



**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**MINUTES OF JANUARY 24, 2016**  
Holiday Inn Orange County Airport  
2726 South Grand Avenue  
Santa Ana, CA 92705

**Additional Meeting Location Established via Teleconference at:**  
2405 Kalaniana'ole Avenue PH – 11  
Hilo, HI 96720

**BOARD MEMBERS PRESENT**

Dr. Kari Williams, President  
Richard Hedges, Vice President (via teleconference)  
Mary Lou Amaro  
Bobbie Anderson  
Polly Codorniz  
Andrew Drabkin  
Joseph Federico

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Tami Guess, Board Analyst  
Marcene Melliza, Board  
Rebecca Bon, Legal Counsel

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

Dr. Kari Williams, the Board President, called the meeting to order at 10:00 a.m.

**2. Agenda Item #2, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Fred Jones, Legal Counsel for the Professional Beauty Federation of California (PBFC), invited the Board to the sixteenth annual Welcome to Our World (W.O.W.) lobbying event, which will be held at the State Capitol Building on Monday, April 11, 2016, on the west steps, from 3pm to 6pm. He thanked Board Member Joseph Federico and his organization for sponsoring the event.

Jaime Schrabek, of Precision Nails, informed the Board of an upcoming six-week reality series, premiering Thursday, March 17, 2016, called "Global Beauty Masters" on TLC. It showcases the professional beauty industry, featuring licensed hair, make-up, and nail professionals competing for the title of Global Beauty Master, and includes a student competition to promote beauty schools.

Lori Taylor, for CryoConcepts, based in Bethlehem, Pennsylvania, spoke about a new product called CryoClear, which is used on dead skin cells in the upper epidermis. She stated CryoConcepts would like to present their product in the April Board meeting.

Patti Glover, from Citrus College, asked to change the language of Section 7395.1(a) of the Rules and Regulations to "a student who is enrolled in an approved course in a school of cosmetology approved by the Bureau for Private Postsecondary Education or a public school licensed by the Department of Consumer Affairs Board of Barbering and Cosmetology may" – the rest of the language would remain.

Citrus College's rationale is that students who are enrolled in either private or public schools approved by their respective oversight Board should have equal opportunity to participate in the externship program.

Mirela Marinescu, with the International School of Beauty, stated microdermabrasion is a safe procedure. Many estheticians advertise microdermaplaning online. An industry bulletin defines the procedure as the removal of skin, but it can be considered as the removal of hair. It is difficult for estheticians to find jobs and gain experience because their scope of practice is limited. She stated she started a petition that has more than 2,000 signatures and asked to present proofs of popularity in a future Board meeting. She asked why estheticians cannot perform this hair removal procedure while barbers and cosmetologists can.

Dr. Williams stated by law cosmetologists are not allowed to use straight razors; only barbers are.

Ms. Marinescu stated Ms. Underwood reported that cosmetologists can remove hair by means of any instrument or product from any place on the body. She stated a razor is an instrument.

Dr. Williams stated cosmetologists can use straight razors, but not against the skin. Barbers are the only licensed professionals in the state of California who can use a straight razor against the skin to remove hair.

Joseph Federico, a Board Member, thanked Ms. Marinescu for her comments and stated the Board will take her comments into consideration.

### **3. Agenda Item #3, BOARD PRESIDENT'S REPORT**

Dr. Williams stated the Board has successfully completed a lot of things last year as far as going before the Senate and being able to extend the Board for five more years. The sunset review was successful. She thanked the Board, the staff, Fred Jones, and the PBFC for their support. Additionally, there was success with the Disciplinary Review Committee (DRC) backlog. She thanked the Board, staff, and others for their time – the Board is now caught up. She stated she looks forward to serving another year on the Board.

### **4. Agenda Item #4, EXECUTIVE OFFICER REPORT**

Kristy Underwood, the Executive Officer, updated the Board on items that have been in discussion:

Staff has had conversations with legislatures who have been concerned about the New York reports on manicure license type and the issues with labor laws and healthy environments. There is interest in pursuing changes to make this better.

Other topics to be discussed include looking at the establishment license, ensuring that owners understand the labor laws, and defining the difference between employee/employer/independent contractor. Staff will be asking for a Legislative and Budget Committee soon.

Staff is currently updating the Health and Safety Curriculum for licensee safety. It is now more web-based and interactive. A section has been added on workers' rights. Staff will be asking to schedule an Education Committee meeting to review the curriculum before it is passed on to the various approvals that it will have to go through.

Richard Hedges, Board Vice President, referenced the quarterly licensing statistics chart in the meeting packet and asked about the data for cosmetology re-exams. Ms. Underwood stated

those numbers are not unusual. Mr. Hedges referenced the quarterly DRC statistics and asked if the cases heard also include the default cases. Ms. Underwood stated they do not.

Dr. Williams stated the bar graphs show the data broken down further and include the default data.

## 5. **Agenda Item #5, ANNUAL ELECTIONS OF OFFICERS**

Dr. Williams asked for nominations for president of the Board for 2016.

### **Public Comment**

Mr. Jones thanked Dr. Williams for her leadership this past year and for representing the Board at the legislative hearing for the sunset review.

Darrin Lyons, the owner of Tangles and Lockes, stated his appreciation for Dr. Williams's work and advocacy in the community and for the staff's quick, friendly customer service.

Ken Williams, former Board Member and school and salon owner, stated his appreciation for Dr. Williams's amazing leadership this past year. He encouraged the Board to stay strong and stay on task.

**MOTION:** Mr. Hedges made a motion, seconded by Dr. Williams, that the Board elects Joseph Federico as president for 2016. Motion carried 7 yes and 0 no per roll call vote.

Dr. Williams asked for nominations for vice president of the Board for 2016.

### **Public Comment**

Mr. Jones stated it is a good time to have a school owner to lead the Board who can help negotiate federal and state regulations. There will be a possible negative impact on the accessibility, costs, and number of beauty colleges that will be available in the next few years in California. He encouraged the Board to engage the California Bureau for Private Postsecondary Education (BPPE) sunset review process to protect the students and raise the professionalism of all beauty colleges.

Mr. Lyons spoke in support of the vice chair nomination.

**MOTION:** Mr. Federico made a motion, seconded by Mr. Hedges, that the Board elects Dr. Kari Williams as vice president for 2016. Motion carried 7 yes and 0 no per roll call vote.

## 6. **Agenda Item #6, APPOINTMENT OF COMMITTEE MEMBERS AND APPROVAL OF PROPOSED 2016 MEETING DATES**

Dr. Williams, Mr. Hedges, Bobbie Anderson, Mary Lou Amaro, and Polly Codorniz stated they would like to remain in their current Committees.

Mr. Drabkin stated he would like to remain in the Education and Outreach Committee and asked to switch from the Enforcement and Inspections Committee to the Legislative and Budget Committee. Mr. Federico volunteered to drop the Legislative and Budget Committee.

All Board Members approved proposed Board meeting dates for 2016.

**7. Agenda Item #7, ANNUAL REVIEW AND APPROVAL OF BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL**

Ms. Underwood reviewed the changes made to the Board Member Guidelines and Procedures Manual – the timesheet, meeting dates, training dates, and locations for 2016, travel arrangements, and travel manual.

Mr. Hedges referred to Chapter 6, page 13, Travel Claims and suggested changing “the Board staff will make amendments and submit corrected claims” to “the Board staff will consult with the Board Member before making amendments and submitting corrected claims.”

**MOTION:** Mr. Drabkin made a motion, seconded by Mr. Hedges, that the Board approves the proposed changes to the Board Member Guidelines and Procedures Manual, including the amendment suggested by Mr. Hedges and the technical changes on the dates of the Board meeting. Motion carried 7 yes and 0 no per roll call vote.

**8. Agenda Item #8, APPROVAL OF BOARD MEETING MINUTES**

Mr. Hedges asked to change “prompter” to “proctor” in the public comment section on page 2, and to change “All material from the EPA” to “All material safety data from the EPA” in the last paragraph on page 7.

Mr. Drabkin stated his name was listed as Dr. Drabkin on page 5.

**MOTION:** Mr. Drabkin made a motion, seconded by Mr. Hedges, that the Board approves the October 19, 2015, Meeting Minutes as amended. Motion carried 7 yes and 0 no per roll call vote.

**9. Agenda Item #9, DISCUSSION AND RECOMMENDATION ON SPANISH COSMETOLOGY PASS RATE ON THE WRITTEN EXAMINATION**

Ms. Underwood briefly summarized the comprehensive staff report in the meeting packet on the low passage rates for Spanish cosmetologists and asked Board Members for feedback.

Dr. Williams stated the responses from schools were consistent in that, outside of the fact that there are different dialects, the terminology in textbooks – especially in the anatomy, physiology, and color areas – was different than the words used in the exams, which confused students. There needs to be consistency in terminology between the classroom instruction, the textbooks, and the exam. It goes back to the oversight of schools.

Mr. Federico stated the Board does not oversee schools but only controls the textbooks through the NIC, which is an out-source vendor. He asked if there is a possibility of working with the NIC to develop a bilingual text.

Dr. Williams suggested making a vocabulary list where the textbooks and exam differ to ensure that students will be able to identify the terms used on the exam and asking the instructors to use those terms.

Mr. Hedges stated students in Mexico often learn the barbering and cosmetology industry by apprenticing to a relative. He asked if the Board can connect with schools in Mexico to find out how they train and how extensive the training is, whether they focus on the art of the industry or

if they go into anatomy, physiology, and health and safety issues. He asked about the possibility of finding out which regions in Mexico the students who are having these problems come from.

Mr. Drabkin asked if this issue is unique to the barbering and cosmetology industry. He asked if it would help to give the test orally to further analyze where the problems lie.

Ms. Amaro agreed. She stated Mexico has a good educational system, but many immigrants come with very little education and may have greater difficulty with the written part of the test. Without a good, basic education, the college courses are much more difficult to comprehend.

Mr. Hedges suggested keeping a general population of Spanish speakers taking the test as a control group and selecting a random sample of candidates to take the test with a proctor reading the questions to them in Spanish.

Ms. Underwood stated the current contracts do not include a verbal exam. It is an NIC test that the Board contracts with them to provide and then contracts with subcontractors for computer-based testing. There are legal and capacity issues. She asked Mr. Federico if students are being accepted into beauty schools with no chance of passing due to lack of basic education.

Mr. Federico stated the Board requires students to self-certify that they completed the 10<sup>th</sup> grade. Accredited colleges only accept students with high school diplomas or the equivalent. He stated the 10<sup>th</sup> grade requirement should remain to offer students who may not have excelled in the traditional school setting a pathway to a hands-on career.

Mr. Drabkin suggested asking the Legislature for more funding to solve this issue.

Ms. Underwood agreed with creating a vocabulary list and stated staff will contact the NIC to collaborate on the logistics. She suggested offering a bilingual edition of the test in parallel paragraph, two-column format.

Mr. Federico agreed with creating a vocabulary list and stated it is one of the most proactive things the Board can do to assist students.

Mr. Hedges agreed and asked if the Board could require schools to use the vocabulary list in their curriculum. Ms. Underwood stated it can only be required if it is incorporated into the regulations.

Mr. Drabkin stated the importance of including the Legislature in the conversation on the steps the Board is taking and the things the Board is unable to do, in order to give legislators an opportunity to give feedback and suggestions.

### **Public Comment**

Ms. Schrabek stated the teachers at beauty schools are not chemists, biologists, or anatomists. They teach on a subject matter that goes beyond their practice use every day. The knowledge gained is shallow, just as it is in the textbooks. She asked if NIC could provide information about what subject areas students are having difficulty with.

Mr. Williams suggested analyzing the number of individuals that failed the first time and how quickly they go back the second time. If students could take the written test prior to the practical, the likelihood of them failing a second time goes down. There is fear and anxiety around taking that test and if students fail, some of them never reapply. He encouraged the Board to analyze how often and how quickly students reapply.

Mr. Williams encouraged the board to explore the different methodologies of the schools in North Carolina, such as their two-tier passing system and suggested creating an advisory board committee of school owners that could help the Board make decisions.

Ms. Marinescu agreed that offering a bilingual parallel test is a good option. She stated seeing the questions in both Spanish and English will help students. She shared how a college that is 95 percent Spanish-speaking solved the problem of not passing the Spanish exam by registering Spanish speakers in the barber school. The only problem the school encountered is that some students wanted to do nails, which was solved by offering scholarships to good students for the necessary crossover hours of training required. Students who took the barber exam did great, but students who chose to take the cosmetology exam did not. She requested that barbers learn to do nails so more students will be willing to enroll in barber school.

Ms. Glover stated students have the opportunity to take interpreters with them when they take the written test. She suggested one of the problems may be that many of these students have never taken an exam on a computer before. In her experience, students see online tests as more difficult than written tests. She asked that the Board include community colleges in the conversation because they want to be part of the solution.

Ms. Glover stated she has worked with two of the textbooks on the list. One has greater detail than the other. Students working with the less-detailed textbook may not be learning the terminology that they need to pass the test. Her school solved the issue by supplementing material that was not included in the less-detailed textbook. The terminology in the new, more-detailed book is more in line with the test and will help students succeed. She stated the belief that including the classes in biology, anatomy, and physiology helps with public health and safety, which is one of this Board's primary responsibilities.

Mr. Jones stated this issue is important to the Legislature. The NIC has already done work on this issue, which the Board can benefit from. He stated the textbooks are not necessarily different from the test because the NIC works closely with their textbook publishers to ensure translation accuracy. He spoke in support of maintaining the contract and relationship with the NIC.

Mr. Jones asked if the door should be closed to first-generation immigrants who may not have high school diplomas but want to contribute to the economy and society. The ability to benefit (ATB) exam, controlled by the BPPE, is given to students without a high school diploma or its equivalent to ensure they have the ability to benefit from the education and eventually to pass the license exam.

Mr. Jones stated, if the Board had sole oversight, it could design a test that is specific to the competencies and the content areas that are on the license exam. With more authority, the Board could drill down to better understand the problems, how students are being taught, why there is a vocabulary issue, and what textbooks are being used.

Mr. Moreno stated this will be an ongoing topic that is important not only to the Board but to schools and students. He agreed that some of the wording may need to be changed on the test. He agreed with taking the test earlier so the material is fresh in students' minds and on schools collaborating together.

Mr. Hedges stated the Board cannot gather the information needed to do the necessary studies to find out what is happening. He agreed that the Board will not get to the root of this issue unless it has control of the schools. This needs to be brought to the Legislature's attention.

Mr. Lyons agreed with making a vocabulary list or changing some of the vocabulary in the test. He suggested including two or three dialects in the testing areas to help students better understand. He stated the need for the instructors who speak Spanish to

truly understand what they are teaching to ensure that the students understand what they are learning.

Mr. Lyons stated the need to learn where the problem areas are and give that information to the instructors so they can focus on those areas. He referred to Ms. Glover's comment about students being unfamiliar with online testing and suggested that instructors begin teaching on computers so students become familiar with online tests. He stated the need for the Board to prepare the instructors so they can better prepare the students.

Ms. Glover asked at what point these adult students will be allowed to take responsibility and ownership for their own education. There are over 100 community colleges in California that offer basic skills. It is the students' responsibility to improve their language skills. The NIC has lowered the testing standards since the time when it was the Board's responsibility. She suggested libraries as places for students to study and prepare.

Ms. Anderson suggested remedial education to help students prepare for higher-level classes.

#### **10. Agenda Item #10, DISCUSSION CONCERNING INTERPRETERS BEING PROVIDED AT THE DISCIPLINARY REVIEW COMMITTEE (DRC):**

Ms. Underwood presented her report on the options discussed in the last meeting:

- Bilingual staff members – the HR department advised against using staff as interpreters due to possible conflicts of interest; it is not within staff's duty statement classifications with the state.
- Hired independent interpreters – staff recommended that the Board move to request that staff pursue funding through the Budget Change Proposal (BCP) process to provide interpretation services at DRC meetings.

Ms. Underwood stated the California Healthy Nail Salon Collaborative submitted a letter of support of staff's recommendation.

Mr. Hedges spoke in support of staff's recommendation. Hiring interpreters will expedite the DRC hearings, which will allow the Board to review more cases, and will create a better record.

Mr. Drabkin stated the hiring of interpreters must be conditional on a successful BCP.

Ms. Amaro noted that interpreters charge for a minimum number of hours for their services.

#### **Public Comment**

Ms. Schrabek asked if an interpreter will be available in multiple languages.

Ms. Underwood answered in the affirmative, but stated it is required by law that the language must be spoken by a certain percentage of the population.

Mr. Federico stated interpreters should be provided for the languages the test is offered in.

Mr. Jones agreed with Mr. Drabkin and spoke in support of the motion if the BCP request is successful. He stated, if the BCP is not successful, the Board will need to take funding from another part of the budget to provide contract services for interpretation at DRC hearings. Where the Board is currently devoting resources is of greater importance and should not be detracted from to provide this service. There is due process available prior to the DRC hearing. Since the DRC hearing is at the licensee's request after the due process has been granted and they have been found wanting, it is incumbent upon the licensee to provide their own interpretation services if they need it.

Ms. Glover agreed with Mr. Jones that the licensee going before the DRC should provide their own interpreter just as they do when taking the test.

**MOTION:** Mr. Hedges made a motion, seconded by Mr. Federico, that staff pursue funding through the BCP process to provide interpretation services at DRC meetings. Motion carried 7 yes and 0 no per roll call vote.

**11. Agenda Item #11, REVIEW OF ACTION PLAN FOR THE IMPLEMENTATION OF THE BOARD'S SUNSET BILL (AB 181):**

Ms. Underwood summarized the provisions of AB 181, which became effective on January 1, 2016, and extended the Board for four more years, and the implementation plan for each provision as outlined in the meeting packet.

Mr. Hedges suggested that two Board Members attend the Health and Safety Advisory Committee since the Board will be responsible for the final analysis.

**12. Agenda Item #12, PROPOSED REGULATIONS UPDATES (POSSIBLE ACTIONS)**

Mr. Federico deferred to Ms. Underwood to provide updates on the following items:

- **Military Training – Title 16, Section 910 of the California Code of Regulations**

Ms. Underwood stated the revised rulemaking language has gone through the required 15-day public comment period and staff has prepared the Final Statement of Reasons for Board approval.

**MOTION:** Mr. Hedges made a motion, seconded by Mr. Drabkin, that the Board approves staff's proposed Final Statement of Reasons for military training under Title 16, Section 910, of the California Code of Regulations. Motion carried 7 yes and 0 no per roll call vote.

- **Administrative Fine Schedule – Title 16, Section 974 of the California Code of Regulations**

Ms. Underwood stated the final rulemaking file is under review by the DCA. No action is required.

- **Proposed Regulatory Language to Define “Demonstrating” for Purposes of BPC 7319(e) Exemptions**

Ms. Underwood tabled this item until the next Board meeting.

- **Consumer Notice – Title 16, Sections 904 and 905 of the California Code of Regulations**

Ms. Underwood described three options of the consumer notice provided in the meeting packet that were based on comments made in the last Board meeting and asked the Board to vote on the preferred version.

Mr. Hedges suggested Option 2, which includes the Board mission statement, as it most concisely summarizes the comments made in the last Board meeting.

Mr. Federico called for a second to Mr. Hedges' motion. No Board Member made a second.

Mr. Drabkin and Ms. Codorniz stated their preference for Option 3. It is simple, to the point, and the contact information in large font is prominently displayed.



### **Public Comment**

Mr. Jones requested striking the term “ethical standards” from the mission statement.

Ms. Schrabec stated social media is where people go to complain. Quality of service and issues to do with money are not the Board’s purview. This is why it is wise to include the mission statement on the notice. She agreed with striking “ethical standards,” including a briefer version of the mission statement, and she asked to add the phrase “in California” or “of California” after the word “industry.”

Mr. Williams agreed with including a more concise version of the mission statement. He stated his preference for Option 2.

Mr. Lyons agreed with Mr. Williams and Mr. Jones that less is more. The notice should direct individuals to the website where bullet points can be posted clearly. The establishment license already states what the Board stands for. He agreed with striking the term “ethical standards” so it will not open the Board up for lawsuits.

Mr. Federico proposed a friendly amendment to revise Option 3 to include a concise mission statement under the website information on the notice as suggested by public comment.

Mr. Drabkin asked the Board Members if they agreed with adding the mission statement to the notice – five agreed, two disagreed. Mr. Drabkin accepted the friendly amendment. Ms. Codorniz accepted the friendly amendment after verifying the font size will be no larger than the last lettering on the notice.

Mr. Drabkin asked why the Board Members want to include the mission statement when it is just filler. Dr. Williams stated the statement would keep individuals from calling the Board with issues that are out of its purview.

Ms. Underwood stated one of the big issues with the notice is that consumers do not read it because it is unsightly and difficult to read. It is easier for staff to explain to customers who call that their complaint is out of the Board’s jurisdiction when the mission statement is on the notice.

Mr. Hedges stated the need to change the notice because there are unnecessary citations given to salons when they accidentally cover a portion of it with shop furnishings because the notice is too large.

Mr. Federico removed his friendly amendment.

**MOTION:** Mr. Drabkin made a motion, seconded by Ms. Codorniz, to approve Consumer Notice Option 3 as presented. Motion carried 5 yes and 2 no per roll call vote.

### **13. Agenda Item #13, AGENDA ITEMS FOR NEXT BOARD MEETING**

Dr. Williams suggested a discussion on externships being offered to community college students. They are currently left out of the regulatory language so they are unable to take advantage of those opportunities.

Ms. Anderson suggested a discussion on the possibility to assist ex-offenders being trained and licensed in this industry.

### **Public Comment**

Ms. Schrabec clarified that the personal service permit is in addition to having a license. She stated there are schools that claim students are certified when they obtain the

permit. These individuals are practicing outside of the law. She asked the Board to address this issue.

Mr. Williams suggested discussions on doing the test early and collaborating with school owners statewide and establishing a consortium so their voices can be heard. He stated the desire for the Board to be the sole authority over beauty schools in the state of California. There is no need for dual-regulation. BPPE came into existence because there were many unscrupulous schools at the time. This is no longer the case. The BPPE collects a lot of money while the Board collects money that it is not allowed to use. This is a disconnect that needs to be addressed. He volunteered to assist staff in this effort.

Ms. Taylor stated CryoConcepts would like to be on the next agenda to present on their new product.

Mr. Lyons suggested a discussion on how to attract the younger generation and the older generation by way of social media, such as putting out an Instagram to announce meetings when the agenda comes out.

Thelma Price, the Past President of the California Cosmetology Association, suggested advertising the California Cosmetology Association. It provides education opportunities and is the only professional organization out there that protects the industry.

#### **14. Agenda Item #14, PUBLIC COMMENT**

Mr. Williams suggested that the Board explore the possibility of including an additional test site in San Diego to streamline the licensing process and alleviate any backlogs that may occur in the future.

Mr. Lyons suggested that staff look at other avenues of social media. Young people respond to sound bites and visual bites, not long explanations. He gave the example of Sanek Neck Strips being tossed on the floor instead of properly disposing of them. He suggested that the Board broadcast a simple sentence on Facebook pointing out the fine for improper disposal of Sanek Neck Strips or the improper use and disposal of razors. He encouraged the Board to continually educate, motivate, and inspire these young people with short flashes of information to raise the standard in the industry.

#### **15. Agenda Item #15, CLOSED SESSION**

##### **A. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Deliberate on Disciplinary Matters**

The Board adjourned into closed executive session.

##### **B Adjourn Closed Session**

#### **RECONVENE OPEN SESSION**

#### **16. Agenda Item #16, ADJOURNMENT**

With no further business, the meeting was adjourned.