

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD TELECONFERENCE MEETING

MINUTES OF JUNE 8, 2020

BOARD MEMBERS PRESENT

Lisa Thong, President
Dr. Kari Williams, Vice President
Jacquelyn Crabtree
Andrew Drabkin
Derick Matos
Calimay Pham
Christie Tran
Steve Weeks

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabine Knight, Board Legal Representative
Allison Lee, Board Project Manager
Marcene Melliza, Board Analyst

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

Lisa Thong, Board President, called the teleconference meeting to order at 9:10 a.m. and confirmed the presence of a quorum.

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

Ms. Thong discussed the challenges and uncertainties during these unprecedented times due to the COVID-19 pandemic. She shared details on how the Board has been involved in responding to the COVID-19 pandemic, how it is transitioning to a new normal, and the current emotional state of the communities.

Ms. Thong stated the Board's role during the pandemic has been to maintain consumer protection and consult with local and state entities about the laws and regulations specific to the barbering and cosmetology industry. The information provided by the Board helps guide decisions made by the governor and the California Department of Public Health (CDPH), which are the entities determining the safest way to reopen the state and still reduce the spread of COVID-19.

Ms. Thong stated the CDPH recently published guidelines for hair salons and barber shops. It is important to follow these guidelines that have been laid out by the experts to open slowly and thoughtfully to keep from ending up in a position where the precautions of the last several months are erased. Concerns regarding these guidelines should be directed to the CDPH and will not be discussed during today's meeting. The Board developed a Returning to Work Checklist to help licensees be as safe as possible as they return to work, which is posted on the Board's website.

Ms. Thong acknowledged the nation's political unrest, the racial injustice that is disproportionately impacting communities of color, the pain and heartbreak of the

protests, and Black Lives Matter. She stated the trauma and suffering of Black communities should not be ignored. There are ways for everyone to do better, to listen, to empathize, and to look inwards at how to commit to advancing human and civil rights, especially for Black communities and other communities of color, which are disproportionately impacted by injustice, inequity, and the COVID-19 pandemic.

Ms. Thong asked Dr. Williams to say a few words.

Dr. Williams stated, as a Black woman in America, she is conscious of her skin color every time she walks out the door. When she was a child dealing with the unfair treatment, she was led to believe that racism was only demonstrated through the actions of individuals, of personal prejudice. As she has gotten older, she has come to know that racism is not just personal, but it is institutional and is interwoven into the fabric of every institution in this country.

Dr. Williams stated the last couple of weeks have been difficult for her. She has been managing feelings of anger, frustration, and sadness. It is time to act. During this time of reform, excuses can no longer be made about why natural hair and braiding is not an option of study within the cosmetology curriculum. The curriculum in the state of California excludes information about Black hair in its natural state, providing no options for Black women and men or others to learn about the proper ways to care for and style their hair. This is where the systemic racism begins. 1100 hours of training in the current curriculum is dedicated to teaching how to chemically alter, change, and ultimately damage hair. This practice of training also erodes the self-esteem of Black individuals, reinforces Eurocentric standards of beauty, and attempts to erase Black identity.

Dr. Williams stated the Crown Act, a new state law, was recently passed to protect Black individuals from discrimination on how they choose to wear their hair in schools and in the workplace. The fact that there is no current option of education and training on Black hair is unacceptable and this new law now requires that there be educational resources and training. Standardization of Black natural hair care curriculums is necessary and these curriculums need to be created and taught by Black industry leaders.

Dr. Williams stated she has served on this Board for eight years and she has many other points, thoughts, and ideas as the Board moves forward to make these poignant changes in the industry. She stated she looks forward to having more of these conversations with the Board and members of the public as actions are taken towards change. She stated her appreciation for President Thong's words and support. She led everyone in a moment of silence to honor the lives of Breonna Taylor, Ahmaud Arbery, George Floyd, and every Black person who has been wrongly judged, persecuted, and murdered because of how they look. She stated, as everyone shares this moment of silence, know that individuals will no longer be silent in the fight to enact change in the systems that exist.

Ms. Thong thanked Dr. Williams for her thoughts and for sharing her experiences.

Ms. Thong stated she is firmly committed to doing better and firmly stands in support of Dr. Williams and the support she hopes to work towards.

3. Agenda Item #3, BOARD MEMBER REMARKS

Ms. Tran spoke about the nail industry. She stated everyone in the industry supported Governor Newsom when he first declared a state of emergency in an effort to flatten the curve to prevent hospitals from being overwhelmed by COVID-19 patients. Industry members follow the governor's social distancing directive to protect each other and their clientele.

Ms. Tran stated, as a nail salon owner, a licensed manicurist, and a first-generation immigrant to this great country, she watched other businesses deemed essential remain open throughout the lockdown. Most of the workers in the essential businesses have never received many hours of training like industry licensees have.

Ms. Tran stated the governor recently allowed certain sectors of the industry to open; however, the nail sector was forced to remain closed. She stated, as the first Vietnamese nail salon owner appointed to this Board, she has been getting questions asking why the nail industry is being singled out and why licensees cannot go back to work safely serving their clients as other state-Board-licensed establishments can. She stated she cannot answer their questions because she has not received any information from the governor on this.

Ms. Tran stated this Board approves all schools and textbooks for barbering and cosmetology, which includes the nail sector. The unequal treatment of which sectors can open first is what confuses and frustrates nail salon owners and technicians the most. She stated the need for this Board to treat the nail industry sector fairly and to have the courage to request the same of the governor.

Ms. Thong thanked Ms. Tran for her remarks and for her work with the community in representing the nail salon industry.

4. Agenda Item #4, DISCUSSION AND POSSIBLE APPROVAL OF MARCH 9, 2020, BOARD MEETING MINUTES

MOTION: Mr. Drabkin moved to approve the March 9, 2020, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Ms. Crabtree seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

5. Agenda Item #5, EXECUTIVE OFFICER'S REPORT

- **Licensing Statistics**
- **Examination Statistics**
- **Disciplinary Review Committee Statistics**
- **Enforcement Statistics**
- **Budget Updates**
- **Outreach Updates**
- **Practice Status Survey Results**

Kristy Underwood, Executive Officer, reviewed the statistics and update reports, which were included in the meeting packet.

Questions and Discussion

Mr. Weeks asked about the financial impact that the COVID-19 pandemic may have on the operating budget.

Ms. Underwood stated the impacts of COVID-19 on the industry are currently being tracked. She will provide a full report at the next meeting.

6. Agenda Item #6, DISCUSSION AND POSSIBLE ACTION REGARDING THE 2020 SUNSET REVIEW

Ms. Underwood stated sunset review has been delayed another year. The bill that addresses sunset review will be discussed later in the agenda.

7. Agenda Item #7, UPDATE REGARDING IMPACT OF COVID-19 ON LICENSING, EXAMINATIONS, AND ENFORCEMENT

Sabina Knight, Board Legal Counsel stated this agenda item has been put on all Board agendas to ensure Board Members and the public are kept up to date on everything the Board is doing operationally, the effects of the COVID-19 pandemic on the internal operations of the Board, and the impact that COVID-19 and the shelter-in-place order have had on the three items that the Board deals with on a daily basis – licensing, examinations, and enforcement.

Ms. Underwood stated staff has been working from home with the exception of two to three staff members on a weekly rotation. Training materials have been developed for staff specifically inspectors and examiners on personal protection equipment and new plans for when all staff will return to work.

Ms. Underwood stated there has been a significant decrease in applications received. The Licensing Unit is using this time as an opportunity to clean up the database. She stated there are well over 5,000 candidates who are waiting to take the licensing examination.

Ms. Underwood stated the Fairfield testing site plans to open on June 22nd and the Glendale testing site on June 29th. They will be opened at half-capacity to allow for social distancing. Staff will be trained on new steps to take to restart the examination process. PSI, the entity that monitors the written portion of the licensing examination, opened on June 2nd for almost all their testing facilities. Approximately 20 licenses have been issued since June 2nd.

Ms. Underwood stated inspectors will be returning to the field this week in an educational-only capacity at this time as businesses reopen to ensure that everyone is following the Board's Returning to Work Checklist.

Ms. Underwood stated the Enforcement Unit has been operating fairly normally while working from home. Over 40 media calls have occurred since March, which are handled by the California Department of Consumer Affairs (DCA). The Board received approximately 125 emails per day specifically related to the COVID-19 pandemic in addition to other emails that the office receives.

Questions and Discussion

Mr. Drabkin asked about the amount of time it will take the Fairfield and Glendale testing sites to work through the backlog, while working at half capacity, and the order in which the test takers will be taken.

Ms. Underwood stated examinations have not been given in 13 weeks. Individuals who were in the queue but were canceled due to the COVID-19 pandemic will be rescheduled first, pre-applicants will be next, and then examinations will be scheduled on a first-come first-served basis. The fewer number of applications that have been coming in during this time will help the test taking staff work through the backlog sooner.

Mr. Matos asked if inspectors will be ensuring that the 6-foot social distancing guidelines are met in salons. Ms. Underwood stated this is not within the Board's purview. When inspections resume, they will only be inspecting for industry rules and regulations, unless otherwise directed by the governor or Legislature.

Ms. Crabtree stated concerns about not wearing masks or not complying with the social distancing guidelines can be taken up with the CDPH. Ms. Underwood agreed and added that county public health departments are another resource. She stated local counties will be stricter with enforcement.

8. **Agenda Item #8, LEGISLATIVE UPDATE**

Discussion and Possible Action on Proposed Bills

AB 1928 (Kiley and Melendez) – Employment Standards

AB 2465 (Gonzalez) – Booth Renter Permit

SB 806 (Grove) – Employees: Independent Contractors

SB 1474 (Committee on Business, Professions and Economic Development) – Sunset

Ms. Underwood summarized the Bill Analysis, which was included in the meeting packet, for the following bills:

- **AB 1928 (Kiley and Melendez) – Employment Standards**

Ms. Underwood stated this bill is not moving forward this year.

- **AB 2465 (Gonzalez) – Booth Renter Permit**

Ms. Underwood stated this bill is not moving forward this year.

- **SB 806 (Grove) – Employees: Independent Contractors**

Ms. Underwood stated this bill is not moving forward this year.

- **SB 1474 (Committee on Business, Professions and Economic Development) – Sunset**

Ms. Underwood stated this bill would extend the sunset date of the Board for one year. She suggested that the Board take a position on Senate Bill (SB) 1474 today.

MOTION: Mr. Drabkin made a motion to take a support position on Senate Bill 1474. Mr. Weeks seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

9. Agenda Item #9, DISCUSSION AND POSSIBLE ACTION REGARDING RULEMAKING PROPOSALS

- **Amend Title 16, California Code of Regulations (CCR), section 950.10 (Transfer of Credit or Training)**
- **Amend Title 16, CCR section 961 (Instructional Materials-NIC Guides)**
- **Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)**
- **Add Title 16, CCR section 965.2 (Personal Service Permit)**
- **Amend Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)**
- **Amend Title 16, CCR section 972 (Disciplinary Guidelines)**
- **Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)**

Ms. Underwood reviewed the Regulation Update Memo, which was included in the meeting packet. She highlighted two items that will require discussion and possible action by the Board:

- **Add Title 16, CCR section 965.2 (Personal Service Permit)**

Ms. Underwood stated the language previously approved by the Board is in the packet as well as the comments received during the 45-day public comment period. Upon Board approval today, the rulemaking package will be filed with the Office of Administrative Law. She noted that a 15-day public comment period is required because the date for the consumer notice needs to be updated.

Questions and Discussion

Ms. Crabtree asked about the amount of time it will take for this section to go into effect and individuals can begin obtaining personal service permits. Ms. Underwood stated the timeline is variable since it will be reviewed by several agencies before going into effect.

Ms. Knight added that the package will be sent out in July. She estimated that it may go into effect at the start of the new year.

Mr. Matos referred to the response to Question 6 on page 3 of the Summary of, and Responses to, Comments Received During the 45-day Comment Period on the Original Language document, which was provided in the meeting packet, where it states “requiring any type of testing after licensure may also put an unfair burden on licensees that do not have access to a computer or internet ... the Board has resources available online for licensees” He asked if licensees are made aware of the availability of hardcopy versions of the online resources.

Ms. Underwood stated that information is published on license renewal notices and staff attends trade shows to educate licensees on the resources available on the website.

Ms. Thong referred to Question 3 on page 13 of the responses to public comment document, which asks “will a person that provides services via a PSP need to obtain a business permit/license from the city or county? Is a state business license not required?” She stated the response was “this is outside the scope of this rulemaking

proposal.” Ms. Thong suggested including language in the PSP to address this in terms of requiring PSP holders to also adhere to local business operation laws or labor laws. She stated many licensees get confused about the different types of licenses and permits that are required. If that language is not included, licensees may feel that it is not necessary to abide by local business permitting or licensing laws.

Ms. Knight referred to Section 965.2, Personal Service Permit, subsection (h), in the staff memo, which states “a PSP holder shall follow all laws, rules, and regulations applicable to the services rendered.” She suggested adding “including but not limited to local and applicable laws, rules, and regulations” so it would read “a PSP holder shall follow all laws, rules and regulations applicable to the services rendered, including but not limited to any applicable local laws, rules, and regulations.”

Ms. Thong agreed that that would address her question.

Ms. Knight stated there are two potential edits to the language and an edit to the Board’s responses to the comments. She suggested voting on each of these items separately.

Mr. Drabkin moved to approve the potential edits to subsection (h) so it would read “a PSP holder shall follow all laws, rules and regulations applicable to the services rendered, including but not limited to any applicable local laws, rules, and regulations.” Ms. Crabtree seconded.

Public Comment

Robert stated there are current industry rules and regulations that the Board cannot enforce. He asked how the Board will enforce this motion.

Ann Fisher thanked Dr. Williams for stating the need for African American hair braiding training. She stated the massage industry did a similar PSP license, which would give them mobility. The speaker stated business licenses are different in each city and cause confusion. The speaker spoke in support of putting specific language in for liability. The speaker suggested including a link on the Board website listing the different cities and their requirements to be mobile.

MOTION: Mr. Drabkin made a motion to approve the potential edits to subsection (h) so it would read “a PSP holder shall follow all laws, rules and regulations applicable to the services rendered, including but not limited to any applicable local laws, rules, and regulations.” Ms. Crabtree seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

Ms. Knight stated this edited language will be part of the next motion, including the updated date, which is under subsection (i)(1), which changes the date from 2018 to 2020. She asked for a motion to approve taking this modified language, including the new subsection (h), authorize the Board to go out for a 15-day public comment period

for the modified text, finish the regulatory packet, and delegate that authority to the Executive Officer.

MOTION: Mr. Drabkin moved to approve the proposed modified text for a 15-day public comment period and delegate to the Executive Officer the authority to adopt the proposed regulatory changes and, if there are no adverse comments during the public comment period, to follow established procedures and processes in doing so, and to delegate to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

Ms. Crabtree seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

Ms. Knight stated the next motion for this regulatory language change will be to approve or edit the responses to the comments as provided in the staff memo.

MOTION: Ms. Crabtree moved to direct staff to reject the proposed comments, provide the responses to the comments as indicated in the meeting materials, and complete the regulatory process as authorized by previous motions. Mr. Drabkin seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

- **Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)**

Ms. Underwood reviewed the Appeal Processes Memo, which was included in the meeting packet, which provided information regarding appeal processes for DCA divisions as well as other states.

Questions and Discussion

Mr. Weeks thanked staff for researching this issue. He stated the involvement of the Board on the DRC appeals level keeps the Board in touch with how the regulations are working on a practical basis with licensees. This is valuable in developing new regulations or modifying the old to better reflect the current needs of the industry. For some Board Members, this is the only opportunity to get direct feedback from licensees.

Mr. Weeks suggested two following additions to the amended DRC language: that each individual DRC Committee meeting should be chaired by the Board Member, and that the Board Member who chaired the DRC report to the full Board at the next scheduled Board meeting a summary of the Committee hearing results and any necessary regulations that may require change, review, or clarification by the Board or appropriate Board Committee. He stated by making these two additions, an even better system can be made.

Ms. Underwood stated that is a great idea. She suggested creating guidelines for Board Members. She asked legal counsel if these items can be acted on without changes to the regulation.

Mr. Knight stated they could. She suggested having a standing DRC report with statistics as part of the agenda.

Ms. Crabtree agreed with Mr. Weeks' proposed language. It is important that the language include that the Board Member will chair the DRC. She agreed with creating guidelines for new Board Members for consistency in following protocol.

Mr. Drabkin asked if the DRC report could be included in the Executive Officer's Report. The DRC Members are made up of a pool of Board Members. He asked if past Board Members and others could be added to the pool to give flexibility in appointing individuals to hearings.

Ms. Underwood stated chairs usually report back on their Committees. She was unsure that it is necessary to have that in the language but stated it was a good idea to appoint a chair. Staff then works with the chair on issues such as scheduling.

Ms. Underwood stated Board Members have more perspective on what they are seeing at DRC hearings. Also, the Executive Office does not attend all hearings. She suggested that the chair of the DRC report out at the next Board meeting.

Ms. Crabtree spoke in support of the proposed language. The word "may" provides flexibility so that, if there are not enough Board Members available to attend a DRC meeting, other individuals can be appointed.

Ms. Thong spoke in support of Mr. Weeks' suggestions.

Ms. Knight suggested reviewing the Board Member Procedure Manual, which includes information on the Committee makeup.

MOTION: Steve Weeks moved approval of the proposed text for a 45-day public comment period and delegates to the Executive Officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period, to follow established procedures and processes in doing so, and to delegate to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file. Ms. Crabtree seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

10. Agenda Item #10, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Stacie, salon owner, asked why the governor would state that COVID-19 started in a nail salon and what that has to do with the nail industry's performance. The speaker stated they believe that it is not the nail industry's work that contributed the number of COVID-19 cases.

Laurie Crete (phonetic), esthetician, spoke on behalf of 350 license holders in the state of California. The speaker thanked Dr. Williams for her heartfelt comments on a sensitive topic. The speaker agreed for the need for increased awareness and education surrounding Black and African American skin care. The speaker stated there

has never been a better time to partner to provide safety for the consumer. The speaker stated the need to ensure that estheticians are not forgotten or overlooked during this time of uncertainty.

Michelle Tate (phonetic), a salon esthetics owner and licensed esthetician, echoed the comments of the previous speaker. Estheticians are licensed in sanitation procedures and disinfection. The receipt of an email from the Board on May 5th shows a serious lack of communication with licensees, since businesses had been shut down since March. The Board needs to step up and do their job more effectively. If the Board does not advocate for licensees, it should advocate for consumers and consumer safety. Estheticians would love to partner with the Board to help get licensees back to work.

Shana Rose (phonetic), salon owner and licensed esthetician, stated the nail community has been discriminated against due to the governor's comment that the first community contact of COVID-19 in California happened in a nail salon, which was found to be untrue. Nail technicians and lash artists can wear gloves and masks along with their clients – the tip of the glove can easily be cut off. The speaker suggested that the Board use their social media platforms to provide videos and photos of exactly what is required of licensees going forward. The speaker also suggested an online class or seminar that can help schools and salon owners with what is required. This is a learning opportunity. Beauty schools have offered online education since March. While this was a great temporary alternative, students cannot properly learn to process chemicals or cut hair online. These students are paying full price for their education and deserve proper hands-on training.

Robert Torosian, Owner, Laque Nail Bar and Beauty Lounge, stated their disappointment that the Board will not provide responses to public comment today. The speaker stated the Board has been silent for three months. Today is not the time to be silent – the Board needs to speak up. Licensees need action now. The speaker agreed with the previous speaker and stated the governor's comment ostracized nail salons from the personal grooming industry. To date, the Board has been silent on this issue and has provided no information to the public or licensees regarding the alleged incident. Being part of the governor's office, the Board has the duty to the public and to licensees to investigate this matter and provide accurate information to the public and licensees. If no such information exists, the Board should advise the governor to retract his statement publicly. The Board has failed their licensees during the COVID-19 pandemic and the Board's failure to act is destroying businesses. Moreover, the governor and local authorities have divided the personal grooming service into different groups and subgroups.

Mickey Lacha (phonetic), owner of seven LunchboxWax Salons in the Bay Area, all of which have been forced to close since March 16th, stated to date they have not seen a single mention of waxing salons in any of the discriminatory selection and listing of businesses. The speaker echoed Ms. Tran's comments earlier in the meeting. The nail, waxing, and other industries are now being discriminated against within the industry. The speaker asked who will employ the 632,000 licensed estheticians, cosmetologists, and nail technicians when they come back to work. With businesses going under, the industry will be doomed. Targeting personal services to stay closed will put thousands of individuals out of work and will bankrupt small businesses. This is overwhelmingly

discriminating against females. The majority of individuals who earn their licenses in the state are women. This must be addressed.

Anne Fisher, owner of Spa Go's, spoke about the racism, protests, the Black Lives Matter movement, and the amount of racism seen in salons. The speaker stated the hope that the Board will do more to eradicate it by ensuring that it is not tolerated.

Ann Fisher spoke about the PSP. Many individuals do not fit into salon brick-and-mortar businesses and need the PSP to move forward quickly. Requiring Live Scan fingerprinting is burdensome and adds an extra expense. The speaker stated there does not need to be as many exclusions as are being written in because the danger exists with the technician and not with the location of services. The speaker asked the Board for audio and show-and-do regulations to help individuals who have difficulty reading and understanding the written form.

Kenya, owner of a skin care studio, stated they have always let clients know that the Board represents them and that they can contact the Board about issues. This has always been a source of pride but the Board is now letting clients down. Clients are frustrated and angry at licensees – they are hurting themselves at home and burning their skin trying to get rid of hair. All the progress made is now gone. The speaker asked the Board to think of the consumers. Licensees have always been a sanctuary for them and now gyms can open before licensees. The Board must do better in representing consumers. Businesses are hurting and clients have been left behind.

Ms. Knight stated she loves teleconference meetings where more members of the public can be reached and more public comment can be heard. She clarified that, if individuals have specific questions about the stay-at-home order issued by the governor, they can contact the governor's office. Guidance is also released by the CDPH. She encouraged the public to reach out to the governor's office and the CDPH with questions or clarifications as they may provide helpful information.

Meagan, esthetician and small business owner, stated they have been out of work since March 13th due to the COVID-19 pandemic and have been patiently waiting to return. The speaker stated they have followed the governor's stay-at-home orders and have not taken one client in almost three months, while other estheticians, nail artists, and hair stylists have continued normal business under the radar for months. The speaker has also seen clients travel to Nevada to get their services done. There are posts on local websites and forums on where to go for waxing, lashes, and pedicures against the guidelines. The speaker stated at least half of their clients are still getting services at locations that are not legally allowed to be open. Many of these technicians are taking clients at home or having clients come in the back door with lights off and doors locked. Many technicians do not have a choice as they have been left in the dust with no end in sight. Local health departments, county supervisors, and the Board have not provided real understanding on what is and is not allowed. There is no consistency in the information that is provided. Licensees look to the Board for guidance when it comes to rules and regulations. The speaker urged the Board to try to push the CDPH and/or the governor in the right direction to fully open the industry following current safety guidelines. The speaker also asked for direction on social media channels. Licensees have spent countless hours in education and deserve the chance to go back to work.

Amy Marong (phonetic), owner of a skin care salon and esthetician, stated their business has been shut down like many others for the past 86 days. The speaker has spent countless hours trying to figure out when salons can open. The speaker stated there does not seem to be anyone representing the skin care services and spas. Licensees are looking to the Board for guidance. Licensed estheticians have had hours of safety and sanitation training and it would be great to partner with the Board to help guide the governor to add guidelines to keep clients and licensees safe. Colleagues in other states have been back to work for over a month. Clients are calling daily asking the speaker to come back to their salon and service them. Clients are being forced to look for individuals who are working underground. The speaker stated the need to get licensees back into their businesses and servicing their clients.

Lorene Gibbs (phonetic), manicurist, stated their understanding that there will be inspectors in the field starting next week to help guide barbers and hair stylists through the Board's Returning to Work Checklist. The speaker suggested that the Board take a stronger stance and strongly recommend wearing masks and gloves because COVID-19 is much more harmful than it seems to the public. A lax stance on that will be dangerous to public health.

Lynelle Lynch, owner of Bellus Academy, thanked the Board for the work they are doing. It was exciting to hear that examination sites will be reopening soon. The speaker stated they received notification this morning that there are four states that are doing something innovative to help students who have graduated and are waiting for the test. Alabama, Arizona, Delaware, and Vermont are issuing temporary work permits to cosmetology students. They are valid for six months so students can work while waiting to take the examination. Also, CIDESCO, an international spa certification association, recently converted to virtual testing for all of their certifications. Schools have converted to distance education for both theory and practical. The speaker asked if something can be done to help students take their examinations.

Holly, esthetician, spoke on behalf of individuals in rural counties. The speaker stated it is difficult that other licensees ignored the lockdown orders. The only thing controlling the speaker to not reopen is the Board. It is infuriating when clients can literally walk down the street to another esthetician who is open in Nevada. Not only is the speaker's business suffering now, but there is the potential for it to suffer for a long time if their clients establish services with someone literally next door.

Holly stated clients have been calling them with third-degree burns, chemical burns, and staph infections because they have been unable to get services from their professional. Individuals are hurting themselves.

Anna Avenel (phonetic), cosmetologist, asked why it was differentiated that barbers and hair stylists can go back to work while estheticians and nail technicians cannot. A salon is a salon. The speaker asked why salon owners and licensees pay money to the Board if the Board does not advocate for them. The speaker contacted the county health department. Their response was, even though the speaker has a business license in the city that they work in, the county health department is not responsible for that. If the Board is advocating for the consumer, it does not seem that the Board is doing a very good job of it. It seems that the lines have been blurred for the Board so that it does not

do anything for licensees besides take money for licensing fees and do inspections with possible fines. The speaker asked why the Board is here if it does not help licensees.

Jaime Schrabeck, Ph.D., owner of Precision Nails, stated deregulation is not on today's agenda but it could be for every Board meeting. The speaker spoke against the PSP and referred the Board back to their previously-submitted comments on that issue.

Dr. Schrabeck suggested the removal of the language from the PSP responses that supports the deregulation of beauty professionals. Dr. Schrabeck suggested, in light of the postponement of sunset review, using this time to have more substantive discussions about the direction of the Board and its ability to facilitate a more equitable, just, and inclusive beauty industry. The speaker suggested working with the Legislature to reprioritize issues and solutions presented in the Sunset Review Report.

Kimber Bell, Manicurist, stated gyms and bars will open this week as part of the phased reopening of California due to the COVID-19 pandemic. The speaker asked if there are rules, regulations, or updates that prevent nail technicians, estheticians, tattoo parlors, and masseuses from reopening. The speaker asked why stylists and barbers are allowed to return to work while other licensed beauty professionals are not. The speaker stated the nail industry is being left out of the reopening, yet licensees have training and experience in sanitation, disinfection, and sterilization. The speaker asked if the Board has made the governor aware that not all nail technicians work in nail salons. The speaker stated they work in a private suite and serve four to six clients per day, one customer at a time. The ability to maintain disinfection and sterilization is much safer than most places that have reopened.

Kimber Bell stated, when a reporter asked Governor Newsom on Friday, June 5th specifically about when nail salons would reopen, he responded that guidelines would be posted on Friday. This did not happen. The speaker begged the Board for clarification and asked the Board to post the response to licensees. The Board represents licensees and the public. Licensees deserve answers.

Michelle Sweetman, salon owner and nail technician, stated, as an owner of two full-service salons, they are frustrated, especially when learning that hair stylists and barbers could reopen and nail technicians and estheticians cannot. The guidelines are unclear. The speaker reached out to the county, health board, the state of California, and the Board and found that the responses do not coincide. It is important for salon owners to know what they should be doing in their position and what regulations they need to enforce. Board regulations conflict with the CDC guidelines for reopening. The speaker stated they feel like the nail industry and estheticians have been left out and have been blacklisted by the governor. It is difficult to stay positive and focused on what needs to be done to reopen when there is no end in sight. The speaker stated the need to work together to come up with guidelines that coincide to move forward as an industry.

Jennifer Roman (phonetic), American Beauty College, stated, even though the Board has allowed schools to continue educating through distance learning, it is not enough to fully function. As a result, many students have chosen not to participate. The speaker recently polled their students and stated most of them expressed interest in returning if schools would be allowed to reopen with smaller class sizes and safety protocols in

place. If practical classes can be done in person and theory can continue to be done online and safety protocols are implemented, schools should be allowed to reopen along with salons and barber shops. The speaker stated the hope that a new type of hybrid education could allow schools to reopen in such a way that students can again meet their educational goals.

Stephanie Vinson, salon owner, stated their disappointment as they just opened their business in December. There has been no help from the government and meanwhile the rent and bills are still due. Clients call every day. It is frustrating. 70 percent of education to become licensed is on health and safety and sanitation. Licensees know what to do and should be allowed to reopen.

Kelly Wolcott (phonetic), esthetician, stated the purpose of the Board is to advocate for and ensure consumer safety. This includes setting standards for education and training. 600 hours are required for esthetic training of which 200 curriculum hours are required to focus on health and safety for the protection of the public. Licensees have been tested on their understanding of those 200 hours via written and practical examinations in order to obtain a license issued by this Board. The practicing of sanitation standards helps to ensure that consumers receiving services are safe as well as maintaining the health of licensed professionals. Consumers are desiring and seeking out these services now. The speaker receives three calls last week from clients in the health care industry alone asking why services cannot be resumed. The speaker asked why certain groups within the industry are not allowed to return to work while other industries are allowed to reopen with little to no sanitation and health and safety training. The speaker asked the Board to work with governing agencies to allow cosmetology services to resume as soon as possible and to let licensees know how they can help.

Deadre (phonetic), esthetician, stated frustration about the inconsistent information across the different state departments. The speaker asked where the governor gets information about the sanitization that is necessary for licensees to reopen, such as how it was determined that it was safe for hair dressers and barbers to reopen but not safe for other licensees within the beauty industry. The speaker asked if the Board guides them on that determination or if it comes from the CDPH. If the governor had more clarity about the amount of health and safety education licensees receive, he would better understand that licensees have the ability to safely reopen.

Lily Jimenez (phonetic) echoed previous comments and stated Governor Newsom announced that TV and film will be reopening on June 12th, which seems to contradict the Phase 3 reopening for estheticians, unless Hollywood would be moving forward within their makeup. The speaker urged everyone to email Governor Newsom, the CDPH, and district representatives to let them know that this is not okay.

Dakota Rhodes (phonetic), barber student, asked why barber schools cannot reopen.

Priscilla Vargas echoed previous comments about being governed by the Board but not getting the support needed. The speaker stated they opened a business in December only to have it close three months later due to the lockdown. The speaker stated the need for more guidance. Licensees just want to get back to work. Licensees have high levels of sanitation and sterilization that is learned at school and implemented in their businesses working with one person at a time. The speaker asked, if the Board does

not advocate for licensees, why licensees pay the Board and are governed by the Board. The speaker asked for guidance because licensees are being bounced back and forth between the Board and the CDPH.

Carmen Romo, owner of Letty's Barbering and Cosmetology College and cosmetologist, asked when barber and cosmetology schools will reopen. The speaker asked if schools are in the same category as barber shops and salons due to the fact that schools also perform services to clients or if they fall under the higher education category. Students want to come back to the schools. The speaker asked for assistance in providing guidelines for school reopening and in answering their questions.

Raquel Hernandez, owner of three eyelash studios, spoke on behalf of their 85 employees whose voices are not heard and whose livelihoods are not valued now. Licensees have been stripped of their ability to work and provide for themselves and their families. Every day that the studios are closed brings them one day closer to permanently closing. The rent per location is \$10,000 per month. Business insurance and utilities add another \$10,000 in expenses. These expenses remain with zero revenue for the past three months. It was like a slap in the face to be left out of the list of businesses to reopen on Friday. The speaker asked how it is that the Board, the governor, and the CDPH in other states have been able to get this together and allow estheticians and cosmetologists to go back to work safely. The Amazing Lash Studio franchise has 250 locations across the United States and the majority of them have been open for four weeks, they have performed approximately 111,000 services, and not one employee has tested positive for COVID-19. The speaker asked the Board to push the CDPH to prove that California salons are safe to reopen.

Ms. Underwood stated staff has been working with the governor's office and the CDPH to get new guidelines out to address public personal services, including the remainder of the license types. There is not yet a timeframe for those guidelines.

Michelle Wilson, founder of We are Essential and cosmetologist, stated they were disheartened, frustrated, and angry that the governor and other state officials had deemed the industry as nonessential. We are Essential has grown to 2,448 members and continues to gain new members daily. The speaker stood with the Board in solidarity for victims of racism, prejudice, and discrimination. The speaker pointed out that profound discrimination and injustice continues to be carried out against members of the industry including nail technicians, estheticians, and the Vietnamese culture. For whatever reason, these groups have been singled out. This has denied their right to pursue their livelihood, support themselves and their families, and to save their businesses from collapse.

Michelle Wilson reminded the Board that every area of the industry and every licensee is essential to the care, grooming, and health of the public, and licensees are essential to the Board as well. The speaker stated the understanding that the Board advocates for the protection of the consumer. The speaker reminded that Board that each licensee is also a consumer and without licensees and their licenses, this Board would not exist. The speaker asked the Board to remind the governor that there is an entire industry that will remember his mistreatment of its members. Actions have consequences and words matter.

Grace Gutierrez, owner of a skin care salon and esthetician, stated they have reached out to the governor, the CDPH, the county public health department, and now is reaching out to the Board for help. Estheticians have been discriminated against by not being included in the reopening. Estheticians work with one person at a time. The speaker asked to be allowed to get back to work and to provide for their family. The speaker echoed comments of previous speakers.

Trina Johnson, owner of Beauty Never Expires and esthetician, asked how much longer estheticians and nail technicians will be unable to return to work and reopen their businesses. This has caused a major financial burden as landlords still expect the rent to be paid. The speaker asked how touching a scalp and hair is different from touching skin, nails, or applying lashes. Everyone should be required to wear masks and gloves. Many clients had started treatment but, because of the lockdown, those treatments have been ruined. Clients are calling daily ready to come back to the salon. The speaker echoed comments of previous speakers.

Jody voiced their frustration that the Board did not speak up about including skin care specialists in the reopening. Estheticians are one of the most sanitary of all the license types and can comply with COVID-19 regulations that have been put in place by the CDPH. Estheticians generally work with one client at a time and are more easily able to comply with COVID-19 standards. The speaker spoke in support of deregulation if the Board cannot support licensees in this.

Michelle Erkin (phonetic), owner of multiple spas, stated they have had to close one of their spas to the lack of information provided by the Board. The speaker urged the Board to work with its licensees in order to provide the information required for licensees to communicate to clients, staff, and others who are seeking services. It is apparent that the Board needs to communicate better with licensees. The industry has been required to maintain sanitation prior to the COVID-19 pandemic. The industry can continue to work through COVID-19 with health and sanitation requirements. The speaker urged the Board to take action and work with the beauty community because once the community feels that they are not protected by any entity, the Board will no longer receive individuals who want to work in this industry.

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), stated the role of the Board is to regulate; the role of the PBFC is to advocate. The Board and the PBFC both need to communicate and there has not been enough communication. The PBFC filed a lawsuit on May 12th against the governor and against the Board to reopen salons. The PBFC represents every sector of the industry including hair, skin, and nails, beauty colleges, and students. The governor's rushed announcement a little over a week ago reopening hair salons was a direct result of the lawsuit, but it separated hair and barber shops from the other licensed professionals in the industry. The PBFC is standing up for everyone in the industry to reopen salons safely.

Fred Jones stated the PBFC is disappointed that individuals are being deferred to the CDPH both at the state and county levels. The CDPH has not regulated this industry since 1927, when the state took over licensure and regulation. The PBFC fears this will lead to underground activity, more unlicensed activity, and, eventually, the deregulation

of the license entirely. The PBFC is very concerned about the ongoing lockdown for the other segments of the industry.

Baylor Triplett, owner of The Lash Lounge, spoke in support of the comments made by previous salon owners. The Board's purpose to keep the industry safe is being directly undermined by keeping businesses closed and forcing workers in the industry to go underground. The speaker stated the need for the Board to tell the decision makers that the Board's mission and purpose are being harmed by the lockdown. The speaker asked for information on how the pandemic risk was evaluated and why some of the decisions were made.

Jeanette Leahey (phonetic), manicurist, stated their understanding that the Board is working to update the new processes and procedures. The speaker is patiently waiting to open their new business and follow those new guidelines. "Training, sanitation, and disinfection" needs to be updated to "training and sterilization." Sterilization pouches used properly with an autoclave is the only way to 100 percent verify and prove to clients that implements are the cleanest that they can possibly be.

Christine House (phonetic) stated their concern that cosmetologists no longer are required to learn about pedicures and how to do this service. The problem is California does not allow the nail industry to have their own schooling – individuals are required to go through a cosmetology school that has a nail program. This is an issue because when the speaker was opening and creating an online continuing education course, they went through every state to see the options available for nail technicians. The speaker stated they learned that less than 30 percent of cosmetology schools offer a nail program. Individuals who want to do nails sometimes are required to get a cosmetology license because that is the only option. Not being given the option to do basics such as pedicures does a disservice to clients. This is an important issue. The speaker has hired nail technicians right out of school who do not even know what a pumice stone is.

Eunice, a spa and salon owner, stated their frustration at the Board's lack of urgency and transparency with releasing any guidelines for reopening procedures for nail and esthetic licensees. Salon owners and licensees could have taken the past 12 weeks to prepare themselves to operate under the new protocols but the Board has been silent. As a small business owner, the speaker feels that they have been left out during the COVID-19 pandemic. 61 percent of beauty businesses are owned by women who face enormous adversities, and the Board's silence and refusal to advocate for the industry will have a catastrophic impact on many salon owners. If salons cannot open soon, the speaker's only option will be to file for bankruptcy and lose their home and everything they have worked hard for. Salon owners need the Board's help.

Bonnie Horn (phonetic), a member of the nail industry, stated it saddens them to see how uneducated even Board Members are about what is done in schools. The speaker currently works as a nail educator in a school that has been forced to shut down. The school now does distance education at the suffering of both students and educators; however, the BPPE has only extended distance education until June 30th. The schools will have to close until the governor, who is also uneducated about the industry, deems schools worthy to open. The misunderstanding is that schools teach infection control,

sanitation, disinfection, and sterilization. The speaker stated they do not understand why the governor takes his advice from the Board and the public health community and yet the Board is not allowing all license types to be on the same playing field.

Ivan (phonetic), salon and school owner, asked why the Board has done nothing to protect students and their livelihoods when they have paid so much money to go to school. Technically, students are consumers. If schools and salons do not open soon, individuals will lose their businesses.

Suzy Q, esthetician, echoed the comments of the previous speakers. The speaker stated the need for the Board to speak for licensees. Licensees must go back to work.

Paulie echoed the comments of the previous speakers. Licensees have spent many years elevating these professions as a whole. Licensees have extensive backgrounds in sanitization to safely provide services for clients. It has been difficult to see the industry diminished in its professionalism at the hands of officials who have had no background to understand this industry. The speaker stated the hope that the Board will stand up and not only support consumers but the professionals who keep the Board employed by paying fees and fines.

Kim Hansen (phonetic), cosmetologist and salon industry business coach and consultant, recognized that the Board is a regulatory agency. The speaker works with the PBFC, which advocates for beauty professionals. The speaker echoed the comments made by Fred Jones. The speaker encouraged everyone listening to join the PBFC in advocating. The speaker stated the opportunity here is for communication. With the technology today, there is no reason for a lack of communication from the regulatory agency. That communication should be both to licensees and to the consumer. The speaker stated the assumption that the lack of communication has been because the Board has not gotten that information from the governor and Legislature.

Robert and Marina Torosian, owners of Laque Nail Bar and Beauty Lounge, stated their frustration at the Board's silence. The speaker urged the Board to be compassionate, to share the information the Board has received in their discussions with other agencies, and to let everyone know when they should expect to reopen. The Board is doing what other government agencies are doing by giving establishment owners and licensees the runaround and referring them to other agencies. There has been no response from the governor's office, mayor's office, and state and local representatives.

Robert Torosian stated the only winners in this situation are the salons that remained open during the lockdown, suffered zero consequences, and benefited financially. These salons are jeopardizing the reopening of the other salons that followed the rules by servicing the other salons' clients. There have been no inspection actions during the lockdown against these salons that stayed open. Beauty professionals have wasted four hours today on this meeting only to receive further silence from the Board other than to hear that the Board is not an advocate for them. The speaker gave the Board public notice that they will reopen their salon.

Olga, esthetician, stated the need to organize, move forward, sue the state of California again, and dismantle the Board. This is discrimination against women. The governor is mistaken if he thinks he can get away with this. The Board has been inefficient and

impotent for years. The speaker asked the members of the public why they are coming here and giving their grievances to an organization that is completely impotent. The Board did not communicate with their licensees for three months and licensees are consequently not ready. There are individuals working without face shields. The Board needs to be completely dismantled and start over. The Board is done. Licensees need to use a hashtag of #dismantlebbc to dismantle this organization. The Board is not protecting the health of consumers because many individuals are working underground except for owners of businesses who are following this ridiculous standard, which cannot be known since it is a moving target.

Daniela DeWeese (phonetic), esthetician, pointed out how disheartening it is to not be part of today's agenda. Estheticians have been left to the side and forgotten. It is disheartening to hear the Board say that they only regulate and do not speak up for licensees.

Wendy Cochran, Founder, California Estheticians – Esthetician Advocacy, California Aesthetic Alliance (CAA), and esthetician, thanked everyone who provided their public comment. The speaker encouraged everyone to reach out to their preferred advocacy groups. The speaker stated CAA is an advocacy group of over 6,000 licensed estheticians and cosmetologists providing skin care in the state of California. Information is communicated broadly to the group daily and has been doing so since before the lockdown.

Wendy Cochran stated, as they have always maintained with the Board, equity in license types is important as is clarity in the language that is being released. The speaker encouraged licensees to reach out to state and local representatives and their staff to assist with the personal story that is happening in each business. They have many resources to help businesses.

Maribou Salon thanked Fred Jones and the PBFC for advocating for licensees. The speaker stated they own three salons in Folsom, California, one of which is a salon and spa. The speaker stated California has chosen winners and losers, which is unfair. This is ruining the livelihood of many licensees – it affects the lives of establishment owners and their employees are working underground. This is not safe.

Ms. Thong thanked the licensees who provided public comment. She thanked them for their passion and for being engaged today. She encouraged everyone who took the time to comment today to also share their comments with the governor and the CDPH. Even though the Board has been in touch with those offices, she highly encouraged everyone to also have a direct line of communication with both of those offices.

Ms. Thong stated the Board is not in control of the decision to reopen. The Board is listening to all the frustration and comments and will work to be better about communication. The Board will continue to work on providing information regarding reopening and when that is possible.

Ms. Underwood added that staff has been in discussion with the governor's office and the CDPH on getting guidelines together for all remaining personal services. There is not yet a date; the Board does not make the date, but it is being worked on and information should be coming out soon. She thanked everyone who participated today.

Ms. Underwood stated it appears that this is a Board that has not been responsive, but she stated she has personally been in many, many discussions talking about this industry with individuals in decision-making roles to ensure that they understand who licensees are, what they do, and why licensees need to get back to work. Unfortunately, it is not within the Board's oversight to make that final decision. She thanked everyone for their comments today.

Ms. Thong stated she knows that staff has been working on these critical issues, although it may not seem that way to many licensees. She thanked staff for their work.

Ms. Crabtree thanked staff for all their hard work. This has been a difficult time dealing with the pandemic. She stated she owns four salons, understands everyone's heartache who spoke today, and knows the Board cares so much and is trying hard to resolve issues.

11. Agenda Item #11, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Mr. Matos suggested a discussion on ways to communicate, including digital platforms, to keep licensees and the community updated regularly.

Ms. Thong agreed that there are opportunities to be more communicative. She asked staff to look at how to hold more regular teleconferences with licensees to allow for more lines of communication and more opportunities for questions to be asked so that licensees can be provided with answers.

Ms. Thong stated, once new guidelines are released, she would like to see a teleconference in place for licensees. She suggested inviting the CDPH and the governor's office to be a part of that so licensees can have a better understanding of the process that was taken for reopening.

Mr. Drabkin suggested developing guidelines or a contingency plan in case another global pandemic happens so everyone can be better prepared going forward.

12. Agenda Item #12, ADJOURNMENT

There being no further business, the meeting was adjourned at 1:26 p.m.