

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



APRIL 22, 2024

LICENSING AND EXAMINATIONS COMMITTEE

**Department of Consumer Affairs
HQ1 Hearing Room 102
1625 North Market Boulevard
Sacramento, CA 95834**

and

Public Teleconference



CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY



MEMBERS OF THE COMMITTEE

Steve Weeks, Chair
Tonya Fairley
Yolanda Jimenez
Colette Kavanaugh
Tamika Miller
Jacob Rostovsky

LICENSING AND EXAMINATIONS COMMITTEE MEETING NOTICE AND AGENDA

April 22, 2024

**Department of Consumer Affairs
HQ1 Hearing Room #102
1625 North Market Boulevard
Sacramento, CA 95834**

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

**9:00 a.m. – Until Completion of
Business**

The Committee will meet by teleconference in accordance with Government Code section 11123.5. Committee members will participate remotely from private, non-public sites. The public may participate in-person or remotely. 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/j.php?MTID=m51665280aee45f2231687e478ff79c14>

Webinar number: 2481 360 1486

Webinar password: BBC422

Instructions to connect to the meeting can be found at:

https://www.barbercosmo.ca.gov/about_us/meetings/how_to_join_webex_event.pdf

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.

In order to ensure all public members have an opportunity to speak and in the interest of time, public comments will be limited to two minutes unless, in the discretion of the committee, circumstances require a shorter period or longer 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

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Election of Committee Chair
3. Discussion and Possible Approval of the January 22, 2024, Committee Meeting Minutes
4. Discussion and Possible Recommendation Regarding Operating as a Corporation or Limited Liability Company Member if a Personal License was Previously Disciplined
5. Public Comment on Items Not on the Agenda
Note: The Committee 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, 11125.7(a))
6. Suggestions for Future Agenda Items
7. Adjournment

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

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee 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 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: Allison Lee at (279) 278-5107, email: Allison.Lee@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.

Agenda Items

No. 1-2

No Attachments

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

LICENSING AND EXAMINATIONS COMMITTEE MEETING

MINUTES OF JANUARY 22, 2024

COMMITTEE MEMBERS PRESENT

Steve Weeks, Chair
Tonya Fairley
Yolanda Jimenez
Colette Kavanaugh
Jacob Rostovsky

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Natalie Mitchell, Board Analyst

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

Steve Weeks, Committee Chair, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2: DISCUSSION AND POSSIBLE APPROVAL OF THE SEPTEMBER 11, 2023, COMMITTEE MEETING MINUTES

Motion: Tonya Fairley moved to approve the September 11, 2023, Committee Meeting Minutes. Yolanda Jimenez seconded the motion.

Public Comment: There were no public comments received.

Motion to approve the September 11, 2023 Committee Meeting Minutes carried: 5 yes, 0 no, and 0 abstain, per the following roll call vote:

Committee Members voted "Yes": Steve Weeks, Tonya Fairley, Yolanda Jimenez, Colette Kavanaugh, and Jacob Rostovsky

3. AGENDA ITEM #3: DISCUSSION AND POSSIBLE RECOMMENDATION OF THE ESTABLISHMENT OWNERSHIP TYPES

Steve Weeks initiated the discussion on the need to update regulations to distinguish between corporations and Limited Liability Companies (LLCs), noting that they are legally recognized as separate entities. Kristy Underwood proposed a legislative change to explicitly add LLCs to the Business and Professions Code Section 7347, noting that this adjustment would simply formalize the current practice of issuing establishment licenses to LLCs. If the committee approves this recommendation, it will be presented to the board in February, with the goal of incorporating this change into a bill to amend the statute. Jacob Rostovsky inquired about the prevalence of LLCs, to which Ms. Underwood responded with data from a specific county showing a low percentage, around 5%, but highlighted that this might not represent the broader trend. The discussion revealed that while the majority of establishments might be sole proprietorships, there is an observed shift towards LLCs.

Motion: Jacob Rostovsky made a motion to recommend to the full board the provided language for the amendment of Section 7347 as a legislative proposal. Tonya Fairley seconded the motion.

Public Comment: No public comments were received.

Motion to recommend to the full board the above language for the amendment of Section 7347 as a legislative proposal carried: 5 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Steve Weeks, Tonya Fairley, Yolanda Jimenez, Colette Kavanaugh, and Jacob Rostovsky

4. AGENDA ITEM #4: DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING IMPLEMENTING A 90-DAY RETENTION SCHEDULE FOR OUT OF STATE LICENSE CERTIFICATIONS

Steve Weeks introduced the next agenda item concerning a proposal for implementing a 90-day retention schedule for out-of-state license certifications. Kristy Underwood explained that this regulatory change aims to establish how long the board maintains certifications from licensees in other states. This is in response to instances where such certifications might sit in records for months before action is taken, potentially leading to issues with the validity of the license at the time of reciprocity consideration. The proposed 90-day timeframe is to ensure that licenses are current and valid, preventing the acceptance of outdated certifications.

Steve Weeks raised a question about the prevalence of fraud related to out-of-state certifications. Ms. Underwood acknowledged significant fraud issues. However, she clarified that the 90-day rule primarily targets legitimate applications and does not directly address the fraud observed in out-of-state certifications. She noted that the fraud issue is complex with ongoing internal steps being taken to combat fraudulent activities.

Motion: Yolanda Jimenez made a motion to recommend to the full board the provided language for the proposed Section 911 as consideration for a regulatory proposal. Jacob Rostovsky seconded the motion.

Public Comment: No public comments were received.

Motion to recommend to the full board the above language for the proposed Section 911 as consideration for a regulatory proposal carried: 5 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Steve Weeks, Tonya Fairley, Yolanda Jimenez, Colette Kavanaugh, and Jacob Rostovsky

5. AGENDA ITEM #5: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no public comments submitted.

6. AGENDA ITEM #6, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Steve Weeks proposed addressing a potential regulatory loophole that allows individuals who have lost their establishment licenses to re-enter the industry undetected by hiding their involvement in a new business venture. He suggested that the current lack of disclosure requirements for corporate stockholders, LLC members, or salon management employees, could enable previously disciplined owners to manage salons without the board's knowledge. Mr. Weeks recommended adding this topic to the agenda for the next committee meeting.

7. AGENDA ITEM #7: ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 9:19 a.m.



MEMORANDUM

DATE	April 22, 2024
TO	Members, Licensing and Examinations Committee
FROM	Kristy Underwood, Executive Officer
SUBJECT	Agenda Item 4 - Discussion and Possible Recommendation Regarding Operating as a Corporation or Limited Liability Company Member if a Personal License was Previously Disciplined

Background

At the January 22, 2024, Licensing and Examinations Committee meeting, Chair Steve Weeks suggested the Committee discuss addressing a licensing loophole where a licensee who has been previously disciplined (such as having their license revoked) can then operate as a corporation or Limited Liability Company (LLC) member.

Business and Professions Code 7347(a) states in relevant part "...The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480...."

Every establishment application is carefully reviewed during processing. If a licensee was previously disciplined and then applied for an establishment license as a corporation officer or LLC member, the application could be denied depending on the nature of the violation that caused the revocation.

The application requires establishment applicants to answer whether they have ever had any professional or vocational license or registration denied, suspended, revoked, placed on probation, or other disciplinary action taken by the Board or any other governmental authority. If they have been disciplined, the applicant is instructed to attach an explanation. An analyst reviews the disclosure and considers age of violation or discipline and how it relates to running an establishment. Whether or not the applicant has disclosed discipline, the Board will search all social security numbers, individual taxpayer identification numbers, and/or employer identification numbers associated with the application within the licensing system to ensure any past disciplinary actions are identified.

While section 7347 states that each officer shall not have committed acts or crimes which are grounds for denial, the Board has no requirement to be notified when an officer changes.

Conclusion

The Committee should discuss the development of regulations that would require a corporation to notify the Board if there has been a change of officer. The Committee may ask staff to conduct research on how this would impact current workload and if this would be successful in holding members of a corporation accountable for prior discipline.

Agenda Items

No. 5-7

No Attachments