



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY – GOVERNOR Edmund G. Brown JR.  
**BOARD OF BARBERING AND COSMETOLOGY**  
P.O. Box 944226, Sacramento, CA 94244-2260  
P (800) 952-5210 F (916) 575-7281 [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)



**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**BOARD MEETING  
MINUTES OF NOVEMBER 14, 2016**

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

The off-site meeting location for teleconference:  
22770 Mountain View Road  
Moreno Valley, CA 92557

**BOARD MEMBERS PRESENT**

Joseph Federico, President  
Mary Lou Amaro  
Bobbie Jean Anderson (teleconference)  
Polly Codorniz  
Richard Hedges  
Coco LaChine  
Lisa Thong

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Rebecca Bon, Legal Counsel  
Tami Guess, Board Project Manager  
Carrie Harris, Enforcement Manager  
Marcene Melliza, Board Analyst

**BOARD MEMBERS ABSENT**

Andrew Drabkin  
Dr. Kari Williams, Vice President

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

Joseph Federico, the Board President, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

**2. Agenda Item #2, BOARD PRESIDENT'S OPENING REMARKS**

Mr. Federico welcomed everyone to the meeting.

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

Fred Jones, Legal Counsel for the Professional Beauty Federation of California (PBFC), stated the 17<sup>th</sup> annual Welcome to Our World (WOW) event will be held on Monday, May 1, 2017, from 3:00 p.m. to 6:00 p.m. He stated, due to renovations of the Capitol Building, the event will be held a block away, across the street from the Catholic Cathedral. More information is forthcoming.

**4. Agenda Item #4, EXECUTIVE OFFICER’S REPORT**

- Licensing Statistics
- Examination Statistics
- Disciplinary Review Committee Statistics
- Enforcement Statistics
- Budget Updates
- Outreach Update

Ms. Kristy Underwood, the Executive Officer, reviewed the statistics and budget charts and the list of industry events attended since the last Board meeting, which were included in the meeting packet. She stated the International Salon and Spa Expo (ISSE) in Long Beach on January 28-30, 2017, is tentatively scheduled as staff is awaiting permission to attend from the promoters of the show.

Lisa Thong, a Board Member, referred to the Disciplinary Review Committee Statistics document and requested that the numbers for the past five years be included for comparison.

Richard Hedges, a Board Member, suggested asking the Legislature for stipends or relocation funding for inspectors to cities such as San Francisco.

**5. Agenda Item #5, APPROVAL OF BOARD MEETING MINUTES**

- April 11, 2016
- July 17, 2016
- July 18, 2016

Rebecca Bon, Legal Counsel, requested listing Laura Freedman, Legal Counsel, under staff members present instead of stating Ms. Bon was represented by Ms. Freedman in the July 17<sup>th</sup> and 18<sup>th</sup> meeting minutes.

**MOTION:** Mr. Hedges made a motion, seconded by Mr. Federico, that the Board approves the April 11, 2016, July 17, 2016, and July 18, 2016, Meeting Minutes as updated. Motion carried 7 yes, 0 no, 0 abstain per roll call vote.

The following Board Members voted “Yes”: Amaro, Anderson, Codorniz, Federico, Hedges, LaChine, and Thong.

**6. Agenda Item #6, REVIEW AND APPROVAL OF PROPOSED BOARD-CREATED EDUCATIONAL TUTORIAL SERIES FOR LICENSEES, ESTABLISHMENT OWNERS, UNLICENSED INDIVIDUALS, AND APPRENTICES**

Ms. Underwood provided an overview of the background, needs and problems, goals, procedures and scope of work, timetable, and next steps of the proposed Board-created Educational Tutorial series. She referred to the bullet points on page 4 of the staff summary, included in the meeting packet, which outline the proposed subject areas for each of the fifteen tutorials that will be available online in multiple languages. Staff is working with the Department of Consumer Affairs (DCA) on this project and will meet with vendors in early 2017 for target implementation in 2018.

Ms. Thong asked if a printed version will be made available for individuals who do not have access to the online version.

Tami Guess, the Board Project Manager, stated a written form will be made available for each module with a test that must be passed prior to moving on to the next module.

Ms. Thong suggested including a section on the Disciplinary Review Committee (DRC) process and interacting with inspectors to increase the understanding as to why the inspectors are there.

### **Public Comment**

Glen Forman, Deputy Chief of the Division of Apprenticeship Standards (DAS), spoke in support of the proposed Educational Tutorial series, especially the 39-hour class.

Mr. Jones applauded the proactive nature of this proposal. He stated the need to keep all avenues open for potential licensees to join the industry. He stated the concern that the business model used by program sponsors is based on the 39-hour pre-apprenticeship program. If the 39 hours are offered for free, it removes the primary justification for the charge to the apprentices that keeps the program sponsors in business. A potential unintended consequence of this proactive, forward-looking proposal is decimating all program sponsors in the state of California, which will leave apprentices with no one to help shepherd them into a Board-approved salon to begin their apprenticeship.

Delane Sims, Owner of Delane's Natural Nail Care, applauded the Board for taking this step in educating members of the industry. She stated her salon is a part of the Healthy Nail Collaborative; health and safety has been the cornerstone of her establishment. She outlined the proactive measures her salon has taken to ensure the health and safety of clients. She suggested an apprenticeship program for nail techs.

Dave White, of the Central Valley Barber College, spoke in opposition to apprentice programs. He stated the concern that not all barber shops practice proper sanitation rules. Graduates from a barber college learn the proper methods. He stated the need for more inspectors. He stated there are as many unlicensed barbers in shops as licensed barbers.

John Moreno, Vice President of the Bakersfield Barber College, spoke in support of the proposed Educational Tutorial series. He stated the importance of breaking down the rules for students and helping them understand why they are important.

Coco LaChine, a Board Member, asked staff to list the modules in priority order. He suggested including a requirement safeguard to ensure the identity of the individuals taking the tests.

**MOTION:** Mr. Hedges made a motion, seconded by Mr. Federico, that the Board approves the proposed Board-created Educational Tutorial series, including Ms. Thong's suggestions. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote.

The following Board Members voted “Yes”: Amaro, Anderson, Codorniz, Federico, Hedges, LaChine, and Thong.

**7. Agenda Item #7, DISCUSSION AND POSSIBLE ACTIONS ON THE PROPOSED AMENDMENTS TO THE BOARD’S DISCIPLINARY GUIDELINES (TITLE 16 CCR SECTION 972)**

Ms. Underwood stated the need to amend the Disciplinary Guidelines to align with the newly-adopted online Educational Tutorial series. She suggested the removal of language that refers to required attendance in an approved school in paragraph 1 on page 34 of the Disciplinary Guidelines as noted in the meeting packet.

**MOTION:** Mr. Hedges made a motion, seconded by Mr. Federico, that the Board approves the amendments to the Disciplinary Guidelines as noted in the meeting packet. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote.

The following Board Members voted “Yes”: Amaro, Anderson, Codorniz, Federico, Hedges, LaChine, and Thong.

**8. Agenda Item #8, UPDATE ON BILLS THAT COULD IMPACT BBC**

- **AB 1322 (Daly, Wilk) – Allowing Alcohol in Establishments**
- **AB 2025 (Gonzalez) – Labor Law Education Requirements**
- **AB 2125 (Chiu) – Healthy Nail Salon Recognition Program**
- **AB 2437 (Ting) – Nail Establishments: Training, Wage Violations**
- **SB 896 (Nguyen) – Credit/Debit Cards for Tips**
- **SB 1044 (Nguyen) – Assessment of Fines to Individuals and Establishment Owners and Citation Fine Payment Plans**

Ms. Underwood directed the Board’s attention to the legislative update memo provided in the meeting packet and summarized the current status of bills currently being tracked by staff.

Ms. Thong asked for a more detailed understanding of the process necessary to be part of the Healthy Nail Collaborative as a future agenda item.

Mr. Federico suggested inviting counties to present their implementation process for the Healthy Nail Recognition Program mandated in Assembly Bill (AB) 2125 in a future Board meeting.

Mr. Hedges volunteered to work with staff on the creation of the regulations mandated in Senate Bill (SB) 1044.

**Public Comment**

Mr. Jones stated the point of AB 1322 was to largely exempt salons from the Alcohol Beverage Control Department (ABC) oversight. He encouraged the Board to reach out to the ABC to learn their regulation plans. He stated the state of California has an obligation to regulate the distribution and consumption of alcohol in salons and, if it will not be the ABC, it then falls to the Board. He

stated, if the ABC will not regulate this, perhaps they will assist in developing regulations for the Board to enforce.

Mr. Jones stated it is appropriate for the Board to pass regulations to implement AB 2125. One of the regulations could be, as part of the inspection and enforcement division review process, that a salon cited with a violation be required to remove that sign as part of the citation. This would necessitate a process in which the inspector will be looking for those signs as part of the inspection. The Board should have the authority to require owners to move that sign without waiting for the municipality that granted it in the first place.

Mr. Moreno stated, on AB 1322, it is important to ensure the barbers and beauticians are not drinking. Adding alcohol creates too much liability and creates an unneeded atmosphere for salons. He stated the Board will be unable to oversee the quantity of alcohol provided to customers and to ensure that individuals in the industry do not also drink themselves. A breathalyzer test is necessary as a mandatory procedure.

## **9. Agenda Item #9, PROPOSED REGULATIONS UPDATES (POSSIBLE ACTIONS)**

Mr. Federico deferred to Ms. Underwood to provide updates on the following items:

- **Update on “Demonstration of Projects” for Purposes of BPC section 7319(e) Exemptions. Title 16 CCR section 965.1**

Ms. Underwood stated the Demonstration of Projects has been approved by the Office of Administrative Law and will be effective on January 1, 2017.

- **Consider and Adopt Proposed Modified Text with Addition of Sample Health and Safety Poster and Initiate 15-day notice – Title 16 CCR sections 904 and 905**

Ms. Underwood stated the DCA legal office recommended adding code section references to the bottom of the health and safety poster. She asked for Board approval on the change; then, it will go out for a 15-day public comment period.

**MOTION:** Mr. Hedges made a motion, seconded by Ms. Amaro, that the Board approves the modified text as outlined by the Department of Consumer Affairs. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote.

The following Board Members voted “Yes”: Amaro, Anderson, Codorniz, Federico, Hedges, LaChine, and Thong.

Mr. LaChine asked that the signage required to be displayed in salons include more attractive elements of design.

**10. Agenda Item #10, DISCUSS AND POSSIBLE ACTION TO DESIGNATE THE DECISION AND ORDER IN THE MATTER OF THE CITATION AGAINST MBM BEAUTY LLC DBA LASHES ON BROADWAY AS PRECEDENT PURSUANT TO GOVERNMENT CODE SECTION 11425.60**

Mr. Federico deferred to Ms. Underwood to provide an update on this agenda item:

Ms. Underwood directed Board Members' attention to the documentation provided in the meeting packet. She stated the case was upheld by the judge and voted on by the Board. She asked that the Board make a motion to accept this case as precedent to be used as a tool in future cases.

Mr. Hedges asked for Ms. Bon's opinion on using this case as precedent. Ms. Bon agreed that this case could be used as precedent to be used as a tool in future cases.

**MOTION:** Mr. Federico made a motion, seconded by Mr. Hedges, that the Board accepts this case as precedent. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote.

The following Board Members voted "Yes": Amaro, Anderson, Codorniz, Federico, Hedges, LaChine, and Thong.

**11. Agenda Item #11, AGENDA ITEMS FOR NEXT MEETING**

Mr. Federico asked staff to research which states currently offer a hair stylist license, how many states offer it, the scope of practice, and the regulatory hours and requirements.

Mr. Hedges asked for an Enforcement Committee meeting to discuss SB 1044, to bring back recommendations to the Board in the January meeting.

Ms. Thong suggested a presentation on the Healthy Nail Salon Initiative at the next Board meeting. She also requested a list of schools in California and their pass/fail rates.

Mr. Hedges suggested including a tutorial on the website on how to navigate the website to allay confusion.

**Public Comment**

Mr. Jones asked to revisit the hair stylist license since the vast majority of cosmetologists only do hair. It would decrease the number of hours required for education and lessen student debt before entering the workforce. He suggested preparing legislative proposals at the next Board meeting. A hair stylist license is inevitable. He suggested that the Board be out in front on the issue.

**12. Agenda Item #12, PUBLIC COMMENT**

Mr. Jones commended the Board on being proactive and welcoming to the public. He especially highlighted Ms. Underwood's leadership abilities and her and the executive staff's willingness to work with stakeholders to make a difference.

Ms. Sims thanked the Board for their direction and help to ensure that salons are safe. She asked for information on becoming a part of the Board in the future.

Jean Ogren, Electrologists' Association of California, stated this Board is the most professional and proactive that she has seen in 45 years in the industry. She stated all of the professions appreciate it.

**13. Agenda Item #13, ADJOURNMENT**

Mr. LaChine stated November is designated as Transgender Awareness Month primarily because November 20<sup>th</sup> is the observance of the Transgender Day of Remembrance. He asked the Board to adjourn the meeting in memory of those lost to transgender hatred and violence.

There being no further business, the meeting was adjourned at approximately 11:45 a.m.