CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY



JANUARY 25, 2021 Board Meeting

PUBLIC TELECONFERENCE





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

CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY BOARD MEETING NOTICE AND AGENDA

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

PUBLIC TELECONFERENCE MEETING

January 25, 2021 9:00am - Until Completion of Business

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

Important Notices to the Public: The Board of Barbering and Cosmetology will hold a public meeting via a Webex Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e634bea46b6f4342b2bb0884bef16777d

INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period; members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

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

AGENDA

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

OPEN SESSION:

- 1. Call to Order/ Roll Call/ Establishment of Quorum (Lisa Thong)
- 2. Board President's Opening Remarks (Lisa Thong)
- 3. Board Member Remarks Informational only
- 4. Discussion and Possible Approval of December 7, 2020 Board Meeting Minutes
- 5. Executive Officer's Report (Kristy Underwood)
 - Licensing Statistics
 - Examination Statistics
 - Disciplinary Review Committee Statistics
 - Enforcement Statistics
 - Budget Updates
 - Outreach Updates
 - Practice Status Survey Results
 - Sunset Review Update
 - COVID 19 Update on Impact of Board Operations
- 6. Discussion and Possible Recommendations on Options to Address Current Practical Examination Backlog
- 7. Update from the December 19, 2020 Health and Safety Advisory Committee Meeting
- 8. Update from the January 12, 2021 Legislative and Budget Committee
- Legislative and Budget Committee Recommendation: Support: Delegate Authority to the Executive Officer to Pursue Conversations with the Legislature Regarding Authority Over Schools and Increased Requirements for Instructors
- 10. Update from the January 21, 2021 Apprenticeship Task Force Meeting

11. Discussion and Possible Action Regarding Rulemaking Proposals:

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

12. Public Comment on Items Not on the Agenda

Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125. 1125.7(a))

13. Suggestions for Future Agenda Items

14. Adjournment

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit https://thedcapage.wordpress.com/webcasts/.

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is being held via Webex Events. The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

DRAFT CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

BOARD TELECONFERENCE MEETING

MINUTES OF DECEMBER 7, 2020

BOARD MEMBERS PRESENT

Lisa Thong, 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 Sabina Knight, Board Legal Representative Allison Lee, Board Project Manager Marcene Melliza, Board Analyst

BOARD MEMBERS ABSENT

Dr. Kari Williams, Vice President

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

Lisa Thong, Board President, called the meeting to order at 9:00 a.m. and confirmed the presence of a quorum.

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

Ms. Thong acknowledged that Stay-at-Home Orders were reissued last week. Stay-at-Home Orders are decisions made by the California Department of Public Health (CDPH) and the Governor's Office. She noted that the Board was not notified of the decision prior to its issue to the public. She thanked staff for noticing Board licensees as soon as they received the information.

Ms. Thong stated staff will continue to work hard to provide information as it becomes available. She stated the Board's purview is consumer protection; Board authority is limited to what is within the regulations. The Board will continue to look at ways to engage both the CDPH and the Governor's Office to include the Board in the protocols, plans, and decisions that impact the industry. She stated, until then, she looks to staff and fellow Board Members to propose ways in which the Board can be proactive about addressing COVID-19's impact on the industry.

3. Agenda Item #3, BOARD MEMBER REMARKS - INFORMATIONAL ONLY

Mr. Matos thanked Ms. Thong for making her clarifying statements about the decision-making process that is in place in California to help mitigate the effects of the COVID-19 pandemic.

Mr. Drabkin suggested, in response to the Ms. Thong's request about thinking proactively to address the pandemic's impact on the industry, not charging licensees for the time they were unable to practice due to the COVID-19 closures.

Mr. Drabkin referred to the fact that testing facilities will be shut down and asked if there are ways to expedite the process once permission is received to begin testing again, such as opening up temporary locations. He noted that another reason for additional temporary locations is that the social distancing requirement allows for less test-takers at each location.

4. Agenda Item #4, DISCUSSION AND POSSIBLE APPROVAL OF SEPTEMBER 14, 2020, AND NOVEMBER 19, 2020, BOARD MEETING MINUTES

MOTION: Ms. Crabtree moved to approve the September 14, 2020, and November 19, 2020, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Mr. Drabkin seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

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
- Sunset Review Update
- COVID-19 Update on Impact of Board Operations

Kristy Underwood, Executive Officer, reviewed the statistics and update reports, which were included in the meeting packet. She stated the agenda will now be posted online in multiple languages. She stated, in response to the Governor's Stay-at-Home Orders, examination sites and the Board offices are closed. Over 4,000 candidates are waiting to take the examination. She stated staff is looking into additional temporary examination locations but it would be difficult due to staff capacity.

Questions and Discussion

Mr. Drabkin asked if the staffing issue is due to a lack of funding.

Ms. Underwood stated it is not, although staff must be certified and trained to administer the examination.

Mr. Matos suggested taking the opportunity to streamline the examination process so as not to be dependent on the three entities that are necessary to do the testing.

Ms. Underwood stated any changed to streamline the process would likely have to go through a statutory change. She stated discussions could take place on ways to address this now and in the future to help with the applicant backlog. She noted that the examination will be included in the topics covered in the Sunset Review.

Mr. Weeks referred to page 4 of the Executive Officer's Report and asked about the variance in Spanish pass rates.

Ms. Underwood stated staff held a meeting about this recently and determined the reason for this variance may be that individuals being tested have been out of school for eight months or longer.

Ms. Thong asked about the number of individuals reached by outreach events.

Ms. Underwood stated it varies but one recent virtual event had 2,000 individuals on the call while others have 400 to 800 individuals.

Mr. Matos asked if virtual meetings are planned for Northern California and if the CDPH will be invited there as well.

Ms. Underwood stated every county has their own public health department. The Los Angeles Department of Public Health is a county entity while the CDPH is a state agency.

6. Agenda Item #6, PROPOSED BOARD MEETING DATES AND LOCATIONS FOR 2021

Ms. Underwood reviewed the proposed Board meeting dates for 2021.

Ms. Weeks suggested additional meetings for the year 2021 to tackle unforeseen issues that may occur due to the COVID-19 pandemic.

Ms. Underwood stated additional meetings can be added when necessary.

Mr. Weeks suggested making a subcommittee calendar as well.

Board Members agreed with the proposed Board meeting dates for 2021.

7. Agenda Item #7, LEGISLATIVE AND BUDGET COMMITTEE UPDATE

Ms. Underwood stated the Legislative and Budget Committee met on November 17, 2020, and recommended that the Board approve the proposed changes to AB 817, mobile units, and move the language into the Board's Sunset bill. A copy of the bill and proposed changes were included in the meeting materials.

8. Agenda Item #8, LEGISLATIVE AND BUDGET COMMITTEE RECOMMENDATION, SUPPORT: PROPOSED AMENDMENTS TO BUSINESS AND PROFESSIONS CODE SECTIONS 7354 THROUGH 7361, MOBILE UNITS

Mr. Drabkin moved to support the changes in AB 817 and move the language into the Board's Sunset bill. Ms. Crabtree seconded.

Public Comment

Wendy Cochran, California Aesthetic Alliance, spoke against removing the requirement for a split-lead generator.

Brenna Jones asked when the new rules and regulations on mobile units will be available.

Ms. Underwood stated this recommendation will require a statutory change. The language will need to be placed into a bill and go through the legislative process. The earliest that a legislative change could happen is January of 2022.

MOTION: Mr. Drabkin moved to support the changes in AB 817 and move the language into the Board's Sunset bill. Ms. Crabtree seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

9. Agenda Item #9, DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED REGULATORY CHANGES TO APPRENTICESHIPS, TITLE 16, CALIFORNIA CODE OF REGULATIONS (CCR) SECTIONS 913-926

Ms. Underwood provided an overview of the background, funding and costs, pass/fail rates, ongoing issues, oversight, and recommended changes to the apprentice program outlined in the staff memo, which was included in the meeting materials. She offered two options for discussion:

- Eliminate the apprenticeship program and develop a license type that allows for on-the-job training as the dual oversight is not conducive to success for apprentices in this industry.
- Revise the regulations to allow for clearer understanding of what is required of trainings and owners and promulgate regulations that will allow increased oversight of a program sponsor.

Questions and Discussion

Mr. Matos asked if the challenges between the Board and the Division of Apprenticeship Standards (DAS) are historic.

Ms. Underwood stated they are, although she noted that there has been more communication in recent years. The DAS is a small unit within the Department of Industrial Relations. She noted that many members of the unit have recently been reassigned to another state agency in need. The DAS is a great group of people who have always been supportive, but they also have statutory constraints that likely should be addressed.

Mr. Matos agreed with the staff recommendations and stated this is something that the Board should have an in-depth discussion on going forward. He suggested creating a task force or committee to further discuss this issue. The apprenticeship program is a positive path of entry into the industry but needs new ideas on ways to improve it.

Mr. Weeks agreed that both options will take a great deal of discussion. He stated he is inclined to favor Option 1 at this point. Financial and operational issues will need to be dealt with. He stated perhaps the Junior Operator Program of the past was closer to what is needed and would give the Board more control.

Ms. Crabtree agreed with Mr. Matos about the need to create a task force to discuss this ongoing issue to help make a big change in this area.

Ms. Pham agreed that further discussion is necessary. She asked about accountability and taking responsibility for the success of the apprentices who individuals have agreed to sponsor. She suggested that the sponsors be required to return a portion of their fees if the students do not pass the examination or that the sponsors be given a probationary period where they must show that they can help their apprentices pass the examination. It is important to not only let sponsors know what is required of them but to apply mechanisms to motivate sponsors to help their apprentices succeed.

Ms. Pham also suggested something similar to the Baby Bar where first-year law students take a written examination to determine if they have learned enough to continue in the program.

Ms. Underwood strongly agreed with creating a task force to discuss the information in the staff report. She suggested that the task force meet in January.

Ms. Thong stated the need for the Board, as a consumer protection agency, to take this issue seriously - students are being misled that this program will lead to a successful career and licensing. She agreed with convening a task force to work on this issue. She suggested that the task force be made up of establishment owners and licensees who are experienced in hosting apprentices, successful sponsors, a licensee who is a former apprentice who completed the program, and an apprentice who has not had success with the program.

Ms. Thong stated there is not an apprenticeship program for manicurists or estheticians. She stated the need to learn more about how to create a program that may or may not apply to both of those licenses. She stated many legislators and members of the general public are looking for ways that are cost effective and will successfully prepare individuals for this industry. She suggested having a conversation at a future meeting about the way for individuals to be introduced to this industry and to be successfully licensed by the Board, either through the apprenticeship program of through other alternative ways. This is an opportunity to talk through not only how to improve current regulation but to gather ideas on how to create something completely different that will help individuals become licensed.

Ms. Thong appointed Ms. Crabtree and Mr. Matos to serve on the task force and Ms. Tran to serve as an alternate. She delegated authority to Ms. Underwood to locate an industry sampling of representatives that would be beneficial to this task force.

Public Comment

Wendy Cochran stated there is no esthetics program. Students would need to go through a cosmetology apprenticeship. The speaker suggested eliminating the program to be fair to all license categories. Students are being told that they must participate in apprenticeship or externship opportunities in order to complete their hours. The speaker stated the need to allow all licensees to participate in a program that works or to discontinue the program altogether.

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), stated PBFC is well aware of the problems with some program sponsors but is

also aware of decent apprenticeship programs. The single biggest concern of policymakers in the Legislature is barriers to entry to licensure. The apprenticeship concerns present an opportunity for the Board to get in front of that concern. The PBFC suggests that the apprenticeship option should be preserved. After 39 hours of instruction, students can go into a salon and begin earning while they are learning.

Fred Jones stated the PBFC also suggests embracing a multi-pronged approach on this issue of barriers to entry such as bringing back the Junior Operator license for students that have completed a certain percentage of their program to allow them to earn while they learn, or do that through an enhanced externship program wherein students are allowed to get into salons sooner as externs, work more hours than they are currently limited, get more credit for their schooling, and allow them the option of being paid.

Fred Jones stated the PBFC is concerned that the paperwork requirements of the reforms in the meeting materials may have a chilling effect on establishments wanting to employ apprenticeships. The speaker spoke in support of convening a task force and encouraged inviting good program sponsors to be a part of it. The speaker offered to provide names of candidates for the task force.

10. Agenda Item #10, LEGISLATIVE UPDATE

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

Discussion and Possible Action on Proposed Bills

AB 2113 (Low) – Refugees, Asylees, and Special Immigrant Visa Holders SB 878 (Jones) – License Application Processing Timeframes SB 1474 (Committee on Business, Professions, and Economic Development) – Sunset

Public Comment

Fred Jones stated the PBFC has been approached by legislators about the barrier to entry concern. The speaker stated they expressed the PBFC's desire to expand the current externship program. There are limits in statute that need to be addressed to expand this program. The PBFC has a proposal on the externship program to lower the barriers to licensure called the 25-25-25 Rule, where students qualify as an extern after 25 percent of their education rather than waiting for students to complete 60 percent of their education before qualifying as an extern. Legislators are responding positively to the proposal.

11. Agenda Item #11, DISCUSSION AND POSSIBLE ACTION REGARDING RULEMAKING PROPOSALS

Ms. Underwood summarized the Regulations Update, which was included in the meeting materials.

 Update on Status Regarding Rulemaking Proposal to Amend Title 16, (CCR), section 950.10 (Transfer of Credit or Training)

- Update on Status Regarding Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials-NIC Guides)
- Update on Status Regarding Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1, and 962.2 (Externs)
- Update on Status Regarding Rulemaking Proposal to Add Title 16, CCR section 965.2 (Personal Service Permit)
- Update on Status Regarding Rulemaking Proposal to Amend Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)
- Update on Status Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
- Update on Status Regarding Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)

12. Agenda Item #12, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

V stated they have been dealing with a situation for well over a year and has reached out to the Board multiple times and has received information; however, it is upsetting to learn that consumers are not better protected in licensed establishments. The speaker shared that they and their 13-year-old child were offered a complimentary facial in a luxury department store that sent them to urgent care with blisters and they were diagnosed with contact dermatitis. The department store indicated that the contract employee who did the facial may not have been licensed because the service was complimentary, and no money was exchanged. The department store was unaware of the devices used by the employee. The speaker asked the Board to make changes to better protect consumers and educate the public so they can make informed decisions on accepting complimentary services.

Fred Jones stated the unbelievable incident that happened to the previous speaker emphasizes the mission of the Board and the reason for licensure, regulations, and inspections - to protect consumers like the previous speaker. Unfortunately, policy makers have provided a statutory exemption in some instances from licensure, and complimentary services at department stores is one of them.

Fred Jones stated the third round of lockdowns ordered by the CDPH and the Governor will be utterly ruinous to this industry. The vast majority of licensees will either go under or they will go underground. This will not slow the spread of COVID-19. The safest place to perform beauty services is in controlled, regulated, state-licensed establishments.

Brenna Jones stated the food industry has taken large steps to implement changes quickly. She asked why the hair industry cannot do the same. The speaker suggested better rules and regulations for individuals who would like more intimate settings such as mobile units.

Lui Nguyen, President, Sacramento Nail Association, discussed the performance the nail industry is experiencing during the COVID-19 pandemic, even after salons were allowed to open. The speaker stated sales and services have gone down significantly from 56 to 90 percent. Members are asking about what the data is showing and why

they have to close again. The speaker stated concern about the future of this industry and the safety of consumers due to underground services and the use of unregulated products.

Wendy Cochran stated there has been an upswing in department stores offering services to customers. Oxygen and LED devices often fall into the category of cosmetics. Those two devices do not require an FDA rating and are available to the general public. The speaker asked the first speaker, B, what equipment was used in their facial that sent them to the urgent care. The speaker asked B to contact them at www.californiaaestheticalliance.com to discuss this issue and to work together to improve it.

Wendy Cochran asked the Board to help educate counties that during the shutdown Board licensees are not to be operating. The speaker stated med spas (phonetic) should not be crossing the lines of regulation and allowing their medical staff or medical assistants who are not licensed by the state of California to step into the beauty category of services. The speaker advocated for equitable solutions for all license types.

Tami Stokes, President, National Interstate Council of State Boards of Cosmetology (NIC), stated the NIC is committed to working with the Board to figure out how to streamline additional examiner trainings between now and when exams resume in early January.

V provided additional details about the complimentary facial they received at a department store that they mentioned in their prior public comment but the audio was unstable. The moderator asked B to submit their comments to the Board in writing.

Suzy Wong, Sacramento Nail Association, thanked the Board for offering their agendas in multiple languages. Transparency is important and it is important that salon owners and licensees receive responsible information from Board meetings.

13. Agenda Item #13, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Ms. Thong asked staff to make recommendations on examination changes in response to the COVID-19 pandemic and the virtual environment such as working with the NIC or other vendors.

14. Agenda Item #14, CLOSED SESSION

The Board entered closed session at 11:00 a.m.

RECONVENE IN OPEN SESSION:

Ms. Thong stated no action was taken.

15. Agenda Item #15, ADJOURNMENT

With no further business, the meeting was adjourned.

Quarterly Applications Received Fiscal Year 20/21

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Establishment	1,654	1,714			
Mobile Unit	7	5			
Barber					
Pre-App	137	185			
Initial Application	251	340			
Re-Exam	327	366			
Sub-Total	715	891			
Reciprocity	32	26		410 (2004)	
Apprentice	201	253			
Cosmetology					
Pre-App	455	475			
Initial Application	542	703			
Re-Exam	869	821			
Sub-Total	1,866	1,999			
Reciprocity	224	189			
Apprentice	137	160			
Electrology					
Pre-App	5	5			
Initial Application	4	3			
Re-Exam		1			
Sub-Total	9	9			
Reciprocity	1	2			
Apprentice					
Esthetician					
Pre-App	445	676			
Initial Application	564	607			
Re-Exam	341	429			
Sub-Total	1,350	1,712			
Reciprocity	71	71			
Manicurist					
Pre-App	273	420			
Initial Application	389	575			
Re-Exam	484	525			
Sub-Total	1,146	1,520			
Reciprocity	73	75			
Total	7,486	8,621			

Practical Exam Results October 1, 2020 - December 31, 2020

Administered	Passed	Failed	Total	Pass Rate
Barber	263	103	366	72%
Cosmetologist	703	353	1,056	67%
Electrologist	0	0	0	
Esthetician	687	187	874	79%
Manicurist	605	413	1,018	59%
Total	2,258	1,056	3,314	68%

Written Exam Results October 1, 2020 - December 31, 2020

Barber	Passed	Failed	Total	Pass Rate
English	331	230	561	59%
Korean	0	0	0	
Spanish	24	88	112	21%
Vietnamese	6	4	10	60%
Total	361	322	683	53%

Cosmo	Passed	Failed	Total	Pass Rate
English	671	414	1,085	62%
Korean	11	2	13	85%
Spanish	140	310	450	31%
Vietnamese	46	8	54	85%
Total	868	734	1,602	54%

Esthetician	Passed	Failed	Total	Pass Rate
English	690	277	967	71%
Korean	12	1	13	92%
Spanish	9	13	22	
Vietnamese	74	5	79	94%
Total	785	296	1,081	73%

Manicurist	Passed	Failed	Total	Pass Rate
English	318	95	413	77%
Korean	3	3	6	50%
Spanish	27	30	57	47%
Vietnamese	566	157	723	78%
Total	914	285	1,199	76%

Electrologist	Passed	Failed	Total	Pass Rate
English	0	0	0	
Korean	0	0	0	
Spanish	0	0	0	
Vietnamese	0	0	0	
Total	0	0	0	

Practical Exam Results October 1, 2020 - December 31, 2020 Comparison of Schools vs. Apprentice Programs

Practical Exam Results - Apprentice Program

License Type	Passed	Failed	Total	Pass Rate
Barber	64	37	101	63%
Cosmetologist	85	78	163	52%
Total	149	115	264	56%

Written Exam Results - Apprentice Program

License Type	Passed	Failed	Total	Pass Rate
Barber	98	95	193	51%
Cosmetologist	99	214	313	32%
Total	197	309	506	39%

Practical Exam Results - School Program

License Type	Passed	Failed	Total	Pass Rate
Barber	199	66	265	75%
Cosmetologist	618	275	893	69%
Electrologist	0	0	0	
Esthetician	687	187	874	79%
Manicurist	605	413	1,018	59%
Total	2,109	941	3,050	69%

Written Exam Results - School Program

License Type	Passed	Failed	Total	Pass Rate
Barber	263	227	490	54%
Cosmetologist	769	520	1,289	60%
Electrologist	0	0	0	
Esthetician	785	296	1,081	73%
Manicurist	914	285	1,199	76%
Total	2,731	1,328	4,059	67%

Written Exam Results by Language October 1, 2020 - December 31, 2020 Comparison of Apprentice Programs vs. School Programs

Apprentice Programs

		•		
Barber	Passed	Failed	Total	Pass Rate
English	89	63	152	59%
Spanish	9	29	38	24%
Vietnamese	0	3	3	0%
Total	98	95	193	51%

Cosmo	Passed	Failed	Total	Pass Rate
English	12	29	41	29%
Spanish	87	185	272	32%
Total	99	214	313	32%

School Programs

Barber	Passed	Failed	Total	Pass Rate	
English	242	167	409	59%	
Korean	0	0	0	#DIV/0!	
Spanish	15	59	74	20%	
Vietnamese	6	1	7	86%	
Total	263	227	490	54%	

Cosmo	Passed	Failed	Total	Pass Rate
English	659	385	1,044	63%
Korean	11	2	13	85%
Spanish	53	125	178	30%
Vietnamese	46	8	54	85%
Total	769	520	1,289	60%

Esthetician	Passed	Failed	Total	Pass Rate
English	690	277	967	71%
Korean	12	1	13	92%
Spanish	9	13	22	41%
Vietnamese	74	5	79	94%
Total	785	296	1,081	73%

Manicurist	Passed	Failed	Total	Pass Rate
English	318	95	413	77%
Korean	3	3	6	50%
Spanish	27	30	57	47%
Vietnamese	566	157	723	78%
Total	914	285	1,199	76%

Licenses Issued Fiscal Year 20/21

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	328	240			568
Barber Apprentice	168	216			384
Cosmetology	982	736			1,718
Cosmetology Apprentice	110	143			253
Electrology	1	0			1
Electrology Apprentice	0	0			0
Esthetician	607	691			1,298
Manicurist	496	620			1,116
Establishment	1,658	1,731			3,389
Mobile Unit	0	0			0
Totals	4,350	4,377			8,727

Licenses Issued Last 5 Years

License Type	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Barber	2,189	2,259	1,966	1,691	568
Barber Apprentice	665	885	854	810	384
Cosmetology	8,389	7,085	6,468	4,810	1,718
Cosmetology Apprentice	793	727	842	642	253
Electrology	26	22	31	30	1
Electrology Apprentice	0	1	0	0	
Esthetician	4,818	4,007	4,890	3,699	1,298
Manicurist	6,550	3,787	4,414	3,437	1,116
Establishment	6,875	7,609	7,706	6,937	3,389
Mobile Unit	7	2	0	0	
Totals	30,312	26,384	27,171	22,056	8,727

^{*}Data updated through 12-31-2020

License Population

Electrice i oparation	
Barber	32,631
Barber Apprentice	1,532
Cosmetology	306,672
Cosmetology Apprentice	1,198
Electrology	1,591
Electrology Apprentice	
Esthetician	90,920
Manicurist	127,612
Establishment	54,440
Mobile Unit	48
Total	616,644

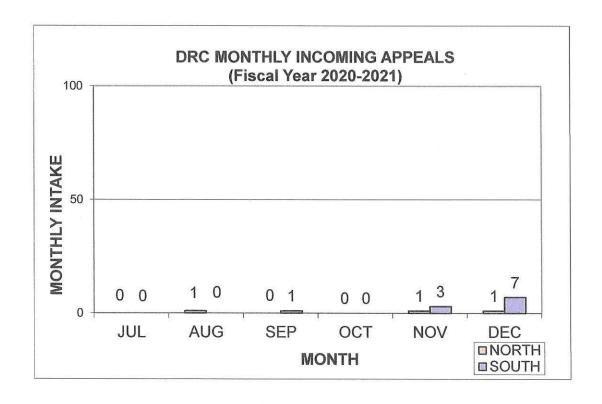
Disciplinary Review Committee Appeals Fiscal Year 20/21

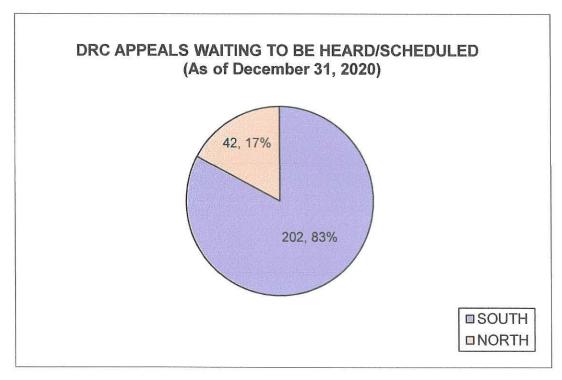
Northern	Jul - Sept	Oct - Dec	YTD
Heard	3	34	37
Received	1	2	3
Pending ¹	74	42	42²

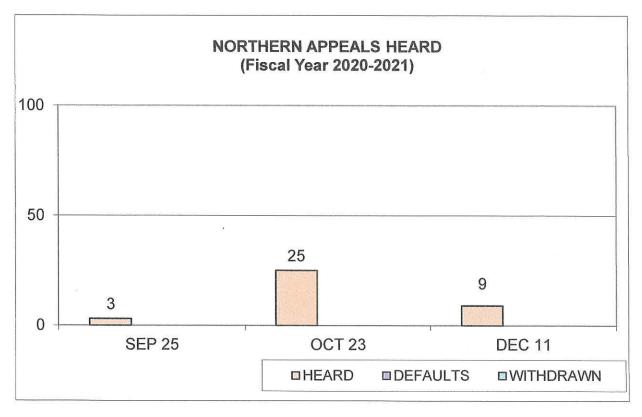
Southern	Jul - Sept	Oct - Dec	YTD
Heard	47	137	184
Received	1	10	11
Pending ¹	328	202	202²

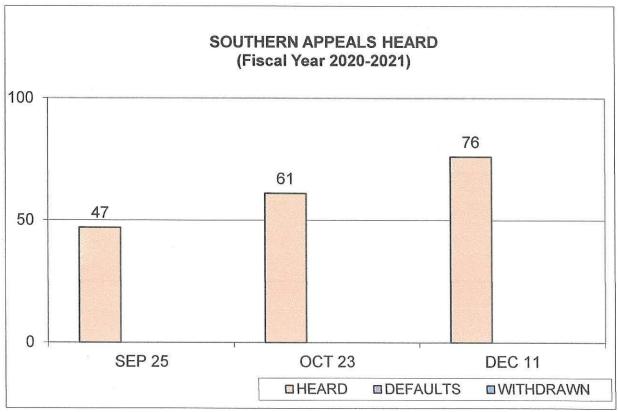
¹Pending refers to the number of appeals received but not yet heard by DRC.

²Figure represents number of pending requests as of report date 12/31/2020.









Quarterly Enforcement Statistics Fiscal Year 20/21

COMPLAINTS	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Complaints Received	2924	1453			4377
Referred to DOI	0	0			0
Complaints Closed	2427	1560			3987
Total Complaints Pending	2328	2171			2171
Average Days to Close	37	77		245	57

APPLICATION INVESTIGATIONS*	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Received	0	2			2
Pending	2	4			4
Closed	1	0			1

ATTORNEY GENERAL	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Referred	6	9			15
Accusations Filed	13	4			17
Statement of Issues Filed	0	0			0
Total Pending	47	48			48

DISCIPLINARY PROCESS	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Proposed Decisions	1	0			1
Default Decision	7	1			8
Stipulation	3	6			9

DISCIPLINARY OUTCOMES	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Revocation	10	2			12
Revoke, Stay, Probation	0	3			3
Revoke, Stay, Suspend/Prob	5	3			8
Revocation, Stay w/ Suspend	0	0			0
Probation Only	0	0			0
Suspension Only	0	0			0
Suspension & Probation	0	0			0
Suspension, Stay, Probation	0	0			0
Surrender of License	1	3			4
Public Reprimands	0	0			0
License Denied	0	0			0
Other	0	0			0
Total	16	11	0	0	27

PROBATION	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
Active	123	113			113

CITATIONS	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Establishments	18	35			53
Barber	0	0			0
Barber Apprentice	0	0			0
Cosmetologist	0	0			0
Cosmetologist Apprentice	0	0		TE VILL	0
Electrologist	0	0			0
Electrologist Apprentice	0	0			0
Manicurist	0	0		MELLON.	0
Esthetician	0	0			0
Unlicensed Est.	0	12			12
Unlicensed Individual	10	0			10
Total	28	47	0	0	75

INSPECTIONS	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Establishments w/ COVID Compliance Verified	37	24			37
Establishments w/ Violation of Governor's Orders	8	0			8
Establishments w/ violations	50	28			78
Establishments w/o violations	1	0			1
Total	51	28	0	0	79

Complaints Received October - December 2020

Complaint Type	Anonymous	Internal	Public	Totals
Fraud	0	1	0	1
Health & Safety	777	66	183	1026
Non-Jurisdictional	46	0	35	81
Incompetence/Negligence	0	0	7	7
Other	23	1	13	37
Personal Conduct	0	0	0	0
Unlicensed Activity	178	22	34	234
App Investigation	1	1	0	2
Total	1025	91	272	1388

Complaints Received Last 5 Fiscal Years

Category	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21*
Fraud	61	84	86	50	4
Health & Safety	1616	1604	1637	3462	3578
Non-Jurisdictional	284	319	354	643	229
Incompetence/Negligence	270	438	407	258	28
Other	35	19	39	80	53
Personal Conduct	20	6	2	2	0
Unlicensed Activity	1817	1555	1841	1791	427
App Investigation	0	1061	194	12	3
Total	4103	5086	4560	6298	4322

^{*}Data updated through December, 2020

Board of Barbering and Cosmetology Fiscal Year 2020/21

Projected Expenditures 10/30/2020

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,917,000	4,114,801	802,199
Temporary	587,000	446,013	140,987
Per Diem, Overtime & Lump Sum	0	24,293	(24,293)
Salary Savings	0	0	0
Total Salary & Wages Net Salary & Wages	5,504,000 5,504,000	4,585,107 4,585,107	918,893 918,893
Staff Benefits	2,953,000	2,732,173	220,827
Total of Personnel Services	8,457,000	7,317,280	1,139,720
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,000	73,415	117,585
Printing	275,000	655,832	(380,832)
Communication	41,000	54,014	(13,014)
Postage	283,000	3,000	280,000
Insurance	4,000	9,000	(5,000)
Travel In State	83,000	12,037	70,963
Travel, Out-of-State	0	0	0
Training	11,000	5,000	6,000
Facilities Operations	1,022,000	1,176,704	(154,704)
Attorney General, OAH, C&P Services Interde	1,672,000	688,379	983,621
Consultant & Professional Svs External	1,696,000	2,374,409	(678,409)
DCA Pro Rata	6,150,000	6,150,000	0
Interagency Services	1,000	142,032	(141,032)
Consolidated Data Center	68,000	30,381	37,619
Information Technology	38,000	31,078	6,922
Equipment	144,000	82,000	62,000
Other Items of Expense & Vehicles	43,000	36,441	6,559
Special Items and Expenses	0	0	0
Total Operating Expenses & Equipment	11,722,000	11,523,722	198,278
Total Expenses	20,179,000	18,841,002	1,337,998
Schedule Reim. Other			
Net Appropriation	20,179,000	18,841,002	1,337,998
		SURPLUS/(DEFICIT)	6.6

0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition (Dollars in Thousands) 2021-22 Governor's Budget	PY 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24
BEGINNING BALANCE	\$21,596	\$46,276	\$46,899	\$47,020	\$46,513
Prior Year Adjustment	\$778	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$22,374	\$46,276	\$46,899	\$47,020	\$46,513
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS Revenues				·	
4121200 - Delinquent fees	\$1,270	\$1,294	\$1,332	\$1,332	\$1,332
4127400 - Renewal fees	\$11,907	\$12,233	\$12,600	\$12,600	\$12,600
4129200 - Other regulatory fees	\$3,792	\$3,889	\$4,006	\$4,006	\$4,006
4129400 - Other regulatory licenses and permits	\$3,363	\$3,465	\$3,569	\$3,569	\$3,569
4143500 - Miscellaneous Services to the Public	\$14	\$0	\$0	\$0	\$0
4150500 - Interest from interfund loans	\$3,213	\$0	\$0	\$O	\$O
4163000 - Income from surplus money investments	\$869	\$675	\$695	\$687	\$670
4171400 - Escheat of unclaimed checks and warrants	\$13	\$12	\$12	\$12	\$12
4172500 - Miscellaneous revenues	\$9	\$8	\$8	\$8	\$8
Totals, Revenues	\$24,450	\$21,576	\$22,222	\$22,214	\$22,197
Transfers and Other Adjustments	\$21,000	-\$25,000	\$0	\$0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$45,450	-\$3,424	\$22,222	\$22,214	\$22,197
TOTAL RESOURCES	\$67,824 PY	.\$42,852 CY	\$69,121 BY	\$69,234 BY+1	\$68,710 BY+2
EXPENDITURES AND EXPENDITURE ADJUSTMENTS	2019-20	2020-21	2021-22	2022-23	2023-24
Expenditures:					
1111 Program Expenditures (State Operations)	\$20,047	\$20,122	\$20,670	\$21,290	\$21,929
8880 Financial Information System for California (State Operations)	-\$3	\$0	\$0	\$0	\$ O
9892 Supplemental Pension Payments (State Operations)	\$316	\$316	\$316	\$316	\$316
9900 Statewide Pro Rata	\$1,188	\$1,115	\$1,115	\$1,115	\$1,115
Less funding provided by the General Fund (State Operations)	\$0	-\$25,600	\$0	\$0	\$0
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$21,548	-\$4,047	\$22,101	\$22,721	\$23,360
FUND BALANCE Reserve for economic uncertainties	\$46,276	\$46,899	\$47,020	\$46,513	\$45,350
Months in Reserve	25.8	25.5	24.8	23.9	22.7

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing. Expenditure growth projected at 3% beginning BY +1.

Assumes interest rate at 1.5%.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY P.O. Box 944226, Sacramento, CA 94244-2260

Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov

Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE

January 25, 2021

TO:

Members, Board of Barbering and Cosmetology

FROM:

Kristy Underwood, Executive Officer

SUBJECT:

Outreach Update

FY 20-21 Outreach/Industry Events

Participated:

January 5, 2021

Viet Nails TV Interview

Attendee: Kristy Underwood

November 24, 2020

LADPH Coronavirus Update Attendee: Kristy Underwood

October 30, 2020

LADPH Coronavirus Update

Attendee: Kristy Underwood

October 26, 2020

BBC Virtual Outreach Event

Attendee: Kristy Underwood

October 22, 2020

LADPH Coronavirus Update

Attendee: Kristy Underwood

September 28, 2020

Viet Nails TV with Pro Nails Association

Attendee: Kristy Underwood

September 21, 2020

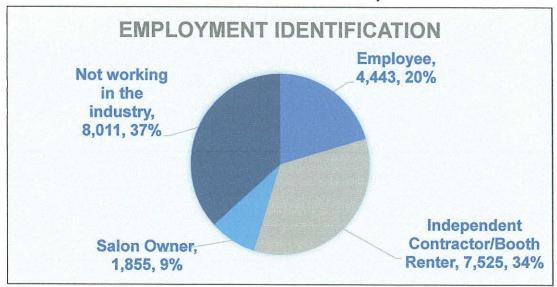
The Point Interview by Viet Nails Attendee: Kristy Underwood

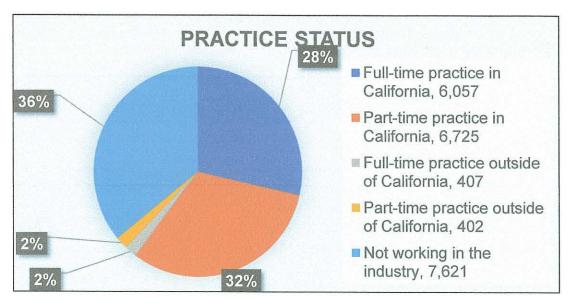
Tentatively Scheduled:

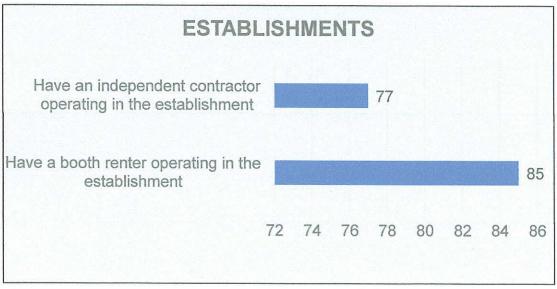
March 8, 2021

PBA 's California Compliance Educational Symposium Attendee: Kristy Underwood

Practice Status Survey Results October 1 - December 31, 2020









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MEMORANDUM

DATE January 25, 2021

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Health and Safety Advisory Committee Meeting Update

This memo is to provide the Board with a summary of the Health and Safety Advisory Committee's virtual meeting held on December 18, 2020.

Committee Members Present:

- Lisa Thong, Board President
- Jacquie Crabtree, Board Member
- Andrew Drabkin, Board Member
- Paula Johnson, Department of Public Health Representative
- Judith Balmin, Department of Public Health Representative
- Leslie Roste, Medical Professional Representative
- Fred Jones, Industry Association Representative
- Paul Bryson, Scientist
- Jennifer Cruz-Jimenez, Barber and Cosmetologist
- Kellie Swallow, Esthetician
- Jaime Schrabeck, Manicurist
- Joanie Gonella, Electrologist
- Larry Cromwell, Establishment Owner

Staff Members Present:

- Kristy Underwood, Board Executive Officer
- Sabina Knight, Board Legal Counsel
- Allison Lee, Board Project Manager
- Marcene Melliza, Board Analyst

Discussion and Recommendations on Revised Health and Safety Regulations

Committee members reviewed the revisions made based on recommendations from the previous meeting as well as the COVID-19 Industry Guidance for Hair Salons and Barbershops and Expanded Personal Care Services. Discussion focused on revising the regulations so they are practical and easier to understand while still protecting consumers.

Revisions will be discussed further at future meetings before the regulation revisions are brought before the full board.



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MEMORANDUM

DATE January 25, 2021

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Legislative and Budget Committee Meeting Update

The Legislative and Budget Committee met on January 12, 2021. The Committee discussed possible recommendations regarding future legislative changes and instructor requirements for board-approved private schools.

The committee recommends the Board authorize the Executive Officer to pursue conversations with the Legislature regarding authority over schools and increased requirements for instructors.

Action Required: Make a motion to authorize the Executive Officer to pursue conversations with the Legislature regarding authority over schools and increased requirements for instructors.



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DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY

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MEMORANDUM

DATE January 25, 2021

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Regulations Update

<u>Instructional Materials (Title 16, CCR Section 961)</u>

Action Required: staff needs a motion from the Board to approve the proposed regulatory language for noticing and delegate to the executive officer the authority to make any technical or non-substantive changes in completing the rulemaking file.

The following final rulemaking packages were filed with the Office of Administrative Law:

- Title 16, CCR section 965.2 (Personal Service Permit)
- Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)

The following regulation packages are under internal review by DCA/Agency:

- Title 16, CCR Section 950.10 (Transfer of Credit or Training)
- Title 16, CCR Sections 962, 962.1 and 962.2 (Externs)
- Title 16, CCR Section 972 (Disciplinary Guidelines)
- Title 16, CCR Section 974.1 (Disciplinary Review Committee)

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND

Underlined Indicates proposed amendments or additions to the existing

regulation.

Strikeout Indicates proposed deletions to the existing regulation.

Repeal Section 961, Title 16, California Code of Regulations, as follows:

§ 961. Online Training and Text and Reference Books for Students.

(a) In teaching, approved schools shall use text and reference books approved by the National Interstate Council of State Boards of Cosmetology (NIC). Approved schools may use other teaching material or on-line training programs, in lieu of the text book, under the condition that they have been approved by the NIC.

- (b) Each student shall possess the following:
 - (1) At least one (1) of the textbooks approved by the NIC or have access to a NIC-approved online program.
 - (2) The Barbering and Cosmetology Act and the Rules and Regulations of the Board of Barbering and Cosmetology.
- (c) There shall be available for the use of students in the school:
 - (1) A list of the text and reference books approved by the NIC.
 - (2) Any two approved texts other than the one text or online program access, possessed by the student. (Shall not apply to barber schools if there are less than three approved texts.)

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Section 7362, Business and Professions Code.

Adopt Section 961, Title 16, California Code of Regulations, as follows:

Section 961. Instructional Materials

- (a) An approved school shall provide a printed or electronic copy of the following to each student:
 - (1) At least one textbook in the course of instruction that the student is enrolled in (e.g. cosmetology, barbering, electrology, esthetics, manicuring).
 - (2) A current version of the California Barbering and Cosmetology Act (Chapter 10 of Division 3 of the California Business and Professions Code, commencing with section 7301):

- (3) A current copy of the Barbering and Cosmetology Regulations (Title 16, Division 9 of the California Code of Regulations, commencing with section 904);
- (4) The appropriate licensing examination translation guide if the student intends to take the examination in one of the non-English languages offered by the board.

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code.

Reference: Sections 7312 and 7362, Business and Professions Code.



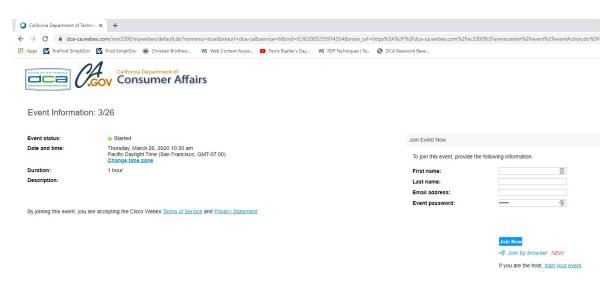
The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Example link:

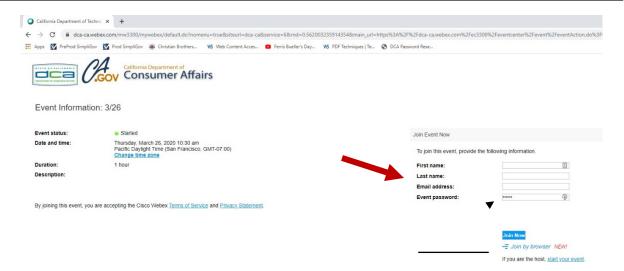
https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.





3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.



Starting Webex...



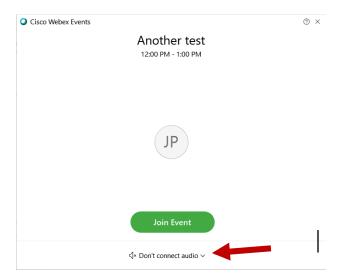
Still having trouble? Run a temporary application to join this meeting immediately.

- 5. To bypass step 4, click 'Run a temporary application'.
- 6. A dialog box will appear at the bottom of the page, click 'Run'.



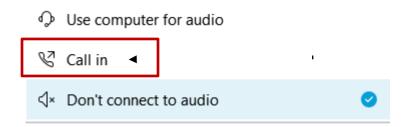
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

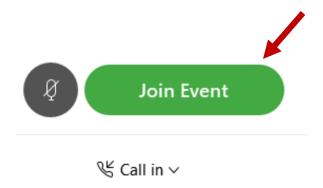


8. When the audio menu appears click 'Call in'.

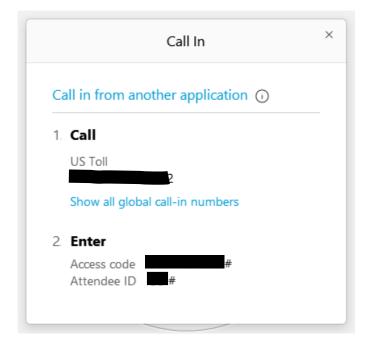




9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.



NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.



Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

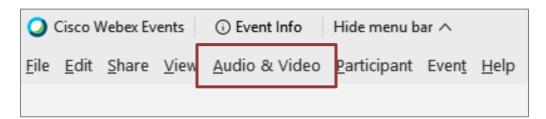
Congratulations!



NOTE: Your audio line is muted and can only be unmuted by the event host.

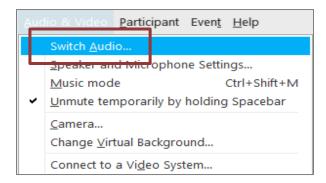
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

1. Select 'Audio & Video from the menu bar at the top of your screen.

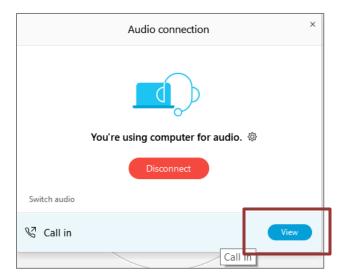




2. Select "Switch Audio" from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



You will then be presented the dial in information for you to call in from any phone.



Participating During a Public Comment Period

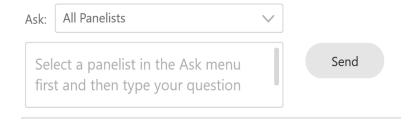
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.



Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.