing this issue to the legal light and create some form of holding operators accountable to the consumers.

Dr. Kari Williams agrees that there needs to be some record kept of operators working off site.

Currently, it is illegal to be operating as a freelancer outside of a licensed establishment if it's not for a shut-in.

Mr. Joseph Federico recommends that the Committee move forward and moves for Ms. Kristy Underwood to bring back to the Committee with some recommendations with regards to freelance licensure. Seconded by Mr. Andrew Drabkin. Motion carried with a 3-0 vote.

8. Agenda Item #8, PUBLIC COMMENT

Note: The Board may not discuss or take action on any matter 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, 11125 (a)].

Ms. Jamie Schragebeck, Precision Nails, reiterated her previous recommendations for transparency and accountability that all licensees, particularly salons, need to advertise as licensed. In other words, they cannot have Acme Salon on the salon license and then advertise as Xanadu Spa. The license number should be advertised also so consumers would be able to connect a particular person or a particular establishment with an actual license that can be researched online.

Mr. Fred Jones, PBFC. The issue of natural hair braiding continues. There is an exemption for it. The PBFC is concerned about the erosion of licensure.

9. Agenda Item #9, ADJOURNMENT

With no further business, the meeting was adjourned.