

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD MEETING

MINUTES OF JANUARY 23, 2023

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Megan Ellis
Tonya Fairley
Kellie Funk
Reese Isbell
Yolanda Jimenez
Colette Kavanaugh
Danielle Munoz
Jacob Rostovsky

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Alex Torkelson, Operations and Licensing Chief
Sabina Knight, Board Legal Representative
Allison Lee, Board Project Manager
Natalie Mitchell, Board Analyst

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

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

2. AGENDA ITEM #2, BOARD PRESIDENT'S OPENING REMARKS

Mr. Weeks welcomed the new Board members. He mentioned that Colette Kavanaugh was the first licensed electrologist the Board has had in a long time. He also stated that his term as Board President had come to an end and mentioned some of the Board's accomplishments during his term. These accomplishments included:

- Successful Sunset hearing
- Passage of Senate Bill 803
- The hairstylist license
- Personal Service Permit
- Changes in the apprentice program
- Looking into the Board's own call center.

Mr. Weeks stated that many goals still need to be accomplished. He believed that future challenges would be successfully navigated with the Board's current composition.

3. AGENDA ITEM #3, BOARD MEMBER REMARKS

Mr. Isbell acknowledged the shooting that happened in Monterey Park during the weekend. He said that a state vigil would be held today at 2.30 p.m. He stated that this time of the year is important to the Asian-American community as they celebrate the lunar new year. Mr. Weeks requested the Board members to give a moment of silence in memory of the people that passed away in the massacre.

Ms. Fairley wished everyone a Happy New Year and indicated that the Board has a lot of work to do this year. She hoped that everybody was fresh and renewed for the work ahead.

4. AGENDA ITEM #4, DEPARTMENT OF CONSUMER AFFAIRS (DCA) UPDATE, WHICH MAY INCLUDE UPDATES ON DCA'S ADMINISTRATIVE SERVICES, HUMAN RESOURCES, ENFORCEMENT, INFORMATION TECHNOLOGY, COMMUNICATIONS AND OUTREACH, AND LEGISLATIVE, REGULATORY, OR POLICY MATTERS.

Yvonne Dorantes from DCA presented the updates. She stated that this year, DCA has new staff appointed at the end of 2022 by the Governor. Melisa Gear was appointed as the new Deputy Director of DCA, while Ms. Dorantes is the new Assistant Deputy Director. Kathleen Nicholls was appointed the Chief of the Division of Investigation. DCA has also begun to fill the deputy chief position in the Health Quality Investigation Unit as well.

Ms. Dorantes reported that DCA established the first Diversity, Equity, and Inclusion Steering Committee, also known as DEI, to guide the Department's equity strategy initiatives and action plans. The Committee held its official kickoff meeting on November 9. The second meeting is scheduled for next Friday.

Additional resources will be provided for boards to use and incorporate into their strategic plans, recruitment processes, et cetera, and the Committee will concentrate on the following three areas:

1. Workforce – to keep and find diverse talent.
2. Workplace – to actively educate leaders and employees to raise awareness and foster an inclusive culture.
3. Marketplace - to be sensitive to the diverse backgrounds and perspectives of consumers, applicants, and licensees.

The strategic planning that will advance equity drive outcomes and increase opportunity for all strategic plans for July 2023 and beyond will be developed or updated in accordance with Governor Newsom's Executive Order.

Ms. Dorantes stated that DCA is revising its strategic planning process to include more inclusive public engagement, data analysis and incorporating diversity, equity, and inclusion into strategic planning. The DEI Committee will provide input to the strategic

planning process, and DCA will begin implementing the revised strategy and working with boards on updating existing strategic plans or developing new ones by March 2023.

DCA released its new strategic plan in November and officially transitioned to a new logo beginning January 3, 2023. The new logo will be implemented gradually throughout 2023. Existing items with the previous DCA logo are still valid during the transition and do not need to be replaced or updated.

DCA Board and the Bureau of Leadership have been given information and resources to help implement the new logo. The centralized website is at www.dca.ca.gov/logo. The new plan and logo represent the Department's new chapter and future, with consumer protection continuing to guide its mission and priorities. The plan also incorporates DCA's strong commitment to diversity, equity, and inclusion and its shared commitment to each other and to every consumer in California. The new logo displays the State's official colors and visually represents the DCA's vision. Together, Protecting California's Consumer. The State symbolizes all 40 million Californians that DCA has pledged to serve, and the star symbolizes consumer protection as DCA's true guiding principle. The shield on the logo represents DCA's strong and long-standing protection mandate.

Ms. Dorantes reminded board members that all State travel arrangements must be made through DCA's authorized travel agency, CalTravelStore or Concur. When traveling by air on official state business, Board members and staff must use the most economical fares possible. Typically, this is the Southwest wants to Get Away option. If the flight is changed, there may be additional charges. Flight changes for personal convenience are not permitted or justified, and the traveler is responsible for any associated charges.

Ms. Dorantes stated that now is the time to review any necessary training. Board members should submit their certificates of completion to the Executive Officer and DCA Member Relations. Board members must complete Board Member Orientation Training (BMONT) within the first year of appointment or reappointment, ethics training within six months of appointment and every two years after that. Sexual Harassment Prevention within the first year and every two years after that, and Defensive Driver training within the first year and every four years. These trainings are offered multiple times a year and in various formats for convenience. For more information, a mandatory training page has been created to help members identify, access, and track specified training. The page includes direct links to mandatory training and pertinent information and policies specific to the training courses. The page is available via the DCA Board Member Resource Center under the DCA website's Required Board Member Training tab. All Board presidents are invited to the Presidents Training which will be happening on February 22, 2023, from 10:00 a.m. to noon. It will be a virtual two-hour training that will outline the role of a board president, understand the scope of the role, manage board members, and perform administrative duties.

The State of Emergency for COVID-19 and associated Executive Orders N3920 and N7520 will end on February 28, 2023. Upon the State of emergency ends, active waivers that were issued under the authority of the State of emergency and Executive Orders will also expire.

Board members and committee members are required to file the Statement of Economic Interest, also known as Form 700, by March 15, 2023, or within 30 days of their appointment annually and within 30 days of leaving office. This year's annual filing period covers the prior calendar year, January 1, 2022, through December 31, 2022. The deadline for filing is Friday, April 1. To ensure compliance, DCA requests that Form 700 filers complete the e-filing by Friday, March 15. Emails have been sent out with instructions on how to fill out the form.

5. AGENDA ITEM #5, ANNUAL ELECTION OF OFFICERS.

Motion: Mr. Weeks moved to nominate Calimay Pham for Board President. Ms. Tonya Fairley seconded. Ms. Pham accepted the nomination.

Public Comment

No comments were received from the public.

Motion to appoint Calimay Pham as Board President carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky.

Motion: Mr. Weeks moved to nominate Tonya Fairley as the Board's Vice President. Ms. Jimenez seconded. Ms. Fairley accepted the nomination.

Public Comment

No comments were received from the public.

Motion to appoint Tonya Fairley as Vice President carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky.

Ms. Pham thanked Mr. Weeks for his exemplary leadership over the past two years. She also thanked the Board members for trusting her with the position and looked forward to learning and continuing the Board's work of ensuring consumer safety. She also welcomed Ms. Fairley onboard.

6. AGENDA ITEM #6, APPOINTMENT OF BOARD MEMBERS TO STANDING COMMITTEES FOR 2023.

i. Disciplinary Review Committee

Ms. Pham stated all Board members will serve on DRC, but only three will serve at a time. All members are appointed to this Committee to enable flexibility in case there are many hearings that need to be held every month for multiple days.

ii. Education and Outreach Committee

Existing Committee members were Ms. Fairley, Ms. Ellis, Mr. Isbell, and Ms. Jimenez. Ms. Kavanaugh volunteered to be a member of the Committee.

iii. Enforcement and Inspection Committee

Existing Committee members were Ms. Munoz, the current Chair, Ms. Fairley, Ms. Funk, and Mr. Weeks. Mr. Rostovsky joined the Committee.

iv. Legislation and Budget Committee

Existing Committee members were Mr. Isbell, the current Chair, Ms. Ellis, and Ms. Pham. Ms. Kavanaugh joined the Committee.

v. Health and Safety Advisory Committee

Existing Committee members were Ms. Pham, the current Chair, Ms. Funk, Mr. Isbell, and Ms. Munoz. Ms. Funk requested to leave the Committee so she could focus her effort on the other two committees. Ms. Underwood mentioned that apart from Board members, the Committee also consists of representatives from outside the Board. The Committee has a licensee from every category who are not Board members and other industry members.

vi. Licensing and Examination Committee

Existing Committee members were Ms. Fairley, Ms. Jimenez, and Mr. Weeks. Mr. Rostovsky and Ms. Kavanaugh joined the Committee.

Ms. Pham reminded the public that the function of the committees is to review issues in more depth and then make recommendations to the Board. However, all final decisions are discussed at the Board level.

7. AGENDA ITEM #7, REVIEW AND POSSIBLE APPROVAL OF THE 2023 BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL.

Ms. Underwood stated that these are the Board member guidelines and procedures that each member gets when appointed to the Board. The manual is usually brought before the Board every January for re-adoption.

Minor changes were made to the manual, including the removal of Marcene's name and the addition of Natalie's name, some technical cleanup, and some travel information.

Mr. Rostovsky stated that since diversity, equity, and inclusion (DEI) is a big focus of DCA and will be implemented in strategic planning, a line should be added in the manual pertaining to adopting similar strategies and practices of DEI. Ms. Underwood stated that changes would be made to the document, which would be brought back for a final vote at the next Board meeting.

8. AGENDA ITEM #8, DISCUSSION AND POSSIBLE APPROVAL OF THE OCTOBER 24, 2022, BOARD MEETING MINUTES.

Motion: Mr. Weeks moved to approve the October 24, 2022, Board Meeting minutes. Ms. Funk seconded.

Public Comment

No comments were received from the public.

Motion to appoint approve October 24, 2022, Board meeting minutes carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky.

9. AGENDA ITEM #9, EXECUTIVE MANAGEMENT REPORTS.

Ms. Underwood congratulated Ms. Pham on being appointed Board President and reappointed by Speaker Rendon.

i. Administration and Operations.

Ms. Underwood reported that the Board is almost fully staffed now. There is a full management team. Savannah Hughes recently joined the team as a report's analyst. Ms. Underwood mentioned that Patricia Garcia, the Board's budget analyst, retired in December. Staff is currently looking to fill that position.

Staff recently did a career outreach with Saramento State University. The goal was to get more people to apply for jobs with the State. The event was successful, and another future session has already been planned.

Staff is working on new fleet orders. These are vehicles that the inspectors use. New cars will be coming soon.

Ms. Underwood reported that the Strategic Plan and Action Plan were complete. DCA helped staff develop an timed Action Plan for everything that should be done to complete the Strategic Plan. An update on each of the objectives will be provided at the next Board meeting.

Regarding the budget, Ms. Underwood stated that the budget is still healthy and only requires a little time working on it with the DCA budget office.

ii. Licensing, Examinations, and Disciplinary Review Appeals

There is now a second licensing manager, Jasmine Shaw. There's also a new associate government program analyst who serves as the team leader of the licensing unit. One analyst in the licensing unit left, so staff will be recruiting to fill that position. Recruitment is also ongoing for some additional positions to help with the emails.

Ms. Underwood reported that the staff are caught up with the emails. They took advantage of the holiday season when things were slower and had email Fridays where everybody was answering the emails. They now have a process in place that they are trying to maintain where responses go out within 24 hours.

Regarding town hall meetings, Ms. Underwood stated that there had been several of those since the last Board meeting. One town hall meeting was directed to schools and students to address the deficient applications that staff receives. The online application process was reviewed at the meeting. Ms. Underwood mentioned that people usually miss the attach button to attach their proof of training when sending in their applications. This leads to a deficiency letter being sent out, which causes proof of training to be sent separately, thus increasing the workload. She indicated that a separate email address had been established just for schools to send proof of training documents. She further reported that a barber town hall meeting was held to review examination content. The town hall meeting held virtually and in person, attracted about 100 attendees, mostly instructors. PSI representatives came and reviewed the content of the exam and answered questions as well. Ms. Underwood noted that the town hall helped because the barber numbers were going in the right direction. A town hall meeting for cosmetology will be done in the first week of February.

Ms. Fairley asked about the percentage of the schools that attended the barber town hall. Ms. Underwood explained that the Board does not approve schools by what they teach. Many barber schools offer cosmetology programs and cosmetology schools also offer barber programs.

Mr. Rostovsky asked if the button was so tiny that it was not easily seen. Ms. Underwood stated that the button is visible, but most people might not use it because they must upload first and then hit the attach button. They, therefore, upload the document without attaching it.

Regarding statistics, Ms. Underwood reported that the number of applications received was getting back to pre-COVID levels. She further noted that the examination pass rate statistics had been changed to show each quarter separately in its column. The statistics showed the examination results of quarter one, which is when the new exam was introduced. The numbers were lower. In quarter two, the numbers are coming up in most categories

Ms. Underwood presented statistics showing the difference between the apprentice, out-of-country, and school programs. The data indicated that the apprentice program pass rates are slowly getting better. The school programs are growing as well. She mentioned that there had been a slight decrease in electrology, which staff will look into.

Ms. Underwood reported that more licenses were issued in the second quarter. Ms. Fairley asked if the statistics on examination pass rates included people who had taken the test multiple times. She was concerned that some people took the test two or three times but still failed. She also inquired if it was possible to find out how many times people retook the exams. Ms. Underwood stated that she receives the report weekly and that the number of retakes can be incorporated into the report. Ms. Fairley believed that that data would be useful to help determine where people were struggling or how many times they would have to take the test before they passed.

Ms. Underwood reported that the full licensee population is more than 625,000. She further stated that a total of 343 appeals were pending. This is a great number compared to what DRC has handled in the past. Ms. Underwood mentioned that Vlad, the lead of the DRC program, will be leaving soon. Mr. Weeks remarked that Vlad would be sorely missed, noting that Vlad did a great job of backing up and getting the information to the people involved in the appeals and the Board members.

iii. Enforcement, Inspections, and Cite and Fine

Ms. Underwood reported that the management team of this unit is fully staffed. The new hires are Denise Murata, the new enforcement manager, who came from the Board of Accountancy, and Cassandra Hunter, a long-time employee of the enforcement unit who was promoted to manager.

There is a new inspector in the Los Angeles area. A few inspector positions remain vacant. Staff is working to fill them. Staff is also working on getting the special investigator classification. The special investigator will handle a case more thoroughly and at a higher level than the inspectors. They would interview consumers, interview the licensees, and also do the inspections. It's a long approval process because it has to go to CalHR for approval. Ms. Underwood said she checked base with DCA last week on that process. DCA was close to submitting it to CalHR. Mr. Weeks asked if existing inspectors could move upward into that position. Ms. Underwood stated that the staff would have to qualify for the position, and she was unaware of any current team who would qualify.

On the enforcement statistics, Ms. Underwood stated that an extern chart had been added to show how the extern program is growing. She mentioned that the Board is working on regulations that will give them more oversight over the program. Complaints received were down during the holiday season. Most of them are usually health and safety concerns. A chart showing the staff's workload was also presented. It indicated the number of complaints received, how many have been referred to the Division of Investigation, cases that have been closed, those that are still pending, and

the average days to complete. The chart also showed application investigations, what has been referred to the Attorney General's (AG) office, and the disciplinary process. Another chart showed the final decisions on cases that have gone through the full disciplinary process. In the last quarter, one revocation and two surrendered licenses were revoked.

Current probation statistics and cite and fine statistics were also presented. They indicated the number of citations issued in each category. Another chart indicated the number of inspections conducted. It showed the number of inspections with violations and those without violations. It also showed the total inspection data for out-of-business or closed on-call. Closed on-call is where the inspector shows up, and the business is closed. These have become more frequent with the smaller shops up in the North, since COVID.

Data on establishment inspection reports indicated the number of times inspectors wrote an inspection report. On citations issued, Ms. Underwood stated that the citations are currently running about a 42-day turnaround time. The average is about 45 days. She further reported that the request for payment notice position had been filled. A dedicated staff had been appointed to handle that. Ms. Underwood mentioned that the average fine amount must be a minimum of \$500. One can ask for a payment plan if the fine is over \$500. The success rate on payment plans is about 44%, and it takes an average of 328 days for the fines to be paid in full.

iv. Outreach

Ms. Underwood reported that the barber town hall took place. Staff is currently planning a cosmetology town hall for February. She stated that new publications had been created on what to know before choosing a school. The goal is to provide information to students on the best way to select a good school.

Ms. Underwood mentioned that there would be an outreach event in April with a local high school. The outreach pamphlets will be provided to the students at the event. Mr. Rostovsky asked if the pamphlets were available online for anyone to download. Ms. Underwood stated that any high school that wants the pamphlets could get some sent to them. She also confirmed that they are available online to be downloaded. Ms. Pham asked about the language of the printed pamphlets. Ms. Underwood stated that currently, the printed ones are in English only. Staff is working on translating them into Vietnamese, Spanish, and Simplified Chinese.

Ms. Underwood also reported that the reinstatement information online had been updated. A frequently asked questions page has been added. The Human Trafficking Notice was also updated. It became effective on January 1, 2023 and must be implemented in all establishments.

Ms. Underwood reported that three email blasts had been sent so far, which will continue on at least a monthly basis.

The future Outreach events are as follows:

- February 6, 2023 – Cosmetology town hall meeting
- April 2nd and 3rd – Premiere Anaheim. This used to be the ISSE Show in Long Beach. It is now held by Premiere, which holds big shows throughout the country. Now they'll be in California.
- May – Jazz Z Beauty and Barber show in Anaheim, targeted to students.
- Facebook Live – Board of Behavioral Sciences does Facebook Live events. Staff will meet with them to get tips on handling their events.

Mr. Rostovsky wondered if Board members are allowed to attend these events. Ms. Underwood said 'yes' and added that they are for licensees only.

i. SB 803 (Roth) Implementation Plan

The following are some of the items that have not been implemented yet:

- The Hairstylist License is very close to being implemented. The examination is in the process of being translated. There will be additional workshops to set the score for the grading. Implementation is set for July 1, 2023.
- Pre-apprentice training content is almost completed. Staff will set an online process on how it will be provided to apprentices and how it will be tracked.
- School Curriculum – Out of a total of 253 schools, 216 have sent in applications for the new courses. 210 schools have been approved.
- Extern package – It is currently being worked on.
- Fines – additional information was needed for the fines, which are going to the health and safety committee, and the risks associated with what is being fined.

ii. Strategic Plan Update

Ms. Underwood stated that there are regulations that are still a year to two out, after which the Board will be done with implementing SB 803.

Public Comment

No comments were received from the public.

Ms. Pham proposed modifying the agenda to discuss Item #17 first before Item 10.

17. AGENDA ITEM #17, REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING THE COSMETOLOGY COMPACT PROPOSED LEGISLATIVE LANGUAGE.

Ms. Underwood stated that over the last couple of years she has worked with the Council for State Governments to work on compact language for cosmetology. It was originally for barbering and cosmetology, but now it's just for cosmetology. Compact licensing would allow a person from a participant state to work in another state that is also a participant in the compact. It will be like how a driver's license works. The

compact language license was funded by the Department of Defense, which was especially supportive because of military individuals or military families who may get stationed in different states. Cosmetologists could work right away if they were in a compact state.

Ms. Underwood mentioned that many states are compact states, but California is not one of them. A cosmetology compact license would work because cosmetology is mostly the same in every state. Most states do not do any background requirements for cosmetology as well. She stated that together with several other states, an industry-representative model language was developed. She further noted that SB 803 provided reciprocity where anyone with a license in any other state can come to California, get their license, and start working immediately. The benefit of compact licensing, according to Ms. Underwood, is that it will give the Board access to enforcement information. There is a database that the Board currently needs access to look up licenses. For instance, staff right now can not look up someone licensed in Kentucky. To participate in the compact, one becomes part of the database. Therefore, if Kentucky has an open investigation on a licensee and that licensee decides to come to California, staff would know about that investigation.

Ms. Underwood recounted an incident that happened in North Carolina, where a person had come into North Carolina from Florida via California. This person applied in Florida with a California certification and then moved to North Carolina. The Executive Director thought something was off and called Ms. Underwood. They found out that the person had never been licensed in California. Ms. Underwood pointed out that fraudulent certifications are very common in the industry. Due to the large volume, it might be hard to spot a fraudulent document. Action can still be taken against them if they do something wrong. She believed the compact licensing would benefit California because of that enforcement aspect. A process for this has been created in the model language. If the Board moves ahead with the compact, it will need to find an author in the legislature to carry the bill. The Board could also decide to sponsor the bill itself and get it through the legislative process.

Ms. Fairley asked if a person who applies for reciprocity takes the written exam. Ms. Underwood said no. Ms. Fairley noted that a license from another state would be the only qualification. She also inquired if the database would be pulled up before issuing the license.

Ms. Underwood stated that the license would be an automatic yes to the license because the compact means that the State has agreed to work with the states in the compact. Someone from one of the close states will have a multi-state license.

Ms. Fairley also mentioned that California has a high requirement for health and safety. She wondered how the Board would ensure the people in the database understand those requirements and how consumers should be protected in such cases. Ms. Underwood stated that right now, the requirements are the same. She indicated that one must have had some education in their state, and they must have taken an exam.

Ms. Underwood further mentioned that since Florida does not test their manicurists, California does not allow manicurists to come in from Florida. However, Kentucky tests manicurists, so a person from Kentucky can get their license in California because it will be an equivalent. The Board will not look at the nitty-gritty of the curriculum or the number of hours taken because the law changed in SB 803 to state that if one has a license, one gets a license.

Ms. Jimenez asked if people from other states would apply to California's scope of practice and parameters. Ms. Underwood answered in the affirmative, adding that anybody who comes into California has to follow California's laws and rules. Ms. Underwood mentioned that the compact was not written to specify hours of education because it differs among states. The compact, however, stated that there has to be an education and an exam.

Ms. Fairley asked if someone from a compact state would get the information that a new licensee gets when they apply for a California license. Ms. Underwood indicated that they would not get that information. The responsibility lies with the licensee.

Ms. Munoz asked if an inspector would honor that license if they found it in an establishment. Ms. Underwood said yes, the inspector would honor that license because they would have been trained to know what a compact license looks like. If they find a license from a state that is not part of the compact, they will cite it as unlicensed activity.

Ms. Munoz also asked if the action would be taken on someone who comes from Kentucky if they are found to violate California's code or if staff will communicate with their state on that. Ms. Underwood stated that the Board would act and speak with whoever issued the license. The Board can work with other states to take action against a licensee. She indicated that that would be another benefit of the compact.

Ms. Underwood reiterated that the compact license is similar to a driver's license because licensees will have to follow the specific rules of each state.

Ms. Fairley wondered how an establishment owner would verify that a compact license is valid. Ms. Underwood invited Ms. Leslie Roste to respond. Ms. Roste serves on the Health and Safety Committee and has also been a big part of the compact.

Ms. Roste stated that the database would allow for red flagging and might reduce some nationwide licensure fraud. This is because each license gets a unique identifier. Therefore, everybody licensed in the state, regardless of whether they have a multi-state license or a single-state California license, can see that in the database. The database will also provide total transparency on current investigations.

Ms. Roste further indicated that compacts have been around for a long time. The nursing compact is the oldest, having been around for 20 years. She believed if the compacts could work for the driver's license and the nurses, they could also work for the cosmetology industry. She added that California can penalize or ban a Kentucky

license, but only Kentucky can take away that license in case of a violation. Mr. Rostovsky wondered if establishment owners take the time to look up licenses. Ms. Roste stated that some establishments take the initiative to look up even the California licenses, but others still need to. Ms. Fairley added that most legitimate establishment owners verify licenses.

Ms. Fairley also asked about the process for an establishment owner to look up the compact license. Ms. Roste stated that a commission would be formed when the first seven states enact the compact. The commission will have representation from each of those states and be responsible for making the rules around the compact. Therefore, the processes around looking up the compact will be part of the rules. She added that will be one of the benefits the Board will have if it supports the compact.

Mr. Weeks inquired about the arguments being made by other states that may want to refrain from participating in the compact. Ms. Underwood stated that there had been no arguments on the cosmetology compact. The conditions involved are around 11 or 12, and two have already introduced bills with the compact language. The language came out recently, on January 3, 2023.

Ms. Underwood further indicated that the arguments raised in California were regarding the commission that will be formed. The concern was that California is huge, and it would only get one seat on the commission. The only benefit would be to be part of the first seven states to have a stronger seat on the commission.

Mr. Weeks noted that other states could be hesitant to accept people from California. Ms. Roste agreed, adding that the hesitation could come from states with more study hours. She stated that people would have to have faith that the other states would have done their due diligence. Ms. Roste further indicated that if there is a legislative bond between states, it would be easier to deregulate the cosmetology industry.

Mr. Weeks inquired about the number of states expected to join the compact quickly. Ms. Roste stated that nine states are expected to join this year. The commission will be formed when it hits the seventh state.

Ms. Fairley voiced concern that there will still be an underlying safety issue. She mentioned that a loophole of knowledge would need to be added, adding that an establishment owner would bear the liability of bringing such a licensee into an establishment. Mr. Weeks agreed with her sentiments. However, he noted that California would have more to lose than any other state. Ms. Underwood mentioned that the liability is currently still there because a Kentucky licensee can still get a California license even if the license was issued 25 years ago.

Ms. Leslie pointed out that as it stands today, anyone can still get a license in California if they have another license. The only thing that will change is how long they have to wait to work. She indicated if the assumption is made that 90% of people are abiding by the rules and safety, then coming to California and getting right to work will benefit the

state, particularly for military families. She also noted that it would be a significant advantage if California could get on the initial commission to help form the rules on compact licenses.

Mr. Isbell asked if the decision on compact licensing had a timeframe. Ms. Underwood stated that legislation would need to be enacted first, so the decision should be made today. This would ensure it passes the legislature on time to make California among the first seven states to join.

Mr. Isbell asked if this matter had been discussed at the Legislative Committee. Ms. Underwood said no, adding that the language was only released this month. Mr. Isbell stated that there could have been a meeting in January. Ms. Underwood clarified that the Committee would only have discussed the language once it was in a bill. She further explained that the definition of a Legislation Committee is to recommend actions on bills. It is, however, the Board's purview to request a bill to be sponsored.

Mr. Isbell wondered why the Committee could not discuss it as a potential bill or a concept. Board Legal Representative, Ms. Sabina Knight stated that the Legislative Committee recommends positions for the full Board to take on bills. In this case, there has yet to be a bill. She reiterated that the language just came out on January 3, so there was no way to have a quick Committee meeting and get everything done on time. She added that only some matters must go through every Committee. The Board could take action to join the compact or direct the staff to do more research and bring it back at another Board meeting.

Ms. Underwood stated that the description of the Legislative Committee does not require staff to bring legislative ideas to the Committee. Mr. Isbell stated that the Committee had previously discussed potential ideas. He insisted that the Committee could have discussed the items and then come before the Board for a potential bill. He also believed that the definition should be changed. Ms. Pham stated that Mr. Isbell's points would be addressed at the next Committee meeting. She also indicated that the ultimate goal is to bring everything back to the Board, so it was not an issue that the Board was already at this step in the discussion.

Ms. Pham also pointed out that the decision to allow people from other states to be licensed in California had already been made by SB 803. She believed that the Board would be getting more control over the process with the compact. Transparency will also be an added advantage in the effort to protect consumers. She also stated that the Board will have a chance in the future to look into the process since it will take time before anything is implemented. Ms. Fairley agreed with Ms. Pham's sentiments and thanked Ms. Leslie for her clarity. She also appreciated Ms. Underwood's efforts to bring the language before the Board. She stated that the Board has confidence in Ms. Underwood and believed that Ms. Underwood would iron out everything in the initial process.

Ms. Funk asked if the licensees could choose between a single-state or multi-state when applying for the license. She also asked if the multi-state license would cost more. Ms. Leslie stated that it would cost more, which is how the compact would pay for itself. Ms. Leslie indicated that if somebody in the multi-state compact chooses to move from one State to another compact state, e.g., from Kentucky to California, they would apply to the Board of California to be their home state and would have a multi-state license issued there.

Mr. Weeks asked if it would be possible to require someone from another compact state to view an hour-long or two-hour long video of California's health and safety. This could be made contingent on them coming through. Ms. Underwood stated that it was possible because some states have jurisprudence exams specific to laws and regulations. She added that something like a health and safety exam could be developed that would be specific to California's laws and regulations.

Mr. Rostovsky stated that if California is part of the first seven states that form the commission, they could advocate for a rule for the entire compact that requires everyone to watch the hour-long video no matter what state they go to. Ms. Underwood mentioned that licensees are required to take an exam or a course regardless of their reciprocity rules in other states.

Ms. Leslie indicated that in the 15 years of her career, she has worked in all 50 states trying to help them revise their rules so that the rules start looking the same. She assured the Board that most of the rules, particularly health and safety, have been standardized around the country.

Ms. Underwood stated that the Board could decide today. One was to support the compact model language, and two, the Board could choose to sponsor the bill and seek to carry the legislation. Ms. Knight stated that pursuing a legislative proposal would be faster. This would give staff the authority to talk to some potential bill authors and see if there is support for the compact in the legislature.

Motion: Ms. Munoz moved to pursue a legislative proposal. Ms. Fairley seconded.

Public Comment

- Wendy Cochran, from the California Aesthetic Alliance, stated that she engages with military spouses all the time. The women usually indicate that they choose esthetic courses because they cannot get through a 1600-hour program when it takes their transfer orders to be processed. They get transferred at a moment's notice. Ms. Cochran suggested that the compact legislation should include estheticians to ease the education of those who must transfer. She mentioned that most people were practicing without licenses. She added that cosmetologists are allowed to take less education in skin care and move around the country, while aestheticians are not. She reiterated that aestheticians be involved in the legislative process as well.

- Fred Jones, from the Professional Beauty Federation of California, voiced several concerns with the compact language. He pointed out that line 531 of the language would give the commission authority to assess the Board yearly. It would also give the commission authority to impose fees on licensees of member states. Jones also noted that line 287 of the language stated that a remote state could take adverse action against a licensee's authorization to the multi-state license, provided that; (a) only the licensee's home state shall take adverse action against the multi-state license. Mr. Jones believed that this was a direct contradiction in the language. He was also concerned that the Board would give the commission a lot of authority, considering the Board gets only one seat on the commission. He added that SB 803 made it moot for people moving to California.
- Laura Embleton, the government relations director for hair, nail, and skin care professionals, stated that they favor the compact because it would create better mobility. She mentioned that all the participating states would have disciplinary processes in place. Ms. Embleton also indicated that the multi-state license would be used for temporary work in a state since one has to get the license of the state they are moving to. She reiterated that the compact would be a good move for California.

Motion to pursue a legislative proposal carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

10. AGENDA ITEM #10, REVIEW AND DISCUSSION OF AFFORDABILITY AND ACCESSIBILITY OF EDUCATION AND UPDATES TO WEBSITE TO REACH PROSPECTIVE STUDENTS.

Ms. Underwood stated that the staff researched schools in the state and provided a range of tuition costs. Regarding the 1000 hours for barbering, they put the low, medium, and high ranges for each. They also did the same for the 1500-hour programs and same for each license type.

She mentioned that community colleges charge \$46 per unit. The total amount a student pays will depend on what the student does. She referenced a law in the Bureau of Private Postsecondary Education (BPPE) that says any institution that charges more than \$2,499 is considered an institution. She further mentioned that staff is currently working with the BPPE to address apprenticeship programs that charge \$8000 tuition – as they are technically schools.

Ms. Fairley asked if addressing the issue would force a change in the tuition cost or a difference in the school's classification. Ms. Underwood stated that that would be up to the apprenticeship program. Ms. Underwood added that staff is looking into rules about the Board's authority on a schedule that the BPPE has deemed a school. The BPPE will cite such programs as unlicensed schools, forcing them to pay huge fines of about \$50,000.

Ms. Fairley asked if there was a loophole which allowed the programs to charge more than the maximum. Ms. Underwood stated it was not a loophole because the apprenticeship standards license them as an apprentice program sponsor. The Board also approves them.

Ms. Underwood added that the discussion has been long ongoing on what to do with such programs, and the BPPE has come to a point where they are starting to take action. The Division of Apprenticeship Standards might start taking action as well. Mr. Weeks mentioned that California has a seller-assisted marketing plan law requiring anyone who charges over \$500 to register. He indicated that some schools could argue that they are registered under that law which would give them the right to charge such high amounts.

Mr. Rostovsky asked if students can receive financial aid through private schools. Ms. Underwood answered in the affirmative, adding that any accredited private school can offer student aid. She mentioned that the staff is in talks with the Licensing Committee about accreditation to look into schools that are not accredited. This is because accredited schools have to maintain a certain pass rate for their accreditation. Non-accredited schools are registering very low pass rates.

Mr. Rostovsky also asked if there is data around pass-fail rates between schools that cost more and those in the lower-cost range. Ms. Underwood stated that there is data on pass-fail rates by school rather than by tuition.

Ms. Underwood reported that staff has also provided a map showing where schools are positioned in all of California.

Ms. Pham noted that the program costs had not changed from longer to shorter hours. Ms. Underwood stated that the change was moderate and only some schools reduced costs.

Ms. Munoz suggested looking into whether more expensive schools result in employment and have a better return on investment.

Public Comment

- Wendy Cochran addressed Ms. Munoz's comment and stated that the common sentiment among students is that whether one goes to a fancy school or a community college, they all teach students to take the Board exam and get on with it. She proposed bringing more community colleges into the mix and making it possible for the licensed population to attend community colleges and get a well-rounded education. Ms. Cochran also mentioned that real W-2 employment from schools is almost nonexistent. When they first become licensed, most people usually open their own establishments.

11. AGENDA ITEM #11, REPORT ON THE JANUARY 9, 2023, LICENSING AND EXAMINATION COMMITTEE MEETING.

Chair of the Licensing and Examination Committee, Mr. Weeks, kicked off his report by stating that most schools are trying to do the right thing, but the Board is charged with addressing the problem of low pass rates. He mentioned that they have been dealing with low Spanish pass rates for years and have had difficulty solving the problem. For a long time, the low pass rates have been blamed on the composition of the test and language difficulties of apprentice education, and the reasons seem to change regularly. Mr. Weeks believed that this is not a problem that the Board can fix by itself without help from other people like the BPPE.

He referenced the report presented by staff and noted that the overall 2022 pass rates indicated that 40% of people had less than 50% pass rates. He stated that the Board should get more involved and work with the BPPE to do something about the schools with the low pass rates as soon as possible.

Ms. Underwood stated that she had another conversation with the Chief of BPPE and they agreed to set up a joint meeting with staff to look into the poor-performing schools and come up with a plan to address the issue. She mentioned one major issue of the Board is that it has clear authority to go into schools to check for health and safety, but it needs to have the power to check on the quality of education as BPPE does. She also stated that in Senate confirmation questions and in Sunset Reviews, new board members are asked about what the Board is doing regarding pass rates. She hoped they would look into the issue and have more updates for the Committee on handling it.

Ms. Fairley pointed out that the Board is being held accountable for something it has no authority to enforce. She was concerned that schools continue to take money from students, and when the students fail, it falls back on the Board. She believed that the only way to change that narrative is to hold the schools accountable for what they are not producing.

Mr. Isbell mentioned that the Board had in the past discussed the language level of the written exams and whether or not that should be lowered. He noted that this would require a state statute to go through and asked if it had been discussed at the Licensing Committee level. Ms. Fairley and Ms. Underwood confirmed that it had been discussed. Ms. Fairley mentioned that the Committee had discussed lowering the education level, however, the Committee members had agreed that reducing it would lead to even lower pass-fail rates.

Mr. Weeks asked if the current regulations allow BPPE to initiate disciplinary procedures against a school for low pass rates. Ms. Underwood said no, they could not because no passage rate is set in any statute. The accrediting companies have a fixed pass rate. Any school that drops below its pass rate for a certain amount of time would lose its accrediting, leading to them losing its federal funding.

Ms. Fairley asked how the Board could identify the accredited schools. Ms. Underwood stated that there is no way to know because the Board does not look out for accreditation when approving schools. The Board only approves the schools once and does not have to renew. They only continue with BPPE.

Mr. Weeks asked if the regulations could be changed to give BPPE authority to discipline poor-performing schools. Ms. Underwood stated that a statutory law would be required for that. Mr. Weeks indicated that the Board could show BPPE a list of those schools and let BPPE take action. Ms. Underwood stated that that is what staff will look into together with the BPPE. She, however, reiterated that there is no set pass rate in the statute. Mr. Weeks asked if the pass rates could be stated in the statute. Ms. Underwood indicated that that would be challenging.

Ms. Pham asked if percentage pass rates of schools could be published or if it was possible to require schools to disclose to students, before they enroll, the number of people that pass the exam. Ms. Underwood stated that that information is published by the school's name online. The issue is getting a student to go onto the Board's website and look up that information. She indicated that the pamphlets were created for this reason, to get the word out and urge potential students to look at schools.

She added that the Board has some authority to increase its oversight. The only challenge is that there is no fee and no renewal. Therefore, staff must be taken from other units to carry out the school work. There are currently two staff dedicated, taken from the enforcement unit to handle the school workload unfunded. Ms. Fairley asked how that can be changed. Ms. Underwood stated that statutory authority would be required. She was positive that the legislature would give the Board that authority because they see the workload that staff has.

Ms. Munoz indicated that the most important consumer protection starting point is to tighten the belts on schools and work on upgrading the students' experiences. Mr. Weeks proposed going to the successful schools, asking them what they are doing right, and making them part of the solution-finding process.

Public Comment

- Wendy Cochran stated that the Board is doing everything correctly. She indicated that talent and personal study habits cannot be regulated and that not everyone graduates high school. It was up to the schools themselves and the BPPE to step up. Ms. Cochran also mentioned that each school has a performance fact sheet on its website that anyone in public can access. It was up to the consumers to do their due diligence and find that information.
- Fred Jones stated that the only way to solve this issue is to have one agency with overall authority over the schools. He believed that that agency should be the Board and not BPPE. According to Mr. Jones, BPPE handles many different departments. They need more time to give special attention to the barbering and cosmetology industry.

12. AGENDA ITEM #12, REPORT ON THE JANUARY 9, 2023, EDUCATION AND OUTREACH COMMITTEE MEETING.

The Education and Outreach Committee Chair, Ms. Tonya Fairley, stated that the Committee met and made some good progress. The Committee was provided with the plans to update the website and two new pamphlets. They also discussed creating a new regulation requiring licensees to provide email addresses and phone numbers.

13. AGENDA ITEM #13, REVIEW AND POSSIBLE ACTION REGARDING EDUCATION AND OUTREACH COMMITTEE'S RECOMMENDATION TO REQUIRE LICENSEES TO DISCLOSE EMAIL ADDRESSES AND PHONE NUMBERS.

Ms. Underwood stated that the Committee recommended that the full Board make a motion to direct staff to prepare regulatory language requiring licensees to disclose their email addresses and phone numbers if they have one. Some Boards within DCA already have that requirement.

Mr. Weeks asked if it would be voluntary. Ms. Underwood stated that the regulations would be modified for the application process. However, those who do not have that information will not be forced to give it out though staff will encourage them to give out their contacts to enhance communication.

Ms. Fairley stated that the goal is to increase communication and ensure licensees stay abreast with coming changes.

Mr. Rostovsky mentioned that most millennials and Gen Z rarely check their emails. Therefore, text messaging would be beneficial for getting information out. Ms. Pham was in support of people disclosing their contact information. She stated that the data is required for all other kinds of licenses and would allow for quick communication.

Motion: Ms. Pham moved to pursue regulations to require licensees to disclose email addresses and phone numbers. Ms. Funk seconded.

Public Comment

- Wendy Cochran stated that she had polled the 8000 members of her group, and everybody said no to the text messaging. They prefer to get emails because you can't see an entire change in a text message. She was also concerned about the staff responding to the messages in case the licensees asked questions. Ms. Cochran indicated that the best outreach methods would be email, Facebook lives, and town hall meetings.

Motion to pursue regulation to require licensees to disclose email addresses and phone numbers carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

14. AGENDA ITEM #14, REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING TEXT MESSAGING LICENSEES.

Ms. Underwood stated the Education and Outreach Committee recommended that the full Board make a motion to pursue a program of mass text messaging.

Ms. Underwood stated that the Committee looked at the pros and cons of mass text messaging. They determined that a cost would be involved but could not determine an exact cost since they needed to know the number of text messages involved. Staff also did an Instagram poll and got a fairly good response on the text messaging option.

Ms. Pham inquired about the content that the Committee discussed for the text messages. She pointed out that people will have to opt in so that they only get notes that are useful to them. She also proposed having messages with a link that would direct people to click for more information. The text message could also inform people to check their inboxes for new emails. She believed that these two ways would be the best to ensure that the texts are effective, and that people are not overloaded with information.

Mr. Weeks agreed with Mr. Rostovsky's sentiments that a lot of communication is done by texting. He added that the Education and Outreach Committee had been in favor of the opt-in option.

Ms. Fairley stated that keeping the texts scope specific would encourage more people to opt-in.

Ms. Pham asked if there was the possibility of asking people what kind of messages they would like to get when they opt in. Ms. Underwood stated that if the Board decides to move forward with the text messages, staff will go back to the Education Committee to discuss the content of the messages. She also agreed with Ms. Fairley's idea of scope.

Ms. Munoz proposed having text messages where potential licensees might anticipate communication from the Board. It could be a quick text informing the licensee that their application has been received and is in progress.

Motion: Mr. Rostovsky moved to proceed with sending text messages specific by scope. Ms. Munoz seconded.

Public Comment

- Wendy Cochran stated that skin and nails should also be included concerning cosmetology and scope-specific messages. She indicated that many estheticians

are cosmetologists. They should therefore have the option to select the information they want to receive when opting in.

- Jaime Schrabeck, Precision Nails, noted that the motion was very specific to licensees. She stated that if the text messaging works the same way as the interested parties email list, the motion will lock out consumers and future licensees.

Motion to pursue proceed with sending text messaging carried; 10 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

15. AGENDA ITEM #15, REPORT ON THE JANUARY 9, 2023, ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING.

The Enforcement and Inspections Committee Chair, Ms. Munoz, stated that the Committee met and discussed a remedial education program for someone to take instead of paying a fine for their citation. The Committee is recommending to the Board to make a statutory change to allow the creation of the program. The recommendation from the Committee is to amend Section 7407.1 which states that the Board shall establish, by regulation, a remedial education program in lieu of a first offense of a health and safety violation, which may include a fee to cover the cost of administering the program. The statutory authority would allow staff to work with the industry and committee members on developing the remedial education program.

16. AGENDA ITEM #16, REVIEW AND POSSIBLE ACTION REGARDING ENFORCEMENT AND INSPECTIONS COMMITTEE'S RECOMMENDATION TO AMEND BUSINESS AND PROFESSIONS CODE SECTION 7407.1 TO ALLOW REMEDIAL EDUCATION TO REDUCE OR REMOVE ADMINISTRATIVE FINES.

Motion: Mr. Weeks moved to direct staff to pursue legislative change to Business and Professions Code section 7407.1 to allow remedial education to reduce or remove administrative fines in lieu of a first offense of a health and safety violation. Ms. Ellis seconded.

Public Comment

- Wendy Cochran wondered what citation level would be considered with the remedial education. She indicated taking an hour-long course because one of her labels fell off of her canister would not be prudent.
 - Legal Counsel Knight stated in response that this would give the Board the authority to move forward with the program. When the program is developed, it will go through the Committee. It will be the first time the item is brought before the Board. The language will then be created and go through the Committee again before returning to the Board.

- Jaime Schrabec suggested that the phrase 'in lieu of a first offense' should be eliminated or changed to something like 'mitigate the cost.' She stated that the Board should open itself to more than a first offense at this point.

Motion to direct staff to pursue a legislative change to Business and Professions Code section 7407.1 to allow remedial education to reduce or remove administrative fines in lieu of a first offense of a health and safety violation carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

18. AGENDA ITEM #18, DISCUSSION AND POSSIBLE ACTION REGARDING RULEMAKING PROPOSALS:

- a) Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, and 962, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)**

Ms. Underwood stated that regarding the SB 803 Clean Up package, the Board had already approved these items, but the following changes should be made;

- i. Add simplified Chinese to the languages offered for the examination in regulation.
- ii. Add clarification regarding adequate ventilation on the application for mobile unit license form. Staff recommended adding the language, "(which includes at least one window capable of opening and a powered ventilation fan)."

Motion: Ms. Munoz moved to rescind the Board's prior October 24, 2022 motion and approve the proposed regulatory text for Title 16, CCR sections 904, 909, 931, 932, 937, 962, 928, 934, 950.1, 950.2, 950.3, and 950.4 as provided in the meeting materials at Attachment 2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 904, 909, 931, 932, 937, and 962, and repeal sections 928, 934, 950.1, 950.2, 950.3, 950.4 as noticed. Ms. Fairley seconded.

Public Comment

No comments were received from the public.

Motion to rescind the Board's prior October 24, 2022 motion and approve the proposed regulatory text for Title 16, CCR sections 904, 909, 931, 932, 937, 962, 928, 934, 950.1, 950.2, 950.3, and 950.4 as provided in the meeting materials at Attachment 2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 904, 909, 931, 932, 937, and 962, and repeal sections 928, 934, 950.1, 950.2, 950.3, 950.4 as noticed carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

c) 1) Discussion and Possible Action to Consider Comments Received During the 45-Day Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16, CCR section 950.10 (Transfer of Credit)

Ms. Underwood stated that this regulation package required a 45-day comment period, during which the Board received two public comments. The comments and the staff responses were provided with the Board packet. Ms. Underwood indicated that the first comment had been addressed in the existing regulation package. For the second comment, the staff did not see any need for further changes to the text. For this item, the Board has to consider two different options:

- If the members agree with the staff recommended responses, they could direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials; or
- If the members have any edits to the comments, they could direct staff to accept them and make edits to the text.

Motion: Mr. Weeks moved to direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials. Mr. Rostovsky seconded.

Public Comment

No comments were received from the public.

Motion to direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

c) 2) Discussion and Consideration of Proposed Regulation to Amend Title 16, CCR section 950.10 (Transfer of Credit).

Ms. Underwood stated that since the Board rejected the previously discussed comments and made no further changes to the proposed text, staff recommends the Board make a motion to complete the rulemaking process and adopt the proposed text. The Board did not make any changes to the text.

Motion: Ms. Ellis moved Direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as noticed for 16 CCR section 950.10. Mr. Weeks seconded.

Public Comment

No comments were received from the public.

Motion to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as noticed for 16 CCR section 950.10 carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

b) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship).

d) Discussion Regarding New Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs).

e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines).

Ms. Underwood reported that the staff is continuing work on the apprenticeship regulations. They're close to submitting them to the regulation's legal counsel for review. Staff is also working on schools and externs and the disciplinary guidelines.

19. AGENDA ITEM #19, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA.

- Wendy Cochran mentioned that some licensees had been served papers for lawsuits against their websites for not being ADA compliant. Some licensees use Google My Business, and some use a booking platform. Some individuals in the community are going after such license types and filing lawsuits in Los Angeles County and other counties. Ms. Cochran believed that a few frivolous licensees were responsible for the lawsuits. She acknowledged that the Board does not have the authority to handle such issues, but she wanted them to be aware that it is happening. Several people have had to hire attorneys to chase down fines of up to \$25,000 in LA courts.
- Phyllis Lyons, a new community member, requested details on the apprenticeship program. She wanted to know how to apply to work with the Board on the program. Ms. Lyons stated that she has been in business for 30 years.

20. AGENDA ITEM #20, SUGGESTIONS FOR FUTURE AGENDA ITEMS.

No suggestions were made. No comments were received from the public.

21. AGENDA ITEM #21, ADJOURNMENT.

There being no further business to discuss, the meeting adjourned at approximately 1:10 p.m.