

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING

MINUTES OF JANUARY 9, 2023

COMMITTEE MEMBERS PRESENT

Danielle Munoz, Chair
Tonya Fairley
Steve Weeks

COMMITTEE MEMBERS ABSENT

Kellie Funk

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Alex Torkelson, Licensing and Operations Chief
Sabina Knight, Board Legal Counsel
Allison Lee, Board Project Manager
Natalie Mitchell, Board Analyst
Shelby Edmiston, HR Liaison/Presenter

1. AGENDA ITEM #1, CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF QUORUM

Danielle Munoz called the meeting to order at approximately 10:57 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, DISCUSSION AND POSSIBLE APPROVAL OF THE OCTOBER 10, 2022, COMMITTEE MEETING MINUTES

MOTION: Tonya Fairley moved to approve the October 10, 2022, Committee meeting minutes. Danielle Munoz seconded. No comments were received from the public.

Motion to approve October 10, 2022, Committee meeting minutes carried; 3 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Danielle Munoz, Tonya Fairley, and Steve Weeks.

3. AGENDA ITEM #3, DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING REMEDIAL EDUCATION TO REDUCE OR REMOVE ADMINISTRATIVE FINES

Ms. Underwood stated that staff discussed how to do a remedial education program in lieu of a fine. They determined that the best direction would be to obtain the statutory authority to establish the program in regulation. Staff recommended modifying Business and Professions Code section 7407.1 to state that the Board shall establish by regulation a remedial education program in lieu of a first offense of a health and safety violation, which may include a fee to cover the cost of administering the program. This was the first draft of the language. It will go to the full Board for approval then staff will find an author to carry the language in a bill to get it put into statute. Ms. Underwood indicated that the Committee recommends this language to the full Board because the regulations would be allow the Board more control on how the program will be set up after getting the statutory authority.

Chair Munoz asked how the administrative cost of the program would be assessed. Ms. Underwood stated that any fee developed has to be the actual cost for administration of the program, so staff would conduct a cost analysis.

Ms. Fairley stated that offenders should have to pay for the education so they are invested and to prevent them from repeating violations. She mentioned that remedial education is a big deal because, during Disciplinary Review Committee hearings, one of the recommendations is for offenders to continue education. This recommendation usually comes without a clear direction of what that consists of. She thus felt that this program would be a step in the right direction.

Mr. Weeks asked if the Board would set the curriculum for continuing education. Ms. Underwood answered in the affirmative, adding that a statute would give the Board the authority to develop the whole program.

Motion: Mr. Weeks moved to recommend to the full Board the attached language in section 7407.1 for consideration of a legislative proposal. Tonya Fairley seconded.

Public Comment:

- Wendy Cochran asked about who would provide the education. She wondered if it would be provided by private schools or a pre-recorded webinar presented by the Board staff. Ms. Cochran believed that collecting fees for the program would be a conflict of interest because the private educators that should be providing their students with the right education in the first place will be the same ones profiting off of the fees.
- Board Legal Representative, Ms. Sabina Knight, stated that Ms. Cochran's concerns would be addressed in the regulations if the Board had authority for the program. She added that the Committee would see the language long before it is put into statute. This is just a legislative proposal, and many changes will be made.

Motion to recommend to the full Board the attached language in Section 7407.1 for consideration as a legislative proposal carried; 3 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Danielle Munoz, Tonya Fairley, and Steve Weeks.

4. AGENDA ITEM #4, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

- Jamie Schrabek noted that in the process of enforcement and inspections on the role of consumer complaints, it was not very clear if there is any statute of limitations on when a consumer can complain about a service received and how it was performed, particularly when the service resulted in an injury. Ms. Schrabek stated that as someone who works with attorneys and has been contacted, many serious injuries do not get reported to the Board because there is no obligation in law for the settlements to be reported like it would be if it were the Medical Board.

- Ms. Cochran pointed out that estheticians and electrologists often work in solo suites. Ms. Cochran stated that there needs to be better clarity and understanding of how inspectors conduct their business. This entails what they can inspect, if they can inspect handbags or the property of clients, and how they enter rooms, especially in critical situations that require quick timing not to cause burns on the skin or eyes. She requested that the process be clearer on how inspections are happening and the parameters of those inspections, and also that the process be more public than it currently is.
- Fred Jones asked what the Enforcement and Inspection Committee was doing to confront the huge problem of underground services outside of licensed establishments since COVID.

5. AGENDA ITEM #5, AGENDA ITEMS FOR THE NEXT MEETING

Ms. Fairley proposed addressing the enforcement clarity, public knowledge, and the process for suite owners.

6. AGENDA ITEM #6, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 11:14 a.m.