

# **CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY**



**NOVEMBER 4, 2024**

**Board Meeting**

**Los Angeles Marriott Burbank  
Academy 2 Room  
2500 North Hollywood Way  
Burbank, CA 91505**

**CALIFORNIA BOARD OF  
BARBERING AND  
COSMETOLOGY  
BOARD MEETING NOTICE AND  
AGENDA**

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

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**BOARD MEMBERS:**  
**Calimay Pham,**  
**President**  
**Tonya Fairley, Vice**  
**President**  
**Megan Ellis**  
**Kellie Funk**  
**Reese Isbell**  
**Dr. Yolanda Jimenez**  
**Colette Kavanaugh**  
**Tamika Miller**  
**Danielle Munoz**  
**Jacob Rostovsky**  
**Steve Weeks**

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**November 4, 2024**  
**Los Angeles Marriott Burbank**  
**Academy 2 Room**  
**2500 North Hollywood Way**  
**Burbank, CA 91505**

**10:00am - Until Completion of  
Business**

**AMENDED AGENDA**

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 Board President 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.

**OPEN SESSION:**

1. Call to Order/ Roll Call/ Establishment of Quorum **(Calimay Pham)**
2. Board President's Welcome **(Calimay Pham)**
3. Board Member Updates – Informational only
4. Department of Consumer Affairs (DCA) Update Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters.
5. Discussion and Possible Approval of the August 12, 2024, Board Meeting Minutes
6. Proposed Board Meeting Dates and Locations for 2025
7. Executive Management Reports **(Kristy Underwood)**
  - a) Administration and Operations
  - b) Licensing, Examinations, and Disciplinary Review Appeals
  - c) Enforcement, Inspections, and Cite and Fine
  - d) Outreach
  - e) Strategic Plan Update
8. Discussion and Possible Action on Manicurists Worker Classification

9. Report on the October 14, 2024, Licensing and Examination Committee Meeting
10. Report on the October 14, 2024, Enforcement and Inspections Committee Meeting
11. Report on the October 14, 2024, Diversity, Equity, and Inspections Committee Meeting
12. Report on the October 14, 2024, Health and Safety Advisory Committee Meeting **and Possible Action Regarding the Approval of The Health and Safety Course**
13. Update on Chaptered Legislation:
  - a) AB 2166 (Weber) Barbering and cosmetology: hair types and textures
  - b) SB 1451 (Ashby) Professions and vocations
14. Discussion and Possible Action Regarding Rulemaking Proposals:
  - a) Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)
  - b) Update Regarding Rulemaking to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
  - c) Update Regarding Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprenticeship Training)
  - d) Update Regarding Rulemaking to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)
  - e) Update Regarding Rulemaking to Amend Title 16, CCR section 977 et seq. (Health and Safety)
  - f) Update Regarding Rulemaking to Amend Title 16, CCR section 931 (Interpreters)
  - g) Update Regarding Rulemaking to Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)
15. Discussion and Possible Action to Reconsider Previously Approved Text, and to Consider Initiation of a Rulemaking to Amend Title 16, California Code of Regulations (CCR) Section 972 (Disciplinary Guidelines).
16. Discussion and Possible Action to Reconsider Previously Approved Text, and Consider Initiation of a Rulemaking to Amend Title 16, CCR section 911 (License by Endorsement (Reciprocity), Application and Out of State License Certifications)
17. Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations (CCR) Section 998 (Hairstylist Licensing Fee).
18. Public Comment on Items Not on the Agenda

*Note: 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))*
19. Suggestions for Future Agenda Items
20. Adjournment

*Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.*

\*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: Monica Burris at (916) 417-4637, email: [monica.burris@dca.ca.gov](mailto:monica.burris@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.

*Agenda Items*

*No. 1 -4*

*No Attachments*

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

**BOARD MEETING**

**MINUTES OF AUGUST 12, 2024**

**BOARD MEMBERS PRESENT**

Calimay Pham, President  
Tonya Fairley, Vice President  
Colette Kavanaugh  
Danielle Muñoz  
Kellie Funk  
Megan Ellis  
Reese Isbell  
Tamika Miller  
Dr. Yolanda Jimenez

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Allison Lee, Board Project Manager  
Sabina Knight, Legal Counsel

**BOARD MEMBERS ABSENT**

Jacob Rostovsky  
Steve Weeks

**AGENDA ITEM #1: Call to Order/ Roll Call/ Establishment of Quorum**

Board President Calimay Pham called the meeting to order at approximately 9:07 a.m. A staff member conducted the roll call and confirmed a quorum was present.

**AGENDA ITEM #2: Petition for Reinstatement Hearing**

- a. Randy Mitchell, Petition for Reinstatement of License, Barber License #B84322
- b. Carlos Curiel, Petition for Reinstatement of License, Barber License #B90842
- c. Antonio Galaviz, Petition for Reinstatement of License, Barber License #B99170

**CLOSED SESSION:** Pursuant to Government Code section 11126 (c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters, including the above petitions.

**AGENDA ITEM #3: Board President's Welcome (Calimay Pham)**

President Calimay Pham welcomed everyone back to the meeting.

**AGENDA ITEM #:8: Overview of the Bureau for Private Postsecondary Education's Regulatory Oversight of Barbering and Cosmetology Schools**

President Pham resumed the session and advanced to agenda item #8, which featured a presentation on the Bureau for Private Postsecondary Education's (BPPE) regulatory oversight of barbering and cosmetology schools. Debbie Cochrane, BPPE Chief, provided an overview

of the Bureau's mission to protect students and consumers, highlighting their responsibilities such as approving institutions to operate in California, conducting compliance inspections, and supporting students. She emphasized the two paths for school approval: full approval, which involves a thorough review of the institution, and approval by means of accreditation, which is streamlined for accredited institutions.

Ms. Cochrane presented the minimum operating standards required by the Private Postsecondary Education Act for institutions seeking approval. These standards cover aspects such as program content, facilities, faculty, administration, and financial stability. Additionally, the Bureau monitors prohibited business practices that institutions must avoid.

Ms. Cochrane explained the Bureau's monitoring mechanisms for institutions, including adjudicating applications, reviewing substantive changes, conducting two compliance inspections every five years (one announced, one unannounced), investigating around 1,000 annual student complaints, and requiring annual reports from schools. These reports help the Bureau assess compliance and identify potential issues. The Bureau also maintains regular communication with the BBC to coordinate on inspections and approvals.

Ms. Cochrane detailed the Bureau's enforcement actions, which include denying applications for non-compliance, issuing a notice to comply for minor violations, and issuing citations for material violations with potential fines and orders of abatement. Citations can also be issued for unapproved institutions with fines up to \$100,000. The Bureau can file an accusation for license revocation or probation and can issue an emergency decision for immediate threats to public safety.

Executive Officer Underwood highlighted that the board's school analyst position is now filled, and joint inspections and coordination with the BPPE should fully resume.

Board Member Kellie Funk thanked the presenter and inquired about the percentage of BPPE's oversight dedicated to beauty schools, noting it's around 20%. She expressed interest in further collaboration to support struggling students and schools. She also appreciated BPPE's ability to address unapproved institutions.

President Pham asked for a realistic view of enforcement challenges and passage rates for schools, including obstacles to addressing these issues. Ms. Underwood responded by noting improvements in test score analysis for first-time test takers and plans for a meeting with BPPE to focus on schools with lower performance rates.

Ms. Cochrane concluded her presentation by stating that while the BPPE does not have strict standards for student outcomes, it uses data to guide enforcement efforts and address issues such as graduation rates and job placements. Often, problems lead to mediation rather than immediate disciplinary action, focusing on improving processes rather than imposing penalties.

#### **AGENDA ITEM #4: Board Member Updates – Informational only**

This item was postponed until the next meeting.

**AGENDA ITEM #5: Department of Consumer Affairs (DCA) Update Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters.**

Yvonne Dorantes, Assistant Deputy Director, provided updates on recent developments. She mentioned that bimonthly Board and Bureau Relation updates were sent out, including a budget letter detailing the governor's proposal to cut 10,000 state positions and \$1.5 billion. This reduction, which will impact DCA boards and bureaus, will be implemented in phases starting in 2024-2025 for budget reductions and in 2025-2026 for position eliminations.

Ms. Dorantes announced that Myriam Valdez-Singh has moved to a new role, and Curtis Lang and Aubrey Anthony will now handle board appointments for healing arts and non-healing arts boards, respectively.

Ms. Dorantes shared that on July 31st, DCA participated in a virtual military licensing webinar, presenting resources and a demonstration of the Professional License Portability Portal, receiving positive feedback from attendees.

Ms. Dorantes continued by providing an update on the DEI committee's recent activities, including discussions on DEI training, workforce development surveys, and language access. Ms. Dorantes encouraged members to share ideas for the next DEI committee meeting on October 25th. Board member Reese Isbell inquired about the makeup and purpose of the DEI steering committee. Ms. Dorantes explained that the committee consists of DCA staff, leadership, and board and bureau leaders. The meetings are internal and not open to the public, but the outcomes, such as developed policies and reports, are shared with relevant parties. Mr. Isbell expressed interest in collaborating and requested access to updates and reports.

Yvonne Dorantes concluded by issuing a phishing alert, urging board members to be vigilant about potential scams. She emphasized the importance of verifying the sender's email, especially when asked for money or confidential information, and reminded everyone to stay cautious when handling such communications.

**AGENDA ITEM #6: Discussion and Possible Approval of the May 6, 2024, and June 24, 2024, Board Meeting Minutes**

**Motion:** Board Member Funk motioned to approve the May 6, 2024 Board Meeting Minutes. Board Member Fairley seconded the motion.

**Public Comment:** There were no public comments.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz



**Motion:** Board Member Isbell moved to approve the June 24, 2024 Board Meeting Minutes. Dr. Jimenez seconded.

**Public Comment:** There were no public comments.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Muñoz

## **AGENDA ITEM #7: Executive Management Reports (Kristy Underwood)**

- a. Administration and Operations**
- b. Licensing, Examinations, and Disciplinary Review Appeals**
- c. Enforcement, Inspections, and Cite and Fine**
- d. Outreach**
- e. Strategic Plan Update**

Executive Officer Underwood provided updates on several topics, including the hiring of a new assistant, who will be introduced at the next board meeting. She highlighted significant progress in the apprenticeship program for barbering and cosmetology, noting that recent collaboration with the Division of Apprenticeship Standards (DAS) has been very productive. Despite initial concerns about the program's viability, Ms. Underwood was impressed by the commitment of some sponsors. She emphasized that corrective actions are underway, including withdrawing approval from four program sponsors and assisting affected apprentices in finding new placements.

Board Member Fairley inquired about the efforts to ensure schools comply with fee regulations for apprentice programs, particularly concerning the 40 displaced apprentices. Ms. Underwood explained that they are cracking down on program sponsors who franchise out to training facilities that charge apprentices excessive fees for various services. She highlighted that some sponsors are operating unapproved schools and misleading apprentices into paying additional fees. Ms. Underwood noted that nine of the current 40+ approved sponsors are using this problematic business model. They are working with BPPE and DAS to resolve these issues, with a detailed report to be presented at the November meeting.

Furthermore, Ms. Underwood explained that the current vacancy sweep will affect the board's staff. The board has about eight staff vacancies, which is fewer than in the past. They are collaborating with the Department of Consumer Affairs' budget office to assess how to operate without filling these positions. Further updates will be provided as the situation progresses.

**Public Comment:** No public comments were made on the Executive Management Reports.

## **AGENDA ITEM #9: Review and Discussion of the Mobile Inspection Program**

The staff presentation was deferred to the next meeting.

## **AGENDA ITEM #10: Pre-Apprentice Training Demonstration**

The staff presentation was deferred to the next meeting.

**AGENDA ITEM #11: Discussion and Possible Action on Proposed Bills:**

- a) **AB 1328 (Gipson) Cosmetology Licensure Compact**
- b) **AB 2166 (Weber) Barbering and cosmetology: hair types and textures**
- c) **AB 2444 (Lee) Barbering and cosmetology: licensees: manicurists**
- d) **AB 2862 (Gipson) Licenses: African American applicants**
- e) **SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees**
- f) **SB 1451 (Ashby) Professions and vocations**

Executive Officer Underwood updated on legislative bills, noting that AB 2166 (regarding hair types and textures) is advancing smoothly and is expected to pass. Similarly, SB 1451 (concerning the hairstylist fee cleanup) appears to be on track for approval. However, the other bills have either been postponed or are not advancing this year.

**Public Comment:** There were no public comments received.

**AGENDA ITEM #12: Discussion and Possible Action Regarding Rulemaking Proposals:**

- a) **Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)**
- b) **Update Regarding Rulemaking to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)**
- c) **Update Regarding Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprenticeship Training)**
- d) **Update Regarding Rulemaking to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)**
- e) **Update Regarding Rulemaking to Amend Title 16, CCR section 977 et seq. (Health and Safety)**
- f) **Update Regarding Rulemaking to Amend Title 16, CCR section 911 (Out of State License Certifications)**
- g) **Update Regarding Rulemaking to Amend Title 16, CCR section 931 (Interpreters)**
- h) **Update Regarding Rulemaking to Amend Title 16, CCR section 974.2 (Disciplinary Review Committee Clean Up)**
- i) **Update Regarding Rulemaking to Amend Title 16, CCR section 972 (Disciplinary Guidelines)**
- j) **Update Regarding Rulemaking to Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)**

Executive Officer Underwood reported that Item 12 was an update requiring no board action. All regulations are progressing, with two staff members dedicated to this work, and a more detailed update will be provided at the next meeting.

**Public Comment:** There were no comments from the public.

**AGENDA ITEM #13: Public Comment on Items Not on the Agenda**

Jaime Schrabeck from Precision Nails addressed the board, emphasizing the importance of public participation in board meetings. She highlighted that, with the upcoming sunset review next year, the future of the board and its regulations could be at stake if the legislature deems it unnecessary. Ms. Schrabeck urged all licensees, both individual and establishment, to become more involved, either by attending meetings, watching them online, or, importantly, by voting. She stressed that active participation is crucial for ensuring the continued value and support of the industry and its licensees.

**AGENDA ITEM #14: Suggestions for Future Agenda Items**

Board Member Fairley raised concerns about the current process for receiving and responding to mail vote emails. She noted they often end up in spam and suggested a follow-up system to improve timely responses. Executive Officer stated this matter would be addressed internally.

**AGENDA ITEM #15: Adjournment**

There being no further business to discuss, the meeting adjourned at approximately 3:15 p.m.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY  
P.O. Box 944226, Sacramento, CA 94244-2260  
Phone : (800) 952-5210 Email: [barbercosmo@dca.ca.gov](mailto:barbercosmo@dca.ca.gov)  
Website: [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)



## **Meeting Dates and Locations for 2025**

February 10, 2025 – Board Meeting/Reinstatement  
Tentative Location: Sacramento

May 19, 2025 – Board Meeting/Reinstatement  
Tentative Location: Southern California

August 18, 2025 – Board Meeting/Reinstatement  
Tentative Location: Sacramento

November 17, 2025 – Board Meeting/Reinstatement  
Tentative Location: Southern California



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## MEMORANDUM

|                |  |
|----------------|--|
| <b>DATE</b>    | November 4, 2024                                       |
| <b>TO</b>      | Board of Barbering and Cosmetology                     |
| <b>FROM</b>    | James Zimmerman,<br>Licensing and Operations Chief     |
| <b>SUBJECT</b> | <b>Agenda Item 7a Administration/Operations Report</b> |

### Staffing

| Current Number of Positions Allocated | Current Number of Vacant Positions |
|---------------------------------------|------------------------------------|
| 5                                     | 1                                  |

James Zimmerman accepted the Licensing and Operations Chief position. He was previously a Licensing Manager with the Board.

We are currently recruiting for the Administration/Operations Staff Services Manager I.

### Staff Training

The Board of Barbering and Cosmetology completed two trainings this past quarter with DCA's Strategic Organizational Leadership and Individual Development (SOLID) Unit.

The Board participated in 'De-Escalation Tactics for Difficult Situations' on July 29<sup>th</sup>, this course provided our team with knowledge to apply in real-world situations when they encounter difficult situations.

The Board participated in 'Importance of Using Inclusive Language' with SOLID on October 21<sup>st</sup>, 2024. Our goal is to provide more ways for our team members of how to speak and write to help people feel more welcomed and understood.

**Budget Projection Reports and Fund Condition**

Below is the Budget Report Fiscal Year (FY) 2023-24 Expenditure Projection based on Fiscal Month 13 (FM) (July 2024). Based on these projections, the Board is scheduled to revert \$3,617,691 back into the Board's Fund.

**Board of Barbering and Cosmetology  
FM 13 Fiscal Year 2023/24  
Projected Expenditures July 2024**

| <b>Personnel Services</b>                                 | <b>ALLOTMENT</b>    | <b>BBC Projected Expenditures</b> | <b>Projected Year</b>             |
|---|---------------------|-----------------------------------|-----------------------------------|
| 5100 Permanent  | \$6,008,000         | \$4,704,616                       | \$1,303,384                       |
| 5100 Temporary  | \$587,000           | \$339,379                         | \$247,621                         |
| 5105-5108 Per Diem, Overtime & Lump Sum                   | \$0                 | \$30,800                          | (\$30,800)                        |
| 5150 Staff Benefits                                       | \$3,634,000         | \$3,113,947                       | \$520,053                         |
| 5170 Salary Savings                                       | \$0                 | \$0                               | \$0                               |
| <b>Total of Personnel Services</b>                        | <b>\$10,229,000</b> | <b>\$8,188,742</b>                | <b>\$2,040,258</b>                |
| <b>Operating Expenses &amp; Equipment (OE&amp;E)</b>      | <b>Allotment</b>    | <b>BBC Projected Expenditures</b> | <b>Projected Year End Balance</b> |
| 5301 General Expense                                      | \$166,000           | \$106,286                         | \$59,715                          |
| 5302 Printing   | \$250,000           | \$513,462                         | (\$263,462)                       |
| 5304 Communication  | \$21,000            | \$35,645                          | (\$14,645)                        |
| 5306 Postage  | \$232,000           | \$38,247                          | \$193,753                         |
| 5308 Insurance  | \$4,000             | \$21,229                          | (\$17,229)                        |
| 53202-204 Travel In State                                 | \$73,000            | \$52,758                          | \$20,242                          |
| 53206-208 Travel, Out-of-State                            | \$0                 | \$72                              | (\$72)                            |
| 5322 Training   | \$11,000            | \$9,251                           | \$1,749                           |
| 5324 Facilities Operations                                | \$1,022,000         | \$386,305                         | \$635,695                         |
| 53402-53403 Attorney General, OAH, C&P Services Interdept | \$1,672,000         | \$756,459                         | \$915,541                         |
| 53404-53405 Consultant & Professional Svs. - External     | \$1,646,000         | \$2,480,441                       | (\$834,441)                       |
| 5342 DCA Pro Rata   | \$6,382,000         | \$5,552,015                       | \$829,985                         |
| 5342 Interagency Services                                 | \$1,000             | \$54,832                          | (\$53,832)                        |
| 5344 Consolidated Data Center                             | \$68,000            | \$44,091                          | \$23,909                          |
| 5346 Information Technology                               | \$35,000            | \$58,952                          | (\$23,952)                        |
| 5362-5368 Equipment                                       | \$95,000            | \$84,241                          | \$10,759                          |
| 5390 Other Items of Expense & Vehicles                    | \$43,000            | \$72,598                          | (\$29,598)                        |
| 54 Special Items and Expenses                             | \$0                 | \$17,683                          | (\$17,683)                        |
| <b>Total Operating Expenses &amp; Equipment</b>           | <b>\$11,721,000</b> | <b>\$10,284,567</b>               | <b>\$1,436,433</b>                |
| <b>Total Expenses</b>                                     | <b>\$21,950,000</b> | <b>\$18,473,309</b>               | <b>\$3,476,691</b>                |
| <b>Schedule Reim. Other</b>                               | <b>(\$57,000)</b>   | <b>(\$141,000)</b>                |                                   |
| <b>Net Appropriation</b>                                  | <b>\$21,893,000</b> | <b>\$18,332,309</b>               | <b>\$3,617,691</b>                |
|   |                     | <b>SURPLUS/(DEFICIT)</b>          | <b>16.48%</b>                     |

The below analysis of the Board's Fund Condition projects to have 6.3 months in reserve for FY 2023-24. This means the Board would be able to continue to operate for 6.3 months without collecting any additional revenue. The Board is expected to receive a loan back from the General Fund in FY 2024-25, which would increase the Board's reserve to 19.3 months.

**0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition**

Prepared 10.9.2024

(Dollars in Thousands)

2024-25 Governor's Budget With 2023-24 Actuals

|  | Actuals<br>2023-24 | CY<br>2024-25 | BY<br>2025-26 | BY +1<br>2026-27 | BY +2<br>2027-28 |
|--|--------------------|---------------|---------------|------------------|------------------|
| <b>BEGINNING BALANCE</b>   | \$ 24,775          | \$ 11,926     | \$ 37,250     | \$ 37,520        | \$ 37,104        |
| Prior Year Adjustment  | \$ 187             | \$ -          | \$ -          | \$ -             | \$ -             |
| Adjusted Beginning Balance   | \$ 24,962          | \$ 11,926     | \$ 37,250     | \$ 37,520        | \$ 37,104        |
| <b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>   |                    |               |               |                  |                  |
| Revenues   |                    |               |               |                  |                  |
| 4121200 - Delinquent fees  | \$ 1,129           | \$ 1,332      | \$ 1,332      | \$ 1,332         | \$ 1,332         |
| 4127400 - Renewal fees   | \$ 11,738          | \$ 13,542     | \$ 13,542     | \$ 13,542        | \$ 13,542        |
| 4129200 - Other regulatory fees  | \$ 2,041           | \$ 2,645      | \$ 2,645      | \$ 2,645         | \$ 2,645         |
| 4129400 - Other regulatory licenses and permits  | \$ 5,472           | \$ 5,357      | \$ 5,357      | \$ 5,357         | \$ 5,357         |
| 4143500 - Miscellaneous Services to the Public   | \$ 5               | \$ -          | \$ -          | \$ -             | \$ -             |
| 4163000 - Income from surplus money investments  | \$ 688             | \$ 199        | \$ 554        | \$ 548           | \$ 532           |
| 4170400 - Capital Asset Sales Proceeds   | \$ 1               | \$ -          | \$ -          | \$ -             | \$ -             |
| 4171400 - Escheat of unclaimed checks and warrants   | \$ 15              | \$ 12         | \$ 12         | \$ 12            | \$ 12            |
| 4172500 - Miscellaneous revenues   | \$ 7               | \$ 8          | \$ 8          | \$ 8             | \$ 8             |
| Totals, Revenues   | \$ 21,096          | \$ 23,095     | \$ 23,450     | \$ 23,444        | \$ 23,428        |
| Loan Repayment from the General Fund (0001) to the Barbering and Cosmetology Contingent Fund (0069) per Item 1111-011-0069, Budget Act of 2020             | \$ -               | \$ 25,000     | \$ -          | \$ -             | \$ -             |
| Loan from the Barbering and Cosmetology Contingent Fund (0069) to the General Fund (0001) per Control Section 13.40, Budget Act of 2023                    | \$ -15,000         | \$ -          | \$ -          | \$ -             | \$ -             |
| Revenue Transfer from Barbering and Cosmetology Contingent Fund (0069) to General Fund (0001) per Chapter 9, Statutes of 2021; Section 3 @. EO E 23/24-138 | \$ -124            | \$ -          | \$ -          | \$ -             | \$ -             |
| Totals, Transfers and Other Adjustments  | \$ -15,124         | \$ 25,000     | \$ -          | \$ -             | \$ -             |
| <b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>   | \$ 5,972           | \$ 48,095     | \$ 23,450     | \$ 23,444        | \$ 23,428        |
| <b>TOTAL RESOURCES</b>   | \$ 30,934          | \$ 60,021     | \$ 60,700     | \$ 60,964        | \$ 60,532        |
| Expenditures:  |                    |               |               |                  |                  |
| 1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)   | \$ 18,332          | \$ 21,978     | \$ 22,637     | \$ 23,316        | \$ 24,016        |
| 9892 Supplemental Pension Payments (State Operations)  | \$ 316             | \$ 250        | \$ -          | \$ -             | \$ -             |
| 9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)   | \$ 360             | \$ 543        | \$ 543        | \$ 543           | \$ 543           |
| <b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>  | \$ 19,008          | \$ 22,771     | \$ 23,180     | \$ 23,859        | \$ 24,559        |
| <b>FUND BALANCE</b>  |                    |               |               |                  |                  |
| Reserve for economic uncertainties   | \$ 11,926          | \$ 37,250     | \$ 37,520     | \$ 37,104        | \$ 35,973        |
| Months in Reserve  | 6.3                | 19.3          | 18.9          | 18.1             | 17.1             |

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.



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## MEMORANDUM

|                |  |
|----------------|--|
| <b>DATE</b>    | November 4, 2024   |
| <b>TO</b>      | Board of Barbering and Cosmetology   |
| <b>FROM</b>    | Michael Magat Licensing Manager I  |
| <b>SUBJECT</b> | <b>Agenda Item 7b Licensing, Exams, and Disciplinary Review Committee Report</b> |

### LICENSING

#### Staffing Update

| Current Number of Positions Allocated | Current Number of Vacant Positions |
|---------------------------------------|------------------------------------|
| 19                                    | 1                                  |

The Board is in the process of hiring a Licensing Manager to back fill the position vacated by James Zimmerman, who is now the Licensing and Operations Chief.

The Board is also seeking to hire four positions on a limited term basis to establish a telephone/e-mail unit.

#### Examinations

The pass rates for the Board's examination have been gradually improving for Barbers and Cosmetologists. Esthetician and Manicure pass rates remain about the same. The table below shows a comparison of the pass rates for first-time test takers from Quarter 1 FY 23/24 to Quarter 1 FY 24/25.

| License Type | 2023 Q1 Pass% | 2024 Q1 Pass % |
|--------------|---------------|----------------|
| Barber       | 41%           | 56%            |
| Cosmetology  | 59%           | 68%            |
| Esthetician  | 76%           | 75%            |
| Manicurist   | 72%           | 71%            |
| Electrology  | 0%            | 0%             |
| Hairstylist  | -             | 56%            |

\*Based on quarter comparison



### **Emails**

The volume of e-mails received via the Board's general e-mail address continues to be high. The average number of weekly pending e-mails is regularly 500 or less and a response takes approximately 3 business days.

### **Applications**

The Board received 17,444 applications during the first quarter of FY 24/25. This was an increase of 4.7% over the fourth quarter of FY 23/24. The only license type to have less applicants from the previous quarter was electrologist, which dropped by 23.5%. All other license types showed growth.

The Board has a rolling total of about 1,400 applications pending, daily. All applications are being processed within three to four weeks.

### **Licenses Issued**

The Board issued 11,020 licenses during the first quarter of FY 24/25. This was an increase of 3.3% over the fourth quarter of FY 23/24. With increased scrutiny on apprentice programs, there were less apprentice licenses issued in the first quarter. The Board issued 45.7% less cosmetologist apprentice licenses, and 14.6% less barber apprentice licenses from Quarter 4 FY 23/24 to Quarter 1 FY 24/25.

Our current license population is 647,465.

**Performance Measures**Applications Received**Quarterly Applications Received Fiscal Year 24/25**

| License Type                   | Jul-Sep             | Oct-Dec         | Jan-Mar         | Apr-June        | YTD                 |
|--------------------------------|---------------------|-----------------|-----------------|-----------------|---------------------|
| <b>Personal Service Permit</b> | 19                  |                 |                 |                 | 19                  |
| <b>Establishment</b>           | 2,319               |                 |                 |                 | 2,319               |
| <b>Mobile Unit</b>             | 3                   |                 |                 |                 | 3                   |
| <b>Barber</b>                  |                     |                 |                 |                 |                     |
| Initial Application            | 1,249               |                 |                 |                 | 1,249               |
| Re-Exam                        | 1,309               |                 |                 |                 | 1,309               |
| <b><u>Sub-Total</u></b>        | <b><u>2,558</u></b> | <b><u>:</u></b> | <b><u>-</u></b> | <b><u>-</u></b> | <b><u>2,558</u></b> |
| Reciprocity                    | 80                  |                 |                 |                 | 80                  |
| Apprentice                     | 435                 |                 |                 |                 | 435                 |
| <b>Cosmetologist</b>           |                     |                 |                 |                 |                     |
| Initial Application            | 3,018               |                 |                 |                 | 3,018               |
| Re-Exam                        | 2,280               |                 |                 |                 | 2,280               |
| <b><u>Sub-Total</u></b>        | <b><u>5,298</u></b> | <b><u>:</u></b> | <b><u>-</u></b> | <b><u>-</u></b> | <b><u>5,298</u></b> |
| Reciprocity                    | 659                 |                 |                 |                 | 659                 |
| Apprentice                     | 193                 |                 |                 |                 | 193                 |
| <b>Electrologist</b>           |                     |                 |                 |                 |                     |
| Initial Application            | 26                  |                 |                 |                 | 26                  |
| Re-Exam                        | 26                  |                 |                 |                 | 26                  |
| <b><u>Sub-Total</u></b>        | <b><u>52</u></b>    | <b><u>:</u></b> | <b><u>-</u></b> | <b><u>-</u></b> | <b><u>52</u></b>    |
| Reciprocity                    | 3                   |                 |                 |                 | 3                   |
| Apprentice                     | -                   |                 |                 |                 | -                   |
| <b>Esthetician</b>             |                     |                 |                 |                 |                     |
| Initial Application            | 2,018               |                 |                 |                 | 2,018               |
| Re-Exam                        | 1,101               |                 |                 |                 | 1,101               |
| <b><u>Sub-Total</u></b>        | <b><u>3,119</u></b> | <b><u>:</u></b> | <b><u>-</u></b> | <b><u>-</u></b> | <b><u>3,119</u></b> |
| Reciprocity                    | 223                 |                 |                 |                 | 223                 |
| <b>Manicurist</b>              |                     |                 |                 |                 |                     |
| Initial Application            | 1,420               |                 |                 |                 | 1,420               |
| Re-Exam                        | 658                 |                 |                 |                 | 658                 |
| <b><u>Sub-Total</u></b>        | <b><u>2,078</u></b> | <b><u>:</u></b> | <b><u>-</u></b> | <b><u>-</u></b> | <b><u>2,078</u></b> |
| Reciprocity                    | 357                 |                 |                 |                 | 357                 |
| <b>Hairstylist</b>             | -                   | -               | -               | -               |                     |
| Initial Application            | 17                  |                 |                 |                 | 17                  |
| Re-Exam                        | 11                  |                 |                 |                 | 11                  |
| <b><u>Sub-Total</u></b>        | <b><u>28</u></b>    | <b><u>:</u></b> | <b><u>-</u></b> | <b><u>-</u></b> | <b><u>28</u></b>    |
| Reciprocity                    | 20                  |                 |                 |                 | 20                  |
| <b>Total</b>                   | <b>17,444</b>       | <b>-</b>        | <b>-</b>        | <b>-</b>        | <b>17,444</b>       |

### Written Exam Results

Overall Re-Exams have a lower pass rate than first-time test takers. Spanish pass rates for first time test takers have the lowest pass rate out of all the languages for the barber and cosmetology license type while Korean has the lowest pass rate for first time test takers for the esthetician and manicurist license type.

**July 1, 2024 - September 30, 2024**

**First Time Test Takers**

| <b>Barber</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|---------------|--------------|------------------|
| Chinese       | 1             | 1             | 2            | <b>50%</b>       |
| English       | 621           | 442           | 1,063        | <b>58%</b>       |
| Korean        | 0             | 1             | 1            | <b>0%</b>        |
| Spanish       | 32            | 70            | 102          | <b>31%</b>       |
| Vietnamese    | 6             | 12            | 18           | <b>33%</b>       |
| <b>Total</b>  | <b>660</b>    | <b>526</b>    | <b>1,186</b> | <b>56%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 1             | 1             | 2            | <b>50%</b>       |
| 372           | 593           | 965          | <b>39%</b>       |
| 1             | 2             | 3            | <b>33%</b>       |
| 35            | 139           | 174          | <b>20%</b>       |
| 5             | 17            | 22           | <b>23%</b>       |
| <b>414</b>    | <b>752</b>    | <b>1,166</b> | <b>36%</b>       |

**First Time Test Takers**

| <b>Cosmetologist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|----------------------|---------------|---------------|--------------|------------------|
| Chinese              | 423           | 145           | 568          | <b>74%</b>       |
| English              | 1,441         | 580           | 2,021        | <b>71%</b>       |
| Korean               | 10            | 11            | 21           | <b>48%</b>       |
| Spanish              | 59            | 183           | 242          | <b>24%</b>       |
| Vietnamese           | 120           | 52            | 172          | <b>70%</b>       |
| <b>Total</b>         | <b>2,053</b>  | <b>971</b>    | <b>3,024</b> | <b>68%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 126           | 98            | 224          | <b>56%</b>       |
| 486           | 732           | 1,218        | <b>40%</b>       |
| 8             | 13            | 21           | <b>38%</b>       |
| 88            | 333           | 421          | <b>21%</b>       |
| 59            | 89            | 148          | <b>40%</b>       |
| <b>767</b>    | <b>1,265</b>  | <b>2,032</b> | <b>38%</b>       |

**First Time Test Takers**

| <b>Esthetician</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|--------------------|---------------|---------------|--------------|------------------|
| Chinese            | 73            | 30            | 103          | <b>71%</b>       |
| English            | 1,483         | 424           | 1,907        | <b>78%</b>       |
| Korean             | 3             | 6             | 9            | <b>33%</b>       |
| Spanish            | 23            | 18            | 41           | <b>56%</b>       |
| Vietnamese         | 45            | 52            | 97           | <b>46%</b>       |
| <b>Total</b>       | <b>1,627</b>  | <b>530</b>    | <b>2,157</b> | <b>75%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 38            | 23            | 61           | <b>62%</b>       |
| 333           | 407           | 740          | <b>45%</b>       |
| 3             | 8             | 11           | <b>27%</b>       |
| 9             | 26            | 35           | <b>26%</b>       |
| 33            | 62            | 95           | <b>35%</b>       |
| <b>416</b>    | <b>526</b>    | <b>942</b>   | <b>44%</b>       |

**First Time Test Takers**

| <b>Manicurist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|-------------------|---------------|---------------|--------------|------------------|
| Chinese           | 47            | 14            | 61           | <b>77%</b>       |
| English           | 582           | 143           | 725          | <b>80%</b>       |
| Korean            | 2             | 3             | 5            | <b>40%</b>       |
| Spanish           | 31            | 42            | 73           | <b>42%</b>       |
| Vietnamese        | 356           | 143           | 499          | <b>71%</b>       |
| <b>Total</b>      | <b>1,018</b>  | <b>345</b>    | <b>1,363</b> | <b>75%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 14            | 8             | 22           | <b>64%</b>       |
| 114           | 96            | 210          | <b>54%</b>       |
| 2             | 7             | 9            | <b>22%</b>       |
| 21            | 32            | 53           | <b>40%</b>       |
| 157           | 199           | 356          | <b>44%</b>       |
| <b>308</b>    | <b>342</b>    | <b>650</b>   | <b>47%</b>       |

**First Time Test Takers**

| <b>Electrologist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|----------------------|---------------|---------------|--------------|------------------|
| Chinese              | 0             | 0             | 0            | <b>0%</b>        |
| English              | 24            | 8             | 32           | <b>75%</b>       |
| Korean               | 0             | 0             | 0            | <b>0%</b>        |
| Spanish              | 0             | 0             | 0            | <b>0%</b>        |
| Vietnamese           | 0             | 1             | 1            | <b>0%</b>        |
| <b>Total</b>         | <b>24</b>     | <b>9</b>      | <b>33</b>    | <b>73%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 0             | 0             | 0            | <b>0%</b>        |
| 10            | 12            | 22           | <b>45%</b>       |
| 0             | 0             | 0            | <b>0%</b>        |
| 0             | 0             | 0            | <b>0%</b>        |
| 0             | 1             | 1            | <b>0%</b>        |
| <b>10</b>     | <b>13</b>     | <b>23</b>    | <b>43%</b>       |

**First Time Test Takers**

| <b>Hairstylist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|--------------------|---------------|---------------|--------------|------------------|
| Chinese            | 3             | 1             | 4            | <b>75%</b>       |
| English            | 1             | 2             | 3            | <b>33%</b>       |
| Korean             | 0             | 0             | 0            | <b>0%</b>        |
| Spanish            | 1             | 1             | 2            | <b>50%</b>       |
| Vietnamese         | 0             | 0             | 0            | <b>0%</b>        |
| <b>Total</b>       | <b>5</b>      | <b>4</b>      | <b>9</b>     | <b>56%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 0             | 2             | 2            | <b>0%</b>        |
| 2             | 1             | 3            | <b>67%</b>       |
| 0             | 0             | 0            | <b>0%</b>        |
| 0             | 1             | 1            | <b>0%</b>        |
| 0             | 0             | 0            | <b>0%</b>        |
| <b>2</b>      | <b>4</b>      | <b>6</b>     | <b>33%</b>       |

**Written Exam Results by Educational Background**

**July 1, 2024 - September 30, 2024**

**Written Exam Results - Apprentice Program**

**First Time Test Takers**

| License Type  | Passed     | Failed     | Total      | Pass Rate  |
|---------------|------------|------------|------------|------------|
| Barber        | 79         | 118        | 197        | 40%        |
| Cosmetologist | 54         | 109        | 163        | 33%        |
| Electrologist | 0          | 0          | 0          | 0%         |
| <b>Total</b>  | <b>133</b> | <b>227</b> | <b>360</b> | <b>37%</b> |

**Re-Exam Test Takers**

| Passed     | Failed     | Total      | Pass Rate  |
|------------|------------|------------|------------|
| 94         | 185        | 279        | 34%        |
| 66         | 177        | 243        | 27%        |
| 0          | 0          | 0          | 0%         |
| <b>160</b> | <b>362</b> | <b>522</b> | <b>31%</b> |

**Written Exam Results - Out of Country**

**First Time Test Takers**

| License Type  | Passed     | Failed     | Total      | Pass Rate  |
|---------------|------------|------------|------------|------------|
| Barber        | 14         | 35         | 49         | 29%        |
| Cosmetologist | 404        | 184        | 588        | 69%        |
| Electrologist | 1          | 0          | 1          | 100%       |
| Esthetician   | 50         | 47         | 97         | 52%        |
| Hairstylist   | 4          | 4          | 8          | 50%        |
| Manicurist    | 51         | 38         | 89         | 57%        |
| <b>Total</b>  | <b>524</b> | <b>308</b> | <b>832</b> | <b>63%</b> |

**Re-Exam Test Takers**

| Passed     | Failed     | Total      | Pass Rate  |
|------------|------------|------------|------------|
| 16         | 56         | 72         | 22%        |
| 132        | 192        | 324        | 41%        |
| 1          | 0          | 1          | 100%       |
| 17         | 29         | 46         | 37%        |
| 1          | 4          | 5          | 20%        |
| 25         | 22         | 47         | 53%        |
| <b>192</b> | <b>303</b> | <b>495</b> | <b>39%</b> |

**Written Exam Results - School Program**

**First Time Test Takers**

| License Type  | Passed       | Failed       | Total        | Pass Rate  |
|---------------|--------------|--------------|--------------|------------|
| Barber        | 567          | 373          | 940          | 60%        |
| Cosmetologist | 1,595        | 678          | 2,273        | 70%        |
| Electrologist | 23           | 9            | 32           | 72%        |
| Esthetician   | 1,577        | 483          | 2,060        | 77%        |
| Hairstylist   | 1            | 0            | 1            | 100%       |
| Manicurist    | 967          | 307          | 1,274        | 76%        |
| <b>Total</b>  | <b>4,730</b> | <b>1,850</b> | <b>6,580</b> | <b>72%</b> |

**Re-Exam Test Takers**

| Passed       | Failed       | Total        | Pass Rate  |
|--------------|--------------|--------------|------------|
| 304          | 511          | 815          | 37%        |
| 569          | 896          | 1,465        | 39%        |
| 9            | 13           | 22           | 41%        |
| 399          | 497          | 896          | 45%        |
| 1            | 0            | 1            | 100%       |
| 283          | 320          | 603          | 47%        |
| <b>1,565</b> | <b>2,237</b> | <b>3,802</b> | <b>41%</b> |

**Written Exam Results by Language by Educational Background**

**July 1, 2024 - September 30, 2024**

**Apprentice Programs By Language**

**First Time Test Takers**

| <b>Barber</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|---------------|--------------|------------------|
| Chinese       | 0             | 0             | 0            | 0%               |
| English       | 75            | 102           | 177          | 42%              |
| Korean        | 0             | 0             | 0            | 0%               |
| Spanish       | 4             | 16            | 20           | 20%              |
| Vietnamese    | 0             | 0             | 0            | 0%               |
| <b>Total</b>  | <b>79</b>     | <b>118</b>    | <b>197</b>   | <b>40%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 0             | 0             | 0            | 0%               |
| 86            | 126           | 212          | 41%              |
| 0             | 0             | 0            | 0%               |
| 8             | 59            | 67           | 12%              |
| 0             | 0             | 0            | 0%               |
| <b>94</b>     | <b>185</b>    | <b>279</b>   | <b>34%</b>       |

**First Time Test Takers**

| <b>Cosmetologist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|----------------------|---------------|---------------|--------------|------------------|
| Chinese              | 0             | 1             | 1            | 0%               |
| English              | 35            | 32            | 67           | 52%              |
| Korean               | 0             | 0             | 0            | 0%               |
| Spanish              | 18            | 75            | 93           | 19%              |
| Vietnamese           | 1             | 1             | 2            | 50%              |
| <b>Total</b>         | <b>54</b>     | <b>109</b>    | <b>163</b>   | <b>33%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 0             | 0             | 0            | 0%               |
| 19            | 35            | 54           | 35%              |
| 0             | 0             | 0            | 0%               |
| 46            | 137           | 183          | 25%              |
| 1             | 5             | 6            | 17%              |
| <b>66</b>     | <b>177</b>    | <b>243</b>   | <b>27%</b>       |

**Out of Country Schools by Language**

**First Time Test Takers**

| <b>Barber</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|---------------|--------------|------------------|
| Chinese       | 1             | 0             | 1            | 100%             |
| English       | 10            | 8             | 18           | 56%              |
| Korean        | 0             | 0             | 0            | 0%               |
| Spanish       | 3             | 27            | 30           | 10%              |
| Vietnamese    | 0             | 0             | 0            | 0%               |
| <b>Total</b>  | <b>14</b>     | <b>35</b>     | <b>49</b>    | <b>29%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 1             | 1             | 2            | 50%              |
| 6             | 26            | 32           | 19%              |
| 0             | 2             | 2            | 0%               |
| 9             | 27            | 36           | 25%              |
| 0             | 0             | 0            | 0%               |
| <b>16</b>     | <b>56</b>     | <b>72</b>    | <b>22%</b>       |

**Out of Country Schools by Language (continued)**

**First Time Test Takers**

| <b>Cosmetologist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|----------------------|---------------|---------------|--------------|------------------|
| Chinese              | 361           | 117           | 478          | 76%              |
| English              | 26            | 21            | 47           | 55%              |
| Korean               | 1             | 4             | 5            | 20%              |
| Spanish              | 5             | 35            | 40           | 13%              |
| Vietnamese           | 11            | 7             | 18           | 61%              |
| <b>Total</b>         | <b>404</b>    | <b>184</b>    | <b>588</b>   | <b>69%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 93            | 73            | 166          | 56%              |
| 19            | 41            | 60           | 32%              |
| 4             | 2             | 6            | 67%              |
| 10            | 60            | 70           | 14%              |
| 6             | 16            | 22           | 27%              |
| <b>132</b>    | <b>192</b>    | <b>324</b>   | <b>41%</b>       |

**First Time Test Takers**

| <b>Electrologist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|----------------------|---------------|---------------|--------------|------------------|
| English              | 1             | 0             | 1            | 100%             |
| <b>Total</b>         | <b>1</b>      | <b>0</b>      | <b>1</b>     | <b>100%</b>      |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 1             | 0             | 1            | 100%             |
| <b>1</b>      | <b>0</b>      | <b>1</b>     | <b>100%</b>      |

**First Time Test Takers**

| <b>Esthetician</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|--------------------|---------------|---------------|--------------|------------------|
| Chinese            | 24            | 11            | 35           | 69%              |
| English            | 22            | 20            | 42           | 52%              |
| Korean             | 1             | 0             | 1            | 100%             |
| Spanish            | 1             | 9             | 10           | 10%              |
| Vietnamese         | 2             | 7             | 9            | 22%              |
| <b>Total</b>       | <b>50</b>     | <b>47</b>     | <b>97</b>    | <b>52%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 7             | 3             | 10           | 70%              |
| 8             | 16            | 24           | 33%              |
| 0             | 0             | 0            | 0%               |
| 2             | 5             | 7            | 29%              |
| 0             | 5             | 5            | 0%               |
| <b>17</b>     | <b>29</b>     | <b>46</b>    | <b>37%</b>       |

**First Time Test Takers**

| <b>Manicurist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|-------------------|---------------|---------------|--------------|------------------|
| Chinese           | 11            | 1             | 12           | 92%              |
| English           | 10            | 7             | 17           | 59%              |
| Korean            | 0             | 1             | 1            | 0%               |
| Spanish           | 3             | 12            | 15           | 20%              |
| Vietnamese        | 27            | 17            | 44           | 61%              |
| <b>Total</b>      | <b>51</b>     | <b>38</b>     | <b>89</b>    | <b>57%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 3             | 0             | 3            | 100%             |
| 6             | 3             | 9            | 67%              |
| 1             | 0             | 1            | 100%             |
| 0             | 5             | 5            | 0%               |
| 15            | 14            | 29           | 52%              |
| <b>25</b>     | <b>22</b>     | <b>47</b>    | <b>53%</b>       |

**Out of Country Schools by Language (continued)****First Time Test Takers**

| <b>Hairstylist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|--------------------|---------------|---------------|--------------|------------------|
| Chinese            | 3             | 1             | 4            | 75%              |
| English            | 0             | 2             | 2            | 0%               |
| Spanish            | 1             | 1             | 2            | 50%              |
| <b>Total</b>       | <b>4</b>      | <b>4</b>      | <b>8</b>     | <b>50%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 0             | 2             | 2            | 0%               |
| 1             | 1             | 2            | 50%              |
| 0             | 1             | 1            | 0%               |
| <b>1</b>      | <b>4</b>      | <b>5</b>     | <b>20%</b>       |

**School Programs by Language****First Time Test Takers**

| <b>Barber</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|---------------|--------------|------------------|
| Chinese       | 0             | 1             | 1            | 0%               |
| English       | 536           | 332           | 868          | 62%              |
| Korean        | 0             | 1             | 1            | 0%               |
| Spanish       | 25            | 27            | 52           | 48%              |
| Vietnamese    | 6             | 12            | 18           | 33%              |
| <b>Total</b>  | <b>567</b>    | <b>373</b>    | <b>940</b>   | <b>60%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 0             | 0             | 0            | 0%               |
| 280           | 441           | 721          | 39%              |
| 1             | 0             | 1            | 100%             |
| 18            | 53            | 71           | 25%              |
| 5             | 17            | 22           | 23%              |
| <b>304</b>    | <b>511</b>    | <b>815</b>   | <b>37%</b>       |

**First Time Test Takers**

| <b>Cosmetologist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|----------------------|---------------|---------------|--------------|------------------|
| Chinese              | 62            | 27            | 89           | 70%              |
| English              | 1,380         | 527           | 1,907        | 72%              |
| Korean               | 9             | 7             | 16           | 56%              |
| Spanish              | 36            | 73            | 109          | 33%              |
| Vietnamese           | 108           | 44            | 152          | 71%              |
| <b>Total</b>         | <b>1,595</b>  | <b>678</b>    | <b>2,273</b> | <b>70%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 33            | 25            | 58           | 57%              |
| 448           | 656           | 1,104        | 41%              |
| 4             | 11            | 15           | 27%              |
| 32            | 136           | 168          | 19%              |
| 52            | 68            | 120          | 43%              |
| <b>569</b>    | <b>896</b>    | <b>1,465</b> | <b>39%</b>       |

**First Time Test Takers**

| <b>Electrologist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|----------------------|---------------|---------------|--------------|------------------|
| English              | 23            | 8             | 31           | 74%              |
| Vietnamese           | 0             | 1             | 1            | 0%               |
| <b>Total</b>         | <b>23</b>     | <b>9</b>      | <b>32</b>    | <b>72%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 9             | 12            | 21           | 43%              |
| 0             | 1             | 1            | 0%               |
| <b>9</b>      | <b>13</b>     | <b>22</b>    | <b>41%</b>       |



### School Programs by Language (continued)

**First Time Test Takers**

| <b>Esthetician</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|--------------------|---------------|---------------|--------------|------------------|
| Chinese            | 49            | 19            | 68           | <b>72%</b>       |
| English            | 1,461         | 404           | 1,865        | <b>78%</b>       |
| Korean             | 2             | 6             | 8            | <b>25%</b>       |
| Spanish            | 22            | 9             | 31           | <b>71%</b>       |
| Vietnamese         | 43            | 45            | 88           | <b>49%</b>       |
| <b>Total</b>       | <b>1,577</b>  | <b>483</b>    | <b>2,060</b> | <b>77%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 31            | 20            | 51           | <b>61%</b>       |
| 325           | 391           | 716          | <b>45%</b>       |
| 3             | 8             | 11           | <b>27%</b>       |
| 7             | 21            | 28           | <b>25%</b>       |
| 33            | 57            | 90           | <b>37%</b>       |
| <b>399</b>    | <b>497</b>    | <b>896</b>   | <b>45%</b>       |

**First Time Test Takers**

| <b>Manicurist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|-------------------|---------------|---------------|--------------|------------------|
| Chinese           | 36            | 13            | 49           | <b>73%</b>       |
| English           | 572           | 136           | 708          | <b>81%</b>       |
| Korean            | 2             | 2             | 4            | <b>50%</b>       |
| Spanish           | 28            | 30            | 58           | <b>48%</b>       |
| Vietnamese        | 329           | 126           | 455          | <b>72%</b>       |
| <b>Total</b>      | <b>967</b>    | <b>307</b>    | <b>1,274</b> | <b>76%</b>       |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 11            | 8             | 19           | <b>58%</b>       |
| 108           | 93            | 201          | <b>54%</b>       |
| 1             | 7             | 8            | <b>13%</b>       |
| 21            | 27            | 48           | <b>44%</b>       |
| 142           | 185           | 327          | <b>43%</b>       |
| <b>283</b>    | <b>320</b>    | <b>603</b>   | <b>47%</b>       |

**First Time Test Takers**

| <b>Hairstylist</b> | <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|--------------------|---------------|---------------|--------------|------------------|
| Chinese            | 0             | 0             | 0            | <b>0%</b>        |
| English            | 1             | 0             | 1            | <b>100%</b>      |
| Spanish            | 0             | 0             | 0            | <b>0%</b>        |
| <b>Total</b>       | <b>1</b>      | <b>0</b>      | <b>1</b>     | <b>100%</b>      |

**Re-Exam Test Takers**

| <b>Passed</b> | <b>Failed</b> | <b>Total</b> | <b>Pass Rate</b> |
|---------------|---------------|--------------|------------------|
| 0             | 0             | 0            | <b>0%</b>        |
| 1             | 0             | 1            | <b>100%</b>      |
| 0             | 0             | 0            | <b>0%</b>        |
| <b>1</b>      | <b>0</b>      | <b>1</b>     | <b>100%</b>      |

**Licenses Issued**

The total number of licenses issued has increased from 10,666 to 11,020, a 3.32% increase from the last quarter.

**Licenses Issued Fiscal Year 24/25**

| <b>License Type</b>      | <b>Jul-Sep</b> | <b>Oct-Dec</b> | <b>Jan-Mar</b> | <b>Apr-June</b> | <b>YTD</b>    |
|--------------------------|----------------|----------------|----------------|-----------------|---------------|
| Barber                   | 1,106          |                |                |                 | 1,106         |
| Barber Apprentice        | 374            |                |                |                 | 374           |
| Cosmetologist            | 3,271          |                |                |                 | 3,271         |
| Cosmetologist Apprentice | 166            |                |                |                 | 166           |
| Electrologist            | 34             |                |                |                 | 34            |
| Electrologist Apprentice | -              | -              | -              | -               | -             |
| Esthetician              | 2,220          |                |                |                 | 2,220         |
| Manicurist               | 1,606          |                |                |                 | 1,606         |
| Hairstylist              | 16             |                |                |                 | 16            |
| Establishment            | 2,212          |                |                |                 | 2,212         |
| Mobile Unit              | 3              |                |                |                 | 3             |
| Personal Service Permit  | 12             |                |                |                 | 12            |
| <b>Totals</b>            | <b>11,020</b>  |                |                |                 | <b>11,020</b> |

**Licenses Issued Last 5 Years**

11,020 licenses have been issued in FY 24/25.

**Licenses Issued Last 5 Years**

| <b>License Type</b>      | <b>FY 20/21</b> | <b>FY 21/22</b> | <b>FY 22/23</b> | <b>FY23/24</b> | <b>FY24/25*</b> |
|--------------------------|-----------------|-----------------|-----------------|----------------|-----------------|
| Barber                   | 1,085           | 3,036           | 1,952           | 3,553          | 1,106           |
| Barber Apprentice        | 874             | 1,422           | 1,398           | 1,392          | 374             |
| Cosmetologist            | 3,153           | 6,901           | 6,246           | 9,270          | 3,271           |
| Cosmetologist Apprentice | 584             | 963             | 1,035           | 940            | 166             |
| Electrologist            | 26              | 66              | 62              | 94             | 34              |
| Electrologist Apprentice | -               | -               | -               | -              | -               |
| Esthetician              | 2,887           | 7,505           | 7,601           | 7,958          | 2,220           |
| Manicurist               | 2,065           | 4,581           | 4,350           | 5,597          | 1,606           |
| Hairstylist              | -               | -               | -               | 25             | 16              |
| Establishment            | 6,302           | 6,604           | 6,351           | 7,754          | 2,212           |
| Mobile Unit              | 8               | 12              | 11              | 10             | 3               |
| Personal Service Permit  | -               | 16              | 116             | 93             | 12              |
| <b>Totals</b>            | <b>16,976</b>   | <b>31,090</b>   | <b>29,122</b>   | <b>36,686</b>  | <b>11,020</b>   |

\*July 1, 2024 – September 30, 2024

**License Population**

Compared to the previous quarter, the license population has increased from 643,378 to 647,465 a 0.63% increase.

**License Population**

|                          |                |
|--------------------------|----------------|
| Barber                   | 39,833         |
| Barber Apprentice        | 2,496          |
| Cosmetologist            | 303,626        |
| Cosmetologist Apprentice | 1,601          |
| Electrologist            | 1,605          |
| Electrologist Apprentice | -              |
| Esthetician              | 109,787        |
| Manicurist               | 129,150        |
| Hairstylist              | 41             |
| Personal Service Permit  | 239            |
| Establishment            | 59,009         |
| Mobile Unit              | 78             |
| <b>Total</b>             | <b>647,465</b> |

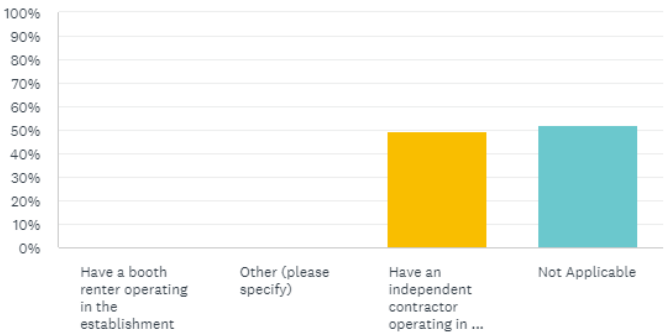
Survey Results

Establishments:

The Board continues to collect information regarding the type of workers within establishments. 49% of respondents report having independent contractors. This is slightly higher than last quarter’s responses of 47% reporting having independent contractors. The other 51% of respondents report that these categories of employment as not applicable to their establishments.

Please mark all that are applicable to your establishment

Answered: 358    Skipped: 6



| ANSWER CHOICES  | RESPONSES |     |
|---|-----------|-----|
| Have a booth renter operating in the establishment            | 0.00%     | 0   |
| Other (please specify)  | 0.00%     | 0   |
| Have an independent contractor operating in the establishment | 49.44%    | 177 |
| Not Applicable  | 51.96%    | 186 |
| Total Respondents: 358  |           |     |

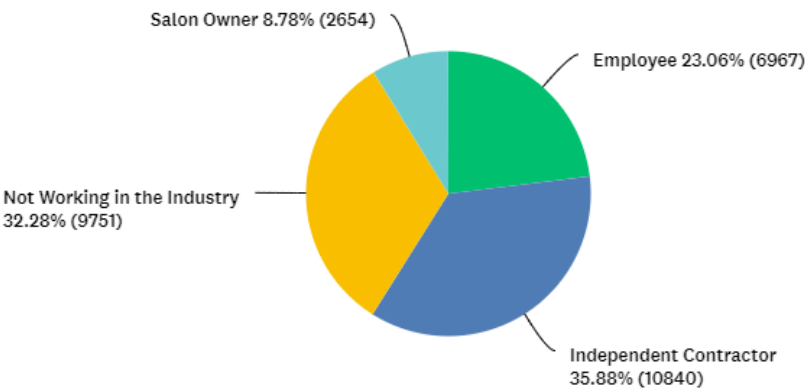
**Independent Licensees:**

The Board received 30,288 responses to the survey of independent licensee renewals during the July through September 2024 time period. An analysis of the recent quarter's data shows that employment status is 23.06 % of the licensees identify as employees, 35.88% as independent contractor, 8.78% Salon Owners, and 32.28% are not working in the industry.

When looking at licensees working in California who identify as having full-time vs part-time employment no significant difference in the type of employment can be identified. Licensees who report as full-time, in California make up 30.29% of licensees. Licensees who report as part-time, in California make up 31.13% of licensees, while 30.35% of respondents are not working in the industry.

Please indicate your Employment Identification

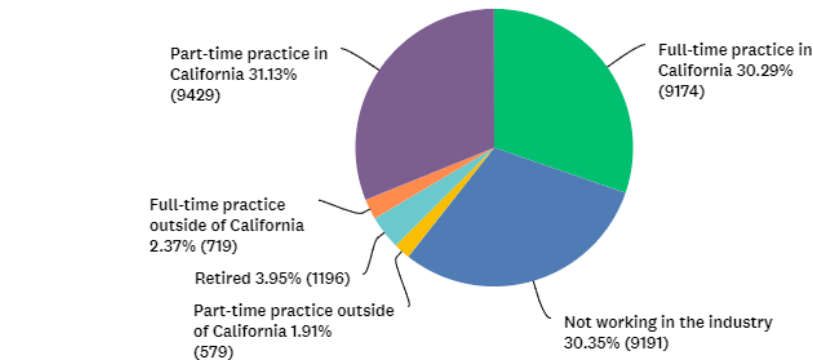
Answered: 30,212    Skipped: 202



| ANSWER CHOICES              | RESPONSES |        |
|-----------------------------|-----------|--------|
| Employee                    | 23.06%    | 6,967  |
| Independent Contractor      | 35.88%    | 10,840 |
| Not Working in the Industry | 32.28%    | 9,751  |
| Salon Owner                 | 8.78%     | 2,654  |
| TOTAL                       |           | 30,212 |

Please Indicate Employment Status

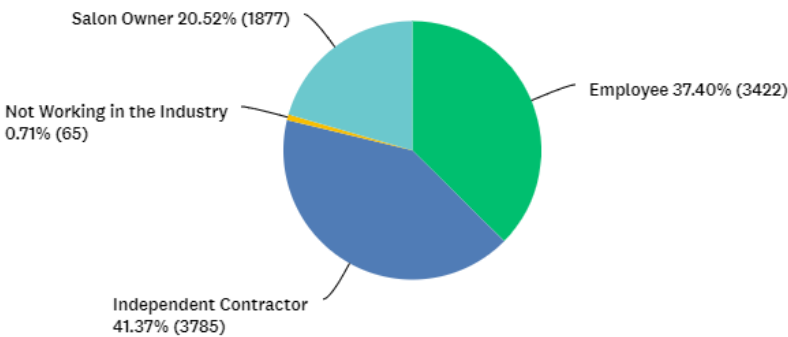
Answered: 30,288    Skipped: 126



| ANSWER CHOICES                           | RESPONSES |        |
|--|-----------|--------|
| Full-time practice in California         | 30.29%    | 9,174  |
| Not working in the industry              | 30.35%    | 9,191  |
| Part-time practice outside of California | 1.91%     | 579    |
| Retired                                  | 3.95%     | 1,196  |
| Full-time practice outside of California | 2.37%     | 719    |
| Part-time practice in California         | 31.13%    | 9,429  |
| TOTAL                                    |           | 30,288 |

Analysis of Licensees Identified as Full-Time

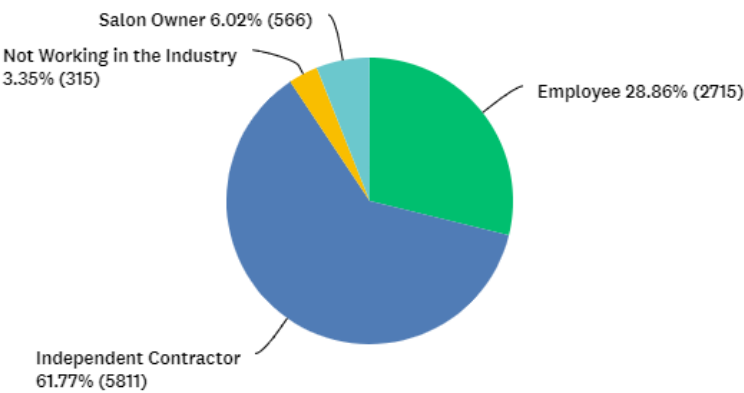
Answered: 9,149    Skipped: 25



| ANSWER CHOICES              | RESPONSES |       |
|-----------------------------|-----------|-------|
| Employee                    | 37.40%    | 3,422 |
| Independent Contractor      | 41.37%    | 3,785 |
| Not Working in the Industry | 0.71%     | 65    |
| Salon Owner                 | 20.52%    | 1,877 |
| TOTAL                       |           | 9,149 |

Analysis of Licensees Identified as Part-Time

Answered: 9,407    Skipped: 22



| ANSWER CHOICES              | RESPONSES |       |
|-----------------------------|-----------|-------|
| Employee                    | 28.86%    | 2,715 |
| Independent Contractor      | 61.77%    | 5,811 |
| Not Working in the Industry | 3.35%     | 315   |
| Salon Owner                 | 6.02%     | 566   |
| TOTAL                       |           | 9,407 |



**DISCIPLINARY REVIEW COMMITTEE****Staffing Update**

| Current Number of Positions Allocated | Current Number of Vacant Positions |
|---------------------------------------|------------------------------------|
| 3                                     | 0                                  |

**Disciplinary Review Committee Appeals**

Compared to the previous quarter, for the North, the number of appeals received has increased by 17% and the amount pending has increased by 58%. Compared to the previous quarter, for the South, the number of appeals received has increased by 15% and the amount of pending has decreased by 44% because.

**Disciplinary Review Committee Appeals Fiscal Year 24/25**

| Northern             | Jul - Sep | Oct - Dec | Jan - Mar | Apr - Jun | YTD             |
|----------------------|-----------|-----------|-----------|-----------|-----------------|
| Heard                | 0         |           |           |           | 0               |
| Received             | 22        |           |           |           | 22              |
| Pending <sup>1</sup> | 56        |           |           |           | 56 <sup>2</sup> |

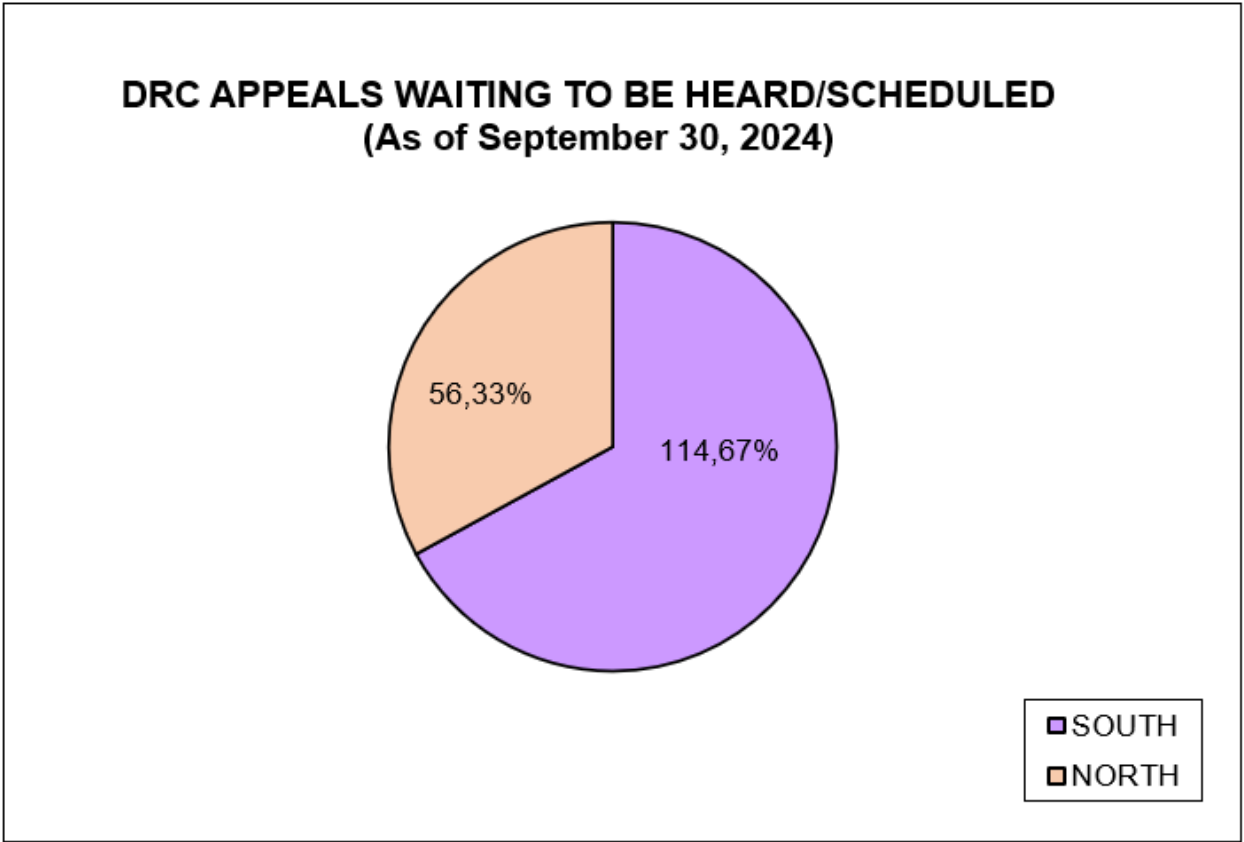
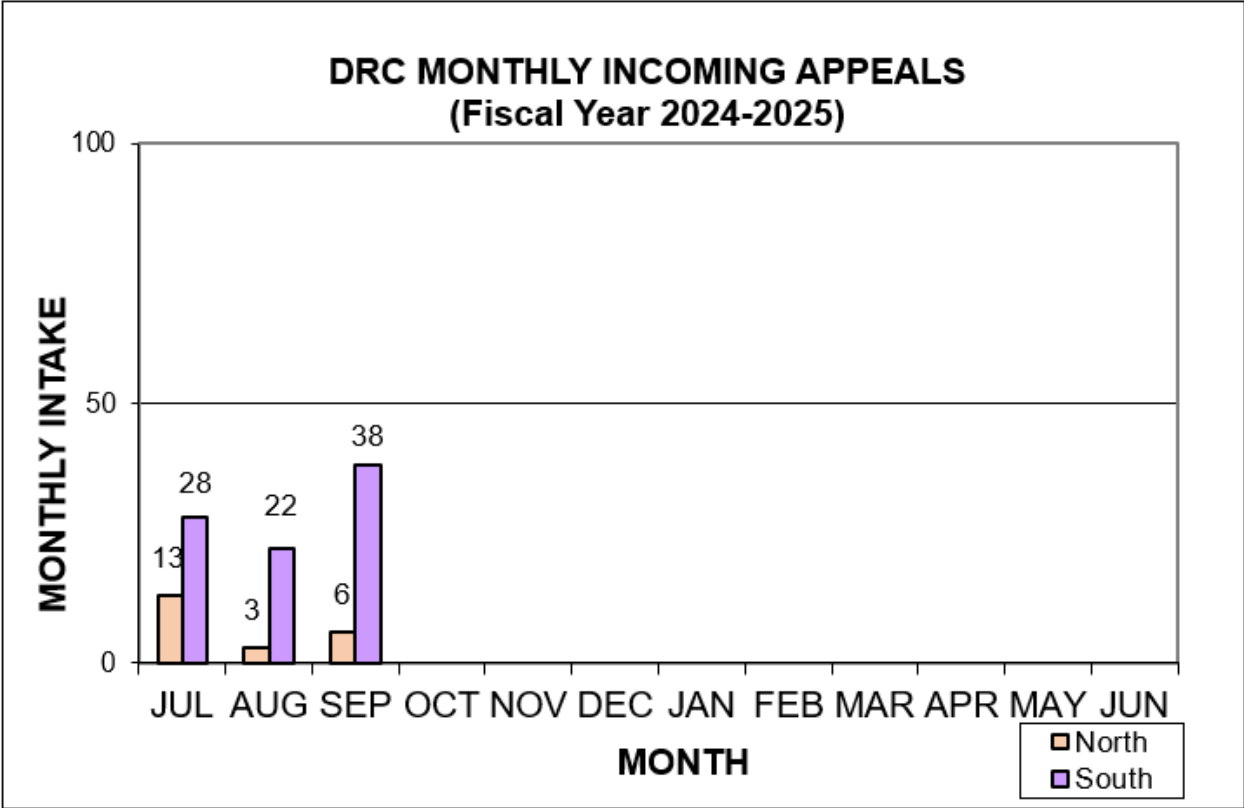
| Southern             | Jul - Sep | Oct - Dec | Jan - Mar | Apr - Jun | YTD              |
|----------------------|-----------|-----------|-----------|-----------|------------------|
| Heard                | 57        |           |           |           | 57               |
| Received             | 88        |           |           |           | 88               |
| Pending <sup>1</sup> | 114       |           |           |           | 114 <sup>2</sup> |

<sup>1</sup>Pending refers to the number of appeals received but not yet heard by DRC.

<sup>2</sup>Figure represents number of pending requests as of 09/30/2024.

The table below shows the number of pending appeals as of 09/30/2024.

| Pending | SOUTH | NORTH |
|---------|-------|-------|
| Pending | 114   | 56    |





BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY  
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 Website: [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)



## MEMORANDUM

|                |  |
|----------------|--|
| <b>DATE</b>    | November 4, 2024   |
| <b>TO</b>      | Board of Barbering and Cosmetology                                       |
| <b>FROM</b>    | Addison Beach, Enforcement Manager<br>Denise Murata, Enforcement Manager |
| <b>SUBJECT</b> | <b>Agenda Item 7c Enforcement Report</b>                                 |

### STAFFING UPDATE

| Current Number of Positions Allocated | Current Number of Vacant Positions |
|---------------------------------------|------------------------------------|
| 20.5                                  | 2                                  |

### Probation

| PROBATION CASES       |          |         |          |         |
|-----------------------|----------|---------|----------|---------|
| FY 2024/25            |          |         |          |         |
|                       | Jul-Sept | Oct-Dec | Jan- Mar | Apr-Jun |
| Active Cases          | 57       |         |          |         |
| Tolled Cases          | 27       |         |          |         |
| Subsequent Discipline | 19       |         |          |         |
| Immediate Suspension  | 3        |         |          |         |
| Reinstatements        | 3        |         |          |         |
| Total Cases           | 96       |         |          |         |

### Attorney General's Office

The Board referred 55 cases to the Attorney General's Office in the first quarter of FY 2024/25. This is a 44% increase from the previous quarter where 38 cases were referred to the Attorney General's Office. Additionally, the Board referred six cases for subsequent discipline in the first quarter of FY 20224/25. The Board currently has 111 cases at the Attorney General's Office.

### **Apprentice Program Update**

Board staff has met with three Local Education Agencies (LEA) to discuss our concerns with the low passage rates and brainstorm how we can partner with them to assist with improving the education the Apprentices are receiving.

In August 2024, Board met with San Joaquin County of Education who oversees 12 programs, and Hacienda La Puente Unified School District Adult Education who oversees two programs.

In October 2024, Board met with Marysville Joint Unified School District who oversees one program.

Invitations have been sent to Los Angeles Unified School District and Hayward Unified School District to meet with Board. These two LEA's oversee 20 programs. We intend to have meetings scheduled by the end of October.

Board staff are committed to increasing the program's success, and actively implementing new approaches to help passage rates increase. Some of these ideas are as follows:

- Partner with DAS to host town halls for LEA's, Approved Program Sponsors, and current and prospective apprentices. In these meetings, Board staff will be answering questions and provide guidance to completing the program successfully.
- Develop trainings and informational packets on how to complete OJT logs and submit completion forms.
- Ensuring information on the Apprentice Program is accessible in multiple languages.

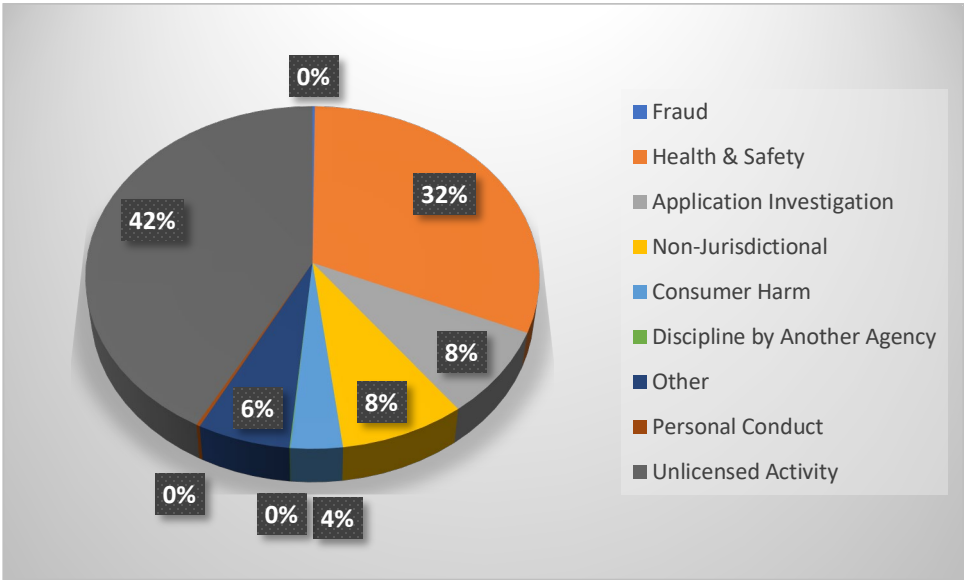
Board staff hopes that by partnering with DAS staff to implement new approaches to improving the Apprentice's education, it will improve exam passage rates.

### **Complaint Intake**

The Board received 1,512 complaints for the first quarter of FY 24/25. This was an increase by seven percent from the previous quarter where 1,411 complaints were received.

| COMPLAINTS RECEIVED |         |          |         |       |
|---------------------|---------|----------|---------|-------|
| FY 2024/25          |         |          |         |       |
| Jul-Sept            | Oct-Dec | Jan- Mar | Apr-Jun | YTD   |
| 1,512               |         |          |         | 1,512 |

**Complaints Received by Complaint Type – July 1, 2024 through September 30, 2024**



**Enforcement Statistics**

| <b>COMPLAINTS</b>                 |                   |                   |                   |                |                |                |              |
|-----------------------------------|-------------------|-------------------|-------------------|----------------|----------------|----------------|--------------|
|                                   | <b>FY 2022/23</b> | <b>FY 2023/24</b> | <b>FY 2024/25</b> |                |                |                |              |
|                                   | <b>YTD</b>        | <b>YTD</b>        | <b>Jul-Sept</b>   | <b>Oct-Dec</b> | <b>Jan-Mar</b> | <b>Apr-Jun</b> | <b>YTD</b>   |
| Complaints Received               | 5,153             | 5,624             | 1,512             |                |                |                | <b>1,512</b> |
| Referred to DOI                   | 59                | 36                | 1                 |                |                |                | <b>1</b>     |
| Complaints Closed                 | 4,052             | 6,741             | 1,147             |                |                |                | <b>1,147</b> |
| Total Complaints Pending          | 2,502             | 1,447             | 1,309             |                |                |                | <b>1,309</b> |
| Average Days to Close (Quarterly) | 127               | 141               | 135               |                |                |                | <b>135</b>   |

| <b>APPLICATION INVESTIGATIONS</b> |                   |                   |                   |                |                |                |            |
|-----------------------------------|-------------------|-------------------|-------------------|----------------|----------------|----------------|------------|
|                                   | <b>FY 2022/23</b> | <b>FY 2023/24</b> | <b>FY 2024/25</b> |                |                |                |            |
|                                   | <b>YTD</b>        | <b>YTD</b>        | <b>Jul-Sept</b>   | <b>Oct-Dec</b> | <b>Jan-Mar</b> | <b>Apr-Jun</b> | <b>YTD</b> |
| Received                          | 20                | 4                 | 1                 |                |                |                | <b>1</b>   |
| Pending                           | 54                | 1                 | 3                 |                |                |                | <b>3</b>   |
| Closed                            | 15                | 8                 | 1                 |                |                |                | <b>1</b>   |

| <b>ATTORNEY GENERAL</b>   |                   |                   |                   |                |                |                |            |
|---------------------------|-------------------|-------------------|-------------------|----------------|----------------|----------------|------------|
|                           | <b>FY 2022/23</b> | <b>FY 2023/24</b> | <b>FY 2024/25</b> |                |                |                |            |
|                           | <b>YTD</b>        | <b>YTD</b>        | <b>Jul-Sept</b>   | <b>Oct-Dec</b> | <b>Jan-Mar</b> | <b>Apr-Jun</b> | <b>YTD</b> |
| Referred                  | 74                | 83                | 55                |                |                |                | <b>55</b>  |
| Accusations Filed         | 43                | 51                | 22                |                |                |                | <b>22</b>  |
| Statement of Issues Filed | 4                 | 4                 | 2                 |                |                |                | <b>2</b>   |
| Total Pending Cases       | <b>73</b>         | <b>89</b>         | <b>111</b>        |                |                |                | <b>111</b> |

| <b>DISCIPLINARY PROCESS</b> |                   |                   |                   |                |                |                |            |
|-----------------------------|-------------------|-------------------|-------------------|----------------|----------------|----------------|------------|
|                             | <b>FY 2022/23</b> | <b>FY 2023/24</b> | <b>FY 2024/25</b> |                |                |                |            |
|                             | <b>YTD</b>        | <b>YTD</b>        | <b>Jul-Sept</b>   | <b>Oct-Dec</b> | <b>Jan-Mar</b> | <b>Apr-Jun</b> | <b>YTD</b> |
| Proposed Decisions          | 3                 | 4                 | 3                 |                |                |                | <b>3</b>   |
| Default Decision            | 5                 | 22                | 4                 |                |                |                | <b>4</b>   |
| Stipulation                 | 11                | 14                | 5                 |                |                |                | <b>5</b>   |

| DISCIPLINARY OUTCOMES       |            |            |            |         |         |         |     |
|-----------------------------|------------|------------|------------|---------|---------|---------|-----|
|                             | FY 2022/23 | FY 2023/24 | FY 2024/25 |         |         |         |     |
|                             | YTD        | YTD        | Jul-Sept   | Oct-Dec | Jan-Mar | Apr-Jun | YTD |
| Revocation                  | 8          | 25         | 4          |         |         |         | 4   |
| Revoke, Stay, Probation     | 5          | 2          | 1          |         |         |         | 1   |
| Revoke, Stay, Suspend/Prob  | 5          | 8          | 3          |         |         |         | 3   |
| Revocation, Stay w/ Suspend | 0          | 0          | 0          |         |         |         | 0   |
| Probation Only              | 1          | 1          | 0          |         |         |         | 0   |
| Suspension Only             | 0          | 0          | 0          |         |         |         | 0   |
| Suspension & Probation      | 0          | 0          | 0          |         |         |         | 0   |
| Suspension, Stay, Probation | 0          | 0          | 0          |         |         |         | 0   |
| Surrender of License        | 2          | 3          | 1          |         |         |         | 1   |
| Public Reprimands           | 0          | 1          | 0          |         |         |         | 0   |
| License Denied              | 0          | 1          | 0          |         |         |         | 0   |
| Other                       | 2          | 0          | 1          |         |         |         | 1   |
| Total                       | 23         | 41         | 10         |         |         |         | 10  |

| PROBATION |            |            |            |         |         |         |     |
|-----------|------------|------------|------------|---------|---------|---------|-----|
|           | FY 2022/23 | FY 2023/24 | FY 2024/25 |         |         |         |     |
|           | YTD        | YTD        | Jul-Sept   | Oct-Dec | Jan-Mar | Apr-Jun | YTD |
| Active    | 97         | 58         | 57         |         |         |         | 57  |



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY  
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## MEMORANDUM

|                |  |
|----------------|--|
| <b>DATE</b>    | November 4, 2024   |
| <b>TO</b>      | Board of Barbering and Cosmetology   |
| <b>FROM</b>    | Tiffany Moore, Cite and Fine, Inspections Manager<br>Jennifer Porcalla, Cite and Fine, Inspections Manager |
| <b>SUBJECT</b> | <b>Agenda Item 7c Schools, Inspections, and Cite and Fine Report</b>                                       |

### STAFFING UPDATE

|                                       | Inspections Unit | Cite & Fine Unit |
|---------------------------------------|------------------|------------------|
| Current Number of Positions Allocated | 21               | 12               |
| Current Number of Vacant Positions    | 3                | 2                |

### Schools

The Board currently has 271 approved schools and 18 open school cases. The Board received 50 cases in quarter one of FY 2024/25

### Externs

The chart below indicates how many schools are participating in the extern program and how many establishments externs are working in.

| Extern Programs                 |      |      |      |      |      |       |
|---------------------------------|------|------|------|------|------|-------|
|                                 | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
| <b>Number of Schools</b>        | 12   | 10   | 13   | 16   | 13   | 64    |
| <b>Number of Establishments</b> | 56   | 74   | 62   | 94   | 43   | 329   |



**Inspections and Citations Statistics**

| <b>CITATIONS</b>         |           |           |           |         |         |         |       |
|--------------------------|-----------|-----------|-----------|---------|---------|---------|-------|
|                          | FY2022/23 | FY2023/24 | FY2024/25 |         |         |         |       |
|                          | YTD       | YTD       | Jul-Sept  | Oct-Dec | Jan-Mar | Apr-Jun | YTD   |
| Establishments           | 3,646     | 3,173     | 1,747     |         |         |         | 1,747 |
| Barber                   | 355       | 319       | 224       |         |         |         | 224   |
| Barber Apprentice        | 71        | 48        | 57        |         |         |         | 57    |
| Cosmetologist            | 751       | 602       | 408       |         |         |         | 408   |
| Cosmetologist Apprentice | 29        | 14        | 9         |         |         |         | 9     |
| Electrologist            | 1         | 1         | 0         |         |         |         | 0     |
| Electrologist Apprentice | 0         | 0         | 0         |         |         |         | 0     |
| Manicurist               | 719       | 512       | 337       |         |         |         | 337   |
| Esthetician              | 139       | 123       | 69        |         |         |         | 69    |
| Unlicensed Est.          | 364       | 224       | 72        |         |         |         | 72    |
| Unlicensed Individual    | 299       | 277       | 124       |         |         |         | 124   |
| Total                    | 6,374     | 5,293     | 3,047     |         |         |         | 3,047 |

| <b>INSPECTIONS</b>            |           |           |           |         |         |         |     |
|-------------------------------|-----------|-----------|-----------|---------|---------|---------|-----|
|                               | FY2022/23 | FY2023/24 | FY2024/25 |         |         |         |     |
|                               | YTD       | YTD       | *Jul-Sept | Oct-Dec | Jan-Mar | Apr-Jun | YTD |
| Establishments w/ violations  | 4,868     | 6,263     | 463       |         |         |         | 463 |
| Establishments w/o violations | 1,211     | 1,740     | 163       |         |         |         | 163 |
| Total                         | 6,079     | 8,003     | 626       |         |         |         | 626 |

\*Inspections updated through July 2024.

**Inspections****OUT OF BUSINESS and CLOSED ON CALL**

|                     | Jul        | Aug      | Sep      | Oct      | Nov      | Dec      | Jan      | Feb      | Mar      | Apr      | May      | Jun      | FYTD       |
|---------------------|------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|------------|
| Out of Business     | 153        |          |          |          |          |          |          |          |          |          |          |          | 153        |
| Closed on Call      | 283        |          |          |          |          |          |          |          |          |          |          |          | 283        |
| <b>TOTAL ISSUED</b> | <b>436</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>436</b> |

**ESTABLISHMENT INSPECTIONS REPORTS ISSUED**

|                               | Jul        | Aug      | Sep      | Oct      | Nov      | Dec      | Jan      | Feb      | Mar      | Apr      | May      | Jun      | FYTD       |
|-------------------------------|------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|------------|
| Establishments w/ violations  | 463        |          |          |          |          |          |          |          |          |          |          |          | 463        |
| Establishments w/o violations | 163        |          |          |          |          |          |          |          |          |          |          |          | 163        |
| <b>TOTAL ISSUED</b>           | <b>626</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>626</b> |

\*Inspections Conducted through July 2024.

### Citations

The Cite and Fine Unit is at a 68 day turn-around time frame from when an inspection is completed to when the citation is mailed out to the establishment or licensee. This is 19 days less than last quarter which was an 87 day turn-around time frame.

| FY 24-25                            | July 24      | Aug 24       | Sept 24      | Oct 24 | Nov 24 | Dec 24 | Jan 25 | Feb 25 | Mar 25 | April 25 | May 25 |
|-------------------------------------|--------------|--------------|--------------|--------|--------|--------|--------|--------|--------|----------|--------|
| Number of Inspectors                | 18           | 17           | 16           |        |        |        |        |        |        |          |        |
| Number of Inspections               | 1,008        | 827          | 779          |        |        |        |        |        |        |          |        |
| Number of Citation Analysts         | 6            | 6            | 6            |        |        |        |        |        |        |          |        |
| <b>Inspection reports processed</b> |              |              |              |        |        |        |        |        |        |          |        |
| Closed on Call                      | 252          | 102          | 519          |        |        |        |        |        |        |          |        |
| Out of Business                     | 73           | 137          | 303          |        |        |        |        |        |        |          |        |
| No Violation                        | 152          | 130          | 59           |        |        |        |        |        |        |          |        |
| Citations Issued                    | 883          | 1,201        | 974          |        |        |        |        |        |        |          |        |
| <b>Total Processed</b>              | <b>1,360</b> | <b>1,570</b> | <b>1,855</b> |        |        |        |        |        |        |          |        |
| Number of Days to process Citations | 101          | 76           | 68           |        |        |        |        |        |        |          |        |

### **Citations Issued**

|                           | Jul        | Aug        | Sep        | Oct      | Nov      | Dec      | Jan      | Feb      | Mar      | Apr      | May      | Jun      | FYTD         |
|---------------------------|------------|------------|------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|
| Establishment             | 448        | 532        | 462        |          |          |          |          |          |          |          |          |          | 1442         |
| Individual                | 177        | 336        | 254        |          |          |          |          |          |          |          |          |          | 767          |
| Unlicensed Establishments | 22         | 31         | 18         |          |          |          |          |          |          |          |          |          | 71           |
| Unlicensed Individuals    | 29         | 52         | 40         |          |          |          |          |          |          |          |          |          | 121          |
| <b>TOTAL ISSUED</b>       | <b>676</b> | <b>951</b> | <b>774</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>2,401</b> |

### Request For Payment Notices

BBC is actively sending request for payment notices to establishments and individuals that have outstanding fines. First request for payment notices are sent approximately 30 days after the fine was due. Second request for payment notices are sent approximately 30 days after the first notice. Third request for payment notices are sent via certified mail approximately 30 days after the second notice. Citations for licensees that have not paid their fine in full after the third request for payment notice are sent to the Franchise Tax Board. Citations for unlicensed individuals that have not paid their fine in full after the third request for payment notice, are referred to a collection agency.

| <b>REQUEST FOR PAYMENT NOTICES SENT - FY 2024-2025</b> |                |                  |               |            |              |
|--|----------------|------------------|---------------|------------|--------------|
|  | July-September | October-December | January-March | April-June | Total        |
| Request for Payment Notice 1                           | 405            |                  |               |            | 405          |
| Request for Payment Notice 2                           | 239            |                  |               |            | 239          |
| Request for Payment Notice 3                           | 276            |                  |               |            | 276          |
| Referred to Collections*                               | 0              |                  |               |            | 0            |
| Referred to FTB  | 491            |                  |               |            | 491          |
| <b>Grand Total</b>                                     | <b>1,411</b>   |                  |               |            | <b>1,411</b> |

\* We are in the process of getting a new Collection contract, once that contract is executed outstanding fines for unlicensed respondents, corporations, partnerships, and LLC will be sent to collections.

**Payment Plans**

Per B&P 7408.1 and CCR 974.3 the Board may enter a payment plan for citations with administrative fines that exceed five hundred dollars (\$500.00). In fiscal year 23-24 86 payment plans were developed and 42 were paid in full giving a success rate of 49%. The average fine amount for quarter 1 of fiscal year 24-25 is \$1,428.89.

| <b>PAYMENT PLANS - FY 2024-2025</b> |                             |                               |                           |                        |                    |
|-------------------------------------|-----------------------------|-------------------------------|---------------------------|------------------------|--------------------|
|                                     | <b>July –<br/>September</b> | <b>October -<br/>December</b> | <b>January-<br/>March</b> | <b>April-<br/>June</b> | <b>Total</b>       |
| <b>Payment Plan Requested</b>       | <b>47</b>                   |                               |                           |                        | <b>47</b>          |
| <b>Payment Plan Developed</b>       | <b>16</b>                   |                               |                           |                        | <b>16</b>          |
| <b>Paid in Full</b>                 | <b>1</b>                    |                               |                           |                        | <b>1</b>           |
| <b>Payment Plan Cancelled</b>       | <b>3</b>                    |                               |                           |                        | <b>3</b>           |
| <b>Total Pending Payment Plans</b>  | <b>45</b>                   |                               |                           |                        | <b>45</b>          |
| <b>Initial Fine Amount Total:</b>   | <b>\$64,300.00</b>          |                               |                           |                        | <b>\$64,300.00</b> |
| <b>Total Amount Paid</b>            | <b>\$25,905.83</b>          |                               |                           |                        | <b>\$25,905.83</b> |
| <b>Current Total Balance:</b>       | <b>\$38,394.17</b>          |                               |                           |                        | <b>\$38,394.17</b> |



## MEMORANDUM

|         |   |
|---------|---|
| DATE    | November 4, 2024                            |
| TO      | Members, Board of Barbering and Cosmetology |
| FROM    | Kristy Underwood, Executive Officer         |
| SUBJECT | <b>Agenda Item 7d – Outreach Update</b>     |

### Outreach Events

- Face and Body Skin Care Tradeshow and Nail Pro Nail Show, September 8-9, 2024. Sacramento, CA
- Jazz Z Beauty and Barber Tradeshow, October 20, 2024. Pomona, CA.
- American Electrology Association Convention, November 1-3, 2024. San Diego, CA

### ListServes

- September 3, 2024, the Board emailed Interested Parties regarding the launch of our Vietnamese Facebook Page.
- September 11, 2024, the Board emailed licensed Estheticians and Manicurists reminding them that the State of California does not recognize the following: Advanced Esthetician, Master Esthetician, Certified Master Pedicurist, Master Nail Technician.
- October 1, 2024, the Board emailed Interested Parties regarding the October 14, 2024 Committee Meetings.
- The Board will continue to send (at minimum) a monthly email blast to licensees and interested parties.

### Social Media Posts

Please reference the virtual meeting materials called 'Item 7d – Outreach Report'.



## MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | November 4, 2024                              |
| <b>TO</b>      | Members, Board of Barbering and Cosmetology   |
| <b>FROM</b>    | Kristy Underwood, Executive Officer           |
| <b>SUBJECT</b> | <b>Agenda Item 7e – Strategic Plan Update</b> |

The Board continues to work on the goals and objectives identified in the 2022-2027 Strategic Plan. Between July and October of 2024, the Board has participated in the following goal related activities:

- Task 4.3.3: The Mobile Inspection Application is expected to go live on or about November 12, 2024. This date was extended from September 30 to allow for robust testing of the features of the application, the connectors between the application and Breeze, and to test the offline feature of the process.
- Task 5.4.2: The top 10 booking platform sites were contacted, and responses are still being received and reviewed by staff.
- Task 6.2.3: Staff launched a separate Vietnamese Facebook page.
- Task 6.2.6: Staff are still publishing the quarterly newsletter, *The BarberCosmo Update*. The eighth issue is expected to be published in November.

## Goal 1: Board Administration

| <b>1.1</b>              | <b>Establish and implement a comprehensive training plan for managers and staff to strengthen and develop their customer service skills in the workplace and improve the experience of stakeholders and consumers when interacting with the Board.</b> |                               |                       |
|-------------------------|--|-------------------------------|-----------------------|
| <b>Success Measure:</b> | <b>Completed training, improved Consumer Satisfaction Survey responses.</b>  |                               |                       |
| <b>Objectives/Tasks</b> |  | <b>Target Completion</b>      | <b>Current Status</b> |
| 1.1.1                   | Research training opportunities.   | Q1 2023 and Ongoing Quarterly | Completed and Ongoing |
|                         | <ul style="list-style-type: none"> <li>Continuing to look at trainings that benefit the staff.</li> <li>SOLID customer service training completed 4/6/2023 and 2/5/2024.</li> </ul>  |                               |                       |
| 1.1.2                   | Review training emails from CalHR, CPS, and SOLID for customer service class opportunities.  | Q1 2023 and Ongoing Monthly   | Completed and Ongoing |
|                         | <ul style="list-style-type: none"> <li>Customer service and DEI trainings scheduled with SOLID.</li> </ul>   |                               |                       |
| 1.1.3                   | Create a quarterly calendar of potential classes for each unit.  | Q1 2023 and Ongoing Quarterly | Completed and Ongoing |
|                         | <ul style="list-style-type: none"> <li>Spreadsheet of classes created and scheduled.</li> </ul>  |                               |                       |
| 1.1.4                   | Spot check email responses sent for tone and correct information.  | Q1 2023 and Ongoing Monthly   | Completed and Ongoing |
|                         | <ul style="list-style-type: none"> <li>Reviewing staff emails a few times a week and addressing items as needed.</li> </ul>  |                               |                       |
| 1.1.5                   | Spot check letters sent for tone and correct information.  | Q1 2023 and Ongoing Monthly   | Completed and Ongoing |
|                         | <ul style="list-style-type: none"> <li>Reviewing attached letters in BreZE as well as when managers shadow staff.</li> <li>Reviewing letters and will plan a future project to refine the templates that are currently being used.</li> </ul>          |                               |                       |
| 1.1.6                   | Managers deliver tips at monthly unit meetings.  | Q1 2023 and Ongoing Monthly   | Completed Ongoing     |
|                         | <ul style="list-style-type: none"> <li>Managers started dedicating an agenda item on each monthly unit meeting to customer service in 2022.</li> </ul>   |                               |                       |
| 1.1.7                   | Share a successful customer service story in each quarter in the newsletter.   | Q1 2023 and Ongoing Quarterly | Completed Ongoing     |
|                         | <ul style="list-style-type: none"> <li>Managers are asking staff for customer service stories in monthly meetings.</li> <li>The first successful customer service story was shared in the April 2023 monthly newsletter.</li> </ul>                    |                               |                       |
| 1.1.8                   | Create a customer satisfaction survey.   | Q2 2023                       | Completed             |
|                         | <ul style="list-style-type: none"> <li>Customer satisfaction survey added to BarberCosmo signatures.</li> </ul>  |                               |                       |
| 1.1.9                   | Conduct annual training for the team.  | Q3 2023 and Ongoing           | Completed Ongoing     |
|                         | <ul style="list-style-type: none"> <li>Conducted quarterly safety training and customer service training for all staff.</li> </ul>   |                               |                       |

|                         |  |                          |                       |
|-------------------------|--|--------------------------|-----------------------|
| <b>1.2</b>              | <b>Establish and implement internal communications to notify board members and staff of industry issues, health and safety concerns, trends, and products for the furtherance of consumer protection and safety.</b>   |                          |                       |
| <b>Success Measure:</b> | <b>Report created; newsletters contain reports.</b>  |                          |                       |
| <b>Objectives/Tasks</b> |  | <b>Target Completion</b> | <b>Current Status</b> |
| 1.2.1                   | Continue to highlight issues, concerns, trends, products in monthly newsletter.<br>• Started Industry Trends/Concerns section in September 2021.   | Q4 2022 and Ongoing      | Completed<br>Ongoing  |
| 1.2.2                   | Unit Managers (especially enforcement) report to EO and AEO of trends observed in industry.<br>• Trends reported on monthly reports to chiefs and shared at manager meetings.  | Q1 2023 and Ongoing      | Completed<br>Ongoing  |
| 1.2.3                   | Enhance reporting in newsletter data to show increases, decreases, and trends.<br>• Managers started reporting trends in February 2023 (comparing the number of calls and emails received, complaints received, establishments inspected, enforcement cases assigned to analysts, and more to the previous month to show increase/decrease). | Q1 2023 and Ongoing      | Completed<br>Ongoing  |
| 1.2.4                   | Engage Health & Safety Advisory Committee to get industry input on trends being observed in the field.<br>• Will be discussed at the October 2024 committee meeting.   | Q3 2023 and Ongoing      | Completed<br>Ongoing  |
| <b>1.3</b>              | <b>Fill staff vacancies to improve operational effectiveness.</b>  |                          |                       |
| <b>Success Measure:</b> | <b>Vacancy rate remains under 15%.</b>   |                          |                       |
| <b>Objectives/Tasks</b> |  | <b>Target Completion</b> | <b>Current Status</b> |
| 1.3.1                   | Submit RPA package to DCA OHR as soon as vacancies are available.<br>• Staff currently submits RPA packages when notified of vacancies, refills, and reclassifications.  | Q1 2023 and Ongoing      | Completed<br>Ongoing  |
| 1.3.2                   | Get applications scored as they become available.<br>• Managers score applications within one week of receiving them.  | Q1 2023 and Ongoing      | Completed<br>Ongoing  |
| 1.3.3                   | Interview promptly.<br>• Managers schedule interviews within one week of scoring the applications.   | Q1 2023 and Ongoing      | Completed<br>Ongoing  |
| 1.3.4                   | Management complete hiring process as quickly as possible.<br>• Reference checks and Official Personnel File reviews are completed as soon as managers are aware of eligibility and then the required documents are submitted to the HR Liaison.   | Q1 2023 and Ongoing      | Completed<br>Ongoing  |
| 1.3.5                   | Create and train on written procedures for all hiring managers with timelines.<br>• Onboarding checklist updated with timeframes and shared with hiring managers.  | Q1 2023 and Ongoing      | Completed<br>Ongoing  |

|                         |   |                          |                      |
|-------------------------|---|--------------------------|----------------------|
| 1.3.6                   | Post job openings on social media, Indeed, and other sources.   | Q1 2023 and Ongoing      | Completed<br>Ongoing |
|                         | • Staff post on social media, Indeed, and Handshake as of December 2022.  |                          |                      |
| 1.3.7                   | Track data on 'where did you hear about this position?'   | Q1 2023 and Ongoing      | Completed<br>Ongoing |
|                         | • Staff track the supplemental surveys submitted through SurveyMonkey asking how they heard about the position.   |                          |                      |
| 1.3.8                   | Include job announcements on website promptly.  | Q1 2023 and Ongoing      | Completed<br>Ongoing |
|                         | • Once vacancies are posted on CalHR, Board staff submits tickets to OIS to post job announcements on the Board's website within 2 days.  |                          |                      |
| <b>1.4</b>              | <b>Develop a plan to work with community and state colleges to increase employment pipelines to recruit effective staff.</b>  |                          |                      |
| <b>Success Measure:</b> | <b>Vacancy rate remains under 15%.</b>  |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 1.4.1                   | Work with Sac State and campus clubs on outreach events and opportunities.  | Q4 2022 and Ongoing      | Completed<br>Ongoing |
|                         | <ul style="list-style-type: none"> <li>• "Meet the Employer" events held in 2022 and 2023 with CSUS and ARC.</li> <li>• Virtual "Meet the Employer" events scheduled for 2024.</li> </ul>                                       |                          |                      |
| 1.4.2                   | Find other colleges and campus clubs to partner with on outreach events and opportunities.  | Q2 2023 and Ongoing      | Completed<br>Ongoing |
|                         | <ul style="list-style-type: none"> <li>• Staff reached out to the Los Rios Community College District, UC Davis, and junior colleges in the area.</li> <li>• Posting on Sierra College's virtual job bulletin board.</li> </ul> |                          |                      |
| 1.4.3                   | Seek out career fairs and other outreach events/opportunities with multiple colleges.   | Q2 2023 and Ongoing      | Completed<br>Ongoing |
|                         | • Staff reached out to the Los Rios Community College District and other junior colleges in the area.   |                          |                      |
| <b>1.5</b>              | <b>Enhance board member training with industry and staff presentations to bridge the gap between licensed and public board members.</b>   |                          |                      |
| <b>Success Measure:</b> | <b>Increased engagement from Public Board members.</b>  |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 1.5.1                   | Present flow charts/information on internal processes.  | Q4 2022                  | Completed            |
|                         | • Flowcharts were presented at the October 24, 2022, board meeting.   |                          |                      |
| 1.5.2                   | Update board member manual to include info on license types and scopes of practice.   | Q4 2022                  | Completed            |
|                         | • Updated approved by the Board at the 04/17/2023 board meeting.  |                          |                      |



|   |   |                          |                      |
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| 1.5.3                                     | Provide industry presentations at board meetings that cover specific license types.   | Q1 2023 and Ongoing      | Completed Ongoing    |
|   | <ul style="list-style-type: none"><li>• April 2023 board meeting had electrology presentation.</li><li>• July 2023 board meeting will have esthetics presentation.</li><li>• October 2023 board meeting tentatively scheduled for hairstyling presentation.</li></ul> |                          |                      |
|   | <b>1.6 Utilize existing board sub-committees on a regular schedule to discuss larger issues and provide more resources for the Board to make informed decisions.</b>  |                          |                      |
|   | <b>Success Measure:</b> Committees make recommendations to full Board on larger issues.   |                          |                      |
| <b>Objectives/Tasks</b>                   |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 1.6.1                                     | Schedule committee meetings.  | Q4 2022 and Ongoing      | Completed Ongoing    |
|   | <ul style="list-style-type: none"><li>• Schedule created and sent to board members annually.</li></ul>  |                          |                      |
| 1.6.2                                     | Provide background info on topics going before committees.  | Q4 2022 and Ongoing      | Completed Ongoing    |
|   | <ul style="list-style-type: none"><li>• Committee members receive memorandums with background information.</li></ul>  |                          |                      |
| 1.6.3                                     | Encourage committee chairs to provide direct ideas and actionable suggestions.  | Q1 2023 and Ongoing      | Completed Ongoing    |
|   | <ul style="list-style-type: none"><li>• “Action Needed” and questions to lead discussion are provided on memorandums.</li></ul>   |                          |                      |
| <b>Goal 2: Legislation and Regulation</b> |   |                          |                      |
| <b>2.1</b>                                | <b>Review policies and regulations that advocate for and support consumer protection to ensure consumer safety.</b>   |                          |                      |
| <b>Success Measure:</b>                   | <b>Regulations and procedures are updated and current.</b>  |                          |                      |
| <b>Objectives/Tasks</b>                   |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 2.1.1                                     | Find out if inspectors are noticing any trends.   | Q1 2023 and ongoing      | Completed Ongoing    |
|   | <ul style="list-style-type: none"><li>• Topic added to all inspector meeting agendas and quarterly trainings.</li><li>• Manager will watch for trends while reviewing inspection reports.</li></ul>   |                          |                      |
| 2.1.2                                     | Review enforcement processes to ensure consumer safety is being provided.   | Q3 2023 and Ongoing      | Pending              |
|   |   |                          |                      |
| 2.1.3                                     | Review and update health & safety regulations.  | Q4 2023                  | Pending              |
|   | <ul style="list-style-type: none"><li>• Regulation updates drafted. Staff working with Reg Counsel.</li></ul>   |                          |                      |
| 2.1.4                                     | Update school regulation pertaining to health & safety.   | Q4 2023                  | Pending              |
|   | <ul style="list-style-type: none"><li>• Staff reviewing schools and externships language.</li></ul>   |                          |                      |

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| <b>2.2</b>              | <b>Establish relationships with legislators to educate them on industry topics and advance Board interests.</b>                             |                            |                      |
| <b>Success Measure:</b> | <b>At least one meeting held.</b>   |                            |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b>   | <b>CurrentStatus</b> |
| 2.2.1                   | Generate a list of potential legislators on B&P (or others).<br>• List generated and provided to EO.  | Q2 2023 and Ongoing        | Completed            |
| 2.2.2                   | Develop and provide a Fact Sheet to hand out to legislators.<br>• Fact Sheet developed and provided to EO.                                  | Q2 2023 (updated annually) | Completed            |
| 2.2.3                   | Reach out to legislators to set up meetings.<br>• One meeting held – will continue to reach out to legislators.                             | Q2 2023                    | Completed            |
| 2.2.4                   | Hold meetings with legislators.<br>• Met with Senator Bradford's Office and Assembly Member Carrillo.                                       | Q2 2023                    | Completed            |
| <b>2.3</b>              | <b>Implement Senate Bill 803 with thoroughly vetted regulations to remain in compliance with the law and support the industry.</b>          |                            |                      |
| <b>Success Measure:</b> | <b>Regulations are adopted; Hair Stylist and Pre-Apprentice licenses implemented.</b>   |                            |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b>   | <b>CurrentStatus</b> |
| 2.3.1                   | Develop and implement SB 803 regulations.<br>• Regulations in process – staff will be refiling the package with OAL in July.                | Q3 2023                    | Pending              |
| 2.3.2                   | Develop and implement new hairstylist license.<br>• Applications drafted and posted on website.<br>• Exam available as of July 1, 2023.     | Q3 2023                    | Completed            |
| 2.3.3                   | Develop and implement pre-apprentice training.<br>• Development of course completed. Staff working on regulation package.                   | Q3 2023                    | Pending              |
| <b>2.4</b>              | <b>Establish schedule of regular legislative and budget committee meetings to remain current with industry related issues and policies.</b> |                            |                      |
| <b>Success Measure:</b> | <b>Meetings are scheduled.</b>  |                            |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b>   | <b>CurrentStatus</b> |
| 2.4.1                   | Create calendar for regular Legislative and Budget committee meetings.<br>• Monthly meetings scheduled.                                     | Q4 2022                    | Completed            |

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| <b>2.5</b>               | <b>Develop regulation packages for on-going regulations that affect the industry to provide clarity on state statutes.</b>  |                          |                      |
| <b>Success Measure:</b>  | <b>Updated regulations filed with OAL.</b>  |                          |                      |
| <b>Objectives/Tasks</b>  |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 2.5.1                    | Review statutes & regulations to determine if there are regulations that need to be updated.<br>• Staff reviewed regulations for updates.   | Q4 2023                  | Completed            |
| 2.5.2                    | Make recommendation to the Board of any findings.<br>• Staff provides recommendations to Committees to review prior to the full Board.  | Q1 2024                  | Completed            |
| 2.5.3                    | Depending on board response, pursue a regulation package.   | Q1 2024                  | Pending              |
| <b>Goal 3: Licensing</b> |   |                          |                      |
| <b>3.1</b>               | <b>Explore and develop a list of ongoing educational options for licensees to increase consumer awareness and safety.</b>   |                          |                      |
| <b>Success Measure:</b>  | <b>Completion of all educational option tasks at least once.</b>  |                          |                      |
| <b>Objectives/Tasks</b>  |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 3.1.1                    | Post on social media.<br>• Staff are posting on social media weekly at a minimum.<br>• Posts are a mix of images and reels, with captions in English and other languages.   | Q4 2022 and Ongoing      | Completed Ongoing    |
| 3.1.2                    | Listserv email blast.<br>• Email blasts are sent monthly.   | Q4 2022 and Ongoing      | Completed Ongoing    |
| 3.1.3                    | Coordinate attendance at in-person trade shows.<br>• Staff attended in-person trade shows.<br>• In-person trade shows on hold for 2024 due to the budget freeze.  | Q4 2022 and Ongoing      | Completed Ongoing    |
| 3.1.4                    | Explore mass text messages.<br>• Education and Outreach Committee decided to table this until fee study is completed. As of 2024, there is a budget freeze.   | Q1 2023                  | Completed            |
| 3.1.5                    | Hold more town hall meetings.<br>• Cosmetology and Barber townhalls with PSI held.<br>• Held three virtual townhalls for licensees.<br>• Staff planning on a townhall in 2024 regarding the Proof of Training document. | Q4 2023                  | Completed            |
| 3.1.6                    | Make informational videos.<br>• Staff creating Reels for social media.  | Q4 2023                  | Completed            |

|                     |  |                     |               |
|---------------------|--|---------------------|---------------|
| 3.2                 | Explore additional technology options to make the application process more efficient for licensees.  |                     |               |
| Success Measure:    | BreEZe changes are implemented.  |                     |               |
| Objectives/Tasks    |  | Target Completion   | CurrentStatus |
| 3.2.1               | Determine BreEZe process and need for future streamlining (e.g., make attach button bigger).   | Q4 2024 and Ongoing | Completed     |
|                     | • BreEZe meetings held every Friday to discuss opportunities for Breeze improvements. Multiple BreEZe improvements have been made and more are in the works. |                     |               |
| 3.2.2               | Implement BreEZe enhancement to allow all applications to be submitted electronically.   | Q4 2023             | Completed     |
|                     | • Several BreEZe tickets submitted.  |                     |               |
| 3.3                 | Review language used in board materials and communications to ensure that the language is accessible to licensees.   |                     |               |
| Success Measure:    | Board materials have been updated.   |                     |               |
| Objectives/Tasks    |  | Target Completion   | CurrentStatus |
| 3.3.1               | Review all Board materials, determine what needs to be updated.  | Q1 2024             | Completed     |
|                     | • Staff reviewing website for items to be updated.   |                     |               |
| 3.3.2               | Use more inclusive language (e.g., pronouns, non-English – include translation services).  | Q1 2024             | Completed     |
|                     | • Staff created a Simplified Chinese webpage accessible on the homepage to make finding Simplified Chinese publications easier.                              |                     |               |
| 3.3.3               | Implement changes identified.  | Q4 2024             | Pending       |
|                     |  |                     |               |
| Goal 4: Inspections |  |                     |               |
| 4.1                 | Increase inspector wages to attract and retain quality inspectors.   |                     |               |
| Success Measure:    | Inspector pay-scales are increased.  |                     |               |
| Objectives/Tasks    |  | Target Completion   | CurrentStatus |
| 4.1.1               | Work with DCA HR to increase wages.  | Q4 2023             | Completed     |
|                     | • Completed for Inspector I position.  |                     |               |

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| <b>4.2</b>                 | <b>Conduct yearly updated training with Board inspectors to develop language skills, cultural competency, customer service, report writing, and inspectors' industry-specific knowledge to increase competency and consistency.</b> |                          |                      |
| <b>Success Measure:</b>    | <b>Monthly training plan has been implemented.</b>  |                          |                      |
| <b>Objectives/Tasks</b>    |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 4.2.1                      | Research and develop monthly training plan for inspectors monthly meeting.<br>• Managers provide training in every meeting on relevant topics.  | Q2 2023 and Ongoing      | Completed            |
| 4.2.2                      | Research and develop more in-depth quarterly training.<br>• Managers provide training on safety in the field and Excel.<br>• Continuing to research additional training opportunities.  | Q2 2023 and Ongoing      | Completed            |
| <b>4.3</b>                 | <b>Increase technology for inspections to streamline the process for inspectors and licensees.</b>  |                          |                      |
| <b>Success Measure:</b>    | <b>Mobile inspection process available to inspectors.</b>   |                          |                      |
| <b>Objectives/Tasks</b>    |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 4.3.1                      | Attend vendor demos for mobile inspector report.<br>• Attended several demonstrations.  | Q1 2023                  | Completed            |
| 4.3.2                      | Select a vendor.<br>• Vendor selected.  | Q1 2023                  | Completed            |
| 4.3.3                      | Work with vendor on configuration and implementation.<br>• Configuration will begin within the next couple of months.   | Q4 2023                  | Pending              |
| 4.3.4                      | Develop training materials for inspectors.  | Q4 2023                  | Pending              |
| <b>Goal 5: Enforcement</b> |   |                          |                      |
| <b>5.1</b>                 | <b>Obtain special investigator positions to increase the efficiency of investigating consumer harm complaints.</b>  |                          |                      |
| <b>Success Measure:</b>    | <b>Special investigator positions obtained.</b>   |                          |                      |
| <b>Objectives/Tasks</b>    |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 5.1.1                      | Create and submit package to re-classify inspector positions to special investigator.<br>• Completed and two positions filled.  | Q4 2022                  | Completed            |
| 5.1.2                      | Recruit for new special investigator positions.<br>• Special Investigator positions posted in March 2023 and filled.  | Q2 2023                  | Completed            |

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| <b>5.2</b>              | <b>Collaborate with the Bureau of Private Post-Secondary Education (BPPE) to conduct quality school investigations, to improve the qualifications of applicants and consumer protection.</b> |                          |                      |
| <b>Success Measure:</b> | Joint inspections held.  |                          |                      |
| <b>Objectives/Tasks</b> |  | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 5.2.1                   | Establish regular meetings with BPPE.  | Q4 2022 and Ongoing      | Completed<br>Ongoing |
| 5.2.2                   | Schedule and conduct joint inspections of schools.   | Q1 2023 and Ongoing      | On Hold              |
| <b>5.3</b>              | <b>Investigate unlicensed activity in licensed and unlicensed locations (including phone application/web-based on-demand services) to increase consumer protection.</b>                      |                          |                      |
| <b>Success Measure:</b> | Procedures have been updated and implemented.  |                          |                      |
| <b>Objectives/Tasks</b> |  | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 5.3.1                   | Create and update procedures for investigating unlicensed activity done outside of establishments.   | Q1 2023 and Ongoing      | Completed<br>Ongoing |
| 5.3.2                   | Create and update procedures for forwarding cases to DOI for investigation.<br>• Met with DCA's Division of Investigation January 2023. Updating procedures.                                 | Q1 2023 and Ongoing      | Pending              |
| <b>5.4</b>              | <b>Explore and collaborate with industry booking platforms to require license verification to enhance consumer protection.</b>   |                          |                      |
| <b>Success Measure:</b> | Met with at least one booking platform contact.  |                          |                      |
| <b>Objectives/Tasks</b> |  | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 5.4.1                   | Research which booking platforms for industry services exist.  | Q1 2024                  | Completed            |
| 5.4.2                   | Determine contacts for booking platforms.  | Q1 2024                  | Completed            |
| 5.4.3                   | Develop standardized language for contacting booking platforms.  | Q1 2024                  | Pending              |
| 5.4.4                   | Attempt to hold meetings with booking platforms contact person.  | Q1 2024                  | Pending              |
| 5.4.5                   | Present request for booking platforms to require license.  | Q1 2024                  | Pending              |

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| <b>5.5</b>              | <b>Review probationary process and existing remedial education information to ensure remedial education procedure and communication is clear.</b> |                          |                      |
| <b>Success Measure:</b> | <b>Report delivered to the Board.</b>   |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 5.5.1                   | Review the remedial education procedures.   | Q4 2023                  | Pending              |
| 5.5.2                   | Review the orientation materials for probationers including remedial education.   | Q4 2023                  | Pending              |
| 5.5.3                   | Review probationary process.  | Q4 2023                  | Pending              |
| 5.5.4                   | Develop and update to the Board.  | Q1 2024                  | Pending              |
| <b>5.6</b>              | <b>Develop remedial education material to assist in probationer compliance.</b>   |                          |                      |
| <b>Success Measure:</b> | <b>Recommendation made to the Board.</b>  |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 5.6.1                   | Review existing remedial education requirements.  | Q4 2023                  | Pending              |
| 5.6.2                   | Develop materials to present to the Board.  | Q4 2023                  | Pending              |
| 5.6.3                   | Make recommendation to the Board on new remedial education program for probationers.  | Q3 2023                  | Pending              |
| <b>Goal 6: Outreach</b> |   |                          |                      |
| <b>6.1</b>              | <b>Ensure outreach communication is at an accessible level to increase public understanding.</b>  |                          |                      |
| <b>Success Measure:</b> | <b>Outreach communication is updated.</b>   |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 6.1.1                   | Review existing outreach communication.   | Q1 2023                  | Completed            |
| 6.1.2                   | Determine what materials need to be updated.  | Q1 2023                  | Completed            |



|                         |   |                          |                      |
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| 6.1.3                   | Use more inclusive language (pronouns, non-English, etc.).  | Q1 2023                  | Completed            |
| 6.1.4                   | Present recommendations to the Outreach Committee.  | Q2 2023                  | Completed            |
| 6.1.5                   | Implement changes identified.   | Q2 2023                  | Completed            |
| <b>6.2</b>              | <b>Explore different avenues for outreach and engagement to encourage self-development of licensees and awareness/engagement of the public.</b>   |                          |                      |
| <b>Success Measure:</b> | Annual completion of tasks.   |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 6.2.1                   | Look to update/develop handouts and website information.  | Q4 2022 and Ongoing      | Completed<br>Ongoing |
| 6.2.2                   | Develop monthly email blasts.   | Q4 2022 and Ongoing      | Completed<br>Ongoing |
| 6.2.3                   | Post on social media.   | Q4 2022 and Ongoing      | Completed<br>Ongoing |
| 6.2.4                   | Hold town halls.  | Q4 2022 and Ongoing      | Completed<br>Ongoing |
| 6.2.5                   | Attend trade shows.   | Q4 2022 and Ongoing      | Completed<br>Ongoing |
| 6.2.6                   | Publish quarterly newsletter.   | Q4 2022 and Ongoing      | Completed<br>Ongoing |
|                         | • Issue 1 published October 2022. Now on Issue No. 8.   |                          |                      |
| <b>6.3</b>              | <b>Assess current engagement levels on Board's website, newsletters, social media, mailers, etc. to better utilize resources and determine if they are reaching the proper audiences.</b> |                          |                      |
| <b>Success Measure:</b> | Engagement levels have been assessed.   |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 6.3.1                   | Pull website analytics, compare to previous year(s).  | Q4 2022 and Ongoing      | Completed<br>Ongoing |
| 6.3.2                   | Conduct more surveys/polls (about email, social media, website, mail).  | Q1 2024 and Ongoing      | Completed            |
| 6.3.3                   | Ask for feedback/conduct a feedback survey.   | Q1 2024 and Ongoing      | Completed            |



|                         |   |                          |                      |
|-------------------------|---|--------------------------|----------------------|
| 6.3.4                   | Explore analytics from social media sites (Facebook, Instagram).  | Q1 2024 and Ongoing      | Completed            |
|                         | • Followers have increased due to increased frequency of posts.   |                          |                      |
| <b>6.4</b>              | <b>Solicit feedback from licensees on a more continuous basis to engage with licensees.</b>   |                          |                      |
| <b>Success Measure:</b> | <b>Feedback has been received; increased survey responses.</b>  |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 6.4.1                   | Continue sending postcard surveys after inspections done and re-examine questions.  | Q1 2023 and Ongoing      | Pending              |
|                         | • Reviewing and updating the postcard survey questions.   |                          |                      |
| 6.4.2                   | Determine if there is a QR code to issue after complaint closed.  | Q1 2023 and Ongoing      | Pending              |
|                         |   |                          |                      |
| 6.4.3                   | Identify topics of interest.  | Q2 2023 and Ongoing      | Pending              |
|                         | • Created a SurveyMonkey link for the public to complete after their interactions with the Board by email and this will be implemented soon. Also exploring the option of an automated phone survey and sending surveys by mail or posting a link to the website. |                          |                      |
| 6.4.4                   | Explore adding a survey QR code to email signatures.  | Q1 2024 and Ongoing      | Completed            |
|                         |   |                          |                      |
| 6.4.5                   | Explore offering a rating of how phone calls went (CIC or Admin).   | Q1 2024 and Ongoing      | Pending              |
|                         |   |                          |                      |
| 6.4.6                   | Request feedback about program area effectiveness.  | Q1 2024 and Ongoing      | Pending              |
|                         |   |                          |                      |
| 6.4.7                   | Conduct surveys/polls by all formats  | Q1 2024 and Ongoing      | Completed            |
|                         | Added a link to BarberCosmo emails for a survey that collects information on performance.   |                          |                      |
| 6.4.8                   | Conduct a post-town hall survey on the topic addressed, desire for future events.   | Q1 2024 and Ongoing      | Pending              |
|                         |   |                          |                      |
| <b>6.5</b>              | <b>Encourage the public to participate in online Board activities to inform, educate, and collaborate.</b>  |                          |                      |
| <b>Success Measure:</b> | <b>Increased public participation in online Board activities</b>  |                          |                      |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>CurrentStatus</b> |
| 6.5.1                   | Reach out to schools about upcoming events.   | Q4 2022 and Ongoing      | Completed Ongoing    |
|                         | • Schools notified of upcoming board meetings by email.   |                          |                      |
| 6.5.2                   | Distribute board meeting reminders by email, flyers, mail, etc.   | Q4 2022 and Ongoing      | Completed Ongoing    |
|                         | • Post on social media about upcoming board meetings.   |                          |                      |

|                         |  |                          |                       |
|-------------------------|--|--------------------------|-----------------------|
| 6.5.3                   | Distribute town hall reminders by email, flyers, mail, etc.  | Q4 2023 and Ongoing      | Completed             |
| 6.5.4                   | In career outreach activities, include information about other board events.   | Q4 2023 and Ongoing      | Completed             |
| 6.5.5                   | Add info to the call tree options.   | Q4 2023 and Ongoing      | Completed             |
|                         | <ul style="list-style-type: none"> <li>Reviewing phone tree to see where information can be clarified and added.</li> </ul>  |                          |                       |
| 6.5.6                   | Explore more non-industry consumer events (state fairs, etc.).   | Q4 2023 and Ongoing      | Completed             |
|                         | <ul style="list-style-type: none"> <li>The State Fair does not offer complimentary booths.</li> <li>The Bridal Showcase at Cal Expo will no longer be held.</li> <li>The International Wedding Festival does not want the Board at their event.</li> <li>Staff will continue to research other consumer events.</li> </ul> |                          |                       |
| <b>6.6</b>              | <b>Provide information at high schools, occupational schools, and public outreach events on the industry and how to become licensed to increase licensed activity and engage with potential licensees.</b>   |                          |                       |
| <b>Success Measure:</b> | <b>Completion of events and increased applications for licensure.</b>  |                          |                       |
| <b>Objectives/Tasks</b> |  | <b>Target Completion</b> | <b>Current Status</b> |
| 6.6.1                   | Post information on social media.  | Q4 2022 and Ongoing      | Completed             |
|                         |  |                          | Ongoing               |
| 6.6.2                   | Include schools in email blasts  | Q1 2023                  | Completed             |
|                         | <ul style="list-style-type: none"> <li>Start including schools in email blasts to licensees and interested parties.</li> </ul>   |                          |                       |
| 6.6.3                   | Ask schools to post info internally (website, bulletin boards, etc.).  | Q4 2023 and Ongoing      | Completed             |
|                         | <ul style="list-style-type: none"> <li>What to Know Before Choosing a Barber and Cosmetology School pamphlets emailed and mailed to multiple high school districts.</li> <li>Information shared at school outreach events for them to post and distribute to students.</li> </ul>  |                          |                       |
| 6.6.4                   | Hold more outreach events at approved industry schools.  | Q4 2023 and Ongoing      | Completed             |
| 6.6.5                   | Identify contacts at high schools, occupational schools.   | Q1 2024                  | Completed             |
|                         | <ul style="list-style-type: none"> <li>Contacts identified and contacted.</li> </ul>   |                          |                       |
| 6.6.6                   | Identify venues (bridal shows, state fairs, etc.) to attend.   | Q1 2024                  | Completed             |
|                         | <ul style="list-style-type: none"> <li>The State Fair does not offer complimentary booths.</li> <li>The Bridal Showcase at Cal Expo will no longer be held.</li> <li>The International Wedding Festival does not want the Board at their event.</li> <li>Staff will continue to research other consumer events.</li> </ul> |                          |                       |

|                         |   |                          |                       |
|-------------------------|---|--------------------------|-----------------------|
| 6.6.7                   | Hold more outreach events at high schools, occupational schools, county job fairs, etc.   | Q3 2024                  | Completed             |
|                         | <ul style="list-style-type: none"> <li>• Outreach event on March 22, 2023, at two high schools in the Stockton Unified School District.</li> <li>• Outreach event on March 30, 2023, at Highlands High School Career Day.</li> <li>• Staff will research opportunities with county job fairs and other events.</li> </ul> |                          |                       |
| <b>6.7</b>              | <b>Explore within the outreach committee to create Board-specific outreach/media to expand access of information to the public and licensees.</b>   |                          |                       |
| <b>Success Measure:</b> | <b>Outreach plan has been developed and implemented.</b>  |                          |                       |
| <b>Objectives/Tasks</b> |   | <b>Target Completion</b> | <b>Current Status</b> |
| 6.7.1                   | Ask committee to provide more specific direction on which concerns to prioritize to raise awareness.  | Q2 2023                  | Completed             |
|                         | <ul style="list-style-type: none"> <li>• Discussed at 3/13 Education and Outreach Committee meeting.</li> <li>• Will promote scope of practice, how to become licensed, how to stay in compliance.</li> </ul>   |                          |                       |
| 6.7.2                   | Request additional topic to parallel Safe Sandal Season.  | Q2 2023                  | Completed             |
|                         | <ul style="list-style-type: none"> <li>• Discussed at 3/13 Education and Outreach Committee meeting.</li> <li>• Will promote scope of practice, how to become licensed, how to stay in compliance.</li> </ul>   |                          |                       |
| 6.7.3                   | Develop an outreach plan based on Committee input.  | Q4 2023                  | Completed             |
|                         | <ul style="list-style-type: none"> <li>• Started posting more Did You Know and Enforcement Reminders as recommended by the Education and Outreach committee.</li> </ul>   |                          |                       |
| 6.7.4                   | Re-evaluate outreach plan annually.   | Q1 2025 and Ongoing      | Pending               |
|                         |   |                          |                       |



## MEMORANDUM

DATE November 4, 2024

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Possible Action on Manicurists Worker Classification

---

In 2020, Assembly Bill 5 updated the Labor Code regarding employment classification, creating an exemption for Board of Barbering and Cosmetology licensees. It established criteria for licensees to be classified as independent contractors, which include setting their own rates, processing their own payments, being paid directly by clients, and maintaining their own business license. This exemption will expire for manicurists on January 1, 2025, at which point their employment status will be governed by the “ABC” test from the Dynamex court decision. Under this test, a service provider is considered an employee unless the hiring entity can demonstrate that the provider is free from control, performs work outside the entity’s usual business, and is engaged in an independently established trade.

As a result, all licensed manicurists will need to be employees unless they own the establishment.

Since this pertains to the Labor Code rather than specific barbering and cosmetology laws and regulations, the Board cannot address questions about worker classification and has no authority to enforce this code. Staff are directing inquiries to the Department of Industrial Relations.

Board staff acknowledges that many licensees contact the Board first for a range of information. Therefore, we have posted information (attached) that was developed by the DIR on our website and social media. Initially, the information provided by DIR was expected to be a quarter of a page in size, however it is a full page. Board staff had the information translated into Vietnamese and has added this to our Vietnamese only Facebook page. The intent was to mail this information out to all licensed manicurists and establishments however, the cost estimate for printing and mailing this information is significant. The quote to complete this project is **\$106,000.**

### Discussion:

The loss of the exemption for manicurists treats one of our license types completely different than the other five license types. In addition, a cosmetologist has the ability to perform nail services and can be an independent contractor, yet a manicurist cannot.

Again, this is not within the Board's authority, however, the Board may wish to make a policy statement that all licensees under the Board's authority should have the choice to be an independent contractor or an employee.

The Board should also discuss if the cost indicated above (\$106,000) should be approved in order to mail the DIR information to licensed manicurists and establishments.

**Possible Actions:**

1. The Board shall issue a policy statement regarding worker classification for manicurists.

**Suggested Verbiage:** "I propose that the Board adopt a policy statement affirming the right of all license types to choose their worker classification."

2. The Board shall determine whether to approve the \$106,000 cost of mailing a notice to all establishments and manicurists regarding worker classification.

**Suggested Verbiage:** "I propose that the Board DOES or DOES NOT allocate funds towards mailing the DIR language to all licensed manicurists and establishment owners."



## MEMORANDUM

DATE November 4, 2024

TO: Members, Board of Barbering and Cosmetology

FROM: Steve Weeks, Committee Chairperson

SUBJECT: Report on the October 14, 2024, Licensing and Examination Committee Meeting

---

On October 14, 2024, the Licensing and Examination Committee (Committee) discussed changes to the manicurist worker classification starting January 1, 2025.

In 2020, Assembly Bill 5 updated the Labor Code regarding employment classification to create an exemption for Board of Barbering and Cosmetology licensees. It established criteria that must be met for licensees to be considered an independent contractor by an establishment owner, including that they set their own rates, process their own payments, be paid directly by clients, and maintain their own business license. This Labor Code provision is expiring for manicurists on January 1, 2025. At that time, the employment status of Board-licensed manicurists will be determined by the “ABC” test in the Dynamex court decision. Under the ABC test, a person providing services for compensation is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. This means that all licensed manicurists will need to be employees of an establishment unless they own that establishment.

Since this is a labor code and not a barbering and cosmetology law, the Board is unable to answer questions about worker classification and will not be enforcing this code. Staff are directing questions received to contact the Department of Industrial Relations.

The Committee recommended for the full Board to make a policy statement and vote on whether to approve costs for mailing worker classification information to licensees (Board Meeting Agenda Item Number 8).



## MEMORANDUM

DATE November 4, 2024

TO: Members, Board of Barbering and Cosmetology

FROM: Danielle Munoz, Committee Chairperson

SUBJECT: Report on the October 14, 2024, Enforcement and Inspections Committee Meeting

---

On October 14, 2024, the Enforcement and Inspections Committee (Committee) convened and discussed proposed administrative fines that directly impact consumer safety (California Code of Regulations, Title 16, section 974). While the Committee agreed with many of the fine amount changes proposed by the Health and Safety Advisory Committee, the Enforcement and Inspections Committee thought some of the high-risk violations should be increased. For example, for violation of Business and Professions Code 7320 Practice of Medicine, the Committee thinks the first offense should be \$1500, second offense \$3000, and third offense \$4500. The Committee did not finish reviewing all violations, so the remaining violations will be discussed at their next meeting. Once complete, the proposed administrative fines will be brought to the full Board for approval.



## MEMORANDUM

DATE November 4, 2024

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Report on the October 14, 2024, Diversity, Equity, and Inclusion Committee Meeting

---

On October 14, 2024, the Diversity, Equity, and Inclusion Committee (Committee) convened. First, the Committee reviewed the Creating a Respectful and Open World for Natural Hair (CROWN) Act Report. Committee Member Fairley expressed her excitement that textured hair is now part of the barbering, cosmetology, and hairstyling curriculum as it will ensure all students are prepared for their work as a licensee.

The Committee also discussed diversity, equity, and inclusion suggested provided by staff. Committee Member Munoz suggested staff to revisit the survey about licensee demographics and collect information about the industry and what DEI actions they would like the Board to take. Committee Member Isbell expressed that California is the leader of DEI in the country's state boards and thanked staff for thinking of new ideas, such as the Vietnamese Facebook page.



## MEMORANDUM

DATE November 4, 2024

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Report on the October 14, 2024, Health and Safety Advisory Committee Meeting

---

On October 14, 2024, the Health and Safety Advisory Committee (Committee) convened.

As part of the strategic plan, the Committee discussed trends being observed in the industry. Committee Member Munoz brought up the Board's Instagram account and how a recent post had a lot of discussion about limits to a licensee's scope of practice and how other states have different scopes. Executive Officer Underwood explained that esthetics particularly has a wide range of scopes. For instance, other states allow the use of needles. While updating a license's scope of practice would take a legislative change, it is something the Board can look at and consider for next year as it begins preparing its Sunset Review Report. Staff will research and compare scopes of practice in other states as well as the risks associated with other services.

The Committee also reviewed edits to the Health and Safety Course. Committee members provided edits throughout the course such as:

- Using gender-neutral language
- Including the hairstylist license type
- Replacing case studies with new scenarios
- Updating review questions
- Removing/updating outdated/irrelevant information
- Adding information for manicurists' worker classification
- Adding information on different types of domestic abuse
- Adding information on dependent adult abuse
- Updating information on HIV/AIDS
- Updating formatting so it is easier to read
- Minor changes to grammar and spelling

The Committee moved for the Executive Officer to make additional non-substantive changes and move the course to the full Board for approval.

**Action Needed:** The Board shall review the Health and Safety Course in Attachment A, which was provided virtually, and shall make a motion to approve the course.

***Suggested motion:*** "I move to approve the updated Health and Safety Course and authorize the Executive Officer to make any additional non-substantive changes."



## MEMORANDUM

DATE November 4, 2024

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Update on Chaptered Legislation:  
a) AB 2166 (Weber) Barbering and cosmetology: hair types and textures  
b) SB 1451 (Ashby) Professions and vocations

Below is a chart of the Board's implementation plan regarding AB 2166 and SB 1451.

| Bill           | Subject  | Summary   | Tasks   | Status  |
|----------------|--|---|---|---|
| <b>AB 2166</b> | Barbering and cosmetology: hair types and textures.                      | Requires barbers, cosmetologist, and hairstylist to receive instruction in providing services to individuals with all hair types and textures, including various curl or wave patterns, hair strand thicknesses, and volumes of hair. It would require written tests to determine the applicant's skill in, and knowledge of, providing services to individuals with varying hair types and textures. | Send listserv to schools notifying them of the new requirements in statute and that the exams already have questions on hair types/textures so it will not be updated at this time. | Completed 10/3/2024.                                  |
| <b>SB 1451</b> | Barbering and cosmetology: application, examination, and licensing fees. | Requires that the hairstylist application and examination fee be the actual cost to the board for developing, purchasing, grading, and administering the examination, and limit a hairstylist's initial license fee to \$50.  | Update fee on paper hairstylist application for all languages from \$50 to \$125.   | In process of being updated.                          |
|                |  |   | Post updated hairstylist applications on website.   | Pending previous task.                                |
|                |  |   | Implement CCR 998 regulation.   | In process – language pending fiscal office approval. |
|                |  |   | Submit Breeze ticket to update hairstylist fee.   | Pending previous task.                                |



## MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | November 4, 2024  |
| <b>TO</b>      | Members, Board of Barbering and Cosmetology   |
| <b>FROM</b>    | Kristy Underwood, Executive Officer   |
| <b>SUBJECT</b> | <p>Discussion and Possible Action Regarding Rulemaking Proposals:</p> <ul style="list-style-type: none"> <li>a) Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)</li> <li>b) Update Regarding Rulemaking to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)</li> <li>c) Update Regarding Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprenticeship Training)</li> <li>d) Update Regarding Rulemaking to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)</li> <li>e) Update Regarding Rulemaking to Amend Title 16, CCR section 977 et seq. (Health and Safety)</li> <li>f) Update Regarding Rulemaking to Amend Title 16, CCR section 931 (Interpreters)</li> <li>g) Update Regarding Rulemaking to Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)</li> </ul> |

**The final rulemaking file was resubmitted to the Office of Administrative Law (OAL) on July 19, 2024 and was approved on August 28, 2024. This regulation package became effective on October 1, 2024.**

- Title 16, CCR sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)

**The following initial regulation package was submitted to OAL on October 17, 2024:**

- Title 16, CCR section 917 (Pre-Apprenticeship Training)

**The following initial regulation package is under review by Regulations Counsel:**

- Title 16, CCR section 974.4 (SB 384: Remedial Education Program)

**The following initial regulation packages are being prepared by Staff:**

- Title 16, CCR section 931 (Interpreters)

**The following initial regulation proposals are pending further development:**

- Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
- Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)
- Title 16, CCR section 977 et seq. (Health and Safety)



## MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | November 4, 2024  |
| <b>TO</b>      | Members, Board of Barbering and Cosmetology   |
| <b>FROM</b>    | Kristy Underwood, Executive Officer   |
| <b>SUBJECT</b> | Discussion and Possible Action to Reconsider Previously Approved Text and to Consider Initiation of a Rulemaking to Amend Title 16, California Code of Regulations (CCR) Section 972 (Disciplinary Guidelines): |

### Background

- The Disciplinary Guidelines (Guidelines) for the Board of Barbering and Cosmetology (Board) were last updated in October 2010. Since that time there have been changes to the Board's laws and regulations, and changes in the administration of various penalties for violations requiring the Guidelines to be updated. The proposed amendments make the Disciplinary Guidelines consistent with current law and the current probationary environment, clarify the terms and conditions of probation to reduce the likelihood of misinterpretation, and strengthen consumer protection.

Updating the Disciplinary Guidelines will be a more useful tool for the Board, applicants and licensees, Administrative Law Judges (ALJs), legal counsel, and the public by providing a more accurate overview of the Board's processes in formal disciplinary actions. The updated Disciplinary Guidelines will also serve as an educational and guidance tool for the ALJs who administer hearings for the Board. These judges will benefit from greater understanding of the various nuances of the Board's enforcement provisions and will help improve the consistency of penalties for violations of the Dental Practice Act and its regulations.

- On May 6, 2024, the Board approved the Proposed Regulatory Language and Proposed Document Incorporated by Reference at CCR section 972, entitled "Disciplinary Guidelines" (~~October 2010~~Revised [OAL Insert Effective Date Here]Edition] and authorized initiation of a rulemaking for the proposed regulatory text, which includes the Board's Disciplinary Guidelines at CCR Section 972.

### Discussion

- Board Staff and Regulations Counsel discovered errors and inconsistencies with existing text that need to be corrected in the "Disciplinary Guidelines" document while preparing the rulemaking file for its initial submission to the Director of the Department of Consumer Affairs, who is required by law to review and approve it before filing with the Office of Administrative Law.

- Many amendments are non-substantive formatting and other technical corrections. Proposed changes are noted in **yellow** for ease of reference in **Attachment 3** to this memo.
- The substantial amendments to the package include:
  - BPC 7320 – Title is being amended to clarify there is no authority for a BBC licensee to practice medicine or surgery and believe this change in the title will provide more clarity to users of the Disciplinary Guidelines.
  - BPC 7320.1 – Title is being amended to clarify the violation involving unauthorized use of metal instruments in providing manicure or pedicure as some metal tools are allowed. This will provide more clarity to users of the Disciplinary Guidelines.
  - BPC 7320.2 – Title is being amended to clarify the violation involving illegal use of x-ray appliance, apparatus, or machine. This will provide more clarity to users of the Disciplinary Guidelines.
  - 7404(a)(3) – Under minimum penalty Probation, “3 years” was erroneously struck out in a previous version.
  - 7404(e) – Maximum penalty is being amended to include “and license is placed on 3 years probation”. This is being added to be consistent with probation terms in this section as the minimum penalty includes a “1 year probation” term, 3 years is an appropriate maximum penalty for a violation in this section.
  - 7404(h) – The title “or Health and Safety Rules and Regulations in” was erroneously struck out in a previous version. Under the Maximum Penalty recommended for this type of violation, “Suspension, 5 consecutive working days” was erroneously struck out. Under the Minimum Penalty recommended for this section, “Public Letter of Reprimand” and “Cost Recovery” were erroneously struck out.
  - 7404(l) – For the recommended penalties for this section, “Partial Cost Recovery” should have been struck out, as “Cost Recovery” is included under Standard Terms of Probation Nos. 1-13.
  - 7404(n) – For the recommended penalties for this section, “Public Letter of Reprimand” was erroneously struck out in a previous version.
  - Standard Terms and Conditions of Probation: For the standard terms “Obey All Laws”, “Cost Recovery” and “Notification to Establishment Owners”, added language to specify that various reports and notices be provided to the respondent’s assigned probation monitor to ensure more timely reporting of time-sensitive information and for more effective investigation of probation compliance.

### **Action Needed**

Staff requests that the Board review the attached proposed regulatory language and modified “Disciplinary Guidelines” and, if no further changes are recommended, move the motion provided below.

### ***Attachments included for reference:***

1. Proposed Regulatory Language, Title 16, California Code of Regulations (CCR) section 972.
2. Modified Proposed Document Incorporated by Reference at CCR section 972, entitled “Disciplinary Guidelines” (~~October 2010~~Revised [OAL Insert Effective Date Here]Edition).
3. Same Modified Proposed Document Incorporated by Reference at CCR section 972, entitled “Disciplinary Guidelines” (~~October 2010~~Revised [OAL Insert Effective Date Here]Edition) with amendments noted in yellow for ease of reference for reviewing.

### **Recommended Motion**

I move to approve the proposed regulatory text for title 16, CCR Section 972 as set forth in Attachments 1 and 2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If the Board does not receive any objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 972 as noticed.

**DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. BOARD OF BARBERING AND COSMETOLOGY**

**PROPOSED REGULATORY LANGUAGE  
DISCIPLINARY GUIDELINES**

|  |
|--|
| <b>Legend:</b> Added text is indicated with an <u>underline</u> .<br>Deleted text is indicated by <del>strikeout</del> . |
|--|

**Amend Section 972 of Division 9 of Title 16 of the California Code of Regulations to read as follows:**

**§ 972. Disciplinary Guidelines**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" (~~Revised October 2010~~ [OAL Insert Effective Date Here] ~~Edition~~) which are hereby incorporated by reference. Deviation from these guidelines, including the standard terms of probation, is appropriate where the board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

*Note: Authority cited: Section 7312, Business and Professions Code; and Section 11425.50(e), Government Code. Reference: Sections 7403 and 7404, Business and Professions Code and Sections 11400.20, 11425.50(e), 11500 and 11519, Government Code.*



State of California  
Department of Consumer Affairs  
**Board of Barbering and Cosmetology**



# Disciplinary Guidelines

Revised October 2010-[OAL insert effective date here]

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# INTRODUCTION

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The Board of Barbering and Cosmetology (Board) is a consumer protection agency with an obligation to protect the consumers of California from the unsafe, incompetent, and/or negligent practices of its licensees. The Board has adopted the following guidelines for disciplinary orders and conditions of probation for violations of the Barbering and Cosmetology Act. The guidelines are intended for the use of those involved in the disciplinary process: Administrative Law Judges (ALJ), Deputy Attorney Generals, Attorneys for respondents, licensees, and Board staff members.

The Board carefully considers the totality of the facts and circumstances in each individual case, with the safety of the public being paramount. The Board recognizes that the disciplinary orders and conditions of probation listed on the following pages are merely guidelines and that individual cases will require variations, which take into account unique circumstances. Consequently, the Board requests that the ~~Administrative Law Judge~~ ALJ hearing the case include an explanation of the deviations or omissions, including all mitigating factors considered by the ~~Administrative Law Judge~~ ALJ in the proposed Decision so that the Board is better able to understand the ~~Administrative Law Judge~~ rationale during ~~his/her~~ their review and consideration of the proposed ALJ's Decision.

# DESCRIPTION OF PENALTIES

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## REVOCATION

This action revokes a respondent's license(s) and prohibits respondent from conducting services in the practice for which discipline is imposed. Prior to the effective date of the ~~a~~ Decision, the respondent may request reconsideration or reduction of the penalty. If the Board denies the request or does not grant a reduction of the penalty, the earliest date respondent may petition the Board for reinstatement of the revoked license is one year from the effective date of the Decision.

## PROBATION

This action, usually taken in conjunction with a stayed revocation or suspension, places a licensee on probation with the Board for up to five years. During the probationary period, the Respondent must comply with specific terms and conditions of probation. If the respondent does not comply with all the terms and conditions of probation, the Board may pursue additional disciplinary action against the Respondent which can result in suspension or revocation of the Respondent's license(s).

## SUSPENSION

This action prohibits a licensee from performing services in the practice for which they have been disciplined for a specific period of time. The licensee must cease operating during the suspension period. License suspensions can last five (5) to forty-five (45) working days. During the period of suspension, Respondent is required to post a notice which describes the nature of the violation for which Respondent is being disciplined.

## FULL-COST RECOVERY

Section 7403 of the Business and Professions Code allows the Board to recover all its costs of investigating and adjudicating a disciplinary case. Full cost recovery includes both all charges incurred by the Board for investigating the case (including charges from the Division of Investigation, expert consultants, and services provided by Board employees or representatives), and, Office of Administrative Hearings, and Office of the Attorney General costs, as specified in Section 7403. A payment schedule can be specified, if warranted. It is the Board's policy that all disciplinary matters, including those resolved by stipulation, include recovery of all of the Board's costs.

## **DESCRIPTION OF PENALTIES (Continued)**

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### **~~PARTIAL COST RECOVERY~~**

~~Section 7403 of the Business and Professions Code allows the Board to recover its costs of investigating and adjudicating a disciplinary case. Partial cost recovery in this instance includes Division of Investigation costs only. A payment schedule can be specified, if warranted.~~

### **PUBLIC NOTICE**

Any disciplinary action imposed as a result of a Decision may be published in the appropriate Board newsletter or other publication. Additionally, the Board or its designee may issue press releases or other public notices of disciplinary action taken by the Board.

### **EXAMINATIONS**

This action requires the Respondent to take and pass an examination administered by the examination staff of the Board. Respondent shall pay all costs associated with the examination.

### **STAY OF ORDER**

This action allows the Board to adopt an order of revocation or suspension but allows the order to be put aside. This means a respondent has time to serve a lesser penalty, which normally includes probation. However, if the Respondent fails to comply with the terms outlined in the final Decision, the Board or its designee can pursue additional disciplinary action against the Respondent and reinstate the order that was stayed.

## FACTORS TO BE CONSIDERED

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**When considering whether revocation, suspension or probation** is to be imposed in a given case, ~~factors such as the following should be considered:~~ the Board shall consider the following rehabilitation criteria set forth in subsection (b) of Section 971 of Title 16 of the California Code of Regulations:

(1) When considering the suspension or revocation of a license under Section 490, 7362, 7403, 7404, or 7405 of the Business and Professions Code on the ground that the licensee has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in paragraph (1), the suspension or revocation is based on acts underlying a disciplinary action as described in Section 141 of the Business and Professions Code, or the suspension or revocation is based on one or more of the grounds other than a criminal conviction that are specified in Section 7362(c), 7403, or 7404 of the Business and Professions Code, the Board shall apply the following criteria in evaluating the licensee's rehabilitation:

(A) The nature and gravity of the act(s), disciplinary action(s), or crime(s) under consideration as grounds for suspension or revocation.

(B) Evidence of any act(s), disciplinary action(s), or crime(s) committed subsequent to the act(s), disciplinary action(s), or crime(s) under consideration as grounds for suspension or revocation.

(C) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s) referred to in subparagraphs (A) or (B).

(D) Whether the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee.

(E) The criteria in paragraph (1)(A)-(E), as applicable.

- ~~1. Nature and severity of the act(s) or offense(s).~~
- ~~2. Total criminal record.~~
- ~~3. The time that has elapsed since the commission of the act(s) or offense(s).~~
- ~~4. Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~
- ~~5. If applicable, evidence of expungement proceedings pursuant to section 1203.4 of the Penal Code.~~
- ~~6. Evidence, if any, of rehabilitation submitted by the licensee.~~

(F) Evidence, if any, or rehabilitation submitted by the licensee.

**When considering whether denial of a license** is to be imposed, factors such as the following should be considered: the Board shall consider the following rehabilitation criteria set forth in subsection (a) of Section 971 of Title 16 of the California Code of Regulations:

(1) When considering the denial of a license pursuant to section 480, 7362, 7403, or 7405 of the Business and Professions Code or a section of the Barbering and Cosmetology Act (Chapter 10 (commencing with Section 7301) of Division 3 of the Business and Professions Code) citing Section



480 of the Business and Professions Code as providing grounds for denial of licensure on the ground that the applicant has been convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in paragraph (1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds other than a criminal conviction that are specified in Section 7362(b)(1)(C) or 7403 of the Business and Professions Code, the Board shall apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and the gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraph (A) or (B).

(D) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(E) The criteria in subparagraph (1)(A)-(E), as applicable.

(F) Evidence, if any, or rehabilitation submitted by the applicant.

- ~~1. The nature and the severity of the act(s) or crimes(s) under consideration as grounds of denial.~~
- ~~2. Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial.~~
- ~~3. The time that has elapsed since commission of the act(s) or crime(s) referred to in (1) and (2).~~
- ~~4. The extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.~~
- ~~5. Evidence, if any, of rehabilitation submitted by the applicant.~~

## CONDITIONS OF PROBATION

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The Board's primary responsibility is consumer protection. The Board believes that in disciplinary matters where probation has been imposed, conditions should be established to provide for consumer protection and allow the probationer to demonstrate rehabilitation.

The following conditions of probation provide for consumer protection and establish a mechanism to monitor the rehabilitation progress of a probationer.

For purposes of implementation of these conditions of probation, the term "designee" shall refer to the Executive Officer, Assistant Executive Officer, Enforcement Manager or probation monitor of the Board of Barbering and Cosmetology.

Upon successful completion of probation, respondent's license(s) will be fully restored.

## PROBATIONARY CONDITIONS

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Probationary conditions are divided into two categories:

A. **Standard** conditions that should appear in all probation orders;

B. **Optional** conditions are those that are appropriate based on the nature and circumstances of the particular violation.

## MITIGATION EVIDENCE

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The Respondent is permitted to present mitigating circumstances and rehabilitation evidence at a hearing and the Board will review the evidence submitted. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the Respondent may submit to demonstrate ~~his or her~~ their rehabilitative efforts and competency:

A) List of improvements made to the Establishment:

- Policy & Procedures Established
- Photographs of Improvements
- Rental Agreements

B) Declaration stating how Respondent has corrected the violations cited.

C) Certification of courses completed.

D) If Respondent was convicted of a criminal offense:

- A letter describing the underlying circumstances of the arrest(s) as well as any rehabilitative efforts or changes in life since that time to prevent future problems.
- Letters of reference from past and/or current employers.
- Evidence of compliance with and completion of terms of probation, parole, restitution or any other sanctions (proof of enrollment/completion of court ordered programs, classes, fines) for each conviction.
- Letters from recognized recovery programs attesting to current sobriety, length of time of sobriety, and recovery programs, if there has been a history of alcohol or drug abuse.

**STANDARD CONDITIONS OF PROBATION** [*\*Page numbers cross-referenced in this section are to be updated after OAL approval*]

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Each disciplinary order is required to contain the introductory language described on page ~~28-34~~\* of this pamphlet, and each of the following ~~16-13~~ conditions (for an explanation and recommended language for each condition, turn to pages ~~29-32-33-42~~\*):

- ~~1) Suspension of License~~
- ~~2) Posting of Suspension Sign~~
- ~~3) Cost Recovery (Does not apply to Applicants)~~
- ~~4) Quarterly Reports of Compliance~~
- 1) Obey all Laws
- 2) Cost Recovery (Does not apply to Applicants)
- 3) Quarterly Reports of Compliance
- ~~5)4) Notification to Employer Establishment Owner(s)~~
- ~~6)5) Change of Employment~~
- ~~7)6) Participation in Apprenticeship or Externship Program~~
- ~~8)7) Publication of Disciplinary Action~~
- ~~9) Obey all laws~~
- ~~10)8) Comply with the Board's Probation Program~~
- ~~11)9) Violation of Probation~~
- ~~12) Report in Person~~
- ~~13) Residency Outside of State~~
- ~~14)10) Failure to Practice — California Resident /Tolling~~

~~15)~~11) Maintain Valid License

12) Petition for Reduction of Penalty

~~16)~~13) License Surrender While on Probation

## **OPTIONAL CONDITIONS OF PROBATION [\*Page numbers to be updated after OAL approval]**

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Any of the optional conditions may be included if relevant to the violation (for an explanation and recommended language for each condition, refer to pages 33-35 43-45\*:

- 1) Remedial Education Courses
- 2) Written Licensing Examination
- ~~3) Practical Licensing Examination~~
- ~~4)3) Notice to Employees of Discipline~~
- ~~5)4) Criminal Probation~~
- ~~6)5) Proof of Advertising Correction~~
- ~~7)6) Restitution~~
- ~~8)7) Reimbursement of Probation Program~~
- ~~9)8) Manager or Licensee in Charge~~
- ~~10)9) Abstain from Controlled Substances / Submit to Biological Fluid Testing~~
- ~~11)10) Abstain from Use of Alcohol / Submit to Biological Fluid Testing~~
- 11) Suspension of License
- 12) Posting of Suspension Sign

# THE BARBERING AND COSMETOLOGY ACT VIOLATIONS AND RECOMMENDED ACTIONS

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The Barbering and Cosmetology Act (Business and Professions Code, Division 3, Chapter 10) and additional sections of the Business and Professions Code specify the offenses for which the Board may take disciplinary action. The following are code numbers of the offenses and the recommended Board-determined disciplinary action. When filing an accusation, the Office of the Attorney General may also cite additional related statutes and resolutions.

**7320     ~~If the violation is for the practice of medicine~~  
VIOLATION INVOLVING THE PRACTICE OF MEDICINE OR  
SURGERY, then the recommended penalty is as  
follows:**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
~~Suspension, 15 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~76~~) Restitution  
(11) Suspension of License, 15 consecutive  
working days  
(12) Posting of Suspension Sign

**7320.1     ~~If the violation is for the use of metal instruments~~  
VIOLATION INVOLVING UNAUTHORIZED USE OF METAL  
INSTRUMENTS IN PROVIDING MANICURE OR PEDICURE  
~~then the recommended penalty is as follows:~~**

**Recommended Penalty:**



- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
Suspension, 5 consecutive working days  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(76) Restitution  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7320.2** ~~If the violation is for practicing illegal treatment methods~~  
**VIOLATION INVOLVING ILLEGAL USE OF X-RAY APPLIANCE, APPARATUS, OR MACHINE**  
~~then the recommended penalty is as follows:~~

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
Suspension, 15 consecutive working days  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(76) Restitution  
(11) Suspension of License, 15 consecutive working days  
(12) Posting of Suspension Sign

## **7404(a) UNPROFESSIONAL CONDUCT**

### **Recommended Penalty:**

- **Maximum:** Revocation/Denial of License  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~54~~) Criminal Probation  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

## **7404(a)(1) INCOMPETENCE OR GROSS NEGLIGENCE, INCLUDING FAILURE TO COMPLY WITH GENERALLY ACCEPTED STANDARDS FOR THE PRACTICE OF BARBERING, COSMETOLOGY, OR ELECTROLOGY OR DISREGARD FOR THE HEALTH AND SAFETY OF PATRONS.**

### **Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~76~~) Restitution

(11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

#### **7404(a)(2) REPEATED SIMILAR NEGLIGENT ACTS.**

##### **Recommended Penalty:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. 1-16 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(3) ~~Practical Licensing Exam~~  
(4) Notice to Employees of Discipline  
(11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

#### **7404(a)(3) CONVICTION OF ANY CRIME SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS, OR DUTIES OF THE LICENSEHOLDER, IN WHICH CASE, THE RECORDS OF CONVICTION OR A CERTIFIED COPY SHALL BE CONCLUSIVE EVIDENCE THEREOF.**

(Refer to sections in this document relating to penalties for violating “Section 480” for recommended guidelines for denial of a license based upon a criminal conviction.)

~~Conviction of a felony involving a crime of violence (including, but not limited to: murder, attempted murder, assault with a deadly weapon) or prostitution (soliciting) within the past three years or is currently on parole or probation for such a conviction.~~

##### **Recommended Penalty:**

- **Maximum:** Revocation  
Denial of license  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
License issued with Terms and Conditions appropriate to crime  
Probation, 3 years  
Partial Cost Recovery  
Standard Terms of Probation Nos. ~~1-16~~ 1-13  
Optional Terms of Probation No. (54) Criminal Probation

~~Conviction of three or more felonies involving crimes of violence (including, but not limited to: murder, attempted murder, assault with a deadly weapon) or prostitution (soliciting) within the past five years (or six in a ten year period).~~

**Recommended Penalty:**

- ~~**Maximum:** Revocation  
Denial of License  
Full Cost Recovery~~
- ~~**Minimum:** Revocation, stayed  
License issued with Terms and Conditions appropriate to crime  
Probation, 5 years  
Partial Cost Recovery  
Standard Terms of Probation Nos. 1-16  
Optional Terms of Probation No. (5) Criminal Probation~~

~~Conviction of a crime of a sexual nature (other than those involving a minor) within the past three years or is currently on parole or probation (including, but not limited to: rape, sexual assault, and molestation).~~

**Recommended Penalty:**

- ~~**Maximum:** Revocation  
Denial of License  
Full Cost Recovery~~
- ~~**Minimum:** Revocation, stayed  
License issued with Terms and Conditions~~

~~appropriate to crime~~  
~~Probation, 5 years~~  
~~Partial Cost Recovery~~  
~~Standard Terms of Probation Nos. 1-16~~  
~~Optional Terms of Probation No.~~  
~~(5) Criminal Probation~~

~~Conviction of any crime committed by a licensee in an establishment subject to regulation by the Board.~~

**Recommended Penalty:**

- ~~Maximum:~~ Revocation  
~~Full Cost Recovery~~
- ~~Minimum:~~ Revocation, stayed  
~~License issued with Terms and Conditions~~  
~~appropriate to crime~~  
~~Probation, 3 years~~  
~~Partial Cost Recovery~~  
~~Standard Terms of Probation Nos. 1-16~~  
~~Optional Terms of Probation No.~~  
~~(5) Criminal Probation~~

**7404(a)(4) ADVERTISING BY MEANS OF KNOWINGLY FALSE OR DECEPTIVE STATEMENTS.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 1 year  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~1-16~~ 1-13  
Optional Terms of Probation No.s.  
(65) Proof of Advertising Correction  
(11) Suspension of License, 5 consecutive  
working days  
(12) Posting of Suspension Sign

**7404(b) FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER.**  
(All other Business and Professions Code sections cited.)

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full-Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) ~~Notice to Employees of Discipline~~  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(c) FAILURE TO COMPLY WITH THE RULES GOVERNING HEALTH AND SAFETY ADOPTED BY THE BOARD AND APPROVED BY THE STATE DEPARTMENT OF HEALTH SERVICES, FOR THE REGULATION OF ESTABLISHMENTS, OR ANY PRACTICE LICENSED AND REGULATED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full-Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) ~~Notice to Employees of Discipline~~

(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(d) FAILURE TO COMPLY WITH THE RULES ADOPTED BY THE BOARD FOR THE REGULATION OF ESTABLISHMENTS OR ANY PRACTICE LICENSED AND REGULATED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(e) CONTINUED PRACTICE BY A PERSON KNOWINGLY HAVING AN INFECTIOUS OR CONTAGIOUS DISEASE.**

**Recommended Penalty:**

- **Maximum:** License is suspended until Respondent provides written proof from a physician stating that he/she is they are no longer contagious/infectious. Upon verification, license is suspended for 30 consecutive working days and license is placed on 3 years probation.  
~~Full Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13
- **Minimum:** License is suspended until Respondent provides written proof from a physician stating that he/she

~~is they are~~ no longer contagious/infectious. Upon verification, license is placed on 1 year probation.

~~Partial Cost Recovery~~

Standard Terms of Probation Nos. ~~1-16~~ 1-13

**7404(f) HABITUAL DRUNKENNESS, HABITUAL USE OF OR ADDICTION TO THE USE OF ANY CONTROLLED SUBSTANCE.**

**Recommended Penalty:**

- **Maximum:** ~~Revocation~~  
Cost Recovery
- **Minimum:** License is suspended until Respondent completes a drug/alcohol rehabilitation program. Upon verification of completion, license is placed on 3 years probation.

~~Full Cost Recovery~~

Standard Terms of Probation Nos. ~~1-16~~ 1-13

Optional Terms of Probation No.

(~~54~~) Criminal Probation

**7404(g) OBTAINING OR ATTEMPTING TO OBTAIN PRACTICE IN ANY OCCUPATION LICENSED AND REGULATED UNDER THIS CHAPTER, FOR MONEY, OR COMPENSATION IN ANY FORM, BY FRAUDULENT MISREPRESENTATION.**

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~1-16~~ 1-13  
Optional Terms of Probation Nos.  
(~~54~~) Criminal Probation



(11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(h) FAILURE TO DISPLAY THE LICENSE OR HEALTH AND SAFETY RULES AND REGULATIONS IN A CONSPICUOUS PLACE.**

**Recommended Penalty:**

- **Maximum:** Suspension, 5 consecutive working days  
~~Full-Cost Recovery~~
- **Minimum:** Public Letter of Reprimand  
~~Partial-Cost Recovery~~  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation No.  
(43) Notice to ~~Employees of~~ Discipline

**7404(i) ENGAGING, OUTSIDE OF A LICENSED ESTABLISHMENT AND FOR COMPENSATION IN ANY FORM WHATEVER, IN ANY PRACTICE FOR WHICH A LICENSE IS REQUIRED UNDER THIS CHAPTER, EXCEPT THAT WHEN THE SERVICE IS PROVIDED BECAUSE OF ILLNESS OR OTHER PHYSICAL OR MENTAL INCAPACITATION OF THE RECIPIENT OF THE SERVICE AND WHEN PERFORMED BY A LICENSEE OBTAINED FOR THE PURPOSE FROM A LICENSED ESTABLISHMENT.**

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full-Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial-Cost Recovery~~  
Standard Terms of Probation Nos. 4-16-1-13

Optional Terms of Probation Nos.  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive  
working days  
(12) Posting of Suspension Sign

**7404(j) PERMITTING A LICENSE TO BE USED WHERE THE  
HOLDER IS NOT PERSONALLY, ACTIVELY, AND  
CONTINUOUSLY ENGAGED IN BUSINESS.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
~~Suspension, 15 consecutive working days~~  
~~Full Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 15 consecutive  
working days  
(12) Posting of Suspension Sign

**7404(k) THE MAKING OF ANY FALSE STATEMENT AS TO A  
MATERIAL MATTER IN ANY OATH OR AFFIDAVIT, WHICH  
IS REQUIRED BY THE PROVISIONS OF THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.

(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(l) REFUSAL TO PERMIT OR INTERFERENCE WITH AN INSPECTION AUTHORIZED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation Nos.  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(m) ANY ACTION OR CONDUCT WHICH WOULD HAVE WARRANTED THE DENIAL OF A LICENSE.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation Nos.  
(43) Notice to Employees of Discipline  
(54) Criminal Probation

(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(n) FAILURE TO SURRENDER A LICENSE THAT WAS ISSUED IN ERROR OR BY MISTAKE.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Public Letter of Reprimand  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13

**480(a)(1) ~~BEEN CONVICTED OF A CRIME. A CONVICTION WITHIN THE MEANING OF THIS SECTION MEANS A PLEA OR VERDICT OF GUILTY OR A CONVICTION FOLLOWING A PLEA OF NOLO CONTENDERE. ANY ACTION WHICH A BOARD IS PERMITTED TO TAKE FOLLOWING THE ESTABLISHMENT OF A CONVICTION MAY BE TAKEN WHEN THE TIME FOR APPEAL HAS ELAPSED, OR THE JUDGEMENT OF CONVICTION HAS BEEN AFFIRMED ON APPEAL, OR WHEN AN ORDER GRANTING PROBATION IS MADE SUSPENDING THE IMPOSITION OF SENTENCE, IRRESPECTIVE OF A SUBSEQUENT ORDER UNDER THE PROVISIONS OF SECTION 1203.4 OF THE PENAL CODE.~~**

**DENIAL OF AN APPLICATION BASED UPON CONVICTION OF A CRIME AS SPECIFIED IN BUSINESS AND PROFESSIONS CODE SECTION 480.**

**Recommended Penalty:**

- **Maximum:** Denial of Application for Licensure
- **Minimum:** Revocation, stayed  
Probation, 2 years ~~(for misdemeanor)~~

~~3 years (less than 3 felonies)~~  
~~5 years (more than 3 felonies)~~  
~~Standard Terms of Probation Nos. 4-16-1-13~~  
~~Optional Terms of Probation No.~~  
~~(54) Criminal Probation~~

**480(a)(2) THE APPLICANT HAS BEEN SUBJECTED TO FORMAL DISCIPLINE BY A LICENSING BOARD IN OR OUTSIDE CALIFORNIA WITHIN THE PRECEDING SEVEN YEARS FROM THE DATE OF APPLICATION BASED ON PROFESSIONAL MISCONDUCT AS SPECIFIED IN BUSINESS AND PROFESSIONS CODE SECTION 480(a)(2).**  
~~DONE ANY ACT INVOLVING DISHONESTY, FRAUD, OR DECEIT WITH THE INTENT TO SUBSTANTIALLY BENEFIT HIMSELF OR ANOTHER, OR SUBSTANTIALLY INJURE ANOTHER.~~

**Recommended Penalty:**

- **Maximum:** Denial of Application for Licensure
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Standard Terms of Probation Nos. 4-16-1-13~~  
~~Optional Terms of Probation No.~~  
~~(54) Criminal Probation~~

**480(a)(3) ~~DONE ANY ACT WHICH IF DONE BY A LICENTATE OF THE BUSINESS OR PROFESSION IN QUESTION, WOULD BE GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE. THE BOARD MAY DENY A LICENSE PURSUANT TO THIS SUBDIVISION ONLY IF THE CRIME OR ACT IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS OR DUTIES OF THE BUSINESS OR PROFESSION FOR WHICH APPLICATION IS MADE.~~**

**Recommended Penalty:**

- ~~**Maximum:** Denial of Application for Licensure~~
- ~~**Minimum:** Revocation, stayed  
Probation, 3 years  
Standard Terms of Probation Nos. 4-16  
Optional Terms of Probation No.~~

~~480(c) A BOARD MAY DENY A LICENSE REGULATED BY THIS CODE ON THE GROUND THAT THE APPLICANT KNOWINGLY MADE A FALSE STATEMENT OF FACT REQUIRED TO BE REVEALED IN THE APPLICATION FOR SUCH LICENSE~~

~~Recommended Penalty:~~

- ~~• **Maximum:** Denial of Application for Licensure~~
- ~~• **Minimum:** Revocation, stayed  
Probation, 2 years  
Standard Terms of Probation Nos. 4-16  
Optional Terms of Probation No.  
(5) Criminal Probation~~

480(e) THE APPLICANT KNOWINGLY MADE A FALSE STATEMENT OF FACT REQUIRED TO BE REVEALED IN THE APPLICATION FOR SUCH LICENSE AS PROVIDED IN BUSINESS AND PROFESSIONS CODE SECTION 480(e).

Recommended Penalty:

- **Maximum:** Denial of Application for Licensure
- **Minimum:** Revocation, stayed  
Probation, 2 years  
Standard Terms of Probation Nos. 1-13  
Optional Terms of Probation No.  
(4) Criminal Probation

**496 A BOARD MAY DENY, SUSPEND, REVOKE, OR OTHERWISE RESTRICT A LICENSE ON THE GROUND THAT AN APPLICANT OR LICENSEE HAS VIOLATED SECTION 123 PERTAINING TO SUBVERSION OF LICENSING EXAMINATIONS.**

**Recommended Penalty:**

- **Maximum:** Revocation or Denial  
Full-Cost Recovery
- **Minimum:** Probation, 2 years

~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery (only if respondent~~  
~~holds another license)~~  
~~Standard Terms of Probation Nos. 4-16-1-13~~  
~~Optional Terms of Probation Nos.~~  
~~(5-4) Criminal Probation~~  
~~(11) Suspension of License, 10 consecutive~~  
~~working days~~  
~~(12) Posting of Suspension Sign~~

**499**

**A BOARD MAY REVOKE, SUSPEND, OR OTHERWISE  
RESTRICT A LICENSE ON THE GROUND THAT THE  
LICENSEE, IN SUPPORT OF ANOTHER PERSON'S  
APPLICATION FOR LICENSE, KNOWINGLY MADE A  
FALSE STATEMENT OF A MATERIAL FACT OR  
KNOWINGLY OMITTED TO STATE A MATERIAL FACT TO  
THE BOARD REGARDING THE APPLICATION.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Cost Recovery
- **Minimum:** Probation, 5 years,  
Standard Terms of Probation Nos. 1-13  
Optional Terms of Probation Nos.  
(11) Suspension of License, 10 consecutive  
working days.  
(12) Posting of Suspension Sign

## **OTHER SITUATIONS IN WHICH REVOCATION IS THE RECOMMENDED PENALTY**

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1. Failure to file a Notice of Defense.
2. Failure to appear at the administrative hearing.
3. Failure to comply with the conditions of probation.
4. Subsequent acts, offenses, or convictions, which warrant the revocation of license.



## **~~CONDITIONS OF PROBATION~~**

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~~The Board's primary responsibility is consumer protection. The Board believes that in disciplinary matters where probation has been imposed, conditions should be established to provide for consumer protection and allow the probationer to demonstrate rehabilitation.~~

~~The following conditions of probation provide for consumer protection and establish a mechanism to monitor the rehabilitation progress of a probationer.~~

~~For purposes of implementation of these conditions of probation, any reference to the Board also means staff working for the Board of Barbering and Cosmetology.~~

## **~~PROBATIONARY CONDITIONS~~**

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~~Probationary conditions are divided into two categories:~~

~~**A. Standard** conditions should appear in all probation orders;~~

~~**B. Optional** conditions that are appropriate based on the nature and circumstances of the particular violation.~~

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## **INTRODUCTORY LANGUAGE FOR DISCIPLINARY ORDERS**

The following introductory language and all standard conditions of probation are to be included in probationary decisions/orders. For applicants, Condition 32, Cost Recovery, does not apply. For licensees, all standard conditions of probation apply. (Note: See alternative introductory language for applicants and reinstatements in next section of guidelines.)

**INTRODUCTORY LANGUAGE FOR ALL ORDERS**— It is hereby ordered that (license type) License No. (number) issued to Respondent (name) is revoked. However, revocation is stayed, and Respondent is placed on probation for a period of (number of years) years on the following conditions.

**SEVERABILITY CLAUSE** – Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

## RECOMMENDED LANGUAGE FOR STANDARD CONDITIONS OF PROBATION

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**(1) SUSPENSION OF LICENSE-** Respondent is suspended from the practice of (type of practice) for (number of days) consecutive working days. Respondent shall cease operating during the suspension period. During the suspension period, all conditions of probation are in full force and effect. The period of suspension shall be determined by the Board's designee and Respondent shall be notified in writing. Probation shall not terminate until the suspension period is served.

**(2) POSTING OF SUSPENSION SIGN-** During the period of suspension, Respondent shall post a notice which describes the nature of the violation for which the license is being disciplined. If only an individual's license is disciplined, the notice shall be conspicuously posted in the establishment where the Respondent performs barbering and cosmetology services. If an establishment license is disciplined, the notice shall be conspicuously posted, unobstructed and visible to the public from the outside of the main entrance. The sign to be posted will be provided by the Board of Barbering and Cosmetology designee prior to the commencement of the suspension and will include the Respondent's name and license number(s).

**(1) OBEY ALL LAWS-** Respondent shall obey all federal, state, local laws, criminal orders of probation or parole if applicable, and all rules and regulations governing any practice for which the respondent is licensed by the Board. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing to their assigned probation monitor within seventy-two (72) hours of occurrence.

**(32) COST RECOVERY-** Respondent shall pay to the Board of Barbering and Cosmetology costs associated with its investigation and enforcement pursuant to Business and Professions Code Sections 125.3 and 7403 in the amount of \$ \_\_\_\_\_. Upon written request to their assigned probation monitor and approval by the Board or its designee, Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term. Respondent shall make payments pursuant to a payment plan specified by the Board or its designee taking into consideration all of the following: (1) Respondent's ability to pay, (2) the total amount of cost recovery owed, and (3) the length of the probationary period. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment

schedule Respondent shall be considered to be in violation of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. ~~The filing of bankruptcy by the Respondent shall not relieve the Respondent of his/her responsibility to reimburse the Board for these costs.~~

Modification to an authorized payment plan, including an extension of time to complete payments or a revised payment schedule, may be requested by the Respondent in writing to their assigned probation monitor and granted upon a showing of "good cause" by the Respondent. The Respondent's request for modification shall contain an explanation for why the requested modification to an authorized payment plan should be granted and is subject to approval by the Board or its designee. For purposes of this section "good cause" shall include:

- (A) Death of an immediate family member (spouse, child, or parent). Documentation, such as a copy of the death certificate, must be submitted.
- (B) Catastrophic illness, contagious disease, or major traumatic injury to the applicant or immediate family member (spouse, child, or parent). Documentation, such as an original letter on letterhead from the physician, which includes the date(s), nature of the illness, and the physician's signature, must be submitted.
- (C) Natural disaster (earthquake, flood, fire, etc.).
- (D) Other cause based on extenuating circumstances and decided on a case-by-case basis by the Board or its designee.

**(43) QUARTERLY REPORTS OF COMPLIANCE** - Respondent shall submit Quarterly Reports of Compliance to the Board of Barbering and Cosmetology's designee in accordance with a specified schedule. The form, "Quarterly Report of Compliance," which is provided by the Board's Enforcement Program, must be completed and signed under penalty of perjury regarding compliance with all conditions of probation. A complete "Quarterly Report of Compliance" shall contain:

- (A) Respondent's personal information, including:
  - (i) Respondent's full legal name (first, last, middle, suffix (if any)),
  - (ii) Case number,
  - (iii) License number,
  - (iv) License expiration date

- (v) Telephone number,
- (vi) Email address, if any,
- (vii) Address of record with the Board (mailing address), and,
- (viii) Residence Address (if different than address of record).

(B) For Respondents who own an establishment, identifying establishment information including:

- (i) the establishment's name,
- (ii) the establishment's license number,
- (iii) the establishment's license expiration date,
- (iv) the establishment's address of record with the Board.

(C) Respondent's employment information, including the following information regarding where Respondent works:

- (i) the establishment's name,
- (ii) the establishment's license number,
- (iii) the establishment's physical address,
- (iv) the establishment's telephone number,
- (v) the Respondent's total work schedule for a standard week (Monday-Sunday), including Respondent's scheduled work hours for each day of a standard week (e.g., state work week hours: "Mondays (8 hours), Tuesdays (4 hours), etc.). For days not worked Respondent shall indicate "N/A" next to each day of the standard week where they are not scheduled to work when reporting their total work schedule.

(D) Written disclosures regarding whether Respondent has complied with each condition of probation contained in this Decision since their last quarterly report or as of this report (if this is their first quarterly report); and, if applicable,

(E) If Respondent discloses they are not in compliance with any condition of probation, a written statement explaining why Respondent is not in compliance with any particular condition(s) of probation.

Omission or falsification in any manner of any information on these reports or failure to submit the information required by this section by the due date(s) specified in this section shall constitute a violation of probation. Quarterly reports are due for each year of probation and the entire length of probation as follows:

- For the period covering January 1<sup>st</sup> through March 31<sup>st</sup>, reports are to be completed and submitted between April 1<sup>st</sup> and April 7<sup>th</sup>.

- For period covering April 1<sup>st</sup> through June 30<sup>th</sup>, reports are to be completed and submitted between July 1<sup>st</sup> and July 7<sup>th</sup>.
- For the period covering July 1<sup>st</sup> through September 30<sup>th</sup>, reports are to be completed and submitted between October 1<sup>st</sup> and October 7<sup>th</sup>.
- For the period covering October 1<sup>st</sup> through December 31<sup>st</sup>, reports are to be completed and submitted between January 1<sup>st</sup> and January 7<sup>th</sup>

**(54) NOTIFICATION TO EMPLOYER/ESTABLISHMENT OWNER(S) -**

Respondent shall be required to inform ~~his/her~~ their employer and any subsequent employer and/or the holder of the establishment license where Respondent practices ("employer") during the probation period of the discipline imposed by this Decision by providing a written notice to the employer containing the information required by this section and also providing the employer with a copy of the Decision and Order and the Accusation or Statement of Issues, as applicable, in this matter. Written notice to the employer shall be provided within 30 days of the effective date of the Decision or within 30 days after change of employer, as applicable, and shall contain the following:

- A. Name of the Respondent,
- B. Name of the employer,
- C. Duration of the probation or suspension, and,
- D. A copy of the Decision.

Within 30 days of the effective date of the Decision or change of employer, Respondent shall submit to their assigned probation monitor at the Board a copy of the written notice provided to the employer in compliance with this section. ~~The employer will be requested to inform the Board of Barbering and Cosmetology, in writing, that he/she is aware of the discipline. This applies to independent contractors (booth renters) as well as employees.~~ The Respondent shall provide to their probation monitor the following information for all establishments where the Respondent is providing services during the period of probation:

- A. Name(s) of their employer(s),
- B. Physical address(es),
- C. Mailing address(es), and,
- D. Telephone number(s).

**(65) CHANGE OF EMPLOYMENT –** Respondent shall notify the Board of Barbering and Cosmetology in writing of any and all changes in employment status, employment location, and address within 30 days of such change. The written notice shall include the name, address, and

telephone number of the holder of the establishment license where Respondent practices, and the date Respondent changed work locations.

**(76) PARTICIPATION IN APPRENTICESHIP OR EXTERNSHIP**

**PROGRAM** – Respondent shall not participate as a trainer or supervisor in an apprenticeship or externship program during the course of this probation. If Respondent is the holder of an establishment license, Respondent's establishment shall not participate in an apprenticeship or externship program during the course of this probation. Respondent shall terminate any such program in existence on the effective date of this decision.

**(87) PUBLICATION OF DISCIPLINARY ACTION** – Any disciplinary action imposed as a result of this Decision may be published in the appropriate Board of Barbering and Cosmetology newsletter or other publication. Additionally, the Board or its designee may issue press releases or other public notices of disciplinary action taken by the Board of Barbering and Cosmetology.

~~**(9) OBEY ALL LAWS**~~ Respondent shall obey all federal, state, local laws, and all rules and regulations governing any practice for which the Respondent is licensed. ~~A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing within seventy-two (72) hours of occurrence.~~

**(108) COMPLY WITH THE BOARD'S PROBATION PROGRAM –**

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Board's Probation Program. Respondent shall keep the Board informed of Respondent's business and addresses of record (physical and mailing). Respondent shall inform the Board in writing within ~~fifteen (15)~~ thirty (30) days of any address change and claim all certified mail issued by the Board. Respondent shall respond to all notices of reasonable requests timely, and appear for any scheduled meeting as directed by the Board or its designee. Respondent shall ~~and~~ submit reports, remedial education documentation, verification of employment, or other similar reports, as requested and directed by the Board or its representative. Failure to appear for any scheduled meeting or cooperate with the requirements of the program, including timely submission of requested information, shall constitute a violation of probation.

**(119) VIOLATION OF PROBATION** – If Respondent violates ~~the any~~ conditions of his/her probation, the Board, after giving the Respondent notice and the opportunity to be heard, may set aside the Order and impose the stayed discipline (revocation/suspension) of the Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

~~**(12) REPORT IN PERSON** Upon written notification, Respondent may be required to appear in person before the Board of Barbering and Cosmetology or its designee at any time during the period of suspension or probation.~~

~~**(13) RESIDENCY OUTSIDE OF THE STATE** Respondent shall immediately notify the Board's designee of any and all address changes. If Respondent should travel outside California for a period greater than sixty (60) days, Respondent must notify the Board's designee, in writing, of the dates of departure and return. Periods of residence outside the State of California shall not apply toward a reduction of this probation time period.~~

~~Respondent's license shall be automatically cancelled if Respondent's periods of temporary or permanent residence or practice outside California total two years. However, Respondent's license shall not be cancelled as long as Respondent is residing and practicing in another state of the United States and is on active probation with the licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.~~

**(1410) FAILURE TO PRACTICE CALIFORNIA RESIDENT /TOLLING** - In the event Respondent<sub>1</sub> resides in the State of California and for any reason<sub>1</sub>, Respondent ~~stops~~ ceases practicing in California, Respondent shall notify the Board or its designee in writing within ~~30~~ ten (10) calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, or temporary or permanent residency or practice outside of California will not apply to the reduction of the probationary term and does not relieve Respondent of the responsibility to comply with the terms and conditions of probation ("non-practice").



Respondent's probation is tolled for as long as Respondent is in a period of non-practice. The period of probation shall be extended for the period of time Respondent's probation is tolled.

It shall be a violation of probation for Respondent to remain in a period of non-practice for a total of two years.

**(1511) MAINTAIN VALID LICENSE** – Respondent shall maintain a current, active, and valid license for the length of the probation period, including any period during which probation is tolled. Failure to pay all fees prior to the license expiration date shall constitute a violation of probation.

**(12) PETITION FOR REDUCTION OF PENALTY-** Pursuant to Government Code Section 11522, Respondent may petition for a reduction of penalty after a period of not less than one (1) year has elapsed from the effective date of this Decision or from the date of the denial of a similar petition filed by Respondent, whichever is applicable. The Board shall give notice to the Attorney General of the filing of any petition by Respondent and the Attorney General and the Respondent shall be afforded an opportunity to present either oral or written argument before the Board if a petition is filed in accordance with Section 11522. The Board shall determine if a reduction in penalty is warranted based on Respondent's compliance with the terms and conditions of probation, and demonstration of their ability to practice safely as evidenced by inspections of the workplace since the effective date of the Decision.

**(1613) LICENSE SURRENDER WHILE ON PROBATION-** Following the effective date of this Decision, if Respondent ceases practicing ~~due to retirement or health reasons,~~ or is otherwise unable to satisfy the terms and conditions of probation, Respondent may voluntarily request, in writing, the surrender of ~~his/her~~ their license to the Board. Respondent's written request to surrender their license shall include the following: their name, license number, case number, address of record, and an explanation of the reason(s) why respondent seeks to surrender their license.

The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. If Respondent owes any outstanding costs associated with the investigation and enforcement of this disciplinary action, the outstanding amount shall be paid in full at the time the request is submitted to the Board.

Upon formal acceptance of the surrender, Respondent shall within 30 calendar days deliver Respondent's license to the Board or its designee and Respondent shall no longer engage in any practice for which ~~a~~ that license is required. Upon formal acceptance of the ~~tendered license~~ surrender, Respondent will no longer be subject to the terms and conditions of probation. Voluntary surrender of Respondent's license shall be considered to be a disciplinary action and shall become a part of Respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should Respondent at any time after voluntary surrender ever reapply to the Board for licensure Respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational requirements, and taking and passing any and all examinations required of new applicants.

## RECOMMENDED LANGUAGE FOR OPTIONAL CONDITIONS OF PROBATION

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**(1) REMEDIAL EDUCATION COURSES** – Respondent shall complete remedial education courses directly relevant to the violation(s) as specified by the Board of Barbering and Cosmetology within 180 days from the effective date of this Decision. The education courses shall be completed in a Board approved school. Respondent shall provide proof of attendance and satisfactory completion of the courses. Failure to satisfactorily complete the required courses as scheduled shall constitute a violation of probation. Respondent shall be responsible for all costs associated with such remedial education.

**(2) WRITTEN LICENSING EXAMINATION** – If Respondent fails to pass the examination within 180 days from the effective date of this Decision, Respondent's license shall be suspended and Respondent shall cease practice until Respondent takes and successfully passes the examination, has submitted proof of same to the Board, and has been notified by the Board that ~~he/she~~ Respondent may resume practice. The examination will be administered by the examination staff of the Board of Barbering and Cosmetology. Respondent shall pay the established examination fee and any other costs associated with taking the examination.

~~**(3) PRACTICAL LICENSING EXAMINATION** – If Respondent fails to pass the examination within 180 days from the effective date of this Decision, Respondent's license shall be suspended and respondent shall cease practice until Respondent takes and successfully passes examination, has submitted proof of same to the Board, and has been notified by the Board that he/she may resume practice. The examination will be administered by the examination staff of the Board of Barbering and Cosmetology. Respondent shall pay the established examination fee and any other costs associated with taking the examination.~~

**(43) NOTICE OF DISCIPLINE EMPLOYEES** – A Respondent who is an establishment owner a holder of an establishment license shall, upon or before the effective date of this Decision, post or circulate a copy of the Accusation or Statement of Issues, as applicable, and this Decision and Order to each employee or independent contractor practicing at Respondent's establishment. ~~a notice to all employees working in the establishment which accurately recites the terms and conditions of this Decision. Respondent shall be responsible for said notice being immediately available to employees. "Employees" as used in this provision includes all~~

~~full-time, part-time, temporary, and independent contractors employed or hired at any time during probation.~~

**(54) CRIMINAL PROBATION** – If Respondent is on criminal probation for the acts upon which disciplinary action is based, Respondent shall submit reports from the criminal court probation officer regarding Respondent's progress during criminal probation, if available. Available Reports shall be filed quarterly and continue until Respondent is no longer on criminal probation or the Board's probation is terminated, whichever occurs first.

**(65) PROOF OF ADVERTISING CORRECTION** – If the advertising violation that led to the disciplinary action has not been corrected, Respondent shall not practice until proof of correction has been submitted to the Board of Barbering and Cosmetology or its designee.

**(76) RESTITUTION** – Respondent shall make restitution to any injured party in the amount of (specify amount). Proof of compliance with this term shall be submitted to the Board of Barbering and Cosmetology's or its designee within (specify time) of the effective date of the Decision. The name and address of the injured party may be inserted in the body of this condition. The amount and time period in which to comply shall be based upon the facts of the case.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

**(87) REIMBURSEMENT OF PROBATION PROGRAM-** Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration for the probation period. Reimbursement costs shall be \$\_\_\_\_\_ per year/\$\_\_\_\_\_ per month.

**(98) MANAGER OR LICENSEE IN CHARGE** – Respondent shall not act as manager or licensee in charge of any establishment during the course of this probation. Respondent shall terminate any such duties on the effective date of this decision.

**(409) ABSTAIN FROM CONTROLLED SUBSTANCES /SUBMIT TO BIOLOGICAL FLUID TESTING** – Respondent shall completely abstain from the use or possession of controlled or illegal substances during the period of probation unless lawfully prescribed by a medical practitioner for a bona fide

illness. Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. Respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding shall constitute a violation of probation.

**(11) ABSTAIN FROM USE OF ALCOHOL / SUBMIT TO BIOLOGICAL FLUID TESTING-** Respondent shall completely abstain from the use of alcoholic beverages during the period of probation. Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. Respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding shall constitute a violation of probation.

**(12) SUSPENSION OF LICENSE –** Respondent is suspended from the practice of (type of practice) for (number of days) consecutive working days beginning on the effective date of this Decision. Respondent shall cease operating during the suspension period. During the suspension period, all conditions of probation are in full force and effect. Probation shall not terminate until the suspension period is served.

**(13) POSTING OF SUSPENSION SIGN -** During the period of suspension, Respondent shall post a notice which describes the nature of the violation for which the license is being disciplined. If only an individual's license is disciplined, the notice shall be conspicuously posted in the establishment where the Respondent performs barbering and cosmetology services. If an establishment license is disciplined, the notice shall be conspicuously posted, unobstructed and visible to the public from the outside of the main entrance. The 8-inch by 11-inch notice to be posted will be provided by the Board of Barbering and Cosmetology designee in the form of a sign to be posted by Respondent prior to the commencement of the suspension and will include the Respondent's name and license number(s).

## RECOMMENDED LANGUAGE FOR APPLICANTS AND REINSTATEMENTS

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In order to provide clarity and consistency in its decision, the Board of Barbering and Cosmetology recommends the following language in proposed decisions or stipulated agreements for examination applicants, establishment license applicants, schools, school applicants, and for petitioners for reinstatement who are issued a license that is placed on probation.

▪ **Examination Applicants who are placed on probation:**

“The application of Respondent \_\_\_\_\_ for licensure is hereby granted. Upon successful completion of the licensing examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following condition:”

▪ **Establishment License Applicants who are placed on probation:**

“The application of Respondent \_\_\_\_\_ for licensure is hereby granted and a license shall be issued to Respondent upon successful completion of all licensing requirements. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following conditions:”

▪ **Reinstatement of Licensure with conditions of probation:**

“The application of Respondent \_\_\_\_\_ for reinstatement of license number \_\_\_\_\_ is hereby granted. License number \_\_\_\_\_ shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following conditions:”

~~It is important to note that, in many cases, petitioners for reinstatement have not practiced for at the least one (1) year. It is recommended that Respondent retake and successfully complete the licensing examination prior to reinstatement of the license if the case involved consumer harm.~~

~~In addition to the licensing examination requirement, it is recommended that Respondent take and successfully complete remedial education courses relevant to the violation(s) prior to reinstatement of the license.~~

▪ **Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent:**

“The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner’s license shall be fully reinstated upon completion of the following conditions precedent: [Note: Insert conditions such as take and successfully complete the Board’s [insert license type] licensing examination and/or remedial education courses relevant to the violation(s).]”

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner’s license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions:”

It is important to note that, in many cases, petitioners for reinstatement have not practiced for at least one (1) year. It is recommended that petitioner retake and successfully complete the licensing examination prior to reinstatement of the license if the case involved consumer harm.

In addition to the licensing examination requirement, it is recommended that petitioner take and successfully complete remedial education courses relevant to the violation(s) prior to reinstatement of the license.

**NOTE:** If cost recovery was ordered in the revocation or surrender of a license and the cost recovery has not been paid in full by petitioner, a probation condition requiring payment of original cost recovery must be included in the reinstatement and decision.

## **RECOMMENDED LANGUAGE FOR COST RECOVERY FOR SURRENDERS**

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▪ **When the Order is a surrender of license, cost recovery should be included as follows:**

“If and when Respondent’s license is reinstated, ~~he or she~~ they shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$\_\_\_\_\_. Respondent shall be permitted to pay these costs on a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.”

## **TIME FRAMES FOR PETITIONS FOR REINSTATEMENT AND MODIFICATION OF PENALTY**

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Pursuant to the California Administrative Procedure Act, Government Code Section 11522, “A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction or penalty after a period of not less than one (1) year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General, and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefore, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition or reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.”



State of California  
Department of Consumer Affairs  
**Board of Barbering and Cosmetology**



# Disciplinary Guidelines

Revised October 2010-[OAL insert effective date here]

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# INTRODUCTION

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The Board of Barbering and Cosmetology (Board) is a consumer protection agency with an obligation to protect the consumers of California from the unsafe, incompetent, and/or negligent practices of its licensees. The Board has adopted the following guidelines for disciplinary orders and conditions of probation for violations of the Barbering and Cosmetology Act. The guidelines are intended for the use of those involved in the disciplinary process: Administrative Law Judges (ALJ), Deputy Attorney Generals, Attorneys for respondents, licensees, and Board staff members.

The Board carefully considers the totality of the facts and circumstances in each individual case, with the safety of the public being paramount. The Board recognizes that the disciplinary orders and conditions of probation listed on the following pages are merely guidelines and that individual cases will require variations, which take into account unique circumstances. Consequently, the Board requests that the ~~Administrative Law Judge~~ ALJ hearing the case include an explanation of the deviations or omissions, including all mitigating factors considered by the ~~Administrative Law Judge~~ ALJ in the proposed Decision so that the Board is better able to understand the ~~Administrative Law Judge~~ rationale during ~~his/her~~ their review and consideration of the proposed ALJ's Decision.

# DESCRIPTION OF PENALTIES

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## REVOCATION

This action revokes a respondent's license(s) and prohibits respondent from conducting services in the practice for which discipline is imposed. Prior to the effective date of the ~~a~~ Decision, the respondent may request reconsideration or reduction of the penalty. If the Board denies the request or does not grant a reduction of the penalty, the earliest date respondent may petition the Board for reinstatement of the revoked license is one year from the effective date of the Decision.

## PROBATION

This action, usually taken in conjunction with a stayed revocation or suspension, places a licensee on probation with the Board for up to five years. During the probationary period, the Respondent must comply with specific terms and conditions of probation. If the respondent does not comply with all the terms and conditions of probation, the Board may pursue additional disciplinary action against the Respondent which can result in suspension or revocation of the Respondent's license(s).

## SUSPENSION

This action prohibits a licensee from performing services in the practice for which they have been disciplined for a specific period of time. The licensee must cease operating during the suspension period. License suspensions can last five (5) to forty-five (45) working days. During the period of suspension, Respondent is required to post a notice which describes the nature of the violation for which Respondent is being disciplined.

## FULL-COST RECOVERY

Section 7403 of the Business and Professions Code allows the Board to recover all its costs of investigating and adjudicating a disciplinary case. Full cost recovery includes both all charges incurred by the Board for investigating the case (including charges from the Division of Investigation, expert consultants, and services provided by Board employees or representatives), and, Office of Administrative Hearings, and Office of the Attorney General costs, as specified in Section 7403. A payment schedule can be specified, if warranted. It is the Board's policy that all disciplinary matters, including those resolved by stipulation, include recovery of all of the Board's costs.

## **DESCRIPTION OF PENALTIES (Continued)**

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### **PARTIAL COST RECOVERY**

~~Section 7403 of the Business and Professions Code allows the Board to recover its costs of investigating and adjudicating a disciplinary case. Partial cost recovery in this instance includes Division of Investigation costs only. A payment schedule can be specified, if warranted.~~

### **PUBLIC NOTICE**

Any disciplinary action imposed as a result of a Decision may be published in the appropriate Board newsletter or other publication. Additionally, the Board or its designee may issue press releases or other public notices of disciplinary action taken by the Board.

### **EXAMINATIONS**

This action requires the Respondent to take and pass an examination administered by the examination staff of the Board. Respondent shall pay all costs associated with the examination.

### **STAY OF ORDER**

This action allows the Board to adopt an order of revocation or suspension but allows the order to be put aside. This means a respondent has time to serve a lesser penalty, which normally includes probation. However, if the Respondent fails to comply with the terms outlined in the final Decision, the Board or its designee can pursue additional disciplinary action against the Respondent and reinstate the order that was stayed.

## FACTORS TO BE CONSIDERED

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**When considering whether revocation, suspension or probation** is to be imposed in a given case, ~~factors such as the following should be considered:~~ the Board shall consider the following rehabilitation criteria set forth in subsection (b) of Section 971 of Title 16 of the California Code of Regulations:

(1) When considering the suspension or revocation of a license under Section 490, 7362, 7403, 7404, or 7405 of the Business and Professions Code on the ground that the licensee has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in paragraph (1), the suspension or revocation is based on acts underlying a disciplinary action as described in Section 141 of the Business and Professions Code, or the suspension or revocation is based on one or more of the grounds other than a criminal conviction that are specified in Section 7362(c), 7403, or 7404 of the Business and Professions Code, the Board shall apply the following criteria in evaluating the licensee's rehabilitation:

(A) The nature and gravity of the act(s), disciplinary action(s), or crime(s) under consideration as grounds for suspension or revocation.

(B) Evidence of any act(s), disciplinary action(s), or crime(s) committed subsequent to the act(s), disciplinary action(s), or crime(s) under consideration as grounds for suspension or revocation.

(C) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s) referred to in subparagraphs (A) or (B).

(D) Whether the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee.

(E) The criteria in paragraph (1)(A)-(E), as applicable.

- ~~1. Nature and severity of the act(s) or offense(s).~~
- ~~2. Total criminal record.~~
- ~~3. The time that has elapsed since the commission of the act(s) or offense(s).~~
- ~~4. Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~
- ~~5. If applicable, evidence of expungement proceedings pursuant to section 1203.4 of the Penal Code.~~
- ~~6. Evidence, if any, of rehabilitation submitted by the licensee.~~

(F) Evidence, if any, or rehabilitation submitted by the licensee.

**When considering whether denial of a license** is to be imposed, factors such as the following should be considered: the Board shall consider the following rehabilitation criteria set forth in subsection (a) of Section 971 of Title 16 of the California Code of Regulations:

(1) When considering the denial of a license pursuant to section 480, 7362, 7403, or 7405 of the Business and Professions Code or a section of the Barbering and Cosmetology Act (Chapter 10 (commencing with Section 7301) of Division 3 of the Business and Professions Code) citing Section



480 of the Business and Professions Code as providing grounds for denial of licensure on the ground that the applicant has been convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in paragraph (1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds other than a criminal conviction that are specified in Section 7362(b)(1)(C) or 7403 of the Business and Professions Code, the Board shall apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and the gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraph (A) or (B).

(D) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(E) The criteria in subparagraph (1)(A)-(E), as applicable.

(F) Evidence, if any, or rehabilitation submitted by the applicant.

- ~~1. The nature and the severity of the act(s) or crimes(s) under consideration as grounds of denial.~~
- ~~2. Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial.~~
- ~~3. The time that has elapsed since commission of the act(s) or crime(s) referred to in (1) and (2).~~
- ~~4. The extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.~~
- ~~5. Evidence, if any, of rehabilitation submitted by the applicant.~~

## CONDITIONS OF PROBATION

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The Board's primary responsibility is consumer protection. The Board believes that in disciplinary matters where probation has been imposed, conditions should be established to provide for consumer protection and allow the probationer to demonstrate rehabilitation.

The following conditions of probation provide for consumer protection and establish a mechanism to monitor the rehabilitation progress of a probationer.

For purposes of implementation of these conditions of probation, the term "designee" shall refer to the Executive Officer, Assistant Executive Officer, Enforcement Manager or probation monitor of the Board of Barbering and Cosmetology.

Upon successful completion of probation, respondent's license(s) will be fully restored.

## PROBATIONARY CONDITIONS

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Probationary conditions are divided into two categories:

A. **Standard** conditions that should appear in all probation orders;

B. **Optional** conditions are those that are appropriate based on the nature and circumstances of the particular violation.

## MITIGATION EVIDENCE

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The Respondent is permitted to present mitigating circumstances and rehabilitation evidence at a hearing and the Board will review the evidence submitted. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the Respondent may submit to demonstrate ~~his or her~~ their rehabilitative efforts and competency:

A) List of improvements made to the Establishment:

- Policy & Procedures Established
- Photographs of Improvements
- Rental Agreements

B) Declaration stating how Respondent has corrected the violations cited.

C) Certification of courses completed.

D) If Respondent was convicted of a criminal offense:

- A letter describing the underlying circumstances of the arrest(s) as well as any rehabilitative efforts or changes in life since that time to prevent future problems.
- Letters of reference from past and/or current employers.
- Evidence of compliance with and completion of terms of probation, parole, restitution or any other sanctions (proof of enrollment/completion of court ordered programs, classes, fines) for each conviction.
- Letters from recognized recovery programs attesting to current sobriety, length of time of sobriety, and recovery programs, if there has been a history of alcohol or drug abuse.

## **STANDARD CONDITIONS OF PROBATION** [\*Page numbers cross-referenced in this section are to be updated after OAL approval]

Each disciplinary order is required to contain the introductory language described on page 28-34\* of this pamphlet, and each of the following 16-13 conditions (for an explanation and recommended language for each condition, turn to pages 29-32-33-42\*):

- ~~1) Suspension of License~~
- ~~2) Posting of Suspension Sign~~
- ~~3) Cost Recovery (Does not apply to Applicants)~~
- ~~4) Quarterly Reports of Compliance~~
- 1) Obey all Laws
- 2) Cost Recovery (Does not apply to Applicants)
- 3) Quarterly Reports of Compliance
- ~~5)4) Notification to Employer Establishment Owner(s)~~
- ~~6)5) Change of Employment~~
- ~~7)6) Participation in Apprenticeship or Externship Program~~
- ~~8)7) Publication of Disciplinary Action~~
- ~~9) Obey all laws~~
- ~~10)8) Comply with the Board's Probation Program~~
- ~~11)9) Violation of Probation~~
- ~~12) Report in Person~~
- ~~13) Residency Outside of State~~
- ~~14)10) Failure to Practice — California Resident /Tolling~~

~~15)~~11) Maintain Valid License

12) Petition for Reduction of Penalty

~~16)~~13) License Surrender While on Probation

## OPTIONAL CONDITIONS OF PROBATION [\*Page numbers to be updated after OAL approval]

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Any of the optional conditions may be included if relevant to the violation (for an explanation and recommended language for each condition, refer to pages 33-35 43-45\*):

- 1) Remedial Education Courses
- 2) Written Licensing Examination
- 3) ~~Practical Licensing Examination~~
- 4) ~~3) Notice to Employees of Discipline~~
- 5) ~~4) Criminal Probation~~
- 6) ~~5) Proof of Advertising Correction~~
- 7) ~~6) Restitution~~
- 8) ~~7) Reimbursement of Probation Program~~
- 9) ~~8) Manager or Licensee in Charge~~
- 10) ~~9) Abstain from Controlled Substances / Submit to Biological Fluid Testing~~
- 11) ~~10) Abstain from Use of Alcohol / Submit to Biological Fluid Testing~~
- 11) Suspension of License
- 12) Posting of Suspension Sign

# THE BARBERING AND COSMETOLOGY ACT VIOLATIONS AND RECOMMENDED ACTIONS

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The Barbering and Cosmetology Act (Business and Professions Code, Division 3, Chapter 10) and additional sections of the Business and Professions Code specify the offenses for which the Board may take disciplinary action. The following are code numbers of the offenses and the recommended Board-determined disciplinary action. When filing an accusation, the Office of the Attorney General may also cite additional related statutes and resolutions.

**7320     ~~If the violation is for the practice of medicine~~  
VIOLATION INVOLVING THE PRACTICE OF MEDICINE OR  
SURGERY, ~~then the recommended penalty is as~~  
~~follows:~~**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
~~Suspension, 15 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~76~~) Restitution  
(11) Suspension of License, 15 consecutive  
working days  
(12) Posting of Suspension Sign

**7320.1     ~~If the violation is for the use of metal instruments~~  
VIOLATION INVOLVING UNAUTHORIZED USE OF METAL  
INSTRUMENTS IN PROVIDING MANICURE OR PEDICURE  
~~then the recommended penalty is as follows:~~**

**Recommended Penalty:**



- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
Suspension, 5 consecutive working days  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(76) Restitution  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7320.2** ~~If the violation is for practicing illegal treatment methods~~ **VIOLATION INVOLVING ILLEGAL USE OF X-RAY APPLIANCE, APPARATUS, OR MACHINE** ~~then the recommended penalty is as follows:~~

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
Suspension, 15 consecutive working days  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(76) Restitution  
(11) Suspension of License, 15 consecutive working days  
(12) Posting of Suspension Sign

## **7404(a) UNPROFESSIONAL CONDUCT**

### **Recommended Penalty:**

- **Maximum:** Revocation/Denial of License  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~54~~) Criminal Probation  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

## **7404(a)(1) INCOMPETENCE OR GROSS NEGLIGENCE, INCLUDING FAILURE TO COMPLY WITH GENERALLY ACCEPTED STANDARDS FOR THE PRACTICE OF BARBERING, COSMETOLOGY, OR ELECTROLOGY OR DISREGARD FOR THE HEALTH AND SAFETY OF PATRONS.**

### **Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
(~~43~~) Notice to Employees of Discipline  
(~~76~~) Restitution

(11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

#### **7404(a)(2) REPEATED SIMILAR NEGLIGENT ACTS.**

##### **Recommended Penalty:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. 1-16 1-13  
Optional Terms of Probation Nos.  
(1) Remedial Education  
(2) Written Licensing Exam  
~~(3) Practical Licensing Exam~~  
~~(43) Notice to Employees of Discipline~~  
(11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

#### **7404(a)(3) CONVICTION OF ANY CRIME SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS, OR DUTIES OF THE LICENSEHOLDER, IN WHICH CASE, THE RECORDS OF CONVICTION OR A CERTIFIED COPY SHALL BE CONCLUSIVE EVIDENCE THEREOF.**

(Refer to sections in this document relating to penalties for violating “Section 480” for recommended guidelines for denial of a license based upon a criminal conviction.)

~~Conviction of a felony involving a crime of violence (including, but not limited to: murder, attempted murder, assault with a deadly weapon) or prostitution (soliciting) within the past three years or is currently on parole or probation for such a conviction.~~

##### **Recommended Penalty:**

- **Maximum:** Revocation  
Denial of license  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
License issued with Terms and Conditions appropriate to crime  
Probation, 3 years  
Partial Cost Recovery  
Standard Terms of Probation Nos. 1-16-1-13  
Optional Terms of Probation No.  
(54) Criminal Probation

~~Conviction of three or more felonies involving crimes of violence (including, but not limited to: murder, attempted murder, assault with a deadly weapon) or prostitution (soliciting) within the past five years (or six in a ten year period).~~

**Recommended Penalty:**

- **Maximum:** Revocation  
Denial of License  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
License issued with Terms and Conditions appropriate to crime  
Probation, 5 years  
Partial Cost Recovery  
Standard Terms of Probation Nos. 1-16  
Optional Terms of Probation No.  
(5) Criminal Probation

~~Conviction of a crime of a sexual nature (other than those involving a minor) within the past three years or is currently on parole or probation (including, but not limited to: rape, sexual assault, and molestation).~~

**Recommended Penalty:**

- **Maximum:** Revocation  
Denial of License  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
License issued with Terms and Conditions

~~appropriate to crime~~  
~~Probation, 5 years~~  
~~Partial Cost Recovery~~  
~~Standard Terms of Probation Nos. 1-16~~  
~~Optional Terms of Probation No.~~  
~~(5) Criminal Probation~~

~~Conviction of any crime committed by a licensee in an establishment subject to regulation by the Board.~~

**Recommended Penalty:**

- ~~Maximum:~~ Revocation  
~~Full Cost Recovery~~
- ~~Minimum:~~ Revocation, stayed  
~~License issued with Terms and Conditions~~  
~~appropriate to crime~~  
~~Probation, 3 years~~  
~~Partial Cost Recovery~~  
~~Standard Terms of Probation Nos. 1-16~~  
~~Optional Terms of Probation No.~~  
~~(5) Criminal Probation~~

**7404(a)(4) ADVERTISING BY MEANS OF KNOWINGLY FALSE OR DECEPTIVE STATEMENTS.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 1 year  
Suspension, 5 consecutive working days  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16 1-13  
Optional Terms of Probation No.s.  
(65) Proof of Advertising Correction  
(11) Suspension of License, 5 consecutive  
working days  
(12) Posting of Suspension Sign

**7404(b) FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER.**  
(All other Business and Professions Code sections cited.)

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full-Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) ~~Notice to Employees of Discipline~~  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(c) FAILURE TO COMPLY WITH THE RULES GOVERNING HEALTH AND SAFETY ADOPTED BY THE BOARD AND APPROVED BY THE STATE DEPARTMENT OF HEALTH SERVICES, FOR THE REGULATION OF ESTABLISHMENTS, OR ANY PRACTICE LICENSED AND REGULATED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full-Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) ~~Notice to Employees of Discipline~~

(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(d) FAILURE TO COMPLY WITH THE RULES ADOPTED BY THE BOARD FOR THE REGULATION OF ESTABLISHMENTS OR ANY PRACTICE LICENSED AND REGULATED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 3 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(2) Written Licensing Exam  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(e) CONTINUED PRACTICE BY A PERSON KNOWINGLY HAVING AN INFECTIOUS OR CONTAGIOUS DISEASE.**

**Recommended Penalty:**

- **Maximum:** License is suspended until Respondent provides written proof from a physician stating that he/she is they are no longer contagious/infectious. Upon verification, license is suspended for 30 consecutive working days and license is placed on 3 years probation.  
~~Full Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13
- **Minimum:** License is suspended until Respondent provides written proof from a physician stating that he/she

~~is they are~~ no longer contagious/infectious. Upon verification, license is placed on 1 year probation.

~~Partial Cost Recovery~~

Standard Terms of Probation Nos. ~~1-16~~ 1-13

**7404(f) HABITUAL DRUNKENNESS, HABITUAL USE OF OR ADDICTION TO THE USE OF ANY CONTROLLED SUBSTANCE.**

**Recommended Penalty:**

- **Maximum:** ~~Revocation~~  
Cost Recovery
- **Minimum:** License is suspended until Respondent completes a drug/alcohol rehabilitation program. Upon verification of completion, license is placed on 3 years probation.

~~Full Cost Recovery~~

Standard Terms of Probation Nos. ~~1-16~~ 1-13

Optional Terms of Probation No.

(~~54~~) Criminal Probation

**7404(g) OBTAINING OR ATTEMPTING TO OBTAIN PRACTICE IN ANY OCCUPATION LICENSED AND REGULATED UNDER THIS CHAPTER, FOR MONEY, OR COMPENSATION IN ANY FORM, BY FRAUDULENT MISREPRESENTATION.**

**Recommended Penalty:**

- **Maximum:** Revocation  
~~Full Cost Recovery~~
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~1-16~~ 1-13  
Optional Terms of Probation Nos.  
(~~54~~) Criminal Probation



- (11) Suspension of License, 10 consecutive working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(h) FAILURE TO DISPLAY THE LICENSE OR HEALTH AND SAFETY RULES AND REGULATIONS IN A CONSPICUOUS PLACE.**

**Recommended Penalty:**

- **Maximum:** Suspension, 5 consecutive working days  
Full-Cost Recovery
- **Minimum:** Public Letter of Reprimand  
Partial-Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation No.  
(43) Notice to Employees of Discipline

**7404(i) ENGAGING, OUTSIDE OF A LICENSED ESTABLISHMENT AND FOR COMPENSATION IN ANY FORM WHATEVER, IN ANY PRACTICE FOR WHICH A LICENSE IS REQUIRED UNDER THIS CHAPTER, EXCEPT THAT WHEN THE SERVICE IS PROVIDED BECAUSE OF ILLNESS OR OTHER PHYSICAL OR MENTAL INCAPACITATION OF THE RECIPIENT OF THE SERVICE AND WHEN PERFORMED BY A LICENSEE OBTAINED FOR THE PURPOSE FROM A LICENSED ESTABLISHMENT.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
Suspension, 5 consecutive working days  
Partial-Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13

Optional Terms of Probation Nos.  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive  
working days  
(12) Posting of Suspension Sign

**7404(j) PERMITTING A LICENSE TO BE USED WHERE THE  
HOLDER IS NOT PERSONALLY, ACTIVELY, AND  
CONTINUOUSLY ENGAGED IN BUSINESS.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 5 years  
~~Suspension, 15 consecutive working days~~  
~~Full Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 15 consecutive  
working days  
(12) Posting of Suspension Sign

**7404(k) THE MAKING OF ANY FALSE STATEMENT AS TO A  
MATERIAL MATTER IN ANY OATH OR AFFIDAVIT, WHICH  
IS REQUIRED BY THE PROVISIONS OF THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
~~Partial Cost Recovery~~  
Standard Terms of Probation Nos. ~~4-16~~ 1-13  
Optional Terms of Probation Nos.

(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(l) REFUSAL TO PERMIT OR INTERFERENCE WITH AN INSPECTION AUTHORIZED UNDER THIS CHAPTER.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation Nos.  
(43) Notice to Employees of Discipline  
(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**7404(m) ANY ACTION OR CONDUCT WHICH WOULD HAVE WARRANTED THE DENIAL OF A LICENSE.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Suspension, 5 consecutive working days~~  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13  
Optional Terms of Probation Nos.  
(43) Notice to Employees of Discipline  
(54) Criminal Probation

(11) Suspension of License, 5 consecutive working days  
(12) Posting of Suspension Sign

**NOTE: If Respondent has a pending application on file, the application shall be denied.**

**7404(n) FAILURE TO SURRENDER A LICENSE THAT WAS ISSUED IN ERROR OR BY MISTAKE.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Full-Cost Recovery
- **Minimum:** Public Letter of Reprimand  
Partial Cost Recovery  
Standard Terms of Probation Nos. 4-16-1-13

**~~480(a)(1) BEEN CONVICTED OF A CRIME. A CONVICTION WITHIN THE MEANING OF THIS SECTION MEANS A PLEA OR VERDICT OF GUILTY OR A CONVICTION FOLLOWING A PLEA OF NOLO CONTENDERE. ANY ACTION WHICH A BOARD IS PERMITTED TO TAKE FOLLOWING THE ESTABLISHMENT OF A CONVICTION MAY BE TAKEN WHEN THE TIME FOR APPEAL HAS ELAPSED, OR THE JUDGEMENT OF CONVICTION HAS BEEN AFFIRMED ON APPEAL, OR WHEN AN ORDER GRANTING PROBATION IS MADE SUSPENDING THE IMPOSITION OF SENTENCE, IRRESPECTIVE OF A SUBSEQUENT ORDER UNDER THE PROVISIONS OF SECTION 1203.4 OF THE PENAL CODE.~~**

**DENIAL OF AN APPLICATION BASED UPON CONVICTION OF A CRIME AS SPECIFIED IN BUSINESS AND PROFESSIONS CODE SECTION 480.**

**Recommended Penalty:**

- **Maximum:** Denial of Application for Licensure
- **Minimum:** Revocation, stayed  
Probation, 2 years (for misdemeanor)

~~3 years (less than 3 felonies)~~  
~~5 years (more than 3 felonies)~~  
~~Standard Terms of Probation Nos. 4-16-1-13~~  
~~Optional Terms of Probation No.~~  
~~(54) Criminal Probation~~

**480(a)(2) THE APPLICANT HAS BEEN SUBJECTED TO FORMAL DISCIPLINE BY A LICENSING BOARD IN OR OUTSIDE CALIFORNIA WITHIN THE PRECEDING SEVEN YEARS FROM THE DATE OF APPLICATION BASED ON PROFESSIONAL MISCONDUCT AS SPECIFIED IN BUSINESS AND PROFESSIONS CODE SECTION 480(a)(2).**  
~~DONE ANY ACT INVOLVING DISHONESTY, FRAUD, OR DECEIT WITH THE INTENT TO SUBSTANTIALLY BENEFIT HIMSELF OR ANOTHER, OR SUBSTANTIALLY INJURE ANOTHER.~~

**Recommended Penalty:**

- **Maximum:** Denial of Application for Licensure
- **Minimum:** Revocation, stayed  
Probation, 2 years  
~~Standard Terms of Probation Nos. 4-16-1-13~~  
~~Optional Terms of Probation No.~~  
~~(54) Criminal Probation~~

**480(a)(3) ~~DONE ANY ACT WHICH IF DONE BY A LICENTATE OF THE BUSINESS OR PROFESSION IN QUESTION, WOULD BE GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE. THE BOARD MAY DENY A LICENSE PURSUANT TO THIS SUBDIVISION ONLY IF THE CRIME OR ACT IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS OR DUTIES OF THE BUSINESS OR PROFESSION FOR WHICH APPLICATION IS MADE.~~**

**Recommended Penalty:**

- ~~**Maximum:** Denial of Application for Licensure~~
- ~~**Minimum:** Revocation, stayed  
Probation, 3 years  
Standard Terms of Probation Nos. 4-16  
Optional Terms of Probation No.~~

**~~480(c) A BOARD MAY DENY A LICENSE REGULATED BY THIS CODE ON THE GROUND THAT THE APPLICANT KNOWINGLY MADE A FALSE STATEMENT OF FACT REQUIRED TO BE REVEALED IN THE APPLICATION FOR SUCH LICENSE~~**

**~~Recommended Penalty:~~**

- ~~• **Maximum:** Denial of Application for Licensure~~
- ~~• **Minimum:** Revocation, stayed  
Probation, 2 years  
Standard Terms of Probation Nos. 4-16  
Optional Terms of Probation No.  
(5) Criminal Probation~~

**480(e) THE APPLICANT KNOWINGLY MADE A FALSE STATEMENT OF FACT REQUIRED TO BE REVEALED IN THE APPLICATION FOR SUCH LICENSE AS PROVIDED IN BUSINESS AND PROFESSIONS CODE SECTION 480(e).**

**Recommended Penalty:**

- Maximum:** Denial of Application for Licensure
- Minimum:** Revocation, stayed  
Probation, 2 years  
Standard Terms of Probation Nos. 1-13  
Optional Terms of Probation No.  
(4) Criminal Probation

**496 A BOARD MAY DENY, SUSPEND, REVOKE, OR OTHERWISE RESTRICT A LICENSE ON THE GROUND THAT AN APPLICANT OR LICENSEE HAS VIOLATED SECTION 123 PERTAINING TO SUBVERSION OF LICENSING EXAMINATIONS.**

**Recommended Penalty:**

- Maximum:** Revocation or Denial  
Full-Cost Recovery
- Minimum:** Probation, 2 years

~~Suspension, 10 consecutive working days~~  
~~Partial Cost Recovery (only if respondent~~  
~~holds another license)~~  
~~Standard Terms of Probation Nos. 4-16-1-13~~  
Optional Terms of Probation **Nos.**  
(5-4) Criminal Probation  
(11) Suspension of License, 10 consecutive  
working days  
(12) Posting of Suspension Sign

**499**

**A BOARD MAY REVOKE, SUSPEND, OR OTHERWISE  
RESTRICT A LICENSE ON THE GROUND THAT THE  
LICENSEE, IN SUPPORT OF ANOTHER PERSON'S  
APPLICATION FOR LICENSE, KNOWINGLY MADE A  
FALSE STATEMENT OF A MATERIAL FACT OR  
KNOWINGLY OMITTED TO STATE A MATERIAL FACT TO  
THE BOARD REGARDING THE APPLICATION.**

**Recommended Penalty:**

- **Maximum:** Revocation  
Cost Recovery
- **Minimum:** Probation, 5 years,  
Standard Terms of Probation Nos. 1-13  
Optional Terms of Probation **Nos.**  
(11) Suspension of License, 10 consecutive  
working days.  
(12) Posting of Suspension Sign

## **OTHER SITUATIONS IN WHICH REVOCATION IS THE RECOMMENDED PENALTY**

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1. Failure to file a Notice of Defense.
2. Failure to appear at the administrative hearing.
3. Failure to comply with the conditions of probation.
4. Subsequent acts, offenses, or convictions, which warrant the revocation of license.



## **~~CONDITIONS OF PROBATION~~**

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~~The Board's primary responsibility is consumer protection. The Board believes that in disciplinary matters where probation has been imposed, conditions should be established to provide for consumer protection and allow the probationer to demonstrate rehabilitation.~~

~~The following conditions of probation provide for consumer protection and establish a mechanism to monitor the rehabilitation progress of a probationer.~~

~~For purposes of implementation of these conditions of probation, any reference to the Board also means staff working for the Board of Barbering and Cosmetology.~~

## **~~PROBATIONARY CONDITIONS~~**

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~~Probationary conditions are divided into two categories:~~

~~**A. Standard** conditions should appear in all probation orders;~~

~~**B. Optional** conditions that are appropriate based on the nature and circumstances of the particular violation.~~

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## **INTRODUCTORY LANGUAGE FOR DISCIPLINARY ORDERS**

The following introductory language and all standard conditions of probation are to be included in probationary decisions/orders. For applicants, Condition 32, Cost Recovery, does not apply. For licensees, all standard conditions of probation apply. (Note: See alternative introductory language for applicants and reinstatements in next section of guidelines.)

**INTRODUCTORY LANGUAGE FOR ALL ORDERS**— It is hereby ordered that (license type) License No. (number) issued to Respondent (name) is revoked. However, revocation is stayed, and Respondent is placed on probation for a period of (number of years) years on the following conditions.

**SEVERABILITY CLAUSE** – Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

## RECOMMENDED LANGUAGE FOR STANDARD CONDITIONS OF PROBATION

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**(1) SUSPENSION OF LICENSE-** Respondent is suspended from the practice of (type of practice) for (number of days) consecutive working days. Respondent shall cease operating during the suspension period. During the suspension period, all conditions of probation are in full force and effect. The period of suspension shall be determined by the Board's designee and Respondent shall be notified in writing. Probation shall not terminate until the suspension period is served.

**(2) POSTING OF SUSPENSION SIGN-** During the period of suspension, Respondent shall post a notice which describes the nature of the violation for which the license is being disciplined. If only an individual's license is disciplined, the notice shall be conspicuously posted in the establishment where the Respondent performs barbering and cosmetology services. If an establishment license is disciplined, the notice shall be conspicuously posted, unobstructed and visible to the public from the outside of the main entrance. The sign to be posted will be provided by the Board of Barbering and Cosmetology designee prior to the commencement of the suspension and will include the Respondent's name and license number(s).

**(1) OBEY ALL LAWS-** Respondent shall obey all federal, state, local laws, criminal orders of probation or parole if applicable, and all rules and regulations governing any practice for which the respondent is licensed by the Board. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing to their assigned probation monitor within seventy-two (72) hours of occurrence.

**(32) COST RECOVERY-** Respondent shall pay to the Board of Barbering and Cosmetology costs associated with its investigation and enforcement pursuant to Business and Professions Code Sections 125.3 and 7403 in the amount of \$ \_\_\_\_\_. Upon written request to their assigned probation monitor and approval by the Board or its designee, Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term. Respondent shall make payments pursuant to a payment plan specified by the Board or its designee taking into consideration all of the following: (1) Respondent's ability to pay, (2) the total amount of cost recovery owed, and (3) the length of the probationary period. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment

schedule Respondent shall be considered to be in violation of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. ~~The filing of bankruptcy by the Respondent shall not relieve the Respondent of his/her responsibility to reimburse the Board for these costs.~~

Modification to an authorized payment plan, including an extension of time to complete payments or a revised payment schedule, may be requested by the Respondent in writing to their assigned probation monitor and granted upon a showing of "good cause" by the Respondent. The Respondent's request for modification shall contain an explanation for why the requested modification to an authorized payment plan should be granted and is subject to approval by the Board or its designee. For purposes of this section "good cause" shall include:

- (A) Death of an immediate family member (spouse, child, or parent). Documentation, such as a copy of the death certificate, must be submitted.
- (B) Catastrophic illness, contagious disease, or major traumatic injury to the applicant or immediate family member (spouse, child, or parent). Documentation, such as an original letter on letterhead from the physician, which includes the date(s), nature of the illness, and the physician's signature, must be submitted.
- (C) Natural disaster (earthquake, flood, fire, etc.).
- (D) Other cause based on extenuating circumstances and decided on a case-by-case basis by the Board or its designee.

**(43) QUARTERLY REPORTS OF COMPLIANCE** - Respondent shall submit Quarterly Reports of Compliance to the Board of Barbering and Cosmetology's designee in accordance with a specified schedule. The form, "Quarterly Report of Compliance," which is provided by the Board's Enforcement Program, must be completed and signed under penalty of perjury regarding compliance with all conditions of probation. A complete "Quarterly Report of Compliance" shall contain:

- (A) Respondent's personal information, including:
  - (i) Respondent's full legal name (first, last, middle, suffix (if any)),
  - (ii) Case number,
  - (iii) License number,
  - (iv) License expiration date

- (v) Telephone number,
- (vi) Email address, if any,
- (vii) Address of record with the Board (mailing address), and,
- (viii) Residence Address (if different than address of record).

(B) For Respondents who own an establishment, identifying establishment information including:

- (i) the establishment's name,
- (ii) the establishment's license number,
- (iii) the establishment's license expiration date,
- (iv) the establishment's address of record with the Board.

(C) Respondent's employment information, including the following information regarding where Respondent works:

- (i) the establishment's name,
- (ii) the establishment's license number,
- (iii) the establishment's physical address,
- (iv) the establishment's telephone number,
- (v) the Respondent's total work schedule for a standard week (Monday-Sunday), including Respondent's scheduled work hours for each day of a standard week (e.g., state work week hours: "Mondays (8 hours), Tuesdays (4 hours), etc.). For days not worked Respondent shall indicate "N/A" next to each day of the standard week where they are not scheduled to work when reporting their total work schedule.

(D) Written disclosures regarding whether Respondent has complied with each condition of probation contained in this Decision since their last quarterly report or as of this report (if this is their first quarterly report); and, if applicable,

(E) If Respondent discloses they are not in compliance with any condition of probation, a written statement explaining why Respondent is not in compliance with any particular condition(s) of probation.

Omission or falsification in any manner of any information on these reports or failure to submit the information required by this section by the due date(s) specified in this section shall constitute a violation of probation. Quarterly reports are due for each year of probation and the entire length of probation as follows:

- For the period covering January 1<sup>st</sup> through March 31<sup>st</sup>, reports are to be completed and submitted between April 1<sup>st</sup> and April 7<sup>th</sup>.

- For period covering April 1<sup>st</sup> through June 30<sup>th</sup>, reports are to be completed and submitted between July 1<sup>st</sup> and July 7<sup>th</sup>.
- For the period covering July 1<sup>st</sup> through September 30<sup>th</sup>, reports are to be completed and submitted between October 1<sup>st</sup> and October 7<sup>th</sup>.
- For the period covering October 1<sup>st</sup> through December 31<sup>st</sup>, reports are to be completed and submitted between January 1<sup>st</sup> and January 7<sup>th</sup>

**(54) NOTIFICATION TO EMPLOYER/ESTABLISHMENT OWNER(S) -**

Respondent shall be required to inform ~~his/her~~ their employer and any subsequent employer and/or the holder of the establishment license where Respondent practices ("employer") during the probation period of the discipline imposed by this Decision by providing a written notice to the employer containing the information required by this section and also providing the employer with a copy of the Decision and Order and the Accusation or Statement of Issues, as applicable, in this matter. Written notice to the employer shall be provided within 30 days of the effective date of the Decision or within 30 days after change of employer, as applicable, and shall contain the following:

- A. Name of the Respondent,
- B. Name of the employer,
- C. Duration of the probation or suspension, and,
- D. A copy of the Decision.

Within 30 days of the effective date of the Decision or change of employer, Respondent shall submit to **their assigned probation monitor at** the Board a copy of the written notice provided to the employer in compliance with this section. ~~The employer will be requested to inform the Board of Barbering and Cosmetology, in writing, that he/she is aware of the discipline. This applies to independent contractors (booth renters) as well as employees.~~ The Respondent shall provide to **their probation monitor** the following information for all establishments where the Respondent is providing services during the period of probation:

- A. Name(s) of their employer(s),
- B. Physical address(es),
- C. Mailing address(es), and,
- D. Telephone number(s).

**(65) CHANGE OF EMPLOYMENT –** Respondent shall notify the Board of Barbering and Cosmetology in writing of any and all changes in employment status, employment location, and address within 30 days of such change. The written notice shall include the name, address, and

telephone number of the holder of the establishment license where Respondent practices, and the date Respondent changed work locations.

**(76) PARTICIPATION IN APPRENTICESHIP OR EXTERNSHIP**

**PROGRAM** – Respondent shall not participate as a trainer or supervisor in an apprenticeship or externship program during the course of this probation. If Respondent is the holder of an establishment license, Respondent's establishment shall not participate in an apprenticeship or externship program during the course of this probation. Respondent shall terminate any such program in existence on the effective date of this decision.

**(87) PUBLICATION OF DISCIPLINARY ACTION** – Any disciplinary action imposed as a result of this Decision may be published in the appropriate Board of Barbering and Cosmetology newsletter or other publication. Additionally, the Board or its designee may issue press releases or other public notices of disciplinary action taken by the Board of Barbering and Cosmetology.

~~**(9) OBEY ALL LAWS**~~ Respondent shall obey all federal, state, local laws, and all rules and regulations governing any practice for which the Respondent is licensed. ~~A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing within seventy-two (72) hours of occurrence.~~

**(108) COMPLY WITH THE BOARD'S PROBATION PROGRAM –**

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Board's Probation Program. Respondent shall keep the Board informed of Respondent's business and addresses of record (physical and mailing). Respondent shall inform the Board in writing within ~~fifteen (15)~~ thirty (30) days of any address change and claim all certified mail issued by the Board. Respondent shall respond to all notices of reasonable requests timely, and appear for any scheduled meeting as directed by the Board or its designee. Respondent shall ~~and~~ submit reports, remedial education documentation, verification of employment, or other similar reports, as requested and directed by the Board or its representative. Failure to appear for any scheduled meeting or cooperate with the requirements of the program, including timely submission of requested information, shall constitute a violation of probation.

**(119) VIOLATION OF PROBATION** – If Respondent violates the any conditions of his/her probation, the Board, after giving the Respondent notice and the opportunity to be heard, may set aside the Order and impose the stayed discipline (revocation/suspension) of the Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

~~**(12) REPORT IN PERSON** Upon written notification, Respondent may be required to appear in person before the Board of Barbering and Cosmetology or its designee at any time during the period of suspension or probation.~~

~~**(13) RESIDENCY OUTSIDE OF THE STATE** Respondent shall immediately notify the Board's designee of any and all address changes. If Respondent should travel outside California for a period greater than sixty (60) days, Respondent must notify the Board's designee, in writing, of the dates of departure and return. Periods of residence outside the State of California shall not apply toward a reduction of this probation time period.~~

~~Respondent's license shall be automatically cancelled if Respondent's periods of temporary or permanent residence or practice outside California total two years. However, Respondent's license shall not be cancelled as long as Respondent is residing and practicing in another state of the United States and is on active probation with the licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.~~

**(1410) FAILURE TO PRACTICE CALIFORNIA RESIDENT /TOLLING** - In the event Respondent<sub>1</sub> resides in the State of California and for any reason, Respondent stops ceases practicing in California, Respondent shall notify the Board or its designee in writing within 30 ten (10) calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, or temporary or permanent residency or practice outside of California will not apply to the reduction of the probationary term and does not relieve Respondent of the responsibility to comply with the terms and conditions of probation ("non-practice").



Respondent's probation is tolled for as long as Respondent is in a period of non-practice. The period of probation shall be extended for the period of time Respondent's probation is tolled.

It shall be a violation of probation for Respondent to remain in a period of non-practice for a total of two years.

**(1511) MAINTAIN VALID LICENSE** – Respondent shall maintain a current, active, and valid license for the length of the probation period, including any period during which probation is tolled. Failure to pay all fees prior to the license expiration date shall constitute a violation of probation.

**(12) PETITION FOR REDUCTION OF PENALTY-** Pursuant to Government Code Section 11522, Respondent may petition for a reduction of penalty after a period of not less than one (1) year has elapsed from the effective date of this Decision or from the date of the denial of a similar petition filed by Respondent, whichever is applicable. The Board shall give notice to the Attorney General of the filing of any petition by Respondent and the Attorney General and the Respondent shall be afforded an opportunity to present either oral or written argument before the Board if a petition is filed in accordance with Section 11522. The Board shall determine if a reduction in penalty is warranted based on Respondent's compliance with the terms and conditions of probation, and demonstration of their ability to practice safely as evidenced by inspections of the workplace since the effective date of the Decision.

**(1613) LICENSE SURRENDER WHILE ON PROBATION-** Following the effective date of this Decision, if Respondent ceases practicing ~~due to retirement or health reasons,~~ or is otherwise unable to satisfy the terms and conditions of probation, Respondent may voluntarily request, in writing, the surrender of ~~his/her~~ their license to the Board. Respondent's written request to surrender their license shall include the following: their name, license number, case number, address of record, and an explanation of the reason(s) why respondent seeks to surrender their license.

The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. If Respondent owes any outstanding costs associated with the investigation and enforcement of this disciplinary action, the outstanding amount shall be paid in full at the time the request is submitted to the Board.

Upon formal acceptance of the surrender, Respondent shall within 30 calendar days deliver Respondent's license to the Board or its designee and Respondent shall no longer engage in any practice for which ~~a~~ that license is required. Upon formal acceptance of the ~~tendered license~~ surrender, Respondent will no longer be subject to the terms and conditions of probation. Voluntary surrender of Respondent's license shall be considered to be a disciplinary action and shall become a part of Respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should Respondent at any time after voluntary surrender ever reapply to the Board for licensure Respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational requirements, and taking and passing any and all examinations required of new applicants.

## **RECOMMENDED LANGUAGE FOR OPTIONAL CONDITIONS OF PROBATION**

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**(1) REMEDIAL EDUCATION COURSES** – Respondent shall complete remedial education courses directly relevant to the violation(s) as specified by the Board of Barbering and Cosmetology within 180 days from the effective date of this Decision. The education courses shall be completed in a Board approved school. Respondent shall provide proof of attendance and satisfactory completion of the courses. Failure to satisfactorily complete the required courses as scheduled shall constitute a violation of probation. Respondent shall be responsible for all costs associated with such remedial education.

**(2) WRITTEN LICENSING EXAMINATION** – If Respondent fails to pass the examination within 180 days from the effective date of this Decision, Respondent's license shall be suspended and Respondent shall cease practice until Respondent takes and successfully passes the examination, has submitted proof of same to the Board, and has been notified by the Board that ~~he/she~~ Respondent may resume practice. The examination will be administered by the examination staff of the Board of Barbering and Cosmetology. Respondent shall pay the established examination fee and any other costs associated with taking the examination.

~~**(3) PRACTICAL LICENSING EXAMINATION** – If Respondent fails to pass the examination within 180 days from the effective date of this Decision, Respondent's license shall be suspended and respondent shall cease practice until Respondent takes and successfully passes examination, has submitted proof of same to the Board, and has been notified by the Board that he/she may resume practice. The examination will be administered by the examination staff of the Board of Barbering and Cosmetology. Respondent shall pay the established examination fee and any other costs associated with taking the examination.~~

**(43) NOTICE OF DISCIPLINE EMPLOYEES** – A Respondent who is an establishment owner a holder of an establishment license shall, upon or before the effective date of this Decision, post or circulate a copy of the Accusation or Statement of Issues, as applicable, and this Decision and Order to each employee or independent contractor practicing at Respondent's establishment. ~~a notice to all employees working in the establishment which accurately recites the terms and conditions of this Decision. Respondent shall be responsible for said notice being immediately available to employees. "Employees" as used in this provision includes all~~

~~full-time, part-time, temporary, and independent contractors employed or hired at any time during probation.~~

**(54) CRIMINAL PROBATION** – If Respondent is on criminal probation for the acts upon which disciplinary action is based, Respondent shall submit reports from the criminal court probation officer regarding Respondent's progress during criminal probation, if available. Available Reports shall be filed quarterly and continue until Respondent is no longer on criminal probation or the Board's probation is terminated, whichever occurs first.

**(65) PROOF OF ADVERTISING CORRECTION** – If the advertising violation that led to the disciplinary action has not been corrected, Respondent shall not practice until proof of correction has been submitted to the Board of Barbering and Cosmetology or its designee.

**(76) RESTITUTION** – Respondent shall make restitution to any injured party in the amount of (specify amount). Proof of compliance with this term shall be submitted to the Board of Barbering and Cosmetology's or its designee within (specify time) of the effective date of the Decision. The name and address of the injured party may be inserted in the body of this condition. The amount and time period in which to comply shall be based upon the facts of the case.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

**(87) REIMBURSEMENT OF PROBATION PROGRAM-** Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration for the probation period. Reimbursement costs shall be \$\_\_\_\_\_ per year/\$\_\_\_\_\_ per month.

**(98) MANAGER OR LICENSEE IN CHARGE** – Respondent shall not act as manager or licensee in charge of any establishment during the course of this probation. Respondent shall terminate any such duties on the effective date of this decision.

**(409) ABSTAIN FROM CONTROLLED SUBSTANCES /SUBMIT TO BIOLOGICAL FLUID TESTING** – Respondent shall completely abstain from the use or possession of controlled or illegal substances during the period of probation unless lawfully prescribed by a medical practitioner for a bona fide

illness. Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. Respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding shall constitute a violation of probation.

**(11) ABSTAIN FROM USE OF ALCOHOL / SUBMIT TO BIOLOGICAL FLUID TESTING-** Respondent shall completely abstain from the use of alcoholic beverages during the period of probation. Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. Respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding shall constitute a violation of probation.

**(12) SUSPENSION OF LICENSE –** Respondent is suspended from the practice of (type of practice) for (number of days) consecutive working days beginning on the effective date of this Decision. Respondent shall cease operating during the suspension period. During the suspension period, all conditions of probation are in full force and effect. Probation shall not terminate until the suspension period is served.

**(13) POSTING OF SUSPENSION SIGN -** During the period of suspension, Respondent shall post a notice which describes the nature of the violation for which the license is being disciplined. If only an individual's license is disciplined, the notice shall be conspicuously posted in the establishment where the Respondent performs barbering and cosmetology services. If an establishment license is disciplined, the notice shall be conspicuously posted, unobstructed and visible to the public from the outside of the main entrance. The 8-inch by 11-inch notice to be posted will be provided by the Board of Barbering and Cosmetology designee in the form of a sign to be posted by Respondent prior to the commencement of the suspension and will include the Respondent's name and license number(s).

## RECOMMENDED LANGUAGE FOR APPLICANTS AND REINSTATEMENTS

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In order to provide clarity and consistency in its decision, the Board of Barbering and Cosmetology recommends the following language in proposed decisions or stipulated agreements for examination applicants, establishment license applicants, schools, school applicants, and for petitioners for reinstatement who are issued a license that is placed on probation.

▪ **Examination Applicants who are placed on probation:**

“The application of Respondent \_\_\_\_\_ for licensure is hereby granted. Upon successful completion of the licensing examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following condition:”

▪ **Establishment License Applicants who are placed on probation:**

“The application of Respondent \_\_\_\_\_ for licensure is hereby granted and a license shall be issued to Respondent upon successful completion of all licensing requirements. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following conditions:”

▪ **Reinstatement of Licensure with conditions of probation:**

“The application of Respondent \_\_\_\_\_ for reinstatement of license number \_\_\_\_\_ is hereby granted. License number \_\_\_\_\_ shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of \_\_\_\_\_ years on the following conditions:”

~~It is important to note that, in many cases, petitioners for reinstatement have not practiced for at the least one (1) year. It is recommended that Respondent retake and successfully complete the licensing examination prior to reinstatement of the license if the case involved consumer harm.~~

~~In addition to the licensing examination requirement, it is recommended that Respondent take and successfully complete remedial education courses relevant to the violation(s) prior to reinstatement of the license.~~

▪ **Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent:**

“The petition for reinstatement filed by petitioner \_\_\_\_\_ is hereby granted, and petitioner’s license shall be fully reinstated upon completion of the following conditions precedent: [Note: Insert conditions such as take and successfully complete the Board’s [insert license type] licensing examination and/or remedial education courses relevant to the violation(s).]”

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner’s license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions:”

It is important to note that, in many cases, petitioners for reinstatement have not practiced for at least one (1) year. It is recommended that petitioner retake and successfully complete the licensing examination prior to reinstatement of the license if the case involved consumer harm.

In addition to the licensing examination requirement, it is recommended that petitioner take and successfully complete remedial education courses relevant to the violation(s) prior to reinstatement of the license.

**NOTE:** If cost recovery was ordered in the revocation or surrender of a license and the cost recovery has not been paid in full by petitioner, a probation condition requiring payment of original cost recovery must be included in the reinstatement and decision.

## **RECOMMENDED LANGUAGE FOR COST RECOVERY FOR SURRENDERS**

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▪ **When the Order is a surrender of license, cost recovery should be included as follows:**

“If and when Respondent’s license is reinstated, ~~he or she~~ they shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$\_\_\_\_\_. Respondent shall be permitted to pay these costs on a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.”

## **TIME FRAMES FOR PETITIONS FOR REINSTATEMENT AND MODIFICATION OF PENALTY**

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Pursuant to the California Administrative Procedure Act, Government Code Section 11522, “A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction or penalty after a period of not less than one (1) year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General, and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefore, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition or reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.”





## MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | November 4, 2024  |
| <b>TO</b>      | Members, Board of Barbering and Cosmetology   |
| <b>FROM</b>    | Kristy Underwood, Executive Officer   |
| <b>SUBJECT</b> | Discussion and Possible Action to Reconsider Previously Approved Text, and Consider Initiation of a Rulemaking to Amend Title 16, CCR section 911 (License by Endorsement (Reciprocity), Application and Out of State License Certifications) |

### Background

- The Licensing and Examination Committee (Committee) discussed implementation of a 90-day retention schedule for Out-of-State License Certifications on January 22, 2024. The Board currently receives Out-of-State License Certifications for individuals who do not submit a Reciprocity application with the Board until several months later, during which time there could have been action against their license. The 90-day retention schedule is necessary as this proposal aims to streamline the process by ensuring that reciprocity licenses are only issued to individuals with valid certifications, free of disciplinary actions. The Committee recommended the proposed language to the full Board on February 26, 2024 for consideration as a regulatory package. The Board approved the proposed regulatory language for Section 911, with a provision stipulating that the proposed regulatory text undergo legal review to address any potential legal issues.

### Discussion

- Following legal review, Regulations Counsel suggested amending the proposal to add further detail regarding how the Board would process applications from individuals licensed in another state (aka "Licensure by Endorsement" or "Reciprocity Applications") including the application requirements, fees and the satisfactory proof needed to be submitted by an applicant to show they have a current license issued by another state to qualify for licensure in this state in accordance with Business and Professions Code section 7331. As a result, the proposed regulatory language was completely revised from the Board approved February 26, 2024 version of the regulatory language. (See Attachment 1.)
- In addition, the new Reciprocity Application (Form #F-34555-BOC (New. November 2024)) formally adopts in regulation the changes needed to align with current practices and standards.

**Action Needed**

Staff requests that the Board review the attached proposed regulatory language, including new form and, if no further changes are recommended, move the motion provided below.

***Attachments included for reference:***

1. New Proposed Regulatory Language which incorporates by reference the following new form: “(1011) Application for Licensure by Endorsement (Reciprocity)” (Form #F-34555-BOC (New. November 2024), at Title 16, California Code of Regulations (CCR) section 911.
2. February 26, 2024, Board-approved Regulatory Language at Title 16, California Code of Regulations (CCR) section 911.

**Recommended Motion**

I move to rescind the Board’s prior motion approving text for this proposal on February 26, 2024 and instead approve the proposed regulatory text for title 16, CCR Section 911 as set forth in **Attachment 1** and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If the Board does not receive any objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 911 as noticed.

**DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. BOARD OF BARBERING AND COSMETOLOGY**

**PROPOSED REGULATORY LANGUAGE  
Out of State License Certification**

|   |
|---|
| <b>Legend:</b> Added text is indicated with an <u>underline</u> . |
|---|

**Amend title of Article 2 and Adopt Section 911 of Division 9 in Article 2 of Title 16 of the California Code of Regulations to read as follows:**

**Article 2. Qualifications for Examination and Licensure**

**§ 911. License by Endorsement (Reciprocity), Application and Out of State Certification Requirements.**

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) “Current, written certification” shall mean a certification meeting the requirements of this section dated no later than 90 days from the date of submission to the Board.

(2) “License” shall mean any license, or permit, or other comparable authority issued by a current licensing jurisdiction to practice within the same scope of practice for which the applicant seeks a license from the Board.

(3) “Application for licensure by endorsement or reciprocity” shall mean an application for a Board license based on an applicant having an active license in good standing from another jurisdiction pursuant to Business and Professions Code section 7331.

(4) “Good Standing” means that the applicant’s license is current, active and is not currently on probation, revoked, suspended, restricted, limited, or otherwise conditioned.

(5) “Jurisdiction” shall mean a state, district, or territory of the United States.

(6) “Current licensing jurisdiction” shall mean the jurisdiction, agency or board that issued a license to the applicant authorizing the applicant to practice within the same scope of practice for which the applicant seeks a license from the Board.

(b) The Board shall approve an application for licensure by endorsement or reciprocity and issue a license to practice to an applicant with a license who submits a completed application to the Board in accordance with this section and for whom no grounds for denial exist pursuant to Business and Professions Code section 480. For the purposes of this section, a completed application shall include:

(1) A completed form entitled “(1011) Application for Licensure by Endorsement (Reciprocity)” (Form #F-34555-BOC (New. November 2024), which is hereby incorporated by reference.

(2) The nonrefundable initial license fee specified in section 998, unless the applicant qualifies for a fee waiver in accordance with Section 115.5 of the Business and Professions Code and provides satisfactory evidence of their qualifications as specified by Form #F-34555-BOC (New. November 2024) in paragraph (1).

(3) Proof of a current license issued by another state.

(c) For the purposes of Section 7331 of the Business and Professions Code and this section, “proof of a current license issued by another state” shall mean documentation meeting the following requirements:

(1) a current, written certification from the applicant’s current licensing jurisdiction that the applicant’s license is in good standing in that jurisdiction and that the category of licensure applied for matches the information on record with the applicant’s current licensing jurisdiction. The certification shall include, at a minimum, the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license type and number issued to the applicant by the current licensing jurisdiction,

(C) the name and physical address of the licensing agency or entity,

(D) the issuance and expiration date of the license,

(E) information showing the applicant’s license status; and,

(F) signed and dated by an authorized representative of the current licensing jurisdiction.

(2) Submission of the written certification in paragraph 1 shall be sent directly from the current licensing jurisdiction to the Board by mail in an unopened, sealed envelope to the Board’s current physical address as listed on its website or by email from the current licensing jurisdiction to the applicable email address that is provided to each current licensing jurisdiction by the Board, within 90 days of the filing of their application for licensure by endorsement or reciprocity as specified in subsection (b).

(c) Any application for licensure by endorsement or reciprocity that does not contain proof of a current license issued by another state meeting the requirements of this section shall be deemed incomplete and not processed unless a new certification is submitted to the Board meeting the requirements of this section within the time period specified in Business and Professions Code section 7345.

(d) Applicants shall submit the certification required by this section within 90 days from the date of their filing an application for licensure by endorsement or reciprocity on the form required by subsection (b)(1) with the Board. The certification for any proposed applicant shall be kept in the Board's office for 90 days from the date it is received by the Board. If after 90 days the application for license has not been received for any proposed applicant associated with the certification, a new certification meeting the requirements of this section must be received from the licensing state for any future application filed by any applicant attempting to qualify for licensure by endorsement according to the requirements of this section.

*Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 21, 30, 31, 114.5, 115.4, 115.5, 135.4, 480, 494.5, 7331, 7337, 7421, 7423 and 7345, Business and Professions Code.*



# (1011) Application for Licensure by Endorsement (Reciprocity)

**Licensing Program**  
P.O. Box 944226  
Sacramento, CA 94244-2260  
Phone: (800) 952-5210  
Email:  
[barbercosmo@dca.ca.gov](mailto:barbercosmo@dca.ca.gov)  
[www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)

|   |  |  |  |
|---|--|--|--|
| <b>Cashiering<br/>(1011)<br/>Use Only:</b>  | Entity #   | Receipt #  | Amount<br>\$   |
| <b>I am applying for the following license type:</b> (Include the applicable non-refundable initial license fee specified here with this application unless you qualify for a fee waiver based on criteria set forth in Question No. B.7.)  |  |  |  |
| <input type="checkbox"/> Barber<br>(1001)<br>\$50   | <input type="checkbox"/> Cosmetologist<br>(1002)<br>\$50 | <input type="checkbox"/> Electrologist<br>(1003)<br>\$50 | <input type="checkbox"/> Esthetician<br>(1004)<br>\$40 |
| <input type="checkbox"/> Manicurist<br>(1005)<br>\$35   | <input type="checkbox"/> Hairstylist<br>(1006)<br>\$50   | <input type="checkbox"/> License Type                    |  |
| <b>I qualify for expedited application processing based on one of the below criteria:</b><br>Satisfactory evidence must be provided with your application. See Section B for more information.  |  |  |  |
| <input type="checkbox"/> Served as an Active duty member of the of the United States Armed Forces and was Honorably Discharged.   |  |  |  |
| <input type="checkbox"/> Hold a current, active license, or comparable authority in another U.S. state, district or territory to practice as a barber, cosmetologist, electrologist, esthetician, manicurist or hairstylist and am married to, or in a domestic partnership or other legal union with, with an active duty member of the US Armed Forces who is assigned to a duty station in this state under official Active duty military orders. (If you qualify and provide evidence as required in Question No. B. 7, you will also receive an initial license fee waiver.) |  |  |  |
| <input type="checkbox"/> Admitted to the United States as a Refugee, Granted Asylum, or have a Special Immigrant Visa Status.   |  |  |  |
| <input type="checkbox"/> Active duty member of a regular component of the United States Armed Forces enrolled in the United States Department of Defense SkillBridge program.   |  |  |  |
| <b>SECTION A: APPLICANT INFORMATION</b>   |  |  |  |
| Social Security or Individual Taxpayer Identification Number  |  |  |  |
| <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>  |  |  |  |
| Date of Birth (MM/DD/YY) Must be at least 17 years old  |  |  |  |
| <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>  |  |  |  |
| Last Name   |  | First Name   | Middle Name  |
| List any previously held names:   |  |  |  |

|  |       |            |
|--|-------|------------|
| Address (All correspondence will be mailed here, you may provide a P.O. Box or other alternate address).   |       | Apt Number |
| City   | State | Zip Code   |
| Telephone Number<br><div> <div></div> <div></div> <div></div> <div>-</div> <div></div> <div></div> <div></div> <div>-</div> <div></div> <div></div> <div></div> <div></div> </div> |       |            |
| Email Address  |       |            |
| (Optional) What is your spoken and written language preference?<br>_____   |       |            |

Address  
☐

Phone Number  
☐

Email Address  
☐

B&P Code 7314  
Language req.  
☐

| SECTION B: BACKGROUND INFORMATION |  |   |
|-----------------------------------|--|---|
| 1.                                | <p>Have you ever been convicted of any crime for which a license may be denied pursuant to BPC section 480, including:</p> <ul style="list-style-type: none"> <li>a. A criminal conviction for a serious felony under Penal Code section 1192.7;</li> <li>b. A criminal conviction that qualifies as a registerable offense under Penal Code section 290(d)(2) or (d)(3);</li> <li>c. A criminal conviction that occurred within the last seven (7) years preceding the application date;</li> <li>d. A criminal conviction for which you are presently incarcerated; or,</li> <li>e. Any conviction for which you were released from incarceration within the preceding seven (7) years?</li> </ul> <p><i>*If YES, attach documents or a written statement on a separate sheet(s) of paper that contains the following information, as applicable:</i></p> <ul style="list-style-type: none"> <li>(A) plea/conviction date,</li> <li>(B) incarceration date,</li> <li>(C) incarceration release date,</li> <li>(D) probation/parole release date,</li> <li>(E) arresting agency,</li> <li>(F) court name/location,</li> <li>(G) name of the case and case/docket number,</li> <li>(H) list of codes or laws violated,</li> <li>(I) explanation of the offense(s)/details of the crime(s), and,</li> <li>(J) a statement of any rehabilitation efforts or mitigating information that you would like to submit.</li> </ul> | <input type="checkbox"/> Yes<br><br><input type="checkbox"/> No |

|    |   |  |
|----|---|--|
| 2. | <p>Within the preceding seven (7) years from the date of the application, have you had a license, permit, registration, or certification ("license") that was formally disciplined by a licensing board in or outside of California?</p> <p><i>*If YES, attach copies of the disciplinary decision taken by the licensing board, agency, or other governmental organization ("board") that contains the following information:</i></p> <p>(A) the type of disciplinary action taken (e.g., revocation, suspension, probation),<br/>         (B) the effective date of the disciplinary action,<br/>         (C) the license type,<br/>         (D) the license number,<br/>         (E) the name and location of the licensing board, and<br/>         (F) an explanation of the violations found by the licensing board.</p> <p><i>In addition, you may submit a statement or documents showing your rehabilitation efforts or any mitigating information that you would like the Board to consider.</i></p>                               | <input type="checkbox"/> Yes<br><input type="checkbox"/> No  |
| 3. | <p>Do you hold any professional or vocational license(s) with a California Board?</p> <p><i>*If YES, list License Number(s), License Type, and Name of the Issuing California Board here: _____.</i></p>  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No  |
| 4. | <p>Are you serving in, or have you previously served in, the United States military? (BPC section 114.5)</p>  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No  |
| 5. | <p>If you answered "Yes" to Question No. 4 above, are you requesting expediting of this application for:</p> <p>a. Active duty member of a regular component of the US Armed Forces enrolled in the US Department of Defense SkillBridge program? (BPC section 115.4(b))</p> <p><i>*If YES, attach a copy of a written approval document or letter from their respective United States Armed Forces Service branch (Army, Navy, Air Force, Marine Corps, Space Force or Coast Guard) signed by the applicant's first field grade commanding officer that specifies your name, the approved SkillBridge opportunity, and the specified duration of your participation (i.e., start and end dates).</i></p> <p>b. Served as an Active Duty member of the US Armed Forces and was Honorably Discharged? (BPC section 115.4(a))</p> <p><i>*If YES, attach a copy of your previous military service (DD214 – Certificate of Release or Discharge from Active Duty, or current military orders) for expedited review of your application.</i></p> | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><br><input type="checkbox"/> Yes<br><input type="checkbox"/> No |

Disciplinary  
Action  
with docs  
☐

CA Licenses  
☐

Military  
with docs  
☐



|    |  |   |
|----|--|---|
| 6. | <p>Do any of the following statements apply to you:</p> <ul style="list-style-type: none"> <li>a. You were admitted to the United States as a refugee pursuant to section 1157 of Title 8 of the United States Code,</li> <li>b. You were granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to section 1158 of Title 8 of the United States Code; or,</li> <li>c. You have a special immigrant visa and were granted a status pursuant to section 1244 of Public Law 110-181, Public Law 109-163, or section 602 (b) of Title VI of Division F of Public Law 111-8 [relating to Iraqi and Afghan translators/interpreters of those who worked for or on behalf of the United States Government].</li> </ul> <p><i>*If YES, you must attach evidence of your status as a refugee, asylee, or special immigrant visa holder. "Evidence" shall include:</i></p> <ul style="list-style-type: none"> <li>a. Form I-94, arrival/departure record, with an admission class code such as "re" (refugee) or "ay" (asylee) or other information designating the person a refugee or asylee; or</li> <li>b. Special immigrant visa that includes the classification codes of "SI" or "SQ"; or</li> <li>c. Permanent resident card (Form I-551), commonly known as a "green card," with a category designation indicating that the person was admitted as a refugee or asylee; or</li> <li>d. An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that you qualify for expedited licensure per BPC section 135.4.</li> </ul> | <div> <input type="checkbox"/> Yes         <input type="checkbox"/> No       </div> |
| 7. | <p>Do you already hold a current, active license, or comparable authority, to practice as a barber, cosmetologist, electrologist, esthetician, manicurist or hairstylist in another U.S. state, district or territory and your spouse or domestic partner is an active-duty member of the Armed Forces of the United States and was assigned to a duty station in California under official orders?</p> <p><i>*If YES, your application will receive an expedited review and a waiver of the initial license fee. Note: if you meet the military spouse or domestic partner requirement please attach copies of the following documentation to this application:</i></p> <ul style="list-style-type: none"> <li>(A) certificate of marriage or certified declaration/registration of domestic partnership filed with the Secretary of State or other documentary evidence of legal union with an Active duty member of the U.S. Armed Forces,</li> <li>(B) a copy of your current license in another state, district, or territory of the United States, and,</li> <li>(C) a copy of the military orders establishing your spouse or partner's duty station in California.</li> </ul>  | <div> <input type="checkbox"/> Yes         <input type="checkbox"/> No       </div> |

☐ Asylum/  
Refugee Docs

Military  
Spouse  
with docs  
☐

### SECTION C: QUALIFICATIONS

Please look at the qualifications below and initial the space next to the qualification. All qualifications are mandatory for licensure by reciprocity. You may only apply for reciprocity for the same license type that you currently hold.

**I hold an equivalent current license in another state.** (Florida Full, Facial, and Nail Specialist licenses do not qualify for Reciprocity).

**License Information:**

State \_\_\_\_\_ Type \_\_\_\_\_ License # \_\_\_\_\_ Date Issued \_\_\_\_\_ Expiration Date \_\_\_\_\_

**I have requested a Certification of Licensure from the above state to be sent directly to this Board.**

### SECTION D: APPLICANT CERTIFICATION

*I certify that I have read the publication **Understanding Workers Rights and Responsibilities** (17\_266 ENG 01/18) provided by the Board of Barbering and Cosmetology for your convenience at [https://www.barbercosmo.ca.gov/consumers/workers\\_rights.shtml](https://www.barbercosmo.ca.gov/consumers/workers_rights.shtml).*

☐ Certification

*I have read the laws and regulations pertaining to this profession in California, which are listed here for your convenience: [https://www.barbercosmo.ca.gov/laws\\_regs/index.shtml](https://www.barbercosmo.ca.gov/laws_regs/index.shtml).*

*I declare under penalty of perjury under the laws of the State of California that I have read this application along with any accompanying documents submitted with this application, and that the foregoing and all attachments are true and correct.*

Signature

Date

## INFORMATION COLLECTION, ACCESS AND DISCLOSURE

**\*This statement is for your information.** The Information Practices Act, Section 1798.17 of the California Civil Code, requires the following information to be provided when collecting information from individuals.

**AGENCY NAME:** Board of Barbering and Cosmetology

**TITLE OF OFFICIAL RESPONSIBLE FOR INFORMATION MAINTENANCE:** Executive Officer

**ADDRESS:** 1625 N. Market Blvd., Suite 202, Sacramento, CA 95834

**INTERNET ADDRESS:** [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)

**TELEPHONE AND FAX NUMBERS:** Phone: (916) 574-7570 Fax: (916) 575-7281

**AUTHORITY WHICH AUTHORIZES THE MAINTENANCE OF THE INFORMATION:** Sections 21, 30, 31, 114.5, 115.4, 115.5, 135.4, 480, 494.5, 7331, and 7337, 7421, 7423 and 7345 and Title 16 California Code of Regulations (CCR) section 911.

### **CONSEQUENCES OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED**

**INFORMATION:** It is mandatory that you provide all information requested. Omission of any item of requested information will result in the application being rejected as incomplete.

### **PRINCIPAL PURPOSE(S) FOR WHICH THE INFORMATION IS TO BE USED:**

The information requested will be used to determine qualifications for licensure and to establish positive identification. Each individual has the right to review their files or records maintained on them by this agency, unless the records are exempted by Section 1798.40 of the California Civil Code.

### **ANY KNOWN OR FORESEEABLE DISCLOSURES WHICH MAY BE MADE OF THE**

**INFORMATION:** Your completed application becomes the property of the Board and will be used by authorized personnel to determine your eligibility for a license or certification. Information on your application may be transferred to other governmental or law enforcement agencies. Pursuant to the California Public Records Act (Gov. Code Section 7920.000 et seq.) and the Information Practices Act (Civ. Code Section 1798.61), if the application is approved and the license granted, the personal name of the applicant and the address information entered on the attached form(s) will become public information subject to disclosure. However, in addition to the name and address, except for the SSN or ITIN, other information provided on this form may be disclosed to a member of the public, upon request, under the California Public Records Act or pursuant to a court order or subpoena.

**SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER (SSN):** Disclosure of your social security number or taxpayer identification number is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 [42 U.S.C.A. Section 405(c)(2)(C)] authorize collection of your social security number or taxpayer identification number. Your social security number or taxpayer identification number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with section 17520 of the Family Code, or for verification of licensure or examination and where licensure is reciprocal with the requesting state. If you fail to disclose your social security number, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

**TAX OBLIGATION DISCLOSURE NOTICE:** Under BPC sections 31 and 494.5, the California Department of Tax and Fee Administration (CDTFA) and the Franchise Tax Board (FTB) may share taxpayer information with the Board. You are required to pay your state tax obligation. This application may be denied, or your license may be suspended if you have a state tax obligation, and the state tax obligation is not paid, and your name appears on either the CDTFA or FTB certified list of top 500 tax delinquencies.

## MEMORANDUM

DATE February 26, 2024

TO: Members, Board of Barbering and Cosmetology

FROM: Steve Weeks, Committee Chairperson

SUBJECT: Agenda Item 12 - Report on the September 11, 2023, and January 22, 2024, Licensing and Examination Committee Meetings  
a) Review, Discussion, and Possible Action Regarding Committee Recommendation on Establishment Ownership Types  
b) Review, Discussion, and Possible Action Regarding Implementing a 90-day Retention Schedule for Out of State License Certifications

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The Licensing and Examination Committee (Committee) discussed renters within licensed establishments. Board staff stated that the Board can do more to help licensees inside licensed establishments as they are operating as their own business. Booth renters and independent contractors operate as their own business as well; however, they sometimes use the establishment's equipment, such as shampoo bowls. The Board asked the legislature for booth renting certificates previously but were unsuccessful with getting this added in statute. Many other states have a booth renter certification or license and have established common areas. Board staff believe suites that have a separate room with a separate business and their own tools/equipment should not fall under an establishment's license as it is not fair to hold businesses responsible if an inspector cannot inspect an individual's room that is solely their business. The Committee agreed with this sentiment. Board staff will research this matter further and bring proposed regulatory language back to the Committee.

The Committee also discussed establishment ownership types. Many years ago, the Board determined that an LLC can be an establishment ownership type. It has come to the Board's attention recently that a professional service cannot be offered by an LLC unless it states such in statute. Board staff recommended asking the legislature to get this clarified in language. The Committee recommends the following language to the full Board for consideration as a legislative proposal:

Section 7347 is amended to read:

(a) Any person, firm, ~~or~~ corporation, *or limited liability company* desiring to operate an establishment shall make an application to the board for a license accompanied by the fee prescribed by this chapter. The application shall be required whether the person, firm, ~~or~~ corporation, *or limited liability company* is operating a new establishment or obtaining ownership of an existing establishment. The application shall include a signed acknowledgment that the applicant understands that establishments are responsible for compliance with any applicable labor laws of the state and that the applicant understands

the informational materials on basic labor laws, as specified in Section 7314.3, the applicant is provided by the board with the application. Every electronic application to renew a license shall include a signed acknowledgment that the renewal applicant understands that establishments are responsible for compliance with any applicable labor laws of the state and that the applicant understands the informational materials on basic labor laws, as specified in Section 7314.3, that the renewal applicant is provided by the board with the renewal application. If the applicant is obtaining ownership of an existing establishment, the board may establish the fee in an amount less than the fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to the issuance of a license in the first instance.

**Action Needed:** The Board may make a motion to pursue the above language for consideration as a legislative proposal.

Lastly, the Committee discussed implementing a 90-day retention schedule for out-of-state license certifications. The Board currently receives certifications for individuals who do not submit a reciprocity application with the Board until several months later, during which time there could have been action against their license. The Committee recommends the following language to the full Board for consideration as a regulatory package:

California Code of Regulations Section 911 is adopted to read:

#### **§ 911. License Certification**

An applicant applying for a license based on possessing a current license in another state shall have a license certification from the licensing state sent to the board. The certification shall be submitted from the licensing state directly to the board by mail or email and not be submitted from the applicant. The certification shall be kept in the Board's office for 90 days from the date it is received by the Board. If after 90 days the license has not been issued, a new certification must be received from the licensing state.

**Action Needed:** The Board may make a motion to approve the proposed regulatory text for Section 911, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 911 as noticed.



## MEMORANDUM

|         |   |
|---------|---|
| DATE    | November 4, 2024  |
| TO      | Members, Board of Barbering and Cosmetology   |
| FROM    | Kristy Underwood, Executive Officer   |
| SUBJECT | Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations (CCR) Section 998 (Hairstylist Licensing Fees). |

### Background

- AB 2196 (Maienschein) Chapter 527, Statutes of 2022, among other things defined hairstyling license services.
- The Board issued the first hairstyling license on August 22, 2023.
- Senate Bill (SB) 803 (Roth), Chapter 648, Statutes of 2021, established the requirements for hairstyling licensure, including a fee structure effective January 1, 2022. However, the fee limits set for hairstylist applications and examinations were limited to no more than \$50.00 dollars, which do not adequately cover the Board's costs.
- Effective January 1, 2025, Business and Professions Code section 7423 will be amended to address this issue per SB 1451 (Ashby), Chapter 481, Statutes of 2024, by authorizing the Board to charge the actual cost for developing, purchasing, grading, and administering the examination. SB 1451 also provides effective January 1, 2025, that a hairstylist's initial license fee shall be no more than fifty dollars (\$50). To set the specific fee for the hairstylist application and examination, and initial license fees, regulations are required as discussed below.

### Discussion

- The attached proposed regulatory language is being proposed to the Board to adopt a Hairstylist licensing fee regulation to establish an application and examination fee, set the initial license fee as well as provide notice of the statutorily required renewal and license renewal delinquency fees in one convenient location in the Board's regulations. Effective January 1, 2025, SB 1451, requires the Board to establish an application and examination fee based on the actual costs of developing, purchasing, grading, and administering the

exam, while setting the initial license fee at no more than \$50.00 dollars. This updated language from SB 1451 aligns the hairstylist fee structure with those of other license types under the Board's authority. The Board's staff, with the assistance of the Department's Budget Office, has provided a workload analysis to establish the fees for both the application and examination fee at \$75 and the initial license fee at \$50, respectively. The license renewal and license renewal delinquency fees are required to be calculated by statute at \$50 for renewal (see BPC section 7423(g)) and \$25 for the license renewal delinquency fee (see BPC section 7423(j) as amended by SB 1451); these fees are proposed to be added to the regulations for ease of reference.

### **Action Needed**

Staff requests that the Board review the attached proposed regulatory language and workload analysis supporting the fees proposed in Attachment 1, and, if no further changes are recommended, move the motion provided below.

### ***Attachments included for reference:***

1. Proposed Regulatory Language at Title 16, California Code of Regulations (CCR) Section 998.
2. Workload Analysis, SB 1451 Hairstylist Licensing Fees Application and Examination Fee
3. Workload Analysis, SB 1451 Hairstylist Licensing Fees Initial License Fee

### **Recommended Motion**

I move to approve the proposed regulatory text for title 16, CCR Section 998 as set forth in **Attachment 1** and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If the Board does not receive any objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 998 as noticed.



**DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. BOARD OF BARBERING AND COSMETOLOGY**

**PROPOSED REGULATORY LANGUAGE  
SB 1451 Hairstylist Licensing Fees**

|                |   |
|----------------|---|
| <b>Legend:</b> | Added text is indicated with an <u>underline</u> .<br>Deleted text is indicated by <del>strikeout</del> . |
|----------------|---|

**Amend Section 998. Of Division 9 of Title 16 of the California Code of Regulations to read as follows:**

**§ 998. Schedule of Fees.**

The following fees (in dollars) shall be charged by the Board:

- (a) Barbers:
  - (1) Application and examination fee 75
  - (2) Initial license fee 50
  - (3) License renewal fee 50 <sup>1</sup>
  - (4) License renewal delinquency fee 25 <sup>1</sup>
- (b) Cosmetologists:
  - (1) Application and examination fee 75
  - (2) Initial license fee 50
  - (3) License renewal fee 50 <sup>1</sup>
  - (4) License renewal delinquency fee 25 <sup>1</sup>
- (c) Estheticians:
  - (1) Application and examination fee 75
  - (2) Initial license fee 40
  - (3) License renewal fee 50 <sup>1</sup>
  - (4) License renewal delinquency fee 25 <sup>1</sup>
- (d) Manicurists:
  - (1) Application and examination fee 75
  - (2) Initial license fee 35
  - (3) License renewal fee 50 <sup>1</sup>
  - (4) License renewal delinquency fee 25 <sup>1</sup>
- (e) Electrologists:
  - (1) Application and examination fee 75
  - (2) Initial license fee 50
  - (3) License renewal fee 50 <sup>1</sup>
  - (4) License renewal delinquency fee 25 <sup>1</sup>
- (f) Apprentice application and license fee <sup>2</sup> 25
- (g) Establishments:
  - (1) Application and initial license fee 50



|  |     |
|--|-----|
| (2) License renewal fee                | 40  |
| (3) License renewal delinquency fee    | 20  |
| (h) Mobile Units:                      |     |
| (1) Application fee                    | 50  |
| (2) Initial inspection and license fee | 100 |
| (3) License renewal fee                | 40  |
| (4) License renewal delinquency fee    | 20  |
| (i) Personal Service Permit:           |     |
| (1) Initial License fee                | 25  |
| (2) License renewal fee                | 10  |
| (3) License renewal delinquency fee    | 5   |
| (j) Hairstylist:                       |     |
| (1) Application and examination fee    | 75  |
| (2) Initial license fee                | 50  |
| (3) License renewal fee                | 50  |
| (4) License renewal delinquency fee    | 25  |

<sup>1</sup> Fees effective for all licenses expiring on or after December 21, 2007.

<sup>2</sup> Licenses of apprentices are not renewable.

Note: Authority cited: Sections 7312, 7337.5 and 7421, Business and Professions Code.  
Reference: Sections 7402.5, 7415, 7417, 7418, 7419, 7420, 7423, 7424 and 7425,  
Business and Professions Code.

| California Board of Barbering and Cosmetology<br>Application and Examination<br>Fiscal Impact - (Workload Costs) |                 |                         |       |
|--|-----------------|-------------------------|-------|
| Workload Tasks   | Per Application | Minutes Per Application | PTII* |
| Process Initial Exam   | 1               | 6                       | 6     |
|  |                 |                         | -     |
|  |                 |                         | -     |
|  |                 |                         | -     |
|  |                 |                         | -     |
|  |                 |                         | -     |
|  |                 |                         | -     |
|  |                 |                         | -     |
| Minutes per Classification   |                 |                         | 6     |
| Hours by Classification  |                 |                         | 0.10  |
| Costs by Classification  |                 |                         | \$7   |
| Total Costs:   |                 |                         | \$7   |

\*PTII - Program Technician II @ \$71 per hour

| Total Application and Exam Costs |                |
|----------------------------------|----------------|
| Workload                         | Costs per Unit |
| CBT (OPES/PSI Contract)          | \$28           |
| Exam Admin (OPES Contract)       | \$40           |
| PTII                             | \$7            |
| Total Costs:                     | \$75           |

| <b>California Board of Barbering and Cosmetology</b><br><b>Initial License</b><br><b>Fiscal Impact - (Workload Costs)</b> |                        |                                |              |
|---|------------------------|--------------------------------|--------------|
| <b>Workload Tasks</b>   | <b>Per Application</b> | <b>Minutes Per Application</b> | <b>PTII*</b> |
| Application received, processed & distributed   | 1                      | 5                              | 5            |
| Cashiering - Input into IT systems & prepare trial balance  | 1                      | 5                              | 5            |
| Initial review of application - identify eligibility & deficiencies   | 1                      | 20                             | 20           |
| Respond to inquiries  | 1                      | 10                             | 10           |
| Receive, process & analyze documentation  | 1                      | 10                             | 10           |
| <b>Minutes per Classification</b>   |                        |                                | <b>50</b>    |
| <b>Hours by Classification</b>  |                        |                                | <b>0.83</b>  |
| <b>Costs by Classification</b>  |                        |                                | <b>\$59</b>  |
| <b>Total Costs:</b>   |                        |                                | <b>\$59</b>  |

\*PTII - Program Technician II @ \$71 per hour

*Agenda Items*

*No. 18-20*

*No Attachments*