

**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING  
MINUTES OF JULY 16, 2017**

California Board of Barbering and Cosmetology  
2420 Del Paso Road  
Sequoia Room, 1<sup>st</sup> Floor  
Sacramento, CA 95834

**COMMITTEE MEMBERS PRESENT**

Joseph Federico, Chair  
Jacquelyn Crabtree  
Richard Hedges  
Lisa Thong

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Tami Guess, Board Project Manager  
Kurt Heppler, Supervising Counsel  
Marcene Melliza, Board Analyst

**1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF QUORUM**

Mr. Hedges called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

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

**MOTION:** Mr. Hedges made a motion, seconded by Ms. Thong, to elect Joseph Federico as chairperson of the Enforcement and Inspections Committee for 2017. Motion carried 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee members voted “Yes”: Federico, Crabtree, Hedges, and Thong.

**3. Agenda Item #3, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Jaime Schrabec, of Precision Nails, suggested putting out press releases to inform the public when cases go to fining or revoking a license in order to communicate what went wrong and what the consequences could be. She suggested taking five of the largest areas of concern, finding cases that represent noncompliance in those areas, and letting licensees and members of the public know what the Board is willing to do for consumer safety. She stated one of the responsibilities of the Board is to protect consumers and licensees from unlicensed practitioners.

Wendy Jacobs, of California Aesthetic Alliance (CAA), agreed and stated unlicensed practitioners work out of a spare room, have mobile spas, go into clients' homes, and

put out inadequate training. She stated their impression is that there are only 21 inspectors and they will not be caught. She stated unlicensed individuals taunt licensees in Facebook groups by dropping prices for customers and then overcharging for training sessions. Publishing anonymous case results sends messages that the Board is out there and doing something to correct noncompliance.

#### **4. Agenda Item #4, APPROVAL OF COMMITTEE MINUTES**

- October 19, 2015

**MOTION:** Ms. Crabtree made a motion, seconded by Mr. Federico, that the Committee approves the October 19, 2015, Meeting Minutes as presented. Motion carried 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee members voted “Yes”: Federico, Crabtree, Hedges, and Thong.

#### **5. Agenda Item #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**

Mr. Federico asked if the Disciplinary Review Committee (DRC) is an offshoot of the Enforcement Committee. Kristy Underwood, the Executive Officer, stated the DRC is its own Committee but the Board referred the regulation to the Enforcement Committee since, historically, the DRC does not meet as a Committee.

Ms. Underwood stated the need for a change in the regulations because, if a DRC hearing decision is appealed, the members of the DRC Committee cannot vote on the appeal decision. She reviewed the proposed regulation changes, which were included in the meeting packet.

Kurt Heppler, Board’s Legal Counsel, suggested that the DRC constitution not include a Board Member to avoid conflict.

Mr. Hedges stated the need for at least one Board Member to be part of the DRC due to the uncertainty of non-Board DRC members’ conflicts of interest and level of experience and to maintain some control over the disciplinary review process. He also stated it is good for Board Members to see the “ugly” side of the industry and why the Board exists.

Mr. Federico stated the DRC is where the Board interfaces with licensees. He suggested making a report from the DRC a standing item on regular Board agendas by the Board Member or Members who attend the DRC hearings on pressing cases and what is happening inside the DRC.

Mr. Federico asked about the DRC selection process. Mr. Heppler stated the Board will decide in open session who comprises the DRC. He noted that there could be multiple Committees of three individuals.

Mr. Hedges suggested Frank Lloyd as a DRC public member.

Ms. Thong suggested approving a pool of five to six members for each of the multiple DRCs.

Mr. Heppler suggested keeping the old language that states the Board President can appoint members to the DRC as necessary.

Mr. Hedges suggested that each DRC locality be comprised of three members who may serve, when necessary, in another locality. He suggested adding “who may serve in time of need on any other DRC” at the end of the sentence in 974.1(a).

### **Public Comment**

Andrew Drabkin, Board Vice President, speaking as a member of the public, stated his concern that the minimum quorum of the DRC is two and that if those two are industry or public members, it defeats the diversity. He suggested creating a pool of members and asked the Executive Officer to assign a diverse group for each hearing. He stated experience does not matter; all Committee Members will be inexperienced at DRC hearings at first.

Ms. Underwood stated her concern that having a DRC rotation pool will be difficult for staff to orchestrate. Individuals who volunteer to be on the DRC will have committed to it.

Ms. Crabtree asked how often the DRC meets. Ms. Underwood stated they meet monthly with Southern California meeting more frequently than Northern California.

Ms. Thong suggested keeping 974.1(a) as three members, but appointing multiple DRCs of three members each for each region: two Northern California DRCs and three Southern California DRCs with the same Board Member assigned to all DRCs in their region.

### **Public Comment**

Ms. Schrabek stated her concern about the DRC appointment process and the intended DRC composition. She suggested that 974.1(b) should read “at least one member who is a licensee of the Board of Cosmetology in good standing” as opposed to a member of the industry.

Ms. Crabtree asked for the definition of “member.” Ms. Underwood stated a member is defined as an individual with any association to the Board, even if they do not have a license, such as a school.

Ms. Crabtree stated members of the DRC should be licensees who comply with the regulations on a daily basis to give greater credibility to the DRC.

Mr. Hedges stated that is good advice, but the Board is a consumer Board populated by a public majority and needs to have members of the public represented on the DRC.

Ms. Underwood agreed and stated that is the one member that is “not associated professionally or financially” with the industry.

Ms. Crabtree stated her concern about the consistency of decisions between the multiple DRCs and whether one will be deemed more lenient over time with case outcomes determined by which DRC heard them. Multiple DRCs would give the

opportunity to consumers who did not receive the outcome sought after to argue that the DRC that heard their case treated them differently than another DRC would have.

Mr. Hedges stated the DRC is an informal hearing with a friendly atmosphere. He suggested revising 974.1(b) by adding “each Committee shall include at least one member who is a licensee of the Board of Barbering and Cosmetology” to the end of the sentence, but he noted that this language will exclude individuals with expertise who have served on the Board.

Ms. Underwood stated each DRC will be made up of a representative of the public, a representative of the industry, and a Board Member. The Board ultimately approves the members of the DRCs.

Mr. Federico added that the Board also has the authority to remove individuals from DRCs. He stated DRC members must apply, go through a vetting process, be selected to potentially serve on a DRC, and be approved by the Board.

Ms. Crabtree asked how DRC members are evaluated for their effectiveness in that role. Mr. Hedges stated the Board Member on each DRC will evaluate the other members. The DRC member should be removed if they receive two strikes.

Mr. Heppler stated the DRC members can be evaluated on their attendance and the decisions they make based on the presented facts. They should not be graded on providing the “correct” decision. Their decisions can be challenged, but they should not be punished for them.

### **Public Comment**

Ms. Jacobs stated her concern for fair, balanced representation across the licensees so estheticians, nails, electrolysis, hair, and barbering are represented.

Mr. Hedges stated 90 percent of the cases do not require individuals with expertise in each field. It does not take expertise to know that clients should not be harmed and proper disinfection should be practiced.

Ms. Jacobs stated the importance of peer review.

Mr. Hedges invited Ms. Jacobs to attend a DRC hearing and to provide her feedback to the Board to help improve the process.

### **Summary of Committee Suggested Revisions:**

- 974.1(a) will remain the same.
- 974.1(b) will be revised to include “at least one member who is a licensee of the Board of Barbering and Cosmetology, and one Board Member” at the end of the sentence.
- 974.1(c) will remain the same.
- 974.1(d) will end after “travel expenses.”

**MOTION:** Ms. Thong made a motion, seconded by Ms. Crabtree, to approve the Committee suggested revisions made to staff’s proposed

changes, which were included in the meeting packet. Motion carried 4 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee members voted "Yes": Federico, Crabtree, Hedges, and Thong.

**6. Agenda Item #6, AGENDA ITEMS FOR THE NEXT MEETING**

Mr. Federico suggested addressing the lack of Board inspectors, especially with the potential addition of a Personal Service Permit (PSP).

Ms. Underwood stated she met with the Department of Consumer Affairs last week to discuss this issue and the fact that there are no applicants for available inspector positions due to the low wage. Staff has been working to change the job classification and increase inspector wage. The Board cannot ask for funding for more inspectors when current vacancies cannot be filled.

Mr. Hedges suggested included a housing allowance for inspectors.

Ms. Thong asked for a report on the status of new trainings, if there has been any improvement, and what needs to be addressed at the next Committee meeting.

**Public Comment**

Ms. Schrabec suggested an agenda item to introduce new techniques and equipment to the Committee and to the Board, such as Russian manicures.

**7. Agenda Item #7, ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 11:15 a.m.