CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY



APRIL 14, 2025

ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING

Department of Consumer Affairs HQ1 Hearing Room 102 1625 North Market Blvd Sacramento, CA 95834

and

Public Teleconference



CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY



MEMBERS OF THE COMMITTEE Danielle Munoz, Chair Colette Kavanaugh Tamika Miller

ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING NOTICE AND AGENDA

April 14, 2025
Department of Consumer Affairs
HQ1 Hearing Room, #102
1625 North Market Blvd
Sacramento, CA 95834

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

9:00 am - Until Completion of Business

The Committee will meet by teleconference in accordance with Government Code section 11123.5. Committee members will participate remotely from private, non-public sites. The public may participate in-person or remotely. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

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In order to ensure all public members have an opportunity to speak and in the interest of time, public comments will be limited to two minutes unless, in the discretion of the committee, circumstances require a shorter period or longer period; members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at https://thedcapage.wordpress.com/webcasts/.

AGENDA

- 1. Call to Order/ Roll Call/ Establishment of Quorum (Danielle Munoz)
- 2. Discussion and Possible Approval of the October 14, 2024, Committee Meeting Minutes
- Discussion Regarding Possible Changes to the Board's Schedule of Administrative Fines and Consideration of Proposed Administrative Fines That Directly Impact Consumer Safety (California Code of Regulations, Title 16, section 974)
- 4. Public Comment on Items Not on the Agenda Note: The Committee 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, 11125.7(a))
- 5. Suggestions for Future Agenda Items
- 6. Adjournment

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

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee 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 being held via WebEx Events. 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, 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 Item No. 1 No Attachments

DRAFT CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING

MINUTES OF OCTOBER 14, 2024

COMMITTEE MEMBERS PRESENT

Danielle Munoz, Chair Tonya Fairley Kellie Funk

STAFF MEMBERS PRESENT

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

COMMITTEE MEMBERS ABSENT

Jacob Rostovsky Steve Weeks

1. Agenda Item #1: Call to Order/ Roll Call/ Establishment of Quorum

Committee Chair Danielle Munoz called the meeting to order at approximately 10:02 a.m. A roll call was conducted, confirming a quorum.

2. Agenda Item #2: Discussion and Possible Approval of the January 22, 2024, Committee Meeting Minutes

Motion: Kellie Funk moved to approve the minutes of the January 22, 2024, Committee Meeting. Tonya Fairley seconded the motion.

Public Comment: There were no public comments received.

Roll Call Vote: Motion to approve the January 22, 2024 Committee Meeting Minutes carried: 3 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted "Yes": Danielle Munoz, Tonya Fairley, and Kellie Funk
- 3. Agenda Item #3: Discussion and Possible Recommendation Regarding Proposed Administrative Fines That Directly Impact Consumer Safety (California Code of Regulations, Title 16, Section 974)

Danielle Munoz introduced the next agenda item, asking Kristy Underwood to lead the discussion on proposed administrative fines related to consumer safety under California Code of Regulations Title 16, Section 974. Ms. Underwood explained that the discussion stems from SB 803, which now mandates the Board to establish fines specifically for violations that directly impact consumer safety.

Ms. Underwood provided an overview of the work done so far, including a detailed risk assessment reviewed by the Health and Safety Committee. The committee proposed increasing fines for certain high-risk violations, recognizing that the current penalties were inadequate to serve as effective deterrents. First offenses typically result in lower fines, with incremental increases for repeat offenses. The overall fine limit remains capped at \$5,000.

Ms. Underwood directed the committee to the 28-page document listing all violations, their current fines, proposed adjustments, and the associated risk levels. She emphasized that these adjustments were based on a thorough review, including insights from a Nevada report on consumer harm within the industry. She asked the committee to carefully evaluate whether each violation truly poses a risk to consumer safety.

Tonya Fairley voiced her support for the proposed fine increases, drawing on her experience with the Disciplinary Review Committee (DRC) where repeat offenders are common. She noted that some of the current fines are inadequate for deterring violations and believes that higher penalties will enhance accountability, potentially reducing repeat offenses and alleviating the Board's workload. Kellie Funk praised the proposed fine schedule for its thoroughness and detail, particularly its inclusion of risk levels and justifications for adjustments. She acknowledged the challenge of balancing the needs of licensees, the nature of violations, and consumer safety, expressing her gratitude for the extensive work behind the proposal.

7313 Access to Establishment for Inspection:

Kristy Underwood initiated the detailed review of the proposed fine schedule, starting with Section 7313 regarding access to establishments for inspection. Although classified as high-risk, the committee recommended no changes to the existing fee schedule. The fines will remain at \$250 for the first offense, \$500 for the second, and \$750 for the third.

7317a Unlicensed Establishment:

Ms. Underwood explained the infraction for unlicensed establishments, which includes businesses operating without a valid license or those that changed ownership without updating their licenses. The current fine for a first offense stands at \$500, with a proposed increase to \$1,000 for the first violation, and subsequent fines of \$2,000 and \$3,000. An unlicensed establishment poses a high risk, especially after repeated offenses. All committee members were in agreement with the proposed increases.

7317b Unlicensed Individual:

The next item discussed relates to unlicensed individuals. This category represents a significant risk, as it involves individuals operating without a personal license. Unlike situations where a license may have lapsed, this pertains to individuals who have never been licensed. The existing fines for all three offenses are \$1,000. The recommendation increases the fines for the second and third violations by an additional \$1,000 each. The committee members expressed their agreement with the proposed increases.

7317c Expired Establishment License:

The committee then reviewed 7317c, which addresses expired establishment licenses. Kristy Underwood explained that this situation is typically classified as low to medium risk, often resulting from oversight when individuals forget to renew their licenses. The current fine for a

first offense is \$250, but there is a proposal to reduce it to \$100 since many licensees quickly renew their licenses once they are notified of the expiration.

Tonya Fairley opposed the proposed fine reduction, stating that it should stay at \$250 to ensure accountability. Kellie Funk supported the view and raised the possibility of a grace period for renewals after inspections. Ms. Underwood clarified that there is no official grace period, but compliance is considered in citation processing. Danielle Munoz suggested a graduated fine schedule based on the time since expiration, but regulations mandate fixed penalties per offense.

The committee deliberated on raising the fines for repeated failures, but ultimately decided to maintain the first offense fine at \$250, with subsequent offenses reflecting the same percentage increase as other fines.

7317d Expired Individual License:

The committee then addressed expired individual licenses, recommending that the initial fine remain at \$250, increasing to \$500 for the second offense and \$750 for the third. This issue was classified as medium risk.

Ms. Funk expressed support for the proposed fine increases, emphasizing that they are justified given the circumstances. She also noted the possibility of allowing citation forgiveness for individuals who promptly renew their licenses upon notification of expiration.

7317e Individual Working in an Expired Establishment:

The discussion then moved to individuals operating in establishments with expired licenses. Kristy Underwood noted that the current fine structure is \$25 for the first offense, \$50 for the second, and \$100 for the third, with a proposal to reduce the third offense fine to \$75. Tonya Fairley expressed that the fine for a third offense should remain at \$100, stating that licensed individuals should be aware of the licensing requirements after receiving prior fines. Kellie Funk concurred and proposed a greater increase in the fines, emphasizing the need for accountability.

Kristy Underwood clarified that significant increases would deviate from the established incremental fine structure. Kellie Funk expressed hope that second and third offenses would be rare, while Tonya Fairley pointed out the responsibility of individuals to verify their establishment's licensing using resources like the Breeze system. The committee members ultimately agreed to recommend a revised fine structure of \$50 for the first offense, \$100 for the second, and \$150 for the third.

Additionally, Danielle Munoz raised a concern about whether increasing the fines for 7317e would require reclassifying the risk level from low to medium. Kellie Funk and Tonya Fairly supported a higher risk classification, noting that expired paperwork might indicate broader compliance issues. The members agreed that the risk level for 7317e should be adjusted to medium.

7317f Individual Working in an Unlicensed Establishment:

This situation pertains to individuals employed in establishments that have never obtained a license. The first offense fine remains at \$250, while the proposed structure increases fines for

subsequent violations to \$500 and \$750, mirroring the gradual increase seen in other violations. The committee agreed to these proposed adjustments.

7320 Practice of Medicine:

The next topic of discussion focused on the unauthorized practice of medicine, which includes performing procedures beyond the licensee's scope. Kristy Underwood highlighted that the current fine for all three offenses stands at \$1,000, with proposed increases to \$2,000 for a second offense and \$3,000 for a third offense.

Tonya Fairley advocated for raising the initial fine to \$1,500, highlighting the significant safety risks associated with this violation. The committee acknowledged the seriousness of the issue, noting that many offenders are repeat violators who knowingly operate outside the regulations. Kellie Funk and Danielle Munoz concurred, stating that a higher fine would be a more effective deterrent, particularly since some offenders could easily profit from illegal activities and view lower fines as merely a cost of doing business.

Ms. Funk emphasized the need to set this violation apart from others due to its egregious nature and the potential harm to consumers, who often are unaware they are receiving treatments from unqualified individuals. The committee agreed to increase the fines to \$1,500 for the first offense, \$3,000 for the second, and \$4,500 for the third violation. The conversation concluded with a discussion of the regulatory process, noting that it could take 1-3 years for these changes to be implemented.

Public Comment (7313 through 7320):

Fred Jones, representing the Professional Beauty Federation, shared his concerns regarding 7317f, which involves licensed individuals working in unlicensed establishments. While acknowledging that it is technically the responsibility of each licensee to ensure the establishment is licensed, he questioned whether an increase in fines was justified. He also stressed the intention to lower fines whenever feasible.

7320.2 Illegal Treatment Methods:

The meeting continued with a discussion of 7320.2, which pertains to illegal treatment methods, such as the use of x-ray devices or solutions of phenol exceeding 10%. Although such practices are rare, their potential risk to consumer safety is significant. Staff recommended maintaining the first offense fine at \$500, with subsequent violations increasing to \$1,000 and \$1,500.

The members discussed aligning these fines with those of regulation 7320, acknowledging the serious nature of these violations. Danielle Munoz suggested maintaining consistency with the previous fine structure, which garnered agreement from other committee members.

7336 No Supervision of Apprentice:

The next item discussed was 7336, concerning the lack of supervision of apprentices. This occurs when an inspector finds an apprentice providing services without their approved trainer present. Due to the risks involved, this situation is categorized as high risk. The proposal is to keep the initial fine at \$100, with increases to \$200 for a second offense and \$300 for a subsequent violation.

Kellie Funk asked whether the fines are issued to the apprentice or the trainer. It was clarified that while the fine typically goes to the apprentice, trainers may also face citations for their absence. Concerns were raised about apprentices being unaware of the risks, particularly if trainers minimize the importance of supervision.

Kristy Underwood noted that fines are issued only if an apprentice is found working without supervision. The responsibilities of apprentices are clearly outlined in their applications. Despite the complexities of the situation, the committee agreed to recommend the proposed fine schedule, recognizing the need for accountability and consumer safety.

7348 No Licensee in Charge of Establishment:

The discussion shifted to regulation 7348, which mandates the presence of a licensed individual in charge of an establishment during service offerings. Violations occur when no one takes responsibility, leading to citations. While some establishments have a designated manager, others do not, and inspectors often find staff hesitant to assume this role due to fears of personal liability, despite not being liable.

This regulation is categorized as a medium-risk violation. The proposal is to maintain the initial fine at \$100, with subsequent increases to \$200 for a second offense and \$300 for a third. The committee expressed agreement with this recommendation.

7349 Employing Unlicensed Persons:

Regulation 7349 addresses the employment of unlicensed individuals—specifically, those who have never obtained a license. This is considered a high-risk violation, with the recommended fine set at \$1,000 for a first offense, increasing to \$2,000 for a second and \$3,000 for a third.

Tonya Fairley suggested raising the first offense fine to \$1,500, with incremental increases for subsequent violations. She argued that the current fine fails to act as a sufficient deterrent. The recommendation received support, with committee members agreeing that higher fines align with the seriousness of the violation. They noted the prevalence of repeat offenses among owners, reinforcing the need for stricter penalties.

7349 Employing Unlicensed Persons - Expired License:

The discussion then moved to 7349 concerning employing licensees with expired licenses. This occurs when inspectors find that a person's license has lapsed. Staff takes into account whether the individual is in the process of renewing their license, as the renewal process can be quick and often completed online.

This violation is categorized as a medium offense. No changes to the current fines were recommended, which remain at \$250 for the first offense, \$300 for the second, and \$500 for the third. Danielle Munoz asked about the recidivism for this issue. Kristy Underwood responded that it is typically low, as most instances are due to oversight that is rectified promptly. The group agreed that the existing penalty structure was suitable under these circumstances.

7350 Establishment Residential Use/Entrance/Prohibited Use:

Kristy Underwood introduced 7350, involving residential use of establishments. This offense is cited when an inspector finds evidence of someone living in the establishment or if the

business lacks a separate entrance from private quarters. Establishments like home salons must have distinct entrances. It is classified as low to medium risk, with no recorded consumer harm. The fine structure remains unchanged at \$50 for the first offense, escalating to \$100 and \$150 for subsequent offenses. Committee members expressed their agreement with this assessment.

7351 Restroom Requirement (Clean, Storage, Floor, Vented):

This regulation outlines restroom requirements for establishments, specifying that restrooms must be clean, free from storage use, and properly ventilated. Violations often occur when cleaning supplies or other items are stored in public restrooms, creating potential hazards. This is a medium-risk issue, with proposed fines of \$100 for the first offense, rising to \$200 and \$300 for subsequent violations. Despite concerns about the impact on smaller establishments, the committee agreed to the increase for safety reasons. Ms. Underwood noted that the statute may need revision in the future to clarify storage regulations.

7352 No Soap/Towels or Air Hand Dryer in Hand Washing Facilities:

Kristy Underwood discussed 7352, which addresses the requirement for soap and hand-drying facilities in handwashing areas. Highlighting the significance of proper hand hygiene, especially post-COVID, this violation has been categorized as high risk. The committee recommended raising the fines to \$100 for the first offense, \$200 for the second, and \$300 for the third.

7353.4 Labor Rights Notice Not Posted:

Statute 7354.4 mandates the posting of a labor rights notice. While recognizing its importance, the consumer risk associated with non-compliance is considered low to medium. There were no proposed changes to the fines, with the first violation set at \$50, escalating to \$100 for the second offense and \$150 for the third. Committee members expressed agreement with this structure.

7358 No Licensee in Charge of Mobile Unit:

The discussion shifted to 7358, focusing on the necessity of having a licensee in charge of a mobile unit, similar to the regulations for established businesses. This requirement ensures that a licensed individual oversees operations in mobile settings. The fines are aligned with those for an establishment, set at \$100 for the first offense, \$200 for the second, and \$300 for the third. Committee members confirmed the medium risk level and expressed approval of the fine schedule.

7359 Employing Unlicensed Person in Mobile Unit:

The next statute discussed was 7359, which addresses employing an unlicensed person in a mobile unit. While instances of this violation are rare, it remains classified as a high risk. The current fines are set at \$1,000, \$2,000, and \$3,000 for each infraction. Tonya Fairley suggested that the fines be aligned with those recommended for employing an unlicensed person in an establishment (7349), proposing adjustments to \$1,500 for the first offense, \$3,000 for the second, and \$4,500 for the third. The committee agreed with her suggestion.

7360 Mobile Unit - Residential/Prohibited Use:

The next item discussed was 7360, regarding the use of a mobile unit for residential purposes. Although this issue has not been encountered, it was noted that the fine structure is the same

as for an establishment, with fines set at \$50, \$100, and \$150. The committee agreed with this alignment.

Public Comment (7320.2 through 7360):

Public comment was reopened, and Fred Jones from the Professional Beauty Federation expressed concerns about missed opportunities to reduce fees, particularly regarding licensing paperwork and duplicate fines. He highlighted how the focus should be on service performance rather than paperwork deadlines. He suggested reducing fines for issues like 7348 (no licensee in charge) and 7349 (expired license) to \$25, as they often result from simple oversight.

In response, Kellie Funk acknowledged the ease of addressing these issues online and confirmed that inspectors would consider if the paperwork could be completed promptly, suggesting no citation in such cases.

Maria Barrios asked if a home salon without a public bathroom or dedicated sink would be cited, particularly for manicurists. Kristy Underwood advised her to email the BBC for clarification on home salon requirements.

Fred Jones concluded the public comment by reiterating the need to reduce duplicate fines and lower penalties for non-high-risk violations, urging the board to focus more on these opportunities.

7400 No Change of Address Notice Filed:

Kristy Underwood introduced the next item, a violation for failure to file a change of address notice within 30 days. She explained that this is typically a low-risk issue, which is often corrected during inspections. The Health and Safety Committee recommended lowering the fine from \$50 to \$25 for the first instance, with subsequent fines increasing to \$50 and \$75. The committee members agreed with the adjustment.

7404(I) Refusal or Interference with Inspection:

In the review of section 7404L, the Committee discussed violations related to refusal or interference with inspections. Kristy Underwood explained that these violations occur when an individual prevents an inspector from entering or conducting an inspection by locking them out, or even becoming hostile. Such actions are deemed high-risk, both to consumer safety and to the inspectors. The proposal established the initial fine at \$1,000, escalating to \$2,000 for a second offense and \$3,000 for a third.

Danielle Munoz asked for clarification on the difference between this citation and Section 7313. It was explained that 7313 relates to situations where inspectors are physically unable to access part of the establishment, such as a locked cabinet or room. In contrast, 7404L involves active refusal or interference, like blocking entry, or hiding violations. It was noted that the explanation of these two infractions in the package was inaccurate and will be corrected.

The members agreed that the fine for 7404L should be raised to \$1,500, \$3,000 and \$4,500 to align with other high-risk penalties. Kellie Funk emphasized the importance of using these fines as educational tools for licensees, helping them understand what is expected during inspections and the potential consequences of non-compliance.

904(d) No Photographic Identification Available:

The discussion moved to section 904(d), which pertains to the absence of photographic identification during inspections. Inspectors require a photo ID for verification, as some individuals may use others' licenses, making this a high-risk issue. The proposal increases fees to \$100 for the first infraction, \$200 for the second, and \$300 for the third.

Committee members considered maintaining the current fee structure instead of adopting the proposed increases. Ultimately, they reached a compromise, establishing a new schedule of \$75 for the first offense, \$150 for the second, and \$300 for the third.

905 Consumer Information Not Posted:

This requirement mandates the posting of consumer information, with non-compliance categorized as high risk due to its direct effect on consumers' ability to report harm. The Health and Safety Committee proposed increasing the fines from \$50 to \$100 for the first offense, with subsequent fines set at \$200 and \$300.

Questions arose about whether establishments receive the required poster when applying for or renewing licenses. It was clarified that they receive the poster with both new and renewal licenses.

In the end, the recommendation was to retain the existing fine structure of \$50 for the first offense, \$100 for the second, and \$150 for the third.

920 Apprentice Training Records Not Available or Incomplete:

The committee next focused on the issue of unavailable or incomplete records for apprentice training. This violation arises when an inspector encounters an apprentice lacking their required training records, which must be provided by the trainer. This violation was categorized as medium-high risk. The suggestion is to keep the initial fine at \$100 for the first offense, while increasing fines for subsequent violations to \$200 and \$300.

Committee members discussed the rationale behind the gradual increases and whether they were necessary for this particular violation. Ultimately, they agreed to the recommended fines.

965 Display of Licenses:

This violation is deemed high risk since failing to display a license prevents consumers from verifying the qualifications of service providers. Despite its importance, the proposal is to keep the existing fines at \$50 for the first offense, \$100 for the second, and \$150 for the third.

Members expressed concerns that these penalties might be too low, suggesting that complacency could arise from insufficient fines. Some advocated for a higher structure, with suggested amounts of \$250, \$500, and \$750. However, the consensus leaned toward maintaining the current fee schedule. Ultimately, the committee agreed to present the issue to the Board for further discussion without making a recommendation.

978(a)(1),(a)(2),(a)(3),(a)(4) Receptacles, Cabinets and Containers:

The next item addressed violations related to the absence of essential equipment, such as covered waste containers for hair and closed containers for soiled and clean linens. This

violation is classified as low-medium risk; while the presence of these items is important, their absence is unlikely to cause direct harm.

The committee agreed to maintain the existing fines of \$50 for the first offense, \$100 for the second, and \$150 for the third

978(a)(5) Insufficient Disinfectant for Total Immersion:

This infraction concerns inadequate disinfectant for total immersion, particularly when inspectors find a disinfectant container only partially filled. The oversight is classified as high risk, as it directly impacts consumer safety. The proposed fine for the first offense remains at \$100, with recommended increases to \$200 for the second offense and \$300 for the third.

The committee members supported the new fine schedule. Kellie Funk noted that inspectors often use these situations as educational opportunities, encouraging licensees to maintain adequate disinfectant levels rather than issuing automatic citations.

978(a)(6) No Steam/Dry Heat Sterilizer for Electrology Tools:

While steam and dry heat sterilizers for electrology tools are rarely used—often due to the preference for disposable needles—their absence presents a substantial risk. The committee chose to maintain the current fine structure, set at \$500 for the first offense and increasing to \$1,000 and \$1,500 for subsequent violations.

978(b) No Disinfectant Solution Available for Use:

The committee then addressed 978B, concerning the lack of disinfectant solution, classified as high risk due to the unavailability of necessary disinfectants. The committee agreed with the recommendation to increase the fine from \$250 to \$500 for the first offense, with subsequent fines set at \$1,000 for the second offense and \$1,500 for the third.

978(c) No Manufacturer-Labeled Container for Disinfectant:

The committee next discussed 978C, which mandates retaining a manufacturer-labeled container for disinfectants, even when empty, as it contains essential EPA labeling and mixing instructions for effective disinfection. Categorized as high risk, the recommendation was to increase the fine from \$250 to \$500 for the first offense, with subsequent fines of \$1,000 and \$1,500. The importance of educating licensees on why these containers must be kept was emphasized.

979 Disinfecting Non-Electrical Tools:

This mandate covers the disinfection of non-electrical tools, highlighting issues like inadequate disinfection and improper labeling of clean or dirty items. It is classified as a high-risk violation, particularly when dirty tools are used on clients. Labeling violations are the most common under this section, and though not always high-risk, they can lead to cross-contamination when improperly labeled tools are used. The recommended fee structure for this violation maintains the first offense fine at \$100, while reducing the subsequent fines to \$200 and \$300 for the second and third offenses.

Public Comment (7400 through 979):

Fred Jones expressed his appreciation for the committee's effort to hold the line on increasing fines. He highlighted a broader context, noting that certain policy makers in Sacramento are pushing to reduce, or even eliminate, licensing for the industry. He shared concerns about

licensees receiving multiple fines—often for minor issues like labeling or missing notification posters—that can quickly add up to significant amounts. These high fines lead licensees to complain to legislators, further fueling the push to remove licensing requirements. He emphasized that reducing fees and minimizing duplication would help protect the industry's license and prevent policy makers from taking more drastic actions. Kristy Underwood concluded the discussion, noting that a follow-up meeting would be scheduled to finalize the review of this agenda item.

4. Agenda Item #4: Public Comment on Items Not on the Agenda

There were no public comments made for items not on the agenda.

5. Agenda Item #5: Suggestions for Future Agenda Items

No additional agenda items were proposed, other than completing the review of the proposed administrative fines.

6. Agenda Item #6: Adjournment

There being no additional business to discuss, the meeting adjourned at approximately 11:54 a.m.



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MEMORANDUM

DATE	April 14, 2025
то	Members, Enforcement and Inspections Committee
FROM	Kristy Underwood, Executive Officer
SUBJECT	Item 3 - Discussion Regarding Possible Changes to the Board's Schedule of Administrative Fines and Consideration of Proposed Administrative Fines That Directly Impact Consumer Safety (California Code of Regulations, Title 16, section 974)

Senate Bill 803 (Stats. 2023, Ch. 648, Sec. 28) amended Business and Professions Code Section 7407 to state the following:

7407.

The board shall establish by regulation a schedule of administrative fines for violations of this chapter that directly impact consumer safety. All moneys collected under this section shall be deposited in the board's contingent fund.

The schedule shall indicate for each type of violation whether, in the board's discretion, the violation can be corrected. The board shall ensure that it and the Bureau for Private Postsecondary Education do not issue citations for the same violation.

On March 14, June 6, and September 26, 2022, the Health and Safety Advisory Committee had lengthy discussions regarding analysis of the Board's laws and regulations and recommendations for the establishment of a schedule of administrative fines pursuant to the requirements of Business and Professions Code Section 7407.

Upon staff review, it appears that the Health and Safety Advisory Committee primarily focused on increasing fines and implementing the same gradual increase from a first offense to a second and third offense. The updated law, however, requires the Board to establish a fine schedule for violations that directly impact consumer safety.

The charts below list the violations, current fine schedule, the Health and Safety Advisory Committee's proposed fine schedule, the risk level, and risk level explanation.

Action Needed: The Enforcement and Inspections Committee shall review the Health and Safety Advisory Committee's recommendations and determine whether the fines for violations directly impact consumer safety. The Committee may then make a motion to recommend approval of the proposed changes to the schedule as set forth in the meeting materials or make any further suggested edits to the proposed fine schedule in the materials.



Analysis of the Board's Laws and Regulations and Recommendations for the Establishment of a Schedule of Administrative Fines Pursuant to the Requirements of Business and Professions Code Section 7407

7313 Access to Establishment for Inspection

Examples of When and Why this is Cited:

Inspector does not have access to a locked room/cabinet/drawer.

Fine Schedule:

	1 st Offense	2 nd Violation	3 rd Violation
Current Fine Amount	\$250	\$500	\$750
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

recommended his				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The Board protects consumers by enforcing the health and safety rules via the inspections program. Denying access to an inspector leads the Board to believe that there is something in the establishment that is purposely being hidden (illegal or dirty tools, working out of scope, unlicensed activity, etc.). While it is unknown, the potential for high risk must be considered.

7317a Unlicensed Establishment

Examples of When and Why this is Cited:

An establishment has no establishment license, or the establishment changed ownership or moved and has not applied for and received a new establishment license.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$500	\$1000	\$1000
Proposed Fine Amount	\$1000	\$2000	\$3000

Recommended Risk Level

Recommended hisk Level					
Low	Low-Med	Medium	Medium-High	High	
1	2	3	4	5	

<u>Risks Level Explanation:</u> An unlicensed establishment has no record with the Board, so it will not be inspected unless an inspector is in the area and notices the establishment or a complaint is received. If a business is not obtaining an establishment license, the risk is high for consumers as it would appear to the business intentionally wants to hide from the board. There are also cases where the owner of the establishment was not aware of the license and immediately applies once they are informed. These situations do not usually end in a citation and fine being issued.

7317 b. Unlicensed Individual

Examples of When and Why this is Cited:

An inspector observes an individual performing services and verifies that the individual does not have a personal license. This violation can also be cited if an inspector observes an apprentice performing service without their trainer's supervision.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000	\$2000	\$3000

Recommended Risk Level

Recommended risk Level				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> This could be one of the highest risks to consumers. An individual performing services who is not licensed likely means they have not attended school and received proper training. This individual has not been deemed minimally competent and has not learned the basic minimum health and safety skills.

7317c Expired Establishment License

Examples of When and Why this is Cited:

An inspection is conducted, and the inspector verifies the establishment license is expired.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$100 \$250	\$200 \$500	\$300 \$750

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> This violation often occurs when the business forgets to renew their license timely. When the license is renewed immediately after an inspection, a citation is not issued.

7317d Expired Individual License

Examples of When and Why this is Cited:

An inspection is conducted, and the inspector verifies an individual has not renewed their license.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> This violation often occurs when the individual forgets to renew their license. When the license is renewed immediately after an inspection, a citation is not issued. However, if the license is not renewed, this poses a risk to consumers when an individual is performing services and choosing not to renew.

7317e Individual Working in an Expired Establishment

Examples of When and Why this is Cited:

An inspector finds an individual working in an establishment with an expired license.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$25	\$50	\$100
Proposed Fine Amount	\$25 \$50	\$50 \$100	\$75 \$150

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> This violation often occurs without the individual licensee being aware. While an individual licensee should verify that they are working in a licensed establishment, it is the owner who may have forgotten to renew the license.

7317f Individual Working in an Unlicensed Establishment

Examples of When and Why this is Cited:

An inspector finds an individual providing services in an unlicensed establishment.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level



<u>Risks Level Explanation:</u> Individuals should work in licensed establishments, so the Board knows to inspect the establishment and verify they are following all health and safety regulations for consumer protection. If establishments are not obtaining an establishment license, they are likely not following other requirements, which puts consumer safety at risk. Establishment owners may be unaware of licensing requirements if they are not personally licensed, which is why the Board also requires licensees to work in unlicensed establishments as they were taught about this in school.

7320 Practice of Medicine

Examples of When and Why this is Cited:

An inspector finds evidence that the practice of medicine is occurring in a licensed establishment. The services vary but have been deemed by the Board to cross into the medical field. Examples include but are not limited to providing injections, laser treatments, mole removal, and use of prescription products.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000 \$1500	\$2000 \$3000	\$3000 \$4500

Risk Level				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The level of risk is extremely high as a licensee performing medical services does not have the appropriate education and training to safely perform such services.

7320.2 Illegal Treatment Methods

Examples of When and Why this is Cited:

An inspector finds a licensee using an x-ray device, a solution of phenol greater than 10%, or corrosive sublimate to a solution greater than one in five hundred.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

Recommended Risk LevelLowLow-MedMediumMedium-HighHigh12345

<u>Risks Level Explanation:</u> A violation of this section would be a significant risk to a consumer; however, this violation has not been found in the last 6 years.

7336 No Supervision of Apprentice

Examples of When and Why this is Cited:

An inspector finds an apprentice providing service and their approved trainer is not directly supervising the apprentice.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level

Accommended Alok Ecoci					
Low	Low-Med	Medium	Medium-High	High	
1	2	3	4	5	

<u>Risks Level Explanation:</u> An apprentice has not yet passed the minimal competency exam and therefore is a high risk to a consumer if not supervised.

7348 No Licensee in Charge of Establishment

Examples of When and Why this is Cited:

This section ensures that someone who is licensed by the Board is present when services are being offered. This violation is often cited because a person (who is licensed) will not take responsibility for being "in charge" and as a result, the establishment is issued a citation.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level

Recommended hisk Level					
Low	Low-Med	Medium	Medium-High	High	
1	2	3	4	5	

Risks Level Explanation: The risk associated with this violation can vary because it is often just a misunderstanding as the licensee is afraid that they are accepting responsibility of the fines.

7349 Employing Unlicensed Persons

Examples of When and Why this is Cited:

An Inspector finds an individual performing services without any license or when an apprentice is found performing services without their trainer's supervision.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000 \$1500	\$3000 \$3000	\$3000 \$4500

Recommended Risk Level

ď	Recommended Kis				
	Low	Low-Med	Medium	Medium-High	High
	1	2	3	4	5

<u>Risks Level Explanation:</u> This poses one of the highest risks to consumers as someone who is not licensed has not received the required training or been deemed minimally competent.

7349 Employing Unlicensed Persons - Expired License

Examples of When and Why this is Cited:

An inspector finds an individual working and their personal license is expired.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$250	\$300	\$500

Recommended Risk Level

Necommended Nis	K LEVEI			
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

Risks Level Explanation: The risk level is generally low as the individual was initially licensed, however, there are factors to take into consideration. If an individual simply forgot to renew their license, that could be a low risk. If an individual is working with a license that has been expired for several years, they may not receive updates to laws and regulations, therefore increasing the consumer risk. Also, a licensee could have an expired license because they owe outstanding fines from other citation(s), in which case they may have a history of not complying with health and safety regulations.

7350 Establishment Residential Use/Entrance/Prohibited Use

Examples of When and Why this is Cited:

Inspector finds evidence of persons living in the establishment or an establishment does not have a direct entrance separate from an entrance in connection with private quarters.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

Recommended Risk Level

Low Low-Med Medium Medium-High High						
Low	Low-Med	iviedium	Medium-High	High		
1	2	3	4	5		

<u>Risks Level Explanation:</u> There is a risk of the establishment being unsanitary or unsafe if persons are living in the establishment. For instance, licensees could hide violations or illegal tools in the residential-use space.

7351 Restroom Requirement (Clean, Storage, Floor, Vented)

Examples of When and Why this is Cited:

An inspector finds items stored inside the public restroom and consumers have access to the items. This often involves cleaning supplies or products.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level

Recommended Ris	<u>k Levei</u>			
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Large items such as ladders or unsecured shelving could fall on consumers. Buckets, mops, and vacuums could be tripping hazards. In addition, open products or chemicals should not be accessible to a consumer (specifically a child) that may use the restroom.

7352 No Soap/Towels or Air Hand Dryer in Hand Washing Facilities

Examples of When and Why this is Cited:

An inspector finds there is no way for consumers to properly wash or dry their hands.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level

Necommended Nis				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Our licensees are hands-on with consumers and therefore the importance of having all the supplies needed to wash their hands is vital.

7353.4 Labor Rights Notice Not Posted

Examples of When and Why this is Cited:

An inspector does not observe the labor information posted.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> This violation became effective in 2017 and to date has not been cited, however, it is very important information that should be posted. The Board provides the posting with every new and renewed establishment license with instructions. While the risk to consumers is low, it is vital information to protect licensees working in establishments.

7358 No Licensee in Charge of Mobile Unit

Examples of When and Why this is Cited:

An inspector inspects a mobile unit which does not have a licensee in charge.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level



<u>Risks Level Explanation:</u> The risk could be high if a licensee in charge is not present. This has never been cited as most individuals that own a mobile unit are both the owner and the working licensee.

7359 Employing Unlicensed Person in Mobile Unit

Examples of When and Why this is Cited:

An Inspector finds an individual performing services without any license in a mobile unit.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000 \$1500	\$2000 \$3000	\$3000 \$4500

Recommended Rick Level

Recommended Risk Level						
Low	Low-Med	Medium	Medium-High	High		
1	2	3	4	5		

<u>Risks Level Explanation:</u> The risk would be extremely high if an unlicensed person is working in a mobile unit. This violation has never been cited as most individuals that own a mobile unit are both the owner and the working licensee, however it should be identified as a significant risk to consumers.

7360 Mobile Unit - Residential/Prohibited Use

Examples of When and Why this is Cited:

An inspector finds an individual living inside a mobile unit.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

Recommended Risk Level

Necommended Nis	K LEVEI			
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> While this violation has never been found, there is a risk of the mobile unit being unsanitary or unsafe if persons are living in the mobile unit.

7400 No Change of Address Notice Filed

Examples of When and Why this is Cited:

An inspector determines that an individual has moved their residence and not provided the Board with a current address.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$25	\$50	\$75

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> While it is important for the Board to have the licensee's current address so renewal licenses and other mailings can be received, the risk of harm to a consumer is minimal.

7404l Refusal or Interference with Inspection

Examples of When and Why this is Cited:

When an individual within the establishment creates an interference that prevents the inspector from completing the inspection or places the inspector in an unwanted position. This is also cited when individuals working inside an establishment flee the location and/or hide illegal/dirty tools.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000 \$1500	\$2000 \$3000	\$3000 \$4500

Recommended Risk Level

Necommended hisk Lever				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> There are many times this violation is cited because an induvial has become hostile with an inspector. An individual willing to become hostile with an inspector should be of high concern on how they would treat a consumer. This is also common when individuals flee or hide dirty items, which is one of the highest threats to consumer safety.

904(d) No Photographic Identification Available

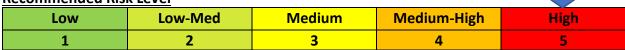
Examples of When and Why this is Cited:

An individual has no driver's license, identification card or other form of identification.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100 \$75	\$200 \$150	\$300 \$225

Recommended Risk Level



<u>Risks Level Explanation:</u> Licensees are required to identify themselves when asked. This allows the Board to verify that someone is not using another person's license to provide services, which could be a very high risk to a consumer.

905 Consumer Information Not Posted

Examples of When and Why this is Cited:

An inspector does not see the consumer information posted conspicuously in the reception area.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100 \$50	\$200 \$100	\$300 \$150

Recommended Risk Level

Recommended hisk Level				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The consumer notice provides consumers with information on how to file a complaint and contact the Board. Without this poster, many consumers may not know to contact the board if they have been injured or observe health and safety concerns.

920 Apprentice Training Records Not Available or Incomplete

Examples of When and Why this is Cited:

An inspector finds an apprentice present and they are unable to provide their training records.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level

ACCOMMENDE MISK LEVEL				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Maintaining the apprentice training records is vital to prove that the individual is receiving the on-the-job training required for the apprenticeship program. This can also help prevent an establishment from having an apprentice working but not receiving the required training. An apprentice working on a consumer is not fully licensed, and therefore poses a higher risk to consumer if not being properly trained.

965 Display of Licenses

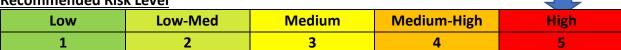
Examples of When and Why this is Cited:

An inspector does not see a license clearly displayed at a licensee's work station.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50 \$75	\$100 \$200	\$150 \$300

Recommended Risk Level



<u>Risks Level Explanation:</u> The posting of the license is the most obvious indication to a consumer that the person providing the service is licensed. This allows a consumer to verify the license is valid and allows the consumer to see the individuals name and license number if they need to file a complaint. The Board often received complaints of harm where we are unable to identify the licensee because there was no license posted.

978(a)(1),(a)(2),(a)(3),(a)(4) Receptacles, Cabinets and Containers

Examples of When and Why this is Cited:

An inspector finds that an establishment does not have minimum equipment such as a covered waste container for hair, closed containers for soiled linens, closed containers to store clean tools and linens, proper containers for disinfectant solution, and mixed disinfectant.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> There is a low chance for consumer harm if hair and items are not stored in closed containers. Disinfectant solution is vital, however disinfection is covered in other sections, such as CCR 979.

978(a)(5) Insufficient Disinfectant for Total Immersions

Examples of When and Why this is Cited:

An inspector observes that a non-electrical tool is in disinfectant solution but is not fully immersed.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level

Recommended Risk Level					
Low	Low-Med	Medium	Medium-High	High	
1	2	3	4	5	

<u>Risks Level Explanation:</u> An item that is not fully immersed is not being disinfected properly. This would pose a significant risk to a consumer as that contaminated tool could spread bacteria, fungi, and/or viruses to another consumer.

978(a)(6) No Steam/Dry Heat Sterilizer for Electrology Tools

Examples of When and Why this is Cited:

An inspector does not find an autoclave or a dry heat sterilizer where electrology services are being provided.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$500	\$1000	\$1500
Proposed Fine Amount	\$500	\$1000	\$1500

Recommended Risk Level



<u>Risks Level Explanation:</u> Electrology is an invasive procedure and therefore requires sterilization as opposed to disinfection. Using non-sterilized tools is a significant risk to consumers.

978(b) No Disinfectant Solution Available for Use

Examples of When and Why this is Cited:

An inspector does not find disinfection solution available in the establishment.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

Recommended Risk Level

recommended his				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The absence of disinfection solution being readily available increases the likelihood that tools are not being disinfected at all. This would create a significant risk for consumers who would be exposed to bacteria, fungi, and/or viruses.

978(c) No Manufacturer-Labeled Container for Disinfectant

Examples of When and Why this is Cited:

An inspector does not find a manufactured labeled container in the establishment.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The requirement to have the container on site is very important to consumer safety as it contains the label from the EPA indicating it is a proper disinfectant and contains the directions for use. When directions are not followed, the consumer is at risk of receiving services with tools not properly disinfected and thus being exposed to bacteria, fungi, and/or viruses.

979 Disinfecting Non-Electrical Tools

Examples of When and Why this is Cited:

An inspector observes a dirty tool not being disinfected properly, disinfectant solution not covered or containing debris, a tool not stored in a labeled container, or a container labeled clean may be dirty.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$250	\$500
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level

Meconiniciaca Mis				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

Risks Level Explanation: This section includes the proper ways to disinfect non-electrical tools. If the disinfection procedures and storage of items are not done properly, the consumer's safety is at high risk.

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980(a) Incorrect Disinfection of Electrical Tools

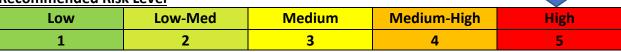
Examples of When and Why this is Cited:

An inspector observes a licensee using a dirty electrical tool (most commonly hair clippers) or if the proper disinfection spray is not used.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level



Risks Level Explanation: If a tool is not disinfected properly and used on multiple consumers, the risk of spreading bacteria, fungi, and viruses is high.

980.1 Incorrect Disinfection of Pedicure Spas (Per Chair)

Examples of When and Why this is Cited:

An inspector observes a whirlpool foot spa not being disinfected properly or the inspector finds the foot spa to be in a condition that poses an immediate threat to a consumer's health and safety.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level					
Low	Low-Med	Medium	Medium-High	High	
1	2	3	4	5	

Risks Level Explanation: This is the highest risk to consumers as there have been documented deaths and significant injuries to consumers from dirty foot spas.

980.4 Incorrect Disinfection of Foot Basin/Tub After Use of Disposable Liner

Examples of When and Why this is Cited:

An inspector observes foot basins or tubs not being cleaned after a disposable liner was used.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The use of the liner prevents a consumer's skin from coming into direct contact with a foot basin or tub. The Board has not seen any consumer harm cases stem from a basin not being cleaned properly after use of a liner.

980.4(a)(2) Incorrect/Missing Log

Examples of When and Why this is Cited:

An inspector verifies that the foot spa cleaning log is not being maintained or is missing.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The log is an important tracking tool for a licensee to make sure they are following the cleaning regulations for foot spas. While the missing log or incomplete log may not directly cause harm, it is a valuable requirement for the Board to ensure the proper steps are taking place.

980.4(a)(4) Failure to Maintain Supply of Liners (5 Per Tub)

Examples of When and Why this is Cited:

An inspector observes that an establishment does not have a supply of 5 liners per basin.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Recommended Kis	K LEVEI			
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> If a supply of liners is not present, this could mean that licensees are reusing liners, which could increase the risk to consumers.

981(a) No Disposal of Non-Disinfectable Items

Examples of When and Why this is Cited:

An inspector finds used disposable items that have not been thrown away immediately. Most common items cited are nail buffers, emery boards and wax sticks.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$200	\$400	\$600

Recommended Risk Level

Recommended Nis				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Usually items are not thrown away because the licensee will reuse the tools on multiple consumers – such as with emery boards. Using an item that cannot be cleaned or disinfected on more than one consumer puts the consumer at high risk for cross contamination.

981(b) Improper Storage of New Supplies and Disposable Tools

Examples of When and Why this is Cited:

An inspector finds a new tool not labeled "New."

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Items are commonly stored in their original containers and it does not increase consumer safety to add a label of "new" to a package.

981(c) Carry Tools or Supplies in or on Garments

Examples of When and Why this is Cited:

An inspector sees a tool being carried in or on a licensee's garments, pouch, or holster. Examples include hair clips on an apron or licensees wearing brush belts to hold makeup brushes.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The Board has no evidence of a consumer ever being harmed from an item that was clipped on a licensees clothing. Pouches and holsters should not be used since they are typically made or leather or other porous material and cannot be disinfected, so there is a risk of tools being contaminated and spreading bacteria, fungi, or viruses to consumers.

982 Incorrect Sterilization of Electrology Tools

Examples of When and Why this is Cited:

An inspector finds that electrolysis tools are not being sterilized properly.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Necommended hisk level					
Low	Low-Med	Medium	Medium-High	High	
1	2	3	4	5	

<u>Risks Level Explanation:</u> Electrology is an invasive procedure and therefore requires sterilization as opposed to disinfection. Using non-sterilized tools is a significant risk to consumers.

983 Personal Cleanliness

Examples of When and Why this is Cited:

An inspector observes a licensee's attire not being clean or observes a licensee not washing their hands before a service.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Recommended Risk Level				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> There is no risk to a consumer's safety if a licensee's clothes are not clean, however, hand washing is vital. There is a high risk to a consumer's safety if the licensee does not properly wash their hands before providing services.

984(a) Allow Licensee with Infectious/Communicable Disease to Work on Person

Examples of When and Why this is Cited:

An inspector observes a licensee providing a service and the licensee has an infection or parasitic infestation capable of being transmitted.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$250	\$500
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Recommended Kis				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

984(b) Allow or Require Licensee to Work on a Person with Infectious/Communicable Disease

Examples of When and Why this is Cited:

An inspector observes a licensee providing a service on a consumer that has an infection or parasitic infestation capable of being transmitted.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$250	\$500
Proposed Fine Amount	\$250	\$500	\$750



Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

984(e) Performing Services on Inflamed, Broken or Infected or Erupted Skin or Scalp/Working Without Gloves When Skin on Hands is Inflamed, Broken, Infected or Erupted.

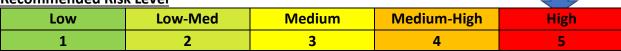
Examples of When and Why this is Cited:

An inspector observes a licensee providing a service to a consumer who has inflamed, broken, or an infection on their skin or scalp or the licensee has the skin issue and is not wearing gloves during the service.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$100	\$250	\$500
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level



<u>Risks Level Explanation:</u> The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

985 No Use of Neck Strip or Towel

Examples of When and Why this is Cited:

An inspector observes a service being performed and there is no neck strip or towel between the consumer's neck and the cape.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> There is no evidence to suggest that a neck strip or towel increases consumer safety. The Board has no record of harm resulting from the absence of a neck strip or towel.

986 Neck Dusters/Brushes Not Clean or Sanitary

Examples of When and Why this is Cited:

An inspector finds a brush that is visibly dirty and/or not stored properly. This is most commonly found in neck dusters.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Neck dusters are a hassle to clean and dry between clients. Many states have prohibited neck dusters as there is no viable method to ensure their cleanliness. While brushes can also be a significant risk, staff are developing a new and clear regulation for brushes.

987 Towels

Examples of When and Why this is Cited:

An inspector observes towels not being stored properly. Often clean towels are often left uncovered or in an open cabinet.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> There is no evidence to suggest that there is a risk to consumer safety from a towel not being stored in a closed container or cabinet.

988 Liquids, Creams, Powders and Cosmetics

Examples of When and Why this is Cited:

An inspector finds dirty, open, and/or not labeled product containers. Wax pots are most commonly cited. This violation also covers the "double-dipping" of products.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Recommended Risk Level				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Leaving product containers open and double-dipping allows for cross-contamination between consumers, which is a significant risk to consumer health and safety.

989 Prohibited Hazardous Substance/Use of Product

Examples of When and Why this is Cited:

An inspector finds a hazardous product, most commonly methyl methacrylate monomer.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

Recommended Risk Level

Recommended Risk Level				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Products are considered hazardous by the FDA, EPA, or OSHA for reasons. Use of a prohibited product poses significant risk to consumers. Methyl Methacrylate Monomer is poisonous and deleterious – it causes artificial nails to adhere to the natural nail bed so strongly that the nail bed can be removed under pressure. It also causes severe allergic reactions and can cause nail infections resulting from breaks in the natural nails.

990 Headrests, Shampoo Bowls, and Treatment Tables

Examples of When and Why this is Cited:

An inspector finds a dirty shampoo bowl or treatment table.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> The treatment table and shampoo bowl should always be properly cleaned; however, the Board has no evidence of consumer harm from either of these situations.

991 Performing Invasive Procedures

Examples of When and Why this is Cited:

An inspector finds licensees using products/devices that are invasive. Microneedling tools and surgical blades are most commonly cited.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

Recommended Risk Level

Recommended Kis				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Any licensee that performs an invasive procedure puts a consumer's safety at significant risk. Licensees are not properly trained or tested on how to safely provide invasive procedures.

992 Performing Invasive Skin Exfoliation

Examples of When and Why this is Cited:

An inspector finds products that removes deeper than the epidermal layer of the skin. Medium and deep chemical peels are most commonly cited.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

Recommended Risk Level

Recommended Risk Level				
Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

<u>Risks Level Explanation:</u> Any licensee that performs an invasive procedure puts a consumer's safety at significant risk. Licensees are not properly trained or tested on how to safely provide invasive skin exfoliation.

993 Prohibited Tools

Examples of When and Why this is Cited:

An inspector finds a razor-edged tool used to remove calluses (blade or rasp) or a needle-like tool used for extractions.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$300	\$400	\$500
Proposed Fine Amount	\$300	\$600	\$900

Recommended Risk Level

Recommended Risk Level					
	Low	Low-Med	Medium	Medium-High	High
	1	2	3	4	5

<u>Risks Level Explanation:</u> There is a significant consumer safety risk as licensees are not properly trained or tested on how to safely provide services that remove skin or puncture the skin.

994 Cleanliness and Repair

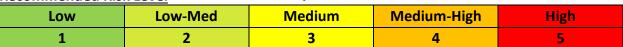
Examples of When and Why this is Cited:

An inspector finds an excess of hair clippings/garbage present or broken furniture. This section is most commonly cited when there is hair from multiple consumers found in drawers or swept into a pile on the floor, or the garbage can is overflowing.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

Recommended Risk Level



<u>Risks Level Explanation:</u> While the Board has no evidence that an accumulation of hair clippings or garbage directly impacts consumer safety, if an establishment is in a condition that allows this, then other regulations may be ignored as well.

995 Plumbing Standards

Examples of When and Why this is Cited:

An inspector finds an establishment does not have adequate ventilation, running water, or public toilets available.

Fine Schedule:

	1 st Offense	2 nd Offense	3 rd Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

Recommended Risk Level					
Low	Low-Med	Medium	Medium-High	High	
1	2	3	4	5	

<u>Risks Level Explanation:</u> Ventilation is necessary, so consumers can easily breathe and not inhale hazardous fumes. Running water is necessary to wash hands and flush eyes in case of an emergency.

Agenda Item No. 4 No Attachments

Agenda Item No. 5 No Attachments

Adjournment