



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY – GOVERNOR Edmund G. Brown JR.
BOARD OF BARBERING AND COSMETOLOGY
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**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

MINUTES OF APRIL 11, 2016
Board of Barbering and Cosmetology
2420 Del Paso Road
Sequoia Room, 1st Floor
Sacramento, CA 95834

Additional Meeting locations Established via teleconference:

5450 W. Pico Blvd., #203
Los Angeles, CA 90019

1038 West 80th Street
Los Angeles, CA 90044

2112 Ashian Avenue
Clovis, CA 93611

BOARD MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Rebecca Bon, Legal Counsel
Tami Guess, Board Analyst
Carrie Harris, Enforcement Manager
Marcene Melliza, Board Analyst

BOARD MEMBERS ABSENT

Coco LaChine

1. CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF A QUORUM

Joseph Federico, the Board President, called the meeting to order at 10:00 a.m. and confirmed the presence of a quorum.

2. PROPOSED LEGISLATION – DISCUSSION AND POSSIBLE VOTE ON BOARD POSITION

Kristy Underwood, the Executive Officer, summarized the existing law, fiscal impact, and analysis of each bill as provided in the meeting packet.

- **AB 2025 (Gonzalez) – Labor Law Education Requirements**

Ms. Underwood stated much of the Board's information has been translated into multiple languages and staff is collecting demographic information for cost efficiency in disseminating these materials.

Mr. Hedges referenced Section 7396.1(c) (1) and stated adding labor law questions to the application might make the process more difficult for owners and for the Board. He stated the concern that incomplete application submittals may increase with additional questions, which will delay the licensing process.

Mr. Hedges made a motion to support this bill if amended to exclude Section 7396.1(c) (1), where the bill only requires a question on the application that is limited to the awareness of basic labor law requirements that pertain to their establishments.

It was suggested that the application include a box to check rather than a question.

Ms. Underwood stated the bill requires a signed acknowledgement of understanding.

Public Comment

Fred Jones, Legal Counsel for the Professional Beauty Federation of California (PBFC), spoke in support of the motion to strike Section 7396.1(c) (1) of the Business and Professions Code.

Catherine Porter, the Policy Director for the California Healthy Nail Salon Collaborative (CHNSC) the organizational sponsor of Assembly Bill (AB) 2025, spoke in opposition to the proposed motion. She stated a simple acknowledgment of labor laws is not effective in driving the point that complying with, understanding, and learning about labor laws is essential for small business owners. She noted that the five basic questions are on the renewal application but not on the initial application. She stated many labor law violations are not obvious during drive-by inspections, such as employee wages, breaks, and hours worked. She encouraged the Board to support the bill as written.

Mr. Hedges asked about the reference to five specific questions. Ms. Porter stated it is the author's intent to include five questions.

Ms. Underwood stated staff has not been informed about the five questions. It was suggested that the five questions should be included in the bill.

Mr. Drabkin asked how the author envisions handling partial answers. Ms. Porter agreed that more detail should be included but stated it could be rectified through the regulatory process. Legislators make laws with leeway to the implementing agency to use their own judgements.

MOTION: A motion was made by Mr. Hedges, seconded by Mr. Federico, to support the bill if amended by striking Business and Professions Code Section 7396.1(c) (1). Motion carried 7 yes and 0 no per roll call vote.

- **AB 2125 (Chiu) – Healthy Nail Salon Recognition Program**

Ms. Underwood stated it is interesting that the Department of Public Health is involved with this bill but was not sure how it would be enforced.

Mr. Hedges asked if establishments in counties that already have this recognition program have been inspected, if they are unlicensed, and if there have been violations. Ms. Underwood stated unlicensed activity and violations have been found in the past. She agreed that is a concern.

It was recommended that the salons recognized would also be in compliance with the Board's rules and regulations for health and safety.

Mr. Hedges asked for staff's recommendation on this bill. Ms. Underwood stated this bill currently does not impact the Board.

Mr. Drabkin disagreed. If another department's website recommends a salon as a healthy establishment with clean air but that establishment is out of compliance with the Board, customers will turn to the Board to file complaints. In that respect it does impact the Board. He moved to oppose AB 2125.

Public Comment

Catherine Porter stated the CHNSC is also the sponsor of AB 2125. She provided an overview of the background, demographics, process, and benefits of the program. She stated a critical component of the bill is consumers' lack of awareness of product ingredients and the importance of asking what chemicals are in the products and what is known about those chemicals. Consumers should be given an option to use products with fewer chemicals. She encouraged the Board to support AB 2125 as written.

Mr. Drabkin stated the Board cannot support a bill that allows another department to say this is a better salon than what the Board is offering.

Ms. Porter stated that already exists. Counties have programs that reward salons that do the right thing. This bill does not contain standards; instead, it contains voluntary practices for salons to take on. She offered a packet of information to Board Members.

Fred Jones stated the intent behind this effort is laudable but he was concerned about inviting another agency into the Board's licensed salons. This bill sets statewide standards in statute. He stated the concern about the lack of communication – as of last week, the author had not spoken to the Department of Public Health about their participation in this bill. The bill contains sweeping generalizations about scientific findings without any scientific background. He suggested that, before implementing a statewide program, the industry should be brought into this. Another concern is these bills presume to apply only to nail salons, but the Board only has one license – an establishment license.

Mr. Drabkin stated he is not opposed to the idea but is opposed to the bill as it stands and would like further discussion and evaluation.

Mr. Hedges stated the goal of the bill is good but can confuse consumers. He suggested watching the bill.

MOTION: A motion was made by Mr. Drabkin, seconded by Ms. Codorniz to oppose Assembly Bill 2125 as it is written. Motion carried 5 yes, 2 no, and 1 abstain per roll call vote as follows:

The following Board Members voted "Yes": Amaro, Anderson, Codorniz, Drabkin, Williams

The following Board Members voted "No": Federico and Hedges

The following Board Members abstained: Thong

- **SB 896 (Nguyen) – Credit / Debit Cards for Tips**

Mr. Hedges asked for staff's opinion. Ms. Underwood stated she questioned how the bill will be enforced.

Mr. Federico agreed that the enforcement of this bill is a concern. Inspectors will be required to look at financial records to ensure compliance, which is something the Board has not done before. Also, credit cards charge 3 percent, so business owners will now be required to pay their employees that additional 3 percent when tips are given via credit card.

Mr. Hedges agreed that looking at financial records steps over a line. The Board does not have police powers. He stated he was torn on this issue because tips put on credit cards are not always given to the employees. He suggested the Franchise Tax Board should be the enforcing arm on this bill, not the Board.

Ms. Underwood stated she had a conversation with the author and brought up the enforcement issue.

Mr. Hedges moved to oppose Senate Bill (SB) 896.

Public Comment

Fred Jones spoke in support of the motion to oppose. He stated California law is clear that tips do not belong to the salon, cannot count against the wage, and are 100 percent the employees' money. The PBFC encourages tips; however, many salons do not want the added paperwork or the extra fees of potentially several hundred dollars annually due to the 3 percent charged by credit cards. He spoke in support of the intent behind the bill, but opposed the level of micromanagement that could set a precedent for other things.

MOTION: Mr. Hedges made a motion, seconded by Ms. Codorniz to oppose Senate Bill 896 as it is written. Motion carried 7 yes and 1 no per roll call vote as follows:

The following Board Members voted "Yes": Amaro, Anderson, Codorniz, Federico, Hedges, Thong, and Williams

The following Board Members voted "No": Drabkin

- **SB 1044 (Nguyen) – Assessment of Fines to Individuals and Establishment Owners and Citation Fine Payment Plans**

Mr. Hedges made a motion to support and sponsor SB 1044 if amended as follows: change “an individual licensee” in the last line of Section 7407.1 to “licensees.”

Mr. Federico seconded.

Ms. Underwood stated the Board offers payment plans on an informal basis but has been unsuccessful in collecting fines even with the offered payment plan. This bill puts into statute something the Board does already.

A point was made that requiring fines to be paid by the renewal date is a built-in, informal payment plan. Setting up a formal system will require sending out bills and monitoring it.

Ms. Underwood stated she spoke with the author and suggested changing the “shall” to “may” do payment plans. Rebecca Bon, Legal Counsel, stated the bill also states that regulations will be put into place on how to implement it.

Public Comment

Fred Jones stated the first part of the bill is meant solely for booth renters operating within a separate establishment. The issue is that many establishment owners have indemnification clauses in their contracts with booth owners, which causes the booth owners to be double-fined. The intent of this bill is to encourage booth renters to identify themselves in an effort to raise the professionalism of this large sector of the industry. He encouraged the Board to encourage booth renters to acknowledge their independent relationship.

Mr. Jones agreed with offering a payment plan since salon owners are the last to get paid.

MOTION: Mr. Hedges made a motion to support and sponsor Senate Bill 1044 if amended as follows: change “an individual licensee” in the last line of Business and Professions Code Section 7407.1 to “licensees.”
Seconded by Mr. Federico. Motion carried 7 yes and 0 no per roll call vote

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Fred Jones stated there were other bills amended subsequent to this agenda being posted. There was a bill that was up this afternoon dealing with the extending of the Bureau of Private Post Secondary’s (BPPE) Sunset and establishing two new government bodies within the Department of Consumer Affairs: a monitor and an agency that will assist BPPE with the Student Tuition Recovery Fund and student relations. He stated the concern that the author did not include beauty schools in this bill.

Mr. Jones stated AB 2437 has extensive new issues dealing with labor laws and nail salons with more responsibilities for the Board.

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:53 a.m.