

**CALIFORNIA BOARD
OF
BARBERING AND COSMETOLOGY

BOARD MEETING**

MINUTES OF FEBRUARY 10, 2025

BOARD MEMBERS PRESENT

Tonya Fairley, President
Kellie Funk, Vice President
Anthony Bertram
Calimay Pham
Dr. Yolanda Jimenez
Colette Kavanaugh
Steve Weeks

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

BOARD MEMBERS ABSENT

Megan Ellis
Tamika Miller
Danielle Munoz

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

Board President Calimay Pham convened the meeting at approximately 10:00 a.m. Roll call was conducted, confirming the presence of a quorum.

2. AGENDA ITEM #2: Petition for Reinstatement Hearing

- a. Athena Turner, Petition for Reinstatement of License, Cosmetologist License #KK 533783
- b. Phuong Thi Tong, Petition for Reinstatement of License, Cosmetologist License #KK 544045

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

RECONVENE OPEN SESSION:

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

President Calimay Pham reconvened the meeting and thanked everyone for their attendance. She congratulated Vice President Tonya Fairley, Dr. Yolanda Jimenez, and Steve Weeks on their reappointment to the board. She also welcomed new board member Anthony Bertram, a barber, expressing excitement for his addition to the board.

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

The board members had no updates to share.

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

Deputy Director of Board Relations Melissa Gear addressed the board, congratulating reappointed members Steve Weeks, Tonya Fairley, and Dr. Yolanda Jimenez, as well as welcoming new member Anthony Bertram. She also thanked Reese Isbell for his service.

She continued by providing an update on Governor Newsom's January 29, 2025 Executive Order, which offers relief for DCA licensees affected by the Los Angeles wildfires. The order grants a one-year extension for renewal fee payments for licenses expiring between January 1 and July 1, 2025, in designated affected areas. Duplicate licenses and wall certificates will be free until January 7, 2026, and delinquency fees are suspended until July 1, 2025.

DCA met with board and bureau leadership to discuss implementation and is coordinating messaging to ensure affected licensees are informed. A dedicated disaster help center webpage, toll-free number, and email have been set up for assistance. All DCA board and bureau websites have been updated, and renewal system notifications will inform licensees of the fee deferral. DCA has also provided impacted licensee lists to boards and bureaus, encouraging direct outreach. Ms. Gear expressed gratitude to the governor, board leadership, and staff for their efforts in supporting affected licensees.

Ms. Gear continued by providing an update on Governor Newsom's proposed 2025-2026 state budget, released on January 10. The budget includes eight Budget Change Proposals (BCPs) for DCA's boards and bureaus. Additionally, DCA's vacancy reduction and government efficiency plans were approved by the Department of Finance and may be finalized in the spring revisions.

The Governor remains committed to addressing California's housing and homelessness crisis, proposing the creation of a dedicated California Housing and Homeless Agency. As part of this reorganization, DCA and other regulatory bodies currently under the Business, Consumer Services, and Housing Agency would form a new Consumer Protection Agency. This restructuring aims to enhance consumer protection efforts by consolidating oversight under a Consumer Protection Agency Secretary within the governor's cabinet. The proposal will be reviewed by the nonpartisan Little Hoover Commission and the legislature in the spring. DCA will continue to update board leadership as more details become available.

Ms. Gear informed the board of changes to Form 700 filing requirements effective January 1, 2025. Under AB 1170, board members must now file Form 700 electronically through the Fair Political Practices Commission (FPPC) online system. Filings will no longer be accepted through DCA's NetFile portal or in paper form.

Ms. Gear announced DCA's annual President Training, scheduled for February 19, 2025, from 10:00 a.m. to 12:30 p.m. This virtual training is designed for both new and experienced board presidents and vice presidents. It will cover the role of a board president, communication best practices with the executive officer and board members, and administrative responsibilities. The training will feature a panel of former board members who will share their insights and

answer questions. Board members can register through DCA's Learning Management System (LMS). Special recognition was given to Steve Weeks for his participation and to Ms. Underwood for volunteering her time once again.

The 2025 Board Member Orientation Training (BMOT) will be held on March 26, June 18, and October 22. This mandatory, full-day virtual training must be completed within one year of appointment or reappointment. Board members are encouraged to register for the earliest available session to remain compliant. Registration is available through DCA's LMS.

Ms. Gear announced that Yvonne Dorantes, who had served as Assistant Deputy Director since October 2022, was appointed to a new role in the Governor's Office of Emergency Services. Her last day at DCA was December 31. Ms. Gear expressed appreciation for Ms. Dorantes' contributions and extended well wishes for her new role. She concluded by thanking the board and staff for their dedication, expressing enthusiasm for 2025.

6. AGENDA ITEM #6: Annual Election of Officers

Calimay Pham led the annual election of officers, explaining the nomination and voting process. She nominated Vice President Tonya Fairley to serve as the next President. Tonya Fairley nominated Kelly Funk for Vice President. With no additional nominations or discussion, the board moved forward with the voting process.

Motion: Steve Weeks motioned to approve Tonya Fairley as President and Kelly Funk as Vice President of the Board. Colette Kavanaugh seconded the motion.

Public Comment: Fred Jones from the Professional Beauty Federation expressed gratitude to the outgoing President Pham for her professionalism, leadership, and the way she conducted meetings and interacted with both the public and colleagues. He acknowledged the exceptional leadership and wished the incoming officers the best of luck in their new roles.

Roll Call Vote: Motion to approve Tonya Fairley as President and Kelly Funk as Vice President of the Board carried: 7 yes, 0 no, and 0 abstain, per the following vote:

- Committee Members voted "Yes": Calimay Pham, Tonya Fairley, Anthony Bertram, Kellie Funk, Dr. Yolanda Jimenez, Colette Kavanaugh, Steve Weeks

Kellie Funk expressed her gratitude for the honor to serve, thanking the Governor's Office, board members, and staff. As a practicing esthetician, she emphasized her commitment to consumer safety and ethical leadership.

Tonya Fairley thanked outgoing President Pham for her leadership and guidance, acknowledging their time together on the board. She highlighted her dedication to the industry, leadership, and personal development, looking forward to continuing her service.

7. AGENDA ITEM #7: Appointment of Board Members to Standing Committees for 2025

Tonya Fairley noted that the appointment of board members to standing committees would be skipped for now, deferring to Executive Officer Kristy Underwood for further details.

Ms. Underwood explained that the president has the authority to appoint members to committees and that a list of existing committees and their current members had been provided. She requested that board members reach out to her individually to express their interest in serving on specific committees.

8. AGENDA ITEM #8: Review and Possible Approval of 2025 Board Member Guidelines and Procedures Manual

Kristy Underwood began by reviewing the annual Board Member Guidelines and Procedures Manual, highlighting updates related to travel information. A significant change this year includes granting the Executive Officer the authority to proceed with Section 100 regulatory changes. These are minor, non-substantive changes such as grammatical corrections, renumbering, or reordering, which do not require the full rulemaking process. While the board has approved Section 100 changes in the past through motions, adding this authority directly to the guidelines ensures efficiency.

Steve Weeks suggested a minor revision to the "Recording of Meetings" section on page four. He proposed clarifying that meeting minutes and assignments of board directives, which are currently prepared by an external contractor, should be noted as being completed "under the direction of board staff."

Motion: Colette Kavanaugh made a motion to approve the 2025 Board Member Guidelines and Procedures Manual, incorporating the suggested amendment. Calimay Pham seconded the motion.

Public Comment: No public comments were submitted.

Roll Call Vote: Motion to approve the 2025 Board Member Guidelines and Procedures Manual, incorporating the suggested amendment carried: 7 yes, 0 no, and 0 abstain, per the following vote:

- Committee Members voted "Yes": Tonya Fairley, Kellie Funk, Anthony Bertram, Dr. Yolanda Jimenez, Colette Kavanaugh, Calimay Pham, Steve Weeks

9. AGENDA ITEM #9: Discussion and Possible Approval of the November 4, 2024 Board Meeting Minutes

Motion: Kellie Funk moved to approve the November 4, 2024 Board Meeting Minutes. Calimay Pham seconded the motion.

Public Comment: There were no public comments received.

Roll Call Vote: Motion to approve the November 4, 2024 Board Meeting Minutes carried: 7 yes, 0 no, and 1 abstain, per the following roll call vote:

- Committee Members voted "Yes": Tonya Fairley, Kellie Funk, Anthony Bertram, Dr. Yolanda Jimenez, Colette Kavanaugh, Calimay Pham, Steve Weeks

10. AGENDA ITEM #10: Executive Management Reports

a. Administration and Operations

Kristy Underwood began by discussing administration and operations, noting that a vacancy had been filled, leaving no open positions. The report also included staff training updates and the budget overview.

Steve Weeks inquired about a significant reduction in projected consultant and professional service fees. Ms. Underwood explained that the line item primarily includes exam costs, and projections are based on current spending trends. She reassured that the budget would likely balance out over time with a consistent number of exams conducted annually.

b. Licensing, Examinations, and Disciplinary Review Appeals

Kristy Underwood provided an update on licensing exams, the Disciplinary Review Committee, and industry statistics. She highlighted that this unit had no vacancies, with the recent hiring of a new licensing manager.

Exam pass rates for 2024-2025 were reviewed, noting a typical slowdown in testing during the holiday months. While overall pass rates for cosmetology and barbering have stabilized at historical levels, apprenticeship program pass rates remain low, particularly among Spanish-speaking applicants, with only an 18% pass rate in cosmetology. The report also detailed licensing statistics, showing a total of 652,119 active licenses.

Additionally, a license renewal survey gathered over 28,000 responses. Among establishment owners, 45% reported having independent contractors. Overall, 35% of respondents identified as independent contractors, 23% as employees, 32% were no longer working in the industry but maintained active licenses, and 8.64% were salon owners.

Regarding employment status, over 8,000 respondents reported working full-time in California, while 31% practiced part-time. Among full-time workers, 38% were employees, 40% were independent contractors, and 20% were salon owners. Among part-time workers, 30% were employees, 60% were independent contractors, and a little over 5% were salon owners.

c. Enforcement, Inspections, and Cite and Fine

The Disciplinary Review Committee (DRC) currently has three staff members and no vacancies. A recent hearing saw a high number of appellants, with over 150 cases reviewed. Board members were encouraged to participate in DRC hearings to better understand the process. The DRC provides an informal setting where licensees can dispute citations and fines resulting from inspections.

The Enforcement Report noted one vacancy in the unit. In the last quarter, 1,314 complaints were received, with 33% related to health and safety violations and 46% involving unlicensed activity. The number of cases referred to the Attorney General's office for formal discipline has increased, with 37 recent referrals. There are currently 110 cases on probation.

The School Inspection and Cite & Fine Report indicated two vacancies in the inspections unit and three in the cite and fine unit. There are 269 approved schools, 17 open cases, and active participation in externship programs. Citation and inspection statistics were provided, along with details on payment notices and collections. A backlog of 237 cases was recently sent to collections due to a new contract, and the Franchise Tax Board handles unpaid fines through an intercept program. Payment plan requests and amounts were also outlined.

d. Outreach

Kristy Underwood shared an update on outreach activities, noting the success of their social media campaigns. Staff is scheduled to attend the Premier Anaheim Show on February 23-24, and has been sending out list serves. She highlighted the launch of a Vietnamese-only Facebook page featuring a video explaining AB5 and its impact on manicurists.

Steve Weeks raised concerns about trade shows, specifically about licensees purchasing machines that may not be within their scope of practice. He suggested the board issue a bulletin warning licensees to verify whether products are compliant before buying them at shows. Ms. Underwood responded that the board can promote this message through social media and at shows, where they currently display a sign advising attendees to verify the legality of machines before purchasing.

Tonya Fairley recommended improving visibility at trade shows by using a standing banner rather than a table sign to catch the attention of more attendees. Kristy Underwood acknowledged the suggestion and mentioned that while the board faces budget constraints, they would explore the possibility of creating a banner through the DCA.

Kellie Funk suggested expanding the outreach to out-of-state shows, such as in Las Vegas, but Ms. Underwood clarified that outreach efforts are limited to California shows due to jurisdictional constraints.

Colette Kavanaugh asked whether the board could post images of commonly misused machines on social media to help educate licensees. Kristy Underwood explained that while such posts could be helpful, they are legally restricted from directly calling out specific devices because the law doesn't ban the use of certain machines outright; it focuses on what procedures are being performed. Therefore, the board will continue educating licensees on the scope of practice, particularly regarding prohibited practices like skin piercing.

e. Strategic Plan Update

Kristy Underwood concluded her executive update with a discussion on the board's strategic plan, noting that progress is going well toward achieving its goals by 2027. She highlighted that the board remains active in publishing its quarterly newsletter. Additionally, the board has streamlined the strategic plan update by focusing only on ongoing initiatives rather than completed tasks.

Public Comment: No public comments were made on the executive management reports.

11. AGENDA ITEM #11: Review and Discussion of the Apprenticeship Program Report

Kristy Underwood introduced the draft Apprenticeship Program Report, emphasizing that it is still in draft form and does not require board approval at this time. The report addresses longstanding concerns with the program, including persistently low exam passage rates and various compliance issues. She emphasized the importance of considering potential legislative changes as the board prepares for its upcoming Sunset Review.

A major concern identified is the significant tuition and fees charged by apprenticeship programs, despite poor exam performance among participants. Additionally, the board has discovered unapproved training facilities operating under the guise of legitimate apprenticeship programs. Many of these entities advertise on social media, appear to target Spanish-speaking individuals, and enroll apprentices under their own business names while collecting fees. Investigations revealed that many apprentices are unaware of their official program sponsors.

Further issues include reports of apprentices working without proper supervision. Some apprentices have also disclosed being paid under the table or on a commission-only basis, in violation of labor laws. While apprenticeship programs are designed to provide a "learn while you earn" model, many participants are not receiving proper compensation or training.

Ms. Underwood noted that the financial aspects of apprenticeship funding will be discussed in more detail at the next board meeting. She also highlighted the strain the program places on board resources, requiring staff to be reassigned to address its ongoing challenges.

She outlined the oversight structure of the program, emphasizing the roles of multiple agencies and the challenges in enforcement. The BBC is responsible for issuing licenses and approving Sponsors, while the Division of Apprenticeship Standards (DAS) must first approve sponsors before they seek Board approval. DAS also registers apprentices, whereas the Board issues their licenses.

A critical component of the program is the involvement of Local Education Authorities (LEAs), which oversee the required training for barbers and cosmetologists. Since state law mandates that apprenticeship sponsors be affiliated with DAS, each sponsor must also maintain a partnership with an LEA to remain in compliance.

The board recently became aware of a federal apprenticeship program and has engaged in discussions with the U.S. Department of Labor to understand its implications. However, under current law, only programs approved by DAS and affiliated with a LEA qualify for licensure. Accepting federal programs would require legislative changes.

Concerns over apprenticeship tuition and fees remain a key issue. Many programs charge extensive fees, including enrollment and registration fees, attendance record fees, training log fees, tuition costs, and penalties such as uniform violation fines. Some programs also impose late fees, interest-bearing payment plans, and administrative fines. While DAS regulations state that apprenticeship programs should not entail significant costs, the definition of "significant" remains unclear. With tuition ranging from \$7,000 to \$10,000 in many cases, the board is evaluating whether these costs align with the intent of an "earn and learn" model.

Ms. Underwood highlighted concerns regarding passage rates, particularly among Spanish-speaking apprentices, emphasizing significant issues in training oversight. Many training facilities advertise solely on social media, primarily in Spanish, without transparency on instructional quality, materials, or compliance with board standards. The board has found that Spanish-speaking apprentices may not have access to Spanish-language textbooks or translation guides, which could contribute to the low exam pass rates. In 2024, only 29% of Spanish-speaking barbering apprentices and 22% of cosmetology apprentices passed their exams, compared to 44% and 37% for non-Spanish test takers, respectively.

A major issue identified is the lack of oversight on related training and instructors. The board currently has no authority to regulate or verify instructors' qualifications. Additionally, there is no requirement ensuring Spanish-speaking apprentices receive training in Spanish or have access to Spanish-language textbooks, even though the exams are based on them.

Another alarming finding is the unauthorized franchising of program approvals. In 2024, 76 training facilities were listed as related training locations, and 40% of them falsely advertised themselves as approved program sponsors. These facilities enroll students, contract with them under independent business names, and charge thousands of dollars—often without mentioning the actual approved sponsor in their agreements. While some facilities operate legitimately, many exploit apprentices by misrepresenting their status and imposing high fees without proper oversight.

Ms. Underwood continued by addressing concerns about on-the-job training, highlighting significant gaps in supervision and record-keeping. Many apprentices are left alone in establishments to provide services without proper oversight, and there is no consistent availability of required on-the-job training logs.

A major issue is the submission of incomplete completion forms when apprentices apply for their exams. Sponsors are required to document the total hours and services performed, but the board has found significant discrepancies. Many apprentices are unable to provide training logs upon request. In some cases, logs appear to be pre-filled, while others are hastily completed at the very end of the two-year program.

Another critical concern is the lack of supervision and structured training in establishments. There are no formal trainer requirements beyond holding a valid license with no fines or disciplinary history. Many trainers may not fully understand their responsibility to provide hands-on education, despite signing an agreement outlining their role. Instead, it appears that some establishments view apprentices primarily as additional service providers rather than trainees in need of structured instruction.

Ms. Underwood then moved past the discussion on funding, noting that it would be revisited at the next board meeting. She then shifted focus to wages and workers' compensation, highlighting reports from apprentices regarding payment practices. Some apprentices have stated that they are being paid under the table or compensated solely based on the services they provide.

Additionally, establishments that host apprentices are required to carry workers' compensation insurance, but the board has received reports indicating non-compliance. Since this is not a requirement enforced by the board, inspectors in the field do not specifically check for

compliance. However, these concerns have been brought to the board's attention by apprentices who have filed complaints regarding their experiences in the program.

Ms. Underwood highlighted concerns about the program's overall success, noting that a significant number of apprentices never complete it. In 2021, 44% of barbering apprentices and 37% of cosmetology apprentices did not apply for the exam after receiving their apprentice licenses.

A major issue is whether these apprentices paid tuition for programs that ultimately led nowhere. Unlike traditional schools, there is no refund mechanism such as the Student Tuition Recovery Fund, as apprenticeships are not supposed to have significant costs. However, reports indicate that some training facilities have sued apprentices for unpaid tuition even when the program failed to qualify them for the exam.

Ms. Underwood detailed the significant staff resources required to manage the apprenticeship program. Two full-time licensing staff handle apprentice applications, which are frequently submitted with missing information, leading to a time-consuming review process. Despite efforts to improve accuracy, most applications remain deficient.

Additionally, a full-time special investigator is dedicated solely to apprenticeship-related enforcement cases, as apprentices frequently report concerns about education quality and salon conditions to the board. Ms. Underwood, along with her staff, also spent considerable time addressing ongoing issues within the program.

Ms. Underwood emphasized that the board's findings on the apprenticeship program remain ongoing, with new issues surfacing regularly. Recent discussions with federal agencies have uncovered additional complexities, reinforcing the need for significant changes.

She noted that while the board could implement some regulatory changes under its own authority, broader reforms would require legislative action, particularly regarding funding. Currently, the program is a financial burden, as the only fee collected is a \$25 application fee, while sponsor approvals and enforcement actions generate no revenue.

Ms. Underwood suggested that the board consider addressing these funding challenges during the Sunset review process and explore whether statutory authority is needed to regulate program costs, such as limiting administrative fees. Given the widespread agreement that apprentices are being taken advantage of, she indicated that further discussion may be necessary to determine the next steps.

Tonya Fairley emphasized that fraud is a major issue in the apprenticeship program. She expressed strong support for stricter regulations and accountability, particularly regarding third-party fees, which have ranged from \$7,000 to as high as \$20,000. She questioned who should be responsible for oversight, especially regarding worker classification, workers' compensation, and excessive fees, noting that the board lacks funding to manage these issues effectively.

Ms. Underwood responded that the board works closely with DAS, but current laws are vague. For example, DAS regulations mandate "reasonable" fees but do not define the exact amount. While most LEAs have been cooperative, some were unaware of their responsibilities. The

board has shared exam pass rates with LEAs and maintains regular contact with DAS, but legislative changes are necessary for meaningful reform.

Ms. Fairley asked if a collaborative effort could establish clearer guidelines, such as fee caps. Ms. Underwood agreed that there is room for recommendations, but DAS lacks enforcement staff, leaving oversight gaps—especially with 4,000 apprentices currently in the program. Ms. Fairley commented that if enforcement responsibilities are shifted to the board, additional resources and funding must follow.

Steve Weeks expressed concern about the significant time the executive team is spending on apprenticeship issues, which could impact other operational areas. He highlighted the urgency of addressing these challenges and suggested involving legislators. He also asked if DAS is fully aware of the situation and taking any steps to alleviate the burden. Ms. Underwood responded that DAS is aware of the issues and is actively exploring ways to improve the program. She believes they would be open to cooperating if changes were implemented.

Tonya Fairley asked for clarification on the full responsibilities of LEAs, specifically whether they are responsible for ensuring the completion of pre-hours and any additional duties.

Ms. Underwood explained that LEAs oversee the 230 hours of related training and approve related training centers but was unsure if they had follow-up responsibilities. She noted that public comment might provide further insight.

Colette Kavanaugh expressed concern about apprentices being exploited, stressing the importance of regulations to support their success. Kellie Funk echoed this sentiment, describing the situation as deeply troubling. She advocated for taking swift action, suggesting the possibility of holding additional meetings or including oversight of apprentice instructors in the Sunset review.

Public Comment:

Don Simonich, representing the San Joaquin County Office of Education, which is the largest Local Educational Agency (LEA) provider for barber and cosmetology programs in California, expressed his appreciation for the ongoing dialogue with the board and executive staff over the last six to eight months. He found the report insightful, highlighting issues they had not previously been aware of.

With past experience at DAS, Mr. Simonich shared historical context, noting that when apprenticeship regulations were introduced in the 1990s, his recommendations were largely ignored. He highlighted that early apprenticeship training fees were initially low but later escalated unchecked, leading to issues with oversight. He emphasized his commitment to supporting apprentices and working collaboratively with the board to address ongoing challenges.

Fred Jones from the Professional Beauty Federation recommended that stakeholders, including both the private sector and regulators, collaborate to address the challenges within the apprenticeship program. He provided historical context, explaining that traditional apprenticeships were built around employer mentorship, with labor unions later supporting the model through dues. However, the beauty industry has since shifted away from a unionized

structure toward independent contractors, making the traditional apprenticeship model a difficult fit.

Mr. Jones highlighted the misaligned financial incentives in the current system, where program sponsors must charge upfront rather than relying on ongoing financial support. He also noted that regulators and policymakers have different approaches to apprenticeships, further complicating oversight. He pointed out that state legislators are focused on reducing barriers to entry, viewing traditional beauty school costs and time commitments as major obstacles. While apprenticeships are seen as an attractive alternative, the regulatory and structural challenges remain unresolved.

Mr. Jones reaffirmed his organization's neutral stance, supporting all pathways to licensure, but stressed the need to first identify and address the root problems before meaningful solutions can be implemented. He expressed a commitment to assisting in any way possible.

An attendee voiced concerns about the lack of clear guidance for mentors in the apprenticeship program. She noted that when someone is asked to mentor an apprentice, there is no structured plan or direction for their role. Without this framework, mentors cannot effectively reinforce the theoretical training apprentices receive in school. She emphasized the need for better communication between the apprenticeship program and the Board.

Kristy Underwood concluded the discussion by stating that a more detailed report would be provided at the next board meeting, or possibly sooner.

12. AGENDA ITEM #12: Review and Discussion of the Mobile Inspection Program

Kristy Underwood introduced the Mobile Inspection Program, a collaborative effort with the Veterinary Medical Board and the Department of Technology to transition from paper-based inspection reports to a fully electronic system. The system is being gradually implemented, with initial testing by three inspectors and plans to expand to five more. Inspectors will now conduct inspections using iPads, generating digital reports that are immediately emailed to licensees, complete with photographs of any violations. This initiative aims to streamline the inspection process, eliminate paper reports, and improve efficiency in documentation and compliance tracking.

Carrie Harris then provided a live demonstration of the system. She walked through the process, from requesting an inspection in the back-office system to how inspectors receive assignments on their iPads. The system allows inspectors to document details of the establishment, note compliance or violations, attach photos, and provide additional comments. Violations are recorded with descriptions and images to help licensees understand necessary corrections.

Board members expressed strong support for the new mobile inspection system, highlighting its efficiency and reduction of paperwork. Ms. Fairley welcomed the transition away from paper-based reports, while Ms. Funk praised the system's thoroughness and clarified that it applies to all inspections, not just mobile operators.

Ms. Harris provided an update on the rollout, noting that 217 inspections had already been conducted using the system in November and December. Inspectors are currently undergoing

training, practicing in a test environment before going into the field. The full transition is expected by the end of June, with paper reports retained as a backup.

Ms. Pham inquired about long-term funding for maintaining the system beyond the initial grant. Ms. Underwood confirmed that ongoing costs are estimated at approximately \$50,000 per year.

Mr. Weeks asked if the new system would integrate with the DRC process. Ms. Underwood explained that since inspectors' photos would now be immediately available, it could decrease the number of appeals received.

Ms. Fairley echoed this, suggesting that providing clearer documentation from the start might reduce unnecessary appeals.

Ms. Kavanaugh expressed appreciation as an industry member, emphasizing the value of electronic reports with photos. Overall, the board commended the team for their work in modernizing the inspection process.

13.AGENDA ITEM #13: Discussion and Possible Action on Possible New Items to be Included in the 2026 Sunset Report, Which May Include: AB 5, School Oversight, Endorsement, Apprenticeships, Fines, and Licensees in Charge

Kristy Underwood provided an update on the upcoming 2026 Sunset Report, explaining that while no immediate decisions were needed, the board would need to begin preparing for the review process. The Sunset Report, which occurs every five years, will include recommendations and requests for legislative changes and will be followed by a hearing next year.

She then provided updates on the issues from the previous Sunset report, highlighting those that had been resolved and those still needing attention. Board composition, personnel flexibility, medical practice regulations, and scope of practice for aestheticians were all successfully resolved. Issues such as the practice of medicine and licensure for endorsement have been addressed, though they remain unresolved. Further work is still needed on school oversight, citations, the apprenticeship program, and licensee responsibilities. Additionally, the elimination of mandatory inspections for new establishments was discussed, as it was determined that new businesses may not require immediate inspection.

Kristy Underwood continued the discussion on potential items to be included in the 2026 Sunset report. She outlined several areas requiring attention:

1. School Oversight: There is an ongoing challenge with school oversight, as the Board shares responsibility with the Bureau of Private Postsecondary Education. While schools must pay a substantial fee to the Bureau for approval, they do not pay the board for services such as inspections or handling complaints. Ms. Underwood recommended asking for fees to be implemented for schools, especially as their oversight demands significant staff time.
2. Impact of AB5: Effective January 1, 2025, manicurists are no longer exempt and are required to be classified as employees rather than independent contractors. Although

this law falls outside the board's direct jurisdiction, Ms. Underwood recommended including the board's policy statement in the Sunset Report to advocate for equal employment opportunities for all licensees.

3. Endorsement Process: The board has encountered issues with fraud in the license-to-license process. Ms. Underwood proposed requesting legislation that would mandate proof of licensure from the original testing jurisdiction, ensuring that individuals transferring licenses from other states or countries have met the appropriate testing standards.
4. Apprenticeship Program: Detailed recommendations for improvements to the apprenticeship program will be submitted.
5. Administrative Fines: The Enforcement Committee is currently refining the process for administrative fines and plans to hold a meeting to finalize its recommendations for the board.
6. Licensee in Charge: The Business and Professions Code states that a licensed individual must be in charge of an establishment, but the language lacks clarity regarding ownership and who qualifies as the "licensee in charge." Recommendations will be made to clarify the language, ensuring it aligns with current practices.

Steve Weeks inquired whether including six items in the Sunset Review could be excessive. Ms. Underwood responded that it's best to request all items, even if not all are ultimately approved.

The last recommendation presented was adding a new request to allow establishments to operate as limited liability companies (LLCs). Ms. Underwood clarified that no approvals are required today. The board will review and approve the Sunset Report, which is due by December, with additional discussions planned to finalize the language.

Kellie Funk suggested adjusting the phrasing for the "licensee in charge" section to make it clearer by omitting the detailed list of services and focusing on the requirement that a licensee in charge must be present when board-regulated services are offered.

Public Comment:

Jaime Schraback of Precision Nails shared good news, informing the board that Assemblyman Tri Ta introduced a bill that would grant manicurists a permanent exemption, allowing them to return to independent contractor status. She expressed hope that the board would support the bill as it progresses and advocate for adding hired stylists to the exemption, given that they were not included due to being a newer license type.

Fred Jones from the Professional Beauty Federation suggested that the board take over the oversight of beauty colleges from the Bureau of Private Postsecondary Education. He argued that the board is already handling many of the responsibilities, so it should officially take on this role and collect the fees, rather than BPPE, which would prevent additional costs from being passed on to students. Additionally, he mentioned that there is more to be discussed regarding apprenticeship recommendations, and more policy suggestions could be added to the list.

14. AGENDA ITEM #14: Discussion and Possible Action Regarding Rulemaking Proposals:

- a) **Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) section 911 (License by Endorsement (Reciprocity), Application and Out of State License Certifications)**
- b) **Update Regarding Rulemaking to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)**
- c) **1. Discussion and Possible Action to Consider Comments Received During the 45-Day Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprentice Training)**
2. Discussion and Consideration of Proposed Regulation to Amend Title 16, CCR section 917 (Pre-Apprentice Training)
- d) **Update Regarding Rulemaking to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)**
- e) **Update Regarding Rulemaking to Amend Title 16, CCR section 977 et seq. (Health and Safety)**
- f) **Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of Initiation of a Rulemaking to Amend Title 16, CCR section 931 (Interpreters for Licensing Exams)**
- g) **Update Regarding Rulemaking to Amend Title 16, CCR section 972 (Disciplinary Guidelines)**
- h) **Update Regarding Rulemaking to Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)**
- i) **Update Regarding Rulemaking to Amend Title 16, CCR Section 998 (Hairstylist Licensing Fee)**

Kristy Underwood began by noting that only the action items would be discussed, with the details of all other items included in the package for the board's review.

c) 1. Discussion and Possible Action to Consider Comments Received During the 45-Day Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprentice Training)

Kristy Underwood explained that the Board received comments on the Pre-Apprentice Training package and staff provided recommended responses as provided in the meeting materials. Board Member Calimay Pham stated she appreciated the time students and licensees took to submit comments, but she agrees with staff's recommended responses. She stated that a lot of things being highlighted by the students in their comments are items that are already offered in the apprenticeship on-the-job training itself and that this proposal would be a significant reduction in barriers to licensure. She further stated that if the Board is comfortable providing the pre-apprentice training for 2 hours, that is a net benefit to apprentices. President Fairley expressed agreement with Board Member Pham's comments and support for moving Option 1 in the meeting materials.

Motion: Calimay Pham moved to direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials. Tonya Fairley seconded.

Public Comment: There were no public comments received.

Roll Call Vote: Motion to direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials carried: 7 yes, 0 no, and 0 abstain, per the following roll call vote:

- Board Members voted “Yes”: Calimay Pham, Tonya Fairley, Anthony Bertram, Kellie Funk, Dr. Yolanda Jimenez, Colette Kavanaugh, Steve Weeks.

c) 2. Discussion and Consideration of Proposed Regulation to Amend Title 16, CCR section 917 (Pre-Apprentice Training)

Regulations Counsel covered the options for acting on this item as presented in the meeting materials. She indicated that the proposal implements the Board’s policy decision that was proffered in the Board’s 2018 Sunset Report, which is to remove barriers to licensure and allow the Board to administer the program as recommended by staff.

Motion: Calimay Pham moved to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as noticed for 16 CCR section 917 as set forth in Attachment 2. Tonya Fairley seconded.

Public Comment: There were no public comments received.

Roll Call Vote: Motion to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as noticed for 16 CCR section 917 as set forth in Attachment 2 carried: 7 yes, 0 no, and 0 abstain, per the following roll call vote:

- Board Members voted “Yes”: Calimay Pham, Tonya Fairley, Anthony Bertram, Kellie Funk, Dr. Yolanda Jimenez, Colette Kavanaugh, Steve Weeks.

f) Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of Initiation of a Rulemaking to Amend Title 16, CCR section 931 (Interpreters for Licensing Exams)

Kristy Underwood introduced the final item under regulations, Agenda Item 14(f), discussing the previously proposed text and reauthorization of the initial rulemaking to amend Title 16 CCR Section 931, regarding interpreters for licensing exams. She noted that the Board had previously reviewed the change to reduce the period for which interpreters are barred from participating in exams from two years to one year. Kristy Schieldge provided an explanation that the regulation text and the application were being amended accordingly, with changes shown in strikeout and underline.

Motion: Kellie Funk made a motion to rescind the board's prior motion on February 26, 2024 and instead approve the proposed regulatory text for Title 16 CCR Section 931 as set forth in Attachments 1 and 2 and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business Consumer Services and Housing Agency for review. If the board does not receive any objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 931 as noticed. Calimay Pham seconded the motion.

Public Comment: There were no public comments.

Roll Call Vote: Motion carried per the following vote: 7 yes, 0 no, and 0 abstain.

- Committee Members voted "Yes": Tonya Fairley, Kellie Funk, Anthony Bertram, Dr. Yolanda Jimenez, Colette Kavanaugh, Calimay Pham, Steve Weeks

15. AGENDA ITEM #15: Public Comment on Items Not on the Agenda

No public comments were made on items not on the agenda.

16. AGENDA ITEM #16: Suggestions for Future Agenda Items

Steve Weeks inquired about the start time for board meetings. After a brief discussion, the consensus remained at 10 a.m.

Calimay Pham asked about upcoming legislation and whether another legislative committee meeting would be scheduled. Kristy Underwood reported that no new bills had emerged yet but would keep the board updated. She mentioned that legislative activity tends to be limited in sunset years, though any developments would prompt a meeting if necessary.

17. AGENDA ITEM #17: Adjournment

There being no further business to discuss, the meeting adjourned at approximately 2:30 p.m.