



**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY
BOARD MEETING
MINUTES OF FEBRUARY 12, 2018**

Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

BOARD MEMBERS PRESENT

Dr. Kari Williams, President
Polly Codorniz
Jacquelyn Crabtree
Joseph Federico
Coco LaChine
Lisa Thong
Steve Weeks

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Michael Santiago, Board Legal Representative
Marcene Melliza, Board Analyst
Carrie Harris, Board Enforcement Manager

BOARD MEMBERS ABSENT

Bobbie Jean Anderson
Andrew Drabkin, Vice President

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

Dr. Kari Williams, Board President, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

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

Dr. Williams welcomed everyone to the first meeting of 2018.

3. Agenda Item #3, ANNUAL ELECTION OF OFFICERS

Dr. Williams asked for nominations for Officers of the Board for 2018.

MOTION: Mr. Federico made a motion, seconded by Mr. LaChine, to elect Dr. Kari Williams as President of the Board for 2018 and Lisa Thong as Vice President of the Board for 2018. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

4. Agenda Item #4, BOARD MEMBER REMARKS

Mr. Weeks stated, as a new Board member, he visited the Glendale Testing Center in December. He stated he was impressed with the volume of individuals that go to the center for testing. He stated he also did a ride-along with Inspector Espinosa in Orange County. He stated seeing inspections before attending a Disciplinary Review Committee hearing is critical. It provides an opportunity to see the hard work that inspectors do to ensure the safety of the public. Inspectors have an important job. He encouraged the Board to do all they can for the inspector position and to bring on additional inspectors as soon as possible.

Mr. LaChine stated he is looking forward to implementing the sexual harassment training in the industry this year.

5. Agenda Item #5, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Fred Jones, Legal Counsel for the Professional Beauty Federation of California (PBFC), reminded everyone that the 18th Annual Welcome to Our World (WOW) event is Monday, April 30, 2018, from 3:00 to 6:30 p.m.

Gary Federico brought forward the frustration that good hair stylists and barbers have and the fear that they are working harder than the agency above them. He stated concern over deregulation, Personal Service Permits, and the stripping of the industry's powers and scope. In addition, inspectors receive low pay and there are not enough of them to reasonably inspect every establishment on an annual basis. Mr. Federico stated the hope that the necessary changes will be made this year to strengthen the Board, so it can support and protect the industry.

6. Agenda Item #6, DEPARTMENT OF CONSUMER AFFAIRS REPORT ON DEPARTMENTAL ACTIVITIES

Presenter: Christopher Castrillo, Deputy Director, Office of Board and Bureau Services

Christopher Castrillo, Deputy Director, Office of Board and Bureau Services, Department of Consumer Affairs, introduced himself as the new Deputy Director of the Board and Bureau Services and summarized his background. He provided updates from the Department, as follows:

- The first Director's quarterly meeting was held on January 29th. Mr. Castrillo encouraged the Board's and staff's input and participation in the Director's quarterly meetings.
- The Executive Officer Brown Bag meets on February 28th. These structured social gatherings provide a forum for transferring knowledge, building trust, and establishing networking relationships with the Executive Officers. The February 28th meeting will include presentations on employee engagement and the Future Leadership Development (FLD) Programs team projects.
- The dates have been set for the required Board Member Orientation Training for 2018: March 21, June 6, September 18, and December 5. The monthly Office of

Board and Bureau Services newsletter covers the information Mr. Castrillo discussed today.

7. Agenda Item #7, EXECUTIVE OFFICER'S REPORT

- a. Licensing Statistics**
- b. Examination Statistics**
- c. Disciplinary Review Committee Statistics**
- d. Enforcement Statistics**
- e. Budget Updates**
- f. Outreach Updates**
- g. Practice Status Survey Results**

Kristy Underwood, Executive Officer, reviewed the statistics and update reports, which were included in the meeting packet.

Mr. Weeks asked about the low Spanish pass rates. Ms. Underwood summarized the work the Board has done to address this historical, nationwide issue.

Ms. Thong suggested reviewing the Spanish data by age to see if there is a correlation between first-generation and second-generation immigrants.

Mr. LaChine asked about the high barber pass rates. Ms. Underwood stated the interest in barbering and application rate has grown recently, which may account for the figures.

Ms. Crabtree asked for a breakdown on complaint topics.

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

October 22, 2017

MOTION: Mr. Federico made a motion, seconded by Mr. Weeks, that the Board approves the October 22, 2017, Meeting Minutes as presented. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

9. Agenda Item #9, DISCUSSION AND POSSIBLE ACTION REGARDING THE 2018 BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL

Ms. Underwood summarized the changes made to the Annual Board Member Guidelines and Procedures Manual.

MOTION: Dr. Williams made a motion, seconded by Ms. Thong, that the Board approves the 2018 Guidelines and Procedures Manual as updated. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

10. Agenda Item #10, APPOINTMENT OF COMMITTEE MEMBERS TO STANDING COMMITTEES FOR 2018-19

The 2018-2019 Committees are as follows:

Disciplinary Review Committee

- All Board members are part of this Committee

Education and Outreach Committee

- Jacquelyn Crabtree
- Coco LaChine
- Lisa Thong
- Dr. Kari Williams.

Enforcement and Inspections Committee

- Joseph Federico (Chairperson)
- Jacquelyn Crabtree
- Lisa Thong
- Steve Weeks

Legislative and Budget Committee

- Andrew Drabkin (Chairperson)
- Bobbie Jean Anderson
- Jacquelyn Crabtree
- Steve Weeks

Licensing and Examination Committee

- Joseph Federico (Chairperson)
- Polly Codorniz
- Dr. Kari Williams

MOTION: Dr. Williams made a motion, seconded by Mr. Federico, that the Board approves the Standing Committee makeup for 2018-2019 as assigned. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

11. **Agenda Item #11, UPDATE ON THE 2017 HEALTH AND SAFETY ADVISORY COMMITTEE AND APPOINTMENT OF 2018 COMMITTEE MEMBERS (BPC SECTION 7314.3)**

MOTION: Ms. Crabtree made a motion, seconded by Dr. Williams, that the Board directs staff to develop regulatory language incorporating the Health and Safety Advisory Committee recommendations. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

Ms. Thong and Dr. Williams volunteered to serve on the 2018 Health and Safety Advisory Committee and Ms. Crabtree volunteered to serve as the alternate member.

MOTION: Dr. Williams made a motion, seconded by Mr. Federico, to appoint Ms. Thong and Dr. Williams to the 2018 Health and Safety

Advisory Committee and to appoint Ms. Crabtree as the alternate. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

MOTION: Dr. Williams made a motion, seconded by Mr. Federico, to approve the 2018 Health and Safety Advisory Committee compilation, accept the appointment terms, and delegate the authority for the appointment of the Committee members and the ability to make changes to the group’s compilation to the Executive Officer and all non-substantive changes that may arise during the scheduling process. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

Public Comment

Caroline Barboza, a barber, asked how she could be a part of the 2018 Health and Safety Advisory Committee. Ms. Underwood stated applications for Committee membership will be posted on the website.

12. Agenda Item #12, DISCUSSION AND POSSIBLE ACTION APPROVING EDITS OF THE 2018 HEALTH AND SAFETY COURSE (BPC SECTION 7389)

Ms. Underwood summarized the edits of the 2018 Health and Safety Course, which was included in the meeting packet.

Mr. LaChine stated the need to ensure that Section 10, Physical and Sexual Abuse Awareness, covers all genders.

Public Comment

Gary Federico asked where this document would be used. Ms. Underwood stated schools and apprenticeship programs are required to teach it and it will be posted on the website.

Jaime Schrabek, Precision Nails, referred to the Tax Obligations item under Section 9, Understanding Workers’ Rights and Responsibilities, and stated “an establishment owner with employees may” makes it sound like the listed responsibilities are an option.

Michael Santiago, Board Legal Representative, suggested “an establishment owner should consult with the proper regulatory entities regarding the following” so it is not directly on the Board to educate the establishment owners, but asks them to check for themselves. Board members agreed.

MOTION: Dr. Williams made a motion, seconded by Ms. Crabtree, that the Board adopts the text revisions made to the Health and Safety course, including the additional language regarding establishment owners’ responsibility to consult with the proper regulatory entities, and delegates the authority and ability to make all non-substantive changes that may

arise during the editing process to the Executive Officer. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

13. Agenda Item #13, REPORT ON THE JANUARY 22, 2018, ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING

Joseph Federico, Chair of the Enforcement and Inspections Committee, provided an overview of the January 22, 2018, meeting discussions as follows:

The Committee was updated on the inspector language access protocol and heard a report on what is being done internally to address inspection's workload with limited staff and discussed the lack of applicants for inspector positions. The Committee asked to be updated at the next Committee meeting with a timeline on working with the Department on hiring issues for the inspection's classifications.

14. Agenda Item #14, REPORT ON THE JANUARY 22, 2018, LEGISLATIVE AND BUDGET COMMITTEE MEETING

Ms. Underwood read a report from Andrew Drabkin, Board Vice President and Chair of the Legislative and Budget Committee, summarizing the meeting discussions as follows:

The Committee discussed past legislation, legislative best practices, and legislative priorities. School oversight was determined to be one of the top priorities. The Committee meeting materials are online.

15. Agenda Item #15, REPORT ON THE JANUARY 22, 2018, LICENSING AND EXAMINATION COMMITTEE MEETING

Joseph Federico, Chair of the Licensing and Examination Committee, provided an overview of the January 22, 2018, meeting discussions as follows:

The Committee discussed the risk assessment of implementing the Personal Service Permit. The Committee adopted a motion to ask staff to prepare regulatory language to implement the Personal Service Permit. This language will be presented to the Committee at the next meeting.

The Committee heard a report on Bloodborne Pathogen Training. The majority of the training is already a part of the Health and Safety course. The report is available on the website.

16. Agenda Item #16, REPORT ON THE JANUARY 22, 2018, EDUCATION AND OUTREACH COMMITTEE MEETING

Dr. Kari Williams, the Chair of the Education and Outreach Committee, provided an overview of the January 22, 2018, meeting discussions as follows:

The Committee discussed developing an outreach plan for consumers, approved a motion that asked staff to bring information back to the Committee on the development of a communications plan, and was updated on industry outreach events.

17. Agenda Item #17, DISCUSSION AND POSSIBLE ACTION RELATING TO CERTIFICATION OF STUDENT HOURS

Ms. Underwood summarized the Report on Certification of Student Hours, which was included in the meeting packet. She stated allegations of selling hours are forwarded to the California Bureau for Private Postsecondary Education (BPPE). The selling of hours has increased over the past year. Ms. Underwood will be meeting with the BPPE's new Bureau Chief this week to discuss this further.

Ms. Underwood stated the BPPE does compliance inspections and is responsible for student protection; the Board is responsible for consumer protection. Unfortunately, none of these students are complaining of harm. It is a disservice to these students to only teach them to pass the exam because later in their careers they suffer fines, which could have been avoided by learning the laws and regulations in school.

Ms. Underwood stated staff has begun conducting site visits to schools that have no allegations to compare them to schools with allegations of selling hours. The findings of the site visits are included in the staff report in the meeting packet.

Ms. Underwood listed areas where the Board can improve to help the situation, such as registering students at time of enrollment and requiring a lesson plan. The Proof of Training (POT) is an official document with a start date and end date with a signature from the school.

Questions and Discussion

Mr. LaChine stated many companies no longer use timeclocks but use programs for students to sign in. He cautioned that some of those programs allow remote clock-in.

Mr. Federico stated his school is currently updating their timeclock software. He stated remote clock-ins are typically noted in the clock stamp.

Ms. Crabtree asked if times can be edited on the timeclock software. Mr. Federico stated they can be because there are always issues such as someone forgetting to clock in or out. Manual edits are highlighted in another color.

Mr. LaChine agreed and stated timeclock software also includes who made the manual adjustment.

Mr. Federico asked if staff gives the BPPE the evidence that has been accumulated and what the BPPE's response timeline is. Ms. Underwood stated she does not know the BPPE's timeline. Staff provides them with the inspection reports and complaints.

Ms. Underwood stated the hope to partner with the new Bureau Chief to share information and to help stop the selling of hours.

Ms. Codorniz asked if this issue may be causing the low Spanish pass rates.

Ms. Underwood stated she did not think this issue affects the low passage rate. The issue most affects the manicuring population.

Carrie Harris, Board Enforcement Manager, stated the students who are taught to pass the test are doing well. The Spanish pass rates do not reflect that.

Ms. Crabtree asked if the BPPE posts reports on their website on the work they are doing on this issue. It should be a concern for them since they regulate the schools. She

asked why this issue is not more urgent for them. Ms. Underwood stated it is a concern for them. She recently met with the Department's executive team, the Bureau, and the Division of Investigation. They are concerned but Ms. Underwood stated she does not know their processes or laws of what they look for.

Mr. Federico suggested inviting the BPPE to do a presentation on their process at a future Board meeting.

Mr. Weeks stated he did not want to slow this process down since this is the most important agenda item of today's meeting. He complimented staff on their excellent job of putting together a document that proves multiple areas where there is obvious fraud. He stated it is not only fraud itself, but it is a slap in the face of tens of thousands of licensees who do not spend time with their family because they are studying or at school or work. These are also the individuals the Board has to report to on this issue. The Board has to take action and has to do something with teeth. He spoke in favor of putting together a working group to begin attacking the situation immediately.

Ms. Thong asked if it would be a benefit to send this report and memo to legislators. Ms. Underwood stated the Board has been in discussion with legislative staff on this topic for many years and it will be the biggest topic at the upcoming sunset review.

Public Comment

Mr. Jones agreed with Mr. Weeks that this is the most important issue facing the Board. He provided staff with legal references. He suggested that the Board move forward with the regulation package to require student registration with the Board within 30 days of enrollment and simultaneously pursue statutory authority. He suggested doing both now since regulation packages take two years to adopt. The Board's mandated "consumer protection" and "proof of qualifications of the applicant for examination" make up the statutory language to develop the regulations on POTs. He asked how the Board can have proof of qualifications without requiring student registration upon enrollment, especially in light of the examples provided in the staff report.

Mr. Jones suggested proposing regulations today rather than waiting to convene a working group. He cautioned that enforceability has to be a key component of any regulation created. He suggested working closely with the National Accrediting Commission of Career Arts and Sciences (NACCAS) to help with this issue.

Ms. Barboza stated she plans to open a barbering college because of the things discussed today: the lack of professionalism, ethics, management skills, and education in the workforce. She suggested letting students know that they can file a complaint with the BPPE if they feel they are not getting the proper education. The students are the individuals paying and being cheated out of an education and great career.

Ms. Schrabek thanked Ms. Barboza for bringing up that point. She stated, when she was in school, complaining about the quality of the education did not get anywhere because it was always about the money, and it still is. She stated she overheard her ex-receptionist, who was going to school to be a manicurist,

bragging about clocking in and then going shopping instead of going to school. She stated her sister was told she had to pay a \$1,000 “facilities fee,” even while under the ROP program. At the end of her course, her sister complained to the Monterey Peninsula Unified School District, who was then endorsing that school for the ROP program and found that the school was selling hours. This came to light because of the money – because that college was defrauding the federal government of dollars. Ms. Schrabec stated she is disturbed by the staff report but it also reaffirms everything she has suspected for a long time. She credited staff for their hard work on this issue. She stated this is the tip of the iceberg. There are witnesses out there who are frustrated. She stated her sister was so frustrated that she was able to get the school district to cut off that school and that program ended. That school later became the Marinello Schools of Beauty.

Gary Federico agreed with Mr. Jones’s comments. He stated his school has paid the oversight agency \$25,000 per year for 18 years to do an annual compliance audit and sends them paperwork that takes many hours to compile, but the school has never received a response from the agency. He stated the oversight agency has been useless for his school; they take his money but do nothing in return and they do nothing to correct the selling of hours.

MOTION: Mr. Federico made a motion, seconded by Dr. Williams, that the Board pursues regulatory and statutory authority to require schools to register students with the Board upon enrollment, and directs the Executive Officer to establish a working group to further develop the recommendations outlined in the Report on Certification of Student Hours. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

Mr. Weeks asked about the timeframe for assembling the working group.

Ms. Underwood stated she will put the working group together quickly and anticipated that they will present a report of their work at the next Board meeting.

Mr. Federico asked that a representative from the BPPE be a part of the working group.

18. Agenda Item #18, DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED CHANGES TO THE BOARD’S *KNOW YOUR WORKERS’ RIGHTS* PUBLICATION

Ms. Underwood reviewed the proposed changes to the *Understanding Workers’ Rights and Responsibilities* publication, which were included in the meeting packet.

Mr. LaChine asked for a different photograph for the cover of the pamphlet.

Ms. Thong stated her preference for no photos because the photos date the pamphlet.

Public Comment

Ms. Schrabec agreed to change or remove the photographs from the front cover and from inside the pamphlet because they do date it and make it seem less serious. She asked the Board to change the language on page 4 to the same language suggested by Mr. Santiago for the Health and Safety course in Agenda

Item 21 – “An establishment owner should consult with the proper regulatory entities regarding the following.” She stated hourly, piece rate, and commission need clear, consistent definitions among agencies before this pamphlet can be finalized.

Mr. Jones referred to page 7, Piece Rate vs. Commission Wages, and agreed with Ms. Schrabeck that this area of the law is confusing. He stated commissions are illegal in the industry with two exceptions: the piece rate law and Senate Bill (SB) 490, which passed last year.

MOTION: Mr. Federico made a motion, seconded by Ms. Crabtree, that the Board adopts the *Understanding Workers’ Rights and Responsibilities* publication, including the additional language regarding establishment owners’ responsibility to consult with the proper regulatory entities, and delegates the authority and the ability to make all non-substantive changes, including photograph, that may arise during the editing/printing process to the Executive Officer. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

19. Agenda Item #19, LEGISLATIVE UPDATE

Ms. Underwood summarized the Implementation Update on Chaptered Legislation report, which was included in the meeting packet.

Implementation Update on Chaptered Legislation

- a. **AB 326 (Salas) – Domestic Violence/Sexual Assault Awareness Training**
- b. **AB 1516 (Cunningham) – Maintenance of the Codes**
- c. **AB 1615 (Garcia) – Gender Discrimination**
- d. **SB 490 (Bradford) – Commission wages for Employees licensed under the Barbering and Cosmetology Act**
- e. **SB 547 (Hill) – Apprenticeship Supervision**

Ms. Underwood summarized the Bill Analysis for the following bills, which was provided in the meeting packet.

Discussion and Possible Action on Proposed Bills

a. **AB 767 (Quirk-Silva) – Master Business License Act**

MOTION: Dr. Williams made a motion, seconded by Ms. Crabtree, to watch AB 767. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

b. **AB 1575 (Kalra) – Cosmetic Labeling Requirements**

The Board took no action on this bill.

- c. **SB 296 (Nguyen) – Manicure Scope of Practice (Addition of Waxing Services)**

This bill has been pulled by the author.

- d. **SB 715 (Newman) – Removal of Board Member from Office (applies to all state boards)**

The Board took no action on this bill.

20. Agenda Item #20, PROPOSED REGULATIONS – DISCUSSION AND POSSIBLE ACTION OF PROPOSED CHANGES

Ms. Underwood stated staff is only asking for an action on one packet today. More information on the remaining packages will be presented at the next Board meeting.

Status Updates

- a. **Title 16, CCR Section 905 (Health and Safety Poster)**
- b. **Title 16, CCR Section 950.10 (Transfer of Credit or Training)**
- c. **Title 16, CCR Section 961 (National Interstate Council (NIC) Translation Guides)**
- d. **Title 16, CCR Section 974 (Administrative Fine Schedule)**
- e. **Title 16, CCR Section 974.1 (Disciplinary Review Committee)**

Action Needed

- f. **Title 16, CCR Section 904 (Definition of Access)**
- g. **Title 16, CCR Section 972 (Disciplinary Guidelines)**
- h. **Title 16, CCR Section 974.3 (Citation of Establishments, Individuals for Same Violation)**
- i. **Title 16, CCR Section 974.4 (Installment Payment Plan for Fines)**
- j. **Title 16, CCR Section 978, 979, 980, 980.4, 981, 982, 984, and 989 (Health and Safety Regulations)**

MOTION: Dr. Williams made a motion, seconded by Ms. Thong, that the Board adopts the proposed regulatory language for noticing and set for hearing, and delegates authority to the Executive Officer to make any non-substantive or technical changes. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Codorniz, Crabtree, Federico, LaChine, Thong, Weeks, and Williams.

21. Agenda Item #21, AGENDA ITEMS FOR THE NEXT MEETING

Mr. LaChine asked for a presentation from the NACCAS at the next Board meeting about their experiences and work on this issue.

Public Comment

Mr. Jones stated the 1600 Cosmetology Curriculum Review working group supported adopting a new license category just for hair stylist.

John Moreno, Vice President, Bakersfield Barber College, stated he looks forward to seeing everyone on the Barbering Committee and is happy to see the Board's work.

Gary Federico invited everyone to the Barber Battle hosted by Federico Beauty Institute next Sunday from 12:00 p.m. to 6:00 p.m.

22. Agenda Item #22, ADJOURNMENT

With no further business, the meeting was adjourned.