

**No Inserts for
Items 1-4**



State and Consumer Services Agency – Arnold Schwarzenegger, Governor
Board of Barbering and Cosmetology-Department of Consumer Affairs
 PO Box 944226, Sacramento, CA 94244
 P (800) 952-7574 F (916) 574-7574 | www.barbercosmo.ca.gov



CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF JANUARY 24, 2010

**Embassy Suites Hotel
 2885 Lakeside Drive
 Santa Clara, CA 95054**

**An additional meeting location has been established at:
 2405 Kalaniana'ole Avenue PH-11
 Hilo, HI 96720**

DRAFT

BOARD MEMBERS PRESENT

Richard Hedges, President (via phone)
 Ken Williams, Vice President
 Deedee Crossett
 Frank Lloyd
 Christie Tran

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Director
 Gary Duke, Staff Counsel
 Theresa Rister, Board Analyst

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Hedges called the meeting to order at 10:00 a.m. The board members and staff members present introduced themselves. Mr. Hedges turned the meeting over to Mr. Williams. The Board welcomed Ms. Tran, who was just currently appointed. She gave a brief background of her experience.

2. Agenda Item #6, ANNUAL ELECTION OF OFFICERS (out of order)

Mr. Williams nominated Richard Hedges for president. Frank Lloyd seconded the nomination. Mr. Hedges accepted the nomination and it was approved by a 5-0 vote. Mr. Hedges outlined his priorities for the coming year including protecting the consumer, be fair to licensees, and pass no regulations that are burdensome to establishment owners, allowing speaking during meetings and move meetings along quickly.

Mr. Hedges nominated Ken Williams for vice president. Frank Lloyd seconded the motion. Mr. Williams accepted the nomination and it was approved by a 5-0 vote. After the vote, the meeting was turned over to Mr. Williams. Mr. Williams stated the board needs to continue to be proactive and not reactive. Education is the key.

Mr. Lloyd commended outgoing president Mr. Tyler for his positive direction of the board. The board agreed. Mr. Hedges asked staff to look into a plaque. He also welcomed Ms. Tran to the board.

3. Agenda Item, #2, BOARD MEMBERS' REPORTS

Mr. Hedges reported he has participated in inspection ride-alongs. He noted the salons appear to have lost business due to the economy.

Mr. Williams reported he has visited salons and schools on a regular basis. He advocated additional education to help salons through the economy. Outreach needs to continue to keep everyone aware of the regulations.

Mr. Lloyd attended a ride-along in December. He believed the inspectors were making a good impact on education about health and safety.

4. Agenda Item #3, EXECUTIVE OFFICER'S REPORT

Ms. Underwood updated the board on recent activities. The regulations in Spanish have been printed and will be available soon. The Vietnamese version is currently being printed.

The board packet items are now being placed on the website for public review.

Ms. Underwood presented a few minutes of the "How to Clean Your Footspa" video. It is 15 minutes long in total and has been placed on the website. Voiceovers for various languages are planned for the future.

5. Agenda Item #4, DCA DIRECTOR'S REPORT

Kimberly Kirschmeyer, Deputy Director of Board and Bureau Support of the DCA, reported the DCA desired to become involved in the boards and their meetings to provide support where needed. She commended Ms. Underwood for making items available online. She discussed the Consumer Protection Enforcement Initiative. She noted the time delay in disciplining all licensees has come under close scrutiny. It currently takes 3 years from the time a complaint is received to the time of disciplinary action. The initiative was developed to decrease this time to 12-18 months. She noted this was currently focused on the healing arts boards but other boards will soon follow. It is hoped the process can be streamlined by identifying best practices in all entities. Additional staffing will be sought for all boards. Ms. Kirschmeyer requested the board write a letter in support of the initiative. She asked staff to review their current enforcement procedures.

Mr. Hedges noted the department has experienced a cut in staffing, which has hampered their desire to speed up the disciplinary process. He asked about future decreases. Ms. Kirschmeyer confirmed future decreases would occur but hoped legislation would provide more staffing with the Budget Change Proposal (BCP) process in 2011-2012. Mr. Hedges noted there were 20 inspectors in the field and 400,000 new licenses. Increased staffing was imperative.

Ms. Kirschmeyer noted more information on the legislation will be available for the April meeting.

Mr. Williams encouraged ongoing communication between Ms. Underwood and the DCA.

6. Agenda Item #5, APPROVAL OF BOARD MEETING MINUTES

- **October 4, 2009**
- **October 5, 2009**
- **November 2, 2009**

Upon a motion by Mr. Lloyd, seconded by Mr. Williams, the above minutes were approved by a 5-0 vote.

7. Agenda Item #7, ANNUAL APPOINTMENT OF COMMITTEE MEMBERS

It was agreed to keep the current committees until the new appointments can be approved and installed on the board.

8. Agenda Item #8, REVIEW OF BOARD STATISTICS

- **Licensing:** The process has slowed due to the furlough days taking place three days a month.
- **Examinations:** Ms. Crossett asked how many students taking the exam were pre-application students, but it was not known. She noted a problem could occur where pre-app students did not graduate but can take the test.
- **Disciplinary Review:** The delay in appeals has decreased to 5 months (from over 1 year in the past), Staff cuts have impacted this. Ms. Crossett recommended students be required to attend a DRC hearing to emphasize the seriousness. Mr. Hedges wondered if it could be included in the curriculum. Large amphitheaters could be used for mass attendance. Ms. Underwood noted this would require a change in legislation. Ms. Crossett recommended using it as an outreach until it could be done legislatively. Ms. Kirschmeyer recommended a webcast of the DRC. Discipline cases can take 1 to 3 years if investigation is required.
- **Enforcement:** Mr. Williams asked for any feedback on new system on issuing citations. Mr. Lloyd believes it is working. Has not increased amount of inspections. Goal is 5 per day.

Public Comment:

Fred Jones of PBFC, noted the curriculum already included 20 hours of technical instruction on rules and regs and the DRC attendance could be part of that.

Bruce Lazarus of Laney College asked about online licensing. Ms. Underwood gave a brief overview.

(A 10 minute break was taken at this time.)

9. Agenda Item #9, BUDGET UPDATE

Ms. Underwood provided an overview of the latest budget projections. On January 8, 2010, the Governor issued an executive order that required staff to develop a salary savings of 5% by March 1, 2010. Staff is working closely with the DCA budget office on a plan. Cuts need to be made in personnel services to get it into black, then an additional 5% for next year. It was projected the temporary help would eliminate: 10 employees. There were also some vacancies that would not be filled. One of the items under review is board members per diem. Monthly DRC meetings will possibly be eliminated. Mr. Hedges offered to give up his per diem for the DRC hearings. The above cuts will delay a layoff plan for permanent employees. Mr. Hedges noted the department could not do what is required with a reduced staff. Ms. Underwood noted the timeline for issuing citations and licenses will be greatly impacted. More information should be known by January 28 and the board will be kept updated. Alternatives are being explored to minimize the impact.

10. Agenda Item #10, REPORT OF ENFORCEMENT COMMITTEE

• **Review and Approval of Revised Administrative Fine Schedule**

Mr. Hedges and Ms. Underwood outlined the recommendations of the Enforcement Committee and staff regarding the revised administrative fine schedule. A chart was presented showing the current fine, recommended changes by staff and the Enforcement Committee and the final recommendation. If approved, the regulatory process would begin. Mr. Hedges made the motion to move the recommendations forward to the regulatory process. It was seconded by Ms. Crossett.

Public Comment

Shelly Bennett commented on the establishment license. She worked hard to follow all the rules and regulations and did not start earning money until she complied. However, she wondered why other salons who were not in compliance were given time to respond to complaints. She recommended salons not be given time. It was determined her comments should be made under the public comment section.

Fred Jones of PBFC commended the Enforcement Committee for their hard work. He encouraged the fine for unlicensed activity remain at \$1,000. The PBFC supported the graduated fine but believed unlicensed individuals should not be graduated.

Jamie Schrabek, Precision Nails, asked that the first time offense not be reduced for an unlicensed establishment.

Bruce Lazarus of Laney College, suggested some meetings should be held at community colleges to save money. An audience member noted there were 106 colleges in the state and offered the cosmetology program. It would provide more access to the students for future education.

Rashni Anora, a student at Skyline College, believed the unlicensed establishments and individuals should be fined more than \$1,000. They typically charged less and should have the money available.

Maryann Haley of Solano College noted if a person has completed their coursework, they should know they have to be working in a licensed facility. It is posted on the website and on the initial and renewal license application.

Jim Edwards of Salinas Beauty College believed the problem was establishment owners who hire unlicensed hairstylists. He believed the salon should be closed if this occurs. Mr. Lloyd encouraged people to attend the regulatory hearings.

Melissa Mellott of Santa Barbara City College was concerned that a lot of graduates were not receiving a quality education. They should know they need a license.

Mr. Williams noted the amount of appeals has increased; the fines are not paid during this time. He hoped a gradual increase would result in less appeals and more compliance.

The motion was passed by a 5-0 roll call vote.

11. Agenda Item #11, REVIEW AND APPROVAL OF FINAL REGULATORY LANGUAGE AFFECTING CALIFORNIA CODE OF REGULATIONS TITLE 16, DIVISION 9, SECTION 950.1, 950.4, 950.5, 962.3, 962.4, 962.5, AND 962.6.

Gary Duke, legal counsel, discussed the comments made by Mr. Jones from the public comment hearing held on January 4, 2010, regarding the regulations previously approved by the board. Board staff reviewed the comments and some modifications were made in the proposed language for the full Board to review. Ms. Crossett disagreed with the comments made, which primarily focused on eliminating some language. Other board members agreed.

Upon a motion by Ms. Crossett, seconded by Mr. Williams, to direct staff to complete the rule making package and respond to and reject Mr. Jones' comments with rationale stated.

Public Comment

Ami Mankey of Skyline College asked if it was possible to change the language in the cosmetology regulations about hairstyling on all hair types as included in the barbering regulations. This would encourage schools to teach about all hair types.

Fred Jones of PBFC noted the current regulations provide more flexibility for schools.

The motion was approved by a 5-0 roll call vote.

12. Agenda Item #12, PRESENTATION AND DISCUSSION ON NATIONAL PRACTICAL EXAM

Representatives from NIC and Irene Wong-Chi of DCA provided further information on the proposed practical exam. Lee Schroeder of NIC discussed the benefits of the national practical exam and provided a slide presentation and an extensive handout. All

tests are professionally developed and closely monitored. Currently 18-20 states have implemented this exam.

Ms. Crossett noted as a school owner she hoped to find out what areas her students scored low and high in. Right now it is only pass/fail. Mr. Schroeder noted the reports were available and it will be investigated why they were not being received. Mr. Williams asked for statistical data on passing rates since using the NIC national written exam since May 2009. Ms. Underwood noted the passing rates have decreased and attributed this to the previous exams not being updated for many years. Ms. Crossett noted there were also copies of the previous exams being circulated for students to review. She reported her students have experienced good results with the new exam. Mr. Hedges asked about the impact of implementing the national practical exam on the budget. Ms. Underwood noted the fees would have to increase by \$15 to cover the expenses, which would require a regulation package. Ms. Underwood believed if the national written exam was used, then the national practical exam should be used. She explained the regulation package process could take 9-12 months.

Ms. Crossett questioned the reciprocity with the other 18-20 states. Jackie Dahlquist of NIC noted it was rare that instructors were examiners. Some states hire test administration companies. She was aware of one state that provided the written exam in schools. Ms. Crossett believed this would help the budget. She requested a list by NIC of what states were providing the national written and practical and how the tests were conducted. Ms. Dahlquist agreed to investigate this. She believed a lot of states used a private company to administer the tests. Mr. Hedges questioned the loss of control over the testing sites.

Public Comment

Fred Jones of PBFC noted he was hesitant to support the \$15 increase in testing fees, however he believed it was worth it. It would increase reciprocity with other states. The national exam is regularly updated and would provide a connection to education.

Marsha Griego of Marinello School of Beauty believed the instructor license should be implemented. Teachers should be required to go through an instructor training program.

Mr. Williams hoped the exam would provide quicker testing thus generating more revenue. Mr. Hedges asked if the package would create layoffs (it would not-exam would be conducted by in-house staff).

Upon a motion by Mr. Williams and seconded by Mr. Hedges, it was approved by a 5-0 roll call vote to adopt the national practical exam and move forward in the regulatory process.

13. Agenda Item #13, INDUSTRY/CONSUMER OUTREACH UPDATE

The upcoming events were provided. However, the events were limited due to overtime.

14. Agenda Item #14, PROPOSAL ON REMEDIAL EDUCATION FOR LICENSEES

Staff researched this issue and provided proposed language for the requirement of remedial education. Information from other states was also provided. The change in language would require a legislator to carry a bill, which may be difficult as it had a significant fiscal impact on the board. Upon approval, the process would begin and details will be determined at a later time. Mr. Williams asked about expanding on the current requirement for remedial education. Ms. Underwood noted it was only for footspas and manicuring equipment.

Mr. Lloyd made the motion, seconded by Mr. Williams to move forward with the remedial education requirement.

Public Comment:

Jamie Schrabek of Precision Nails wondered if the requirement for continuing education would cover the remedial education. It was agreed the language was broad.

The motion was approved by a 5-0 roll call vote.

15. Agenda Item #15, PROPOSAL ON ESTABLISHMENT OWNER CERTIFICATION

Staff researched the establishment owner certification. The NIC exam did not appear to be appropriate and did not adequately cover the health and safety portion of owning a salon. Legislation would be required and proposed language was provided. It would have a significant impact to the board and may jeopardize the legislation for remedial education. Ms. Underwood suggested that the Board could approve today and put at a future goal to move forward on.

Mr. Williams hoped a meeting could be held with DCA to identify the stumbling blocks to the legislation. The above proposals would also increase revenue. Ms. Crossett noted the fine revenue may decrease but the impact on the DRC would also decrease. Mr. Hedges believed they were one of the few boards that allow non industry licensees to own establishments. He noted the building industry required shop owners to be licensed. He recommended the process move forward.

Mr. Williams made the motion to go forward with the proposal as a goal for the establishment owner certification. It was seconded by Mr. Hedges. There was no public comment. The motion was approved by a 5-0 roll call vote.

16. Agenda Item #16, DISCUSSION ON PRACTICAL EXAMS HELD IN SCHOOLS

Staff performed research on this issue and their findings were presented for discussion purposes. Mr. Williams stated it was preferable to cut down the waiting time for graduates to take the exam. It would also help the budget. It would not require legislation if the exam was completed upon graduation. Ms. Crossett believed it may help if students were allowed to take the written test after 1200 hours. If they don't pass it would allow further study and reduce nervousness. Conducting the tests in schools would also help the proctors inspect the schools regularly. Mr. Lloyd questioned about travel time for the proctors. Mr. Hedges expressed his concern about the integrity of the test. He recommended a pilot project. Ms. Underwood did not know if requiring statewide travel for the proctors would be allowed in their contract.

Mr. Williams made the motion to table the issue until the next board meeting when staff can present processing time data during the next three months. A typical test had 8 students per examiner. Staff will keep abreast knowing the board's desire.

Public Comment

Mary Ann Haley from Solano College noted there were 5 cosmetology schools within a 10 mile radius. Proper scheduling could reduce travel time and expenses.

(The meeting was adjourned and reopened after a 10 minute break)

17. Agenda Item #17, PUBLIC COMMENT

Leah Johnson asked about the process to become a board member. She hoped for equal representation from the barbering and cosmetology communities. (Mr. Williams and the other board members explained the process to be appointed.) She also hoped to see the instructors license be implemented. Mr. Williams agreed and encouraged her to write to her legislator and make comments on the website. Mr. Lloyd noted the current administration wanted it to be left up to the schools. Ms. Johnson hoped the board could get things moving and plan to work with the next administration to get this requirement passed. The board noted they did not have any control over the schools. Ms. Johnson requested the board be proactive. They agreed.

A female audience member asked about the status of licenses for schools. Ms. Underwood reported the new BPPE has just posted emergency regulations, the OAL has 30 days to respond, and more information will be known at the end of the month. No new schools will be approved until then. The process will remove the same.

Fred Jones of PBFC announced the 2-day Welcome to Our World Event is scheduled for April 26 at the State Capitol. It was hoped staff could attend.

Melissa Mellott of Santa Barbara State College agreed with the instructors license. She noted despite the economy the spa industry is fast growing. It consisted of a lot of second career women who are typically well educated. She has observed the struggle of teachers who have been in the industry but did not know how to teach. She hoped teacher training certification could be reviewed.

Ami Hiu from Skyline College commented about testing on mannequins versus a model. She preferred live models.

18. Agenda Item #18, AGENDA ITEMS FOR NEXT MEETING

- ◆ Annual Appointment of Committee Members
- ◆ DCA Directors Report

At this time the board went into closed session.

19. Agenda Item #19, CLOSED SESSION TO DISCUSS ENFORCEMENT CASE

- **Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c)(3)).**

20. Agenda Item #20, ADJOURNMENT

The meeting was reopened to public session.

With no further business, the meeting was adjourned.



State and Consumer Services Agency – Arnold Schwarzenegger, Governor

BOARD OF BARBERING AND COSMETOLOGY

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MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF JANUARY, 25, 2010

**Embassy Suites Hotel
2885 Lakeside Drive
Santa Clara, CA 95054**

**An additional meeting location has been established at:
2405 Kalaniana'ole Ave, PH-11
Hilo, HI 96720**

DRAFT

BOARD MEMBERS PRESENT

**Richard Hedges, President (via phone)
Ken Williams, Vice President
Deedee Crossett
Frank Lloyd
Christie Tran**

STAFF MEMBERS PRESENT

**Kristy Underwood, Executive Officer
Theresa Rister, Administrative Analyst
Gary Duke, Staff Counsel**

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Hedges turned the meeting over to Mr. Williams. Mr. Williams called the meeting to order at 9:00 a.m. The board members and staff members present introduced themselves.

2 Agenda Item, #2, PETITION FOR REINSTATEMENT

The Administrative Law Judge conducted the proceedings for the petition for reinstatement,

- Khanhlinh Huong Nguyen
- Thanh Thi Nguyen

3. Agenda Item #3, Closed Session:

Decision on Reinstatement and Disciplinary Cases (Closed Pursuant to Government Code Section 11126C(3)).



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LICENSING AND EXAMINATION COMMITTEE

The purpose of the Licensing and Examination Committee is to advise the Board on policy matters relating to the examining and licensing of individuals who want to practice barbering and cosmetology in California. The committee may also provide information and recommendations to the Board on issues relating to curriculum and school approval, exam appeals, laws and regulations.

ENFORCEMENT AND INSPECTIONS COMMITTEE

The purpose of the Enforcement and Inspections Committee is to advise the Board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the Board's statutes and regulations.

LEGISLATIVE AND BUDGET COMMITTEE

The purpose of the Legislative and Budget Committee is to review and track legislation that affects the Board and recommends positions on legislation. Provides information and recommendations to the Board on potential policy matters relating to the budget.

EDUCATION AND OUTREACH COMMITTEE

The purpose of the Education and Outreach Committee is to provide recommendations to the Board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines, attending trade shows.

INDUSTRY ADVISORY COMMITTEE

The purpose of the Industry Advisory Committee is to provide recommendations and information to the Board on industry concerns. The Committee shall be comprised of Board members and selected industry representatives. In the selection of members, the Board shall attempt to include a representative from all licensing categories, public and private schools, salon owners and booth renters, and product manufacturers and distributors.

DISCIPLINARY REVIEW COMMITTEE

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine. The Board President shall annually appoint members of the committee, the appointments will be made concurrently with the annual election of officers. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

**Quarterly Barbering and Cosmetology
Licensing Statistics
Fiscal Year 09/10**

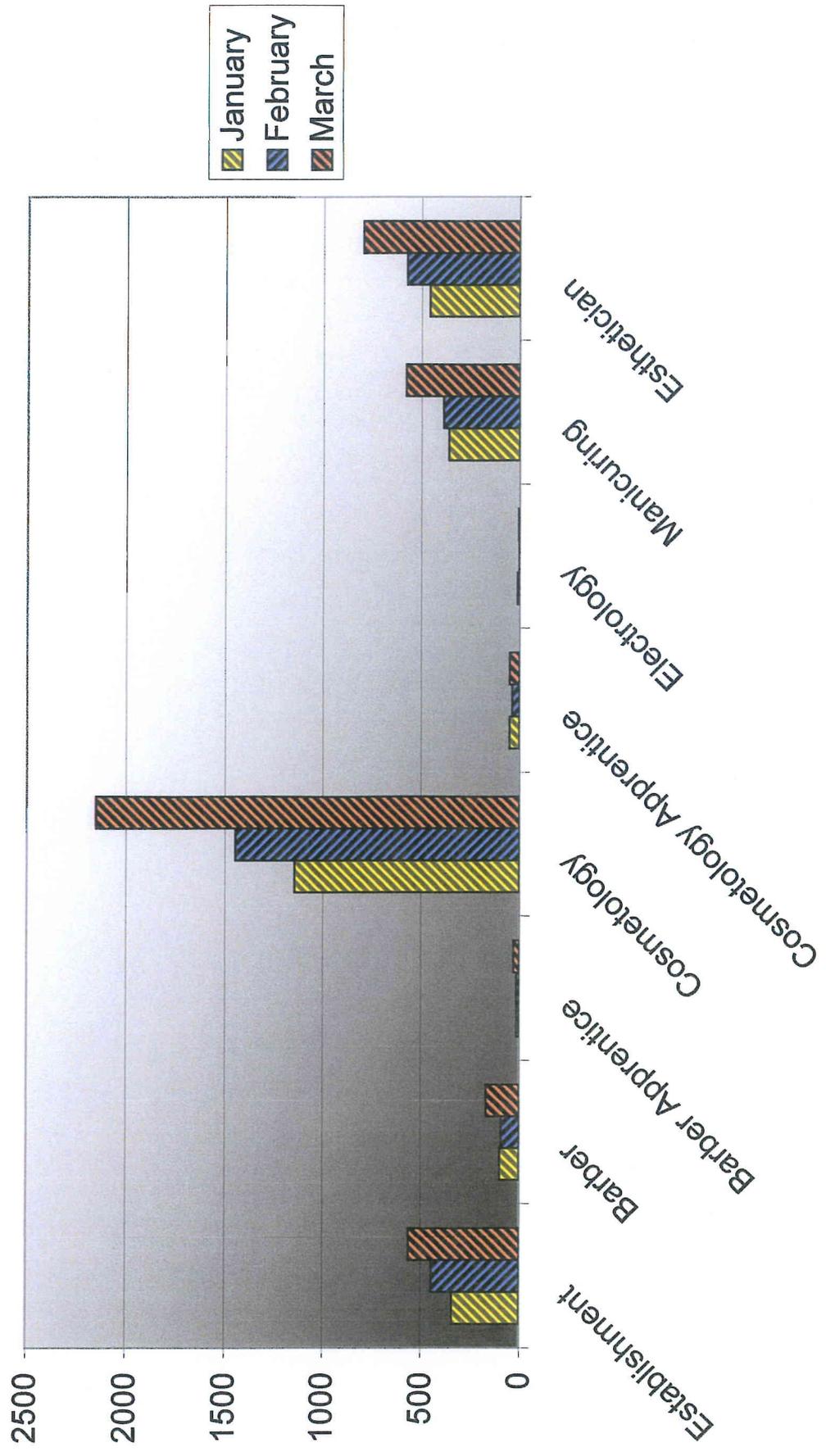
Applications Received

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
Establishment	1,463	1,586	1,346		4,395
Barber	316	424	356		1,096
Barber Apprentice	72	67	54		193
Cosmetology	5,157	5,535	4,740		15,432
Cosmetology Apprentice	139	141	133		413
Electrology	7	12	15		34
Manicuring	2,002	2,014	1,326		5,342
Esthetician	1,902	2,320	1,827		6,049
Total	11,058	12,099	9,797		32,954

Licenses Issued

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
Establishment	1,379	1,341	1,351		4,071
Barber	193	170	198		561
Barber Apprentice	57	23	45		125
Cosmetology	2,581	2,311	2,569		7,461
Cosmetology Apprentice	119	116	118		353
Electrology	9	8	5		22
Manicuring	1,023	1,167	1,011		3,201
Esthetician	998	1,048	1,238		3,284
Total	6,359	6,184	6,535		19,078

Applications Received 2010



Examination Results

(January 1, 2010- March 31, 2010)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate
Barber	182	52	234	78%
Cosmetologist	2,580	1,117	3,697	70%
Esthetician	927	219	1,146	81%
Electrologist	6	0	6	100%
Manicurist	1,184	236	1,420	83%
TOTAL	4,879	1,624	6,503	75%

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	164	47	211	78%
Spanish	9	1	10	90%
Vietnamese	9	3	12	75%
TOTAL	182	51	233	78%

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,553	958	3511	73%
Spanish	141	285	426	33%
Vietnamese	52	97	149	35%
TOTAL	2746	1340	4086	67%

Manicurist	Passed	Failed	Total	Pass Rate
English	209	102	311	67%
Spanish	3	8	11	27%
Vietnamese	683	288	971	70%
TOTAL	895	398	1293	69%

Esthetician	Passed	Failed	Total	Pass Rate
English	829	300	1129	73%
Spanish	3	4	7	43%
Vietnamese	152	91	243	63%
TOTAL	984	395	1379	71%

Electrologist	Passed	Failed	Total	Pass Rate
English	5	3	8	63%
Spanish	0	0	0	0%
Vietnamese	0	0	0	0%
TOTAL	5	3	8	63%



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**QUARTERLY BARBERING AND COSMETOLOGY
 DISCIPLINARY REVIEW COMMITTEE STATISTICS
 Fiscal Year 09-10
 Report Date: March 31, 2010**

	January - March	YTD
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SOUTHERN

Heard	227	1226
Received	268	1061
Pending ¹	782	782 ²

NORTHERN

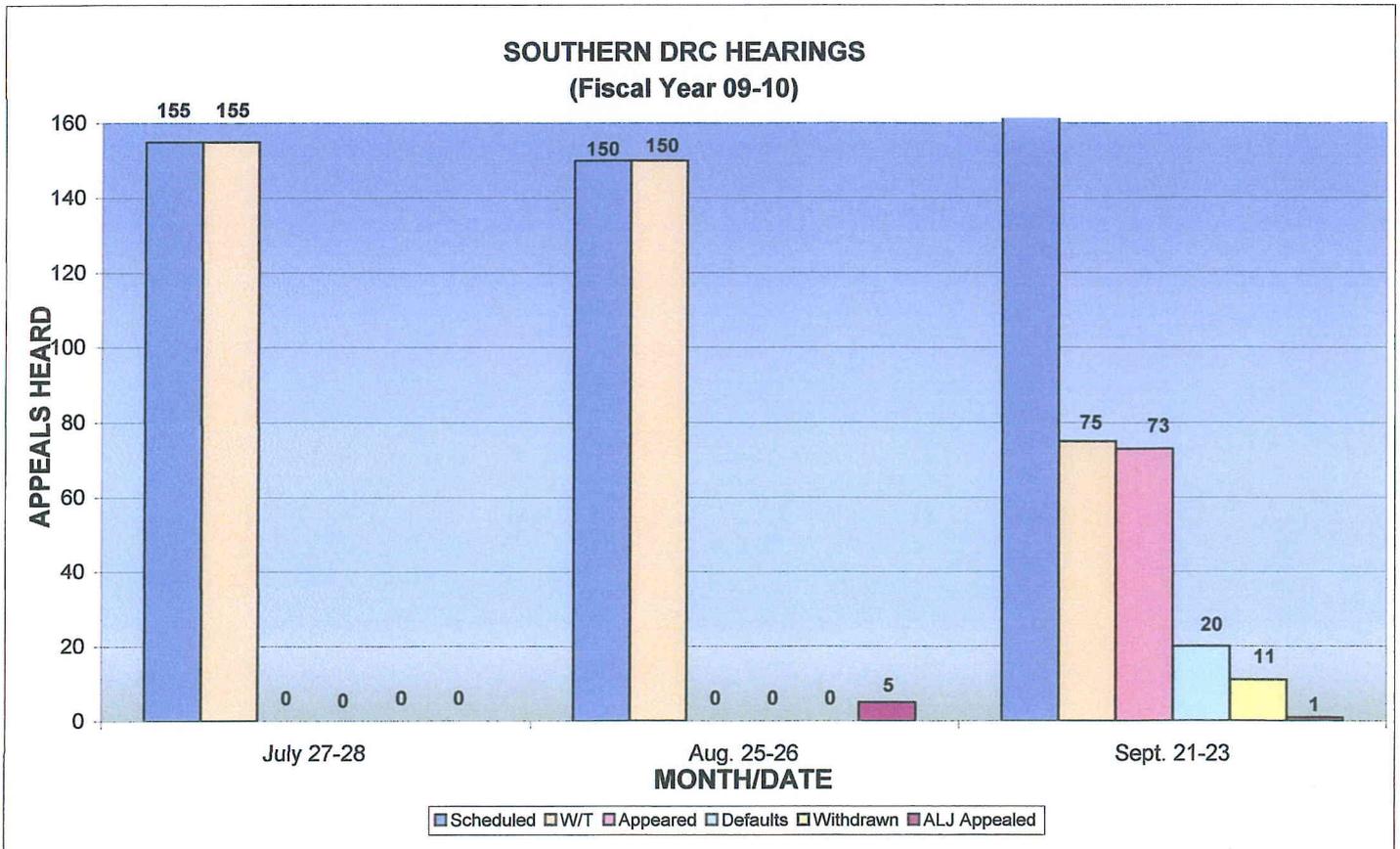
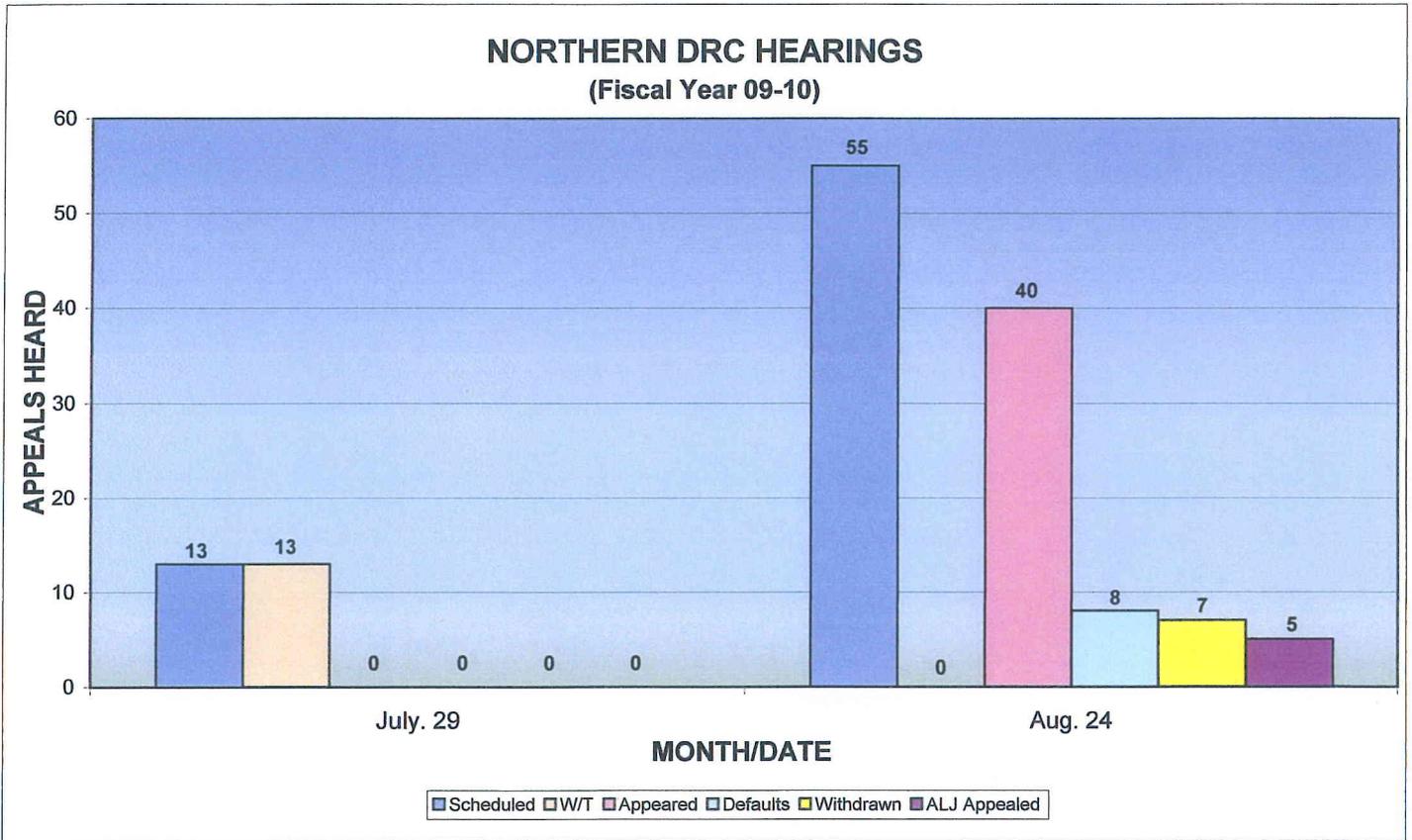
Heard	287	418
Received	148	535
Pending ¹	233	233 ²

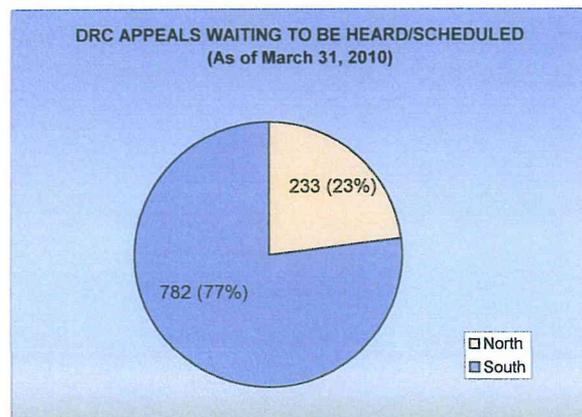
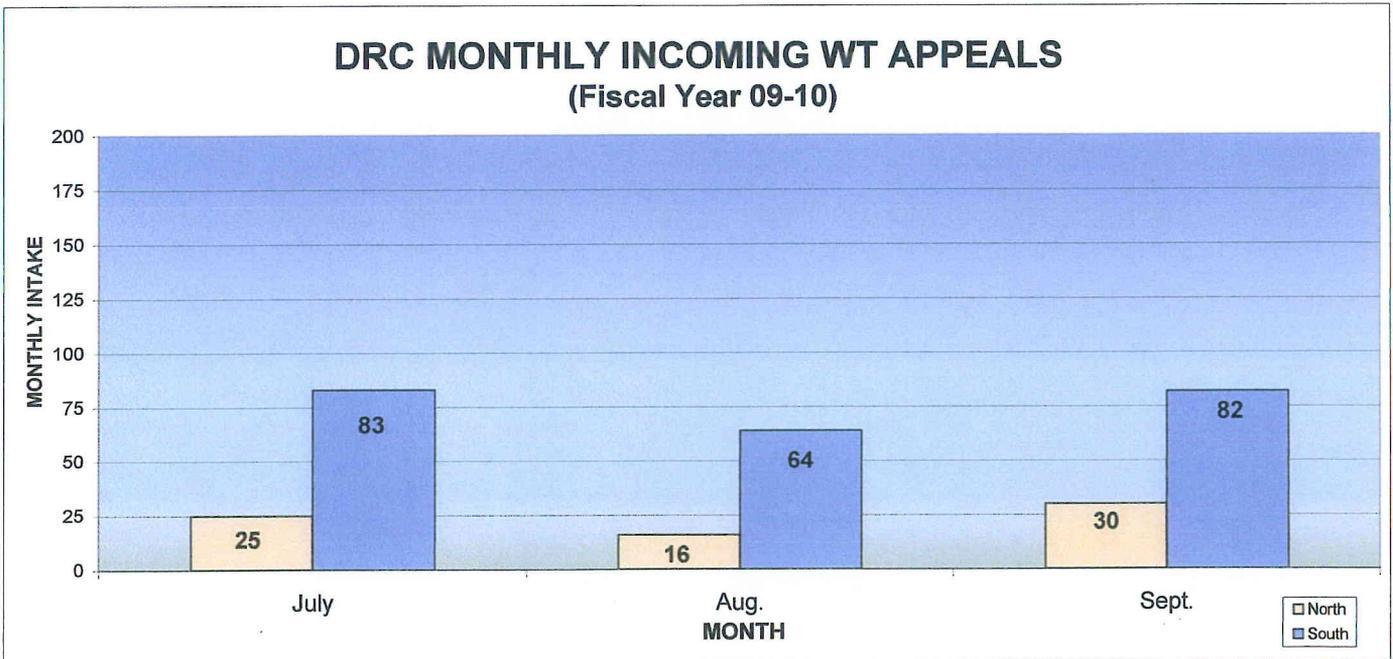
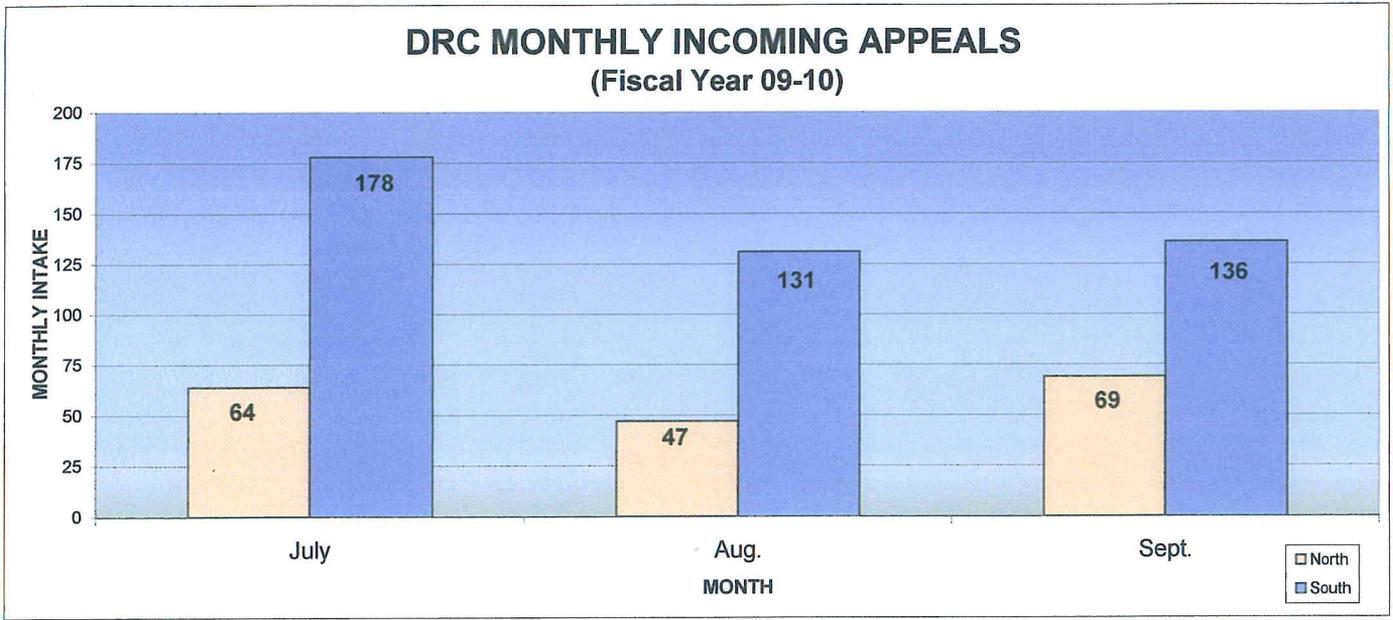
¹ Pending refers to the number of appeals received but not yet heard by DRC.

² Figure represents number of pending requests as of report date.

2010 SCHEDULED HEARINGS

Area	Location	Date
Southern	Los Angeles	April 27-29, 2010
Southern	Los Angeles	May 18-20, 2010
Southern	Los Angeles	June 22-24, 2010
Northern	Sacramento	July 26-28, 2010
Northern	Sacramento	August 23-25, 2010
Southern	Los Angeles	September 28-30, 2010





**QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 09/10
Report Date April 1, 2010**

Agenda Item #7

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
COMPLAINTS					
Complaints Received	753	673	698		2124
Referred to DOI	4	0	0		4
Complaints Closed	714	818	800		2332
Total Complaints Pending	1182	1065	1064		1065

APPLICATION INVESTIGATIONS					
Received	313	387	333		1033
Pending	97	119	86		119
Closed	291	367	154		812

ATTORNEY GENERAL					
Referred	16	19	10		45
Accusations Filed	13	15	10		38
Statement of Issues Filed	1	2	0		3
Total Pending	89	91	91		91

DISCIPLINARY PROCESS					
Hearing	0	9	4		13
Default Decision	8	4	6		18
Stipulation	12	8	10		30

DISCIPLINARY OUTCOMES					
Revocation	7	7	9		23
Revoke, Stay, Probation	0	5	4		9
Revoke, Stay, Suspend/Prob	11	8	14		33
Revocation, Stay w/ Suspend	0	0	0		0
Probation Only	0	0	0		0
Suspension Only	0	0	1		1
Suspension & Probation	0	0	0		0
Suspension, Stay, Probation	10	7	0		17
Surrender of License	1	1	2		4
Public Reprimands	0	0	0		0
License Denied	1	0	1		2
Other	1	0	0		1
Total	32	28	31		91

PROBATION					
Active	313	305	289		907

	Jul-Sept	Oct-Dec	*Jan- Mar	Apr-Jun	YTD*
CITATIONS					
Establishments	2357	1755	581		4,693
Barber	400	307	38		745
Barber Apprentice	11	5	1		17
Cosmetologist	1961	1426	256		3,643
Cosmetologist Apprentice	12	14	9		35
Electrologist	9	8	0		17
Electrologist Apprentice	0	0	0		0
Manicurist	1086	741	130		1,957
Esthetician	300	222	11		533
Unlicensed Est.	90	86	27		203
Unlicensed Individual	163	105	26		294
Total	6,389	4,669	1,079		12,137

*Cite & Fine Unit has 45 days from the date of inspection to issue the citation: July 2009 through January 31, 2010.

Board of Barbering and Cosmetology
Fiscal Year 2009/2010
Projected Expenditures 03/31/10

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	3,550,329	3,353,546	196,783
Expert Examiners	464,259	375,356	88,903
Temporary	0	170,052	(170,052)
Statutory-Exempt	74,476	89,259	(14,783)
Board Member Commission	0	9,600	(9,600)
Overtime	0	26,529	(26,529)
Total Salary & Wages	4,089,064	4,024,341	64,723
Salary Savings	(136,632)	0	(136,632)
Net Salary & Wages	3,952,432	4,024,341	(7,187)
Staff Benefits	1,684,428	1,960,376	(275,948)
Total of Personnel Services	5,636,860	5,984,717	(290,322)

Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	159,525	238,041	(78,516)
Printing	216,995	167,710	49,285
Communication	105,722	61,583	44,139
Postage	289,367	320,000	(30,633)
Insurance	4,489	2,033	2,456
Travel In State	80,906	178,005	(97,099)
Travel, Out-of-State	1,500	1,500	0
Training	22,513	9,368	13,145
Facilities Operations	1,327,231	895,373	431,858
Consultant & Professional Svs. - Interdept.	125,781	0	125,781
Consultant & Professional Svs. - External	196,947	50,000	146,947
Depart. and Central Admin. Services	5,271,507	5,271,507	0
Consolidated Data Center	70,088	20,000	50,088
Data Processing	36,376	10,383	25,993
Examinations	1,604,669	1,765,000	(160,331)
Major Equipment	0	56,000	(56,000)
Minor Equipment	17,000	17,000	0
Other Items of Expense	7,288	2,400	4,888
Vehicle Operations	14,772	50,000	(35,228)
Enforcement	2,079,108	1,567,246	511,862
Special Items of Expenses	0	175,000	(175,000)
Required OE&OSavings		221,022	(221,022)
Total Operating Expenses & Equipment	11,631,784	11,079,171	552,613
Total reimbursements	(57,000)	0	(57,000)
Total	17,211,644	17,063,888	495,613



State and Consumer Services Agency - Arnold Schwarzenegger Governor
BOARD OF BARBERING AND COSMETOLOGY
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2010 Consumer Events

None Scheduled

2010 Industry Events

- March 21 – 22: Spectrum International Beauty Expo (Los Angeles)



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 978-State Chief Information Officer: duties

Bill Number: AB 978
Authors: Perez
Current Status: Amended 1/26/10

Provisions:

This bill would require the State Chief Information Officer to collaborate with the Department of Consumer Affairs to acquire a new, integrated, enterprise-wide enforcement and licensing system.

Comments:

The DCA is currently in the process of developing a new system that will greatly benefit the Board. Board staff are involved with the development and will be as the requirements are developed.

Recommendation:

Staff has no recommendation for a position on AB 978. Regardless of the position the Board may choose, staff will continue to monitor this bill as well as continue to work with the DCA on the development of a new system.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 1659-Joint Sunset Review Committee

Bill Number: AB 1659
Authors: Huber
Current Status: Introduced

Provisions:

Existing law establishes the Joint Committee on Boards, Commissions, and Consumer Protection and, until January 1, 2012, requires the committee to hold public hearings at specified times and to evaluate whether a board or regulatory program has demonstrated a need for its continued existence. Existing law states the intent of the Legislature that all existing and proposed state boards be subject to review every 4 years to evaluate and determine whether each has demonstrated a public need for its continued existence, as specified.

AB 1659 would create the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies, as defined (which includes boards), and to conduct a comprehensive analysis of every agency to determine if the agency is still necessary and cost effective. The bill would require each agency scheduled for repeal to submit a report to the committee containing specified information. The bill would require the committee to take public testimony and evaluate the agency prior to the date the agency is scheduled to be repealed, and would require that an agency be eliminated unless the Legislature enacts a law, based upon a recommendation endorsed by a vote of the majority of the members of the committee, to extend, consolidate, or reorganize the agency.

The bill would specify the composition of the committee, which would be appointed by the President pro Tempore of the Senate, the Speaker of the Assembly, and the Governor, and certain aspects of its operating procedure. The bill would also make a statement of legislative intent to enact legislation that provides for the repeal of every entity of state government, excluding an agency that is constitutionally created or an agency related to higher education.

Comments:

AB 1659 expands the sunset review process to all agencies and not specifically to boards. In addition, this bill states that an agency shall be eliminated unless the Legislature enacts a law based upon the recommendation of the committee. Currently, the law allows a board to sunset and become a bureau.

Recommendation:

Staff recommends that the Board take a WATCH position on AB 1659 as it is early in the process and this bill is likely to see significant changes.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 1787-Administrative Procedure: regulations and narrative description

Bill Number: AB 1787
Authors: Swanson
Current Status: Introduced

Provisions:

AB 1787 will require the inclusion of a narrative description on the addition or deletion to the California Code of Regulations.

Comments:

During the rulemaking process there are several pieces of information that must be included in any rulemaking changes. The addition of a narrative appears to be minor and would add clarity to the rulemaking process.

Recommendation:

Staff recommends that the Board take a WATCH position on AB 1787 as it is early in the process.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 1889-Private Postsecondary Education: CA Private Postsecondary Act of 2009

Bill Number: AB 1889
Authors: Portantino
Current Status: Amended March 17, 2010

Provisions:

Existing law establishes the California Private Postsecondary Education Act of 2009, which, among other things, provides for student protections and regulatory oversight of private postsecondary schools in the state. The act prohibits institutions, as defined, from performing various actions.

This bill would additionally prohibit institutions from offering a doctoral degree, unless the institution is accredited.

The act prohibits an ability-to-benefit student, defined as a student who does not have a certificate of graduation from a school providing secondary education, or a recognized equivalent of that certificate, from enrolling in an institution unless the student achieves a specified score on an independently administered examination from a specified list of examinations prescribed by the United States Department of Education that demonstrates that the student may benefit from the education and training being offered.

This bill would authorize the Bureau for Private Postsecondary Education to publish its own list of acceptable examinations if the United States Department of Education does not have a list of relevant examinations that pertain to the intended occupational training.

The act requires specified private postsecondary institutions to refund 100% of the amount paid for institutional charges, less specified expenses, if notice of cancellation is made through attendance at the first class session, or the 7th class day after enrollment, whichever is later.

This bill would change the 2nd deadline for notice of cancellation from the 7th class day after enrollment, to the 7th day after enrollment.

Existing law defines "graduates employed in the field," for purposes of the act, as graduates who are gainfully employed within 6 months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided a significant advantage to the graduate in obtaining the position.

This bill would revise this definition to remove skills obtained that have provided a significant advantage to the graduate in obtaining the position.

Existing law appropriates \$580,000 from the Private Postsecondary and Vocational Education Administration Fund to the Bureau for Private Postsecondary Education, for the purpose of funding five private postsecondary education specialist and senior specialist positions.

This bill would require those positions to be permanent, full-time positions that are located in the Sacramento office of the bureau.

Comments:

While this bill does not have an impact to the operations of the Board, there appears to be an impact to barbering and cosmetology schools.

Recommendation:

Staff does not have a recommendation for a position on AB 1889, but will continue to provide information on future changes to the existing language.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 1899-State Agencies-information on web sites

Bill Number: AB 1899
Authors: Eng
Current Status: Amended 3/15/10

Provisions:

AB 1899 will require state agencies to post specified audits and contract's to the state's Reporting Transparency in Government Internet Web site. This bill also requires the Governor to post specified financial statements and reports to the same web site.

Comments:

This bill is based on the Governor's Executive Order S-20-09 which expanded the Reporting Web site to include all program reviews, monitoring and accountability reports, evaluations, inspections, assessments and studies of audits conducted by agencies, departments and outside entities dating back to January 1, 2008

The bill indicates that it is the Legislature's continuing commitment to promoting transparency in state government is especially critical while California's economy continues to struggle.

As of March 23, 2010 the following entities have registered support for this bill:

- Californians Aware (Co-Sponsor)
- Service Employees International Union Local 1000 (Co-Sponsor)
- California Labor Federation

No opposition is on record.

Recommendation:

Staff has no recommendation for a potion for AB 1899; however, staff recommends that the Board keep in mind that this bill may be viewed as "good government" by increasing transparency.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 1957 Administrative Procedure Act-notice of proposed actions: local government

Bill Number: AB 1957
Authors: Silva
Current Status: Introduced

Provisions:

AB 1957 will require an agency to mail a notice of a proposed action to adopt, amend, or repeal regulations to local government agencies.

Comments:

The Board currently provides information on any rulemaking process to all interested parties and posts the rulemaking information on the web site. The addition of providing a notice to a local government agency is insignificant in the rulemaking process.

Recommendation:

Staff recommends the Board take a WATCH position on AB 1957 as it is early in the process.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 1993-State Government: reports: declarations

Bill Number: AB 1993
Authors: Strickland
Current Status: Introduced

Provisions:

AB 1957 would require a written report, as defined, submitted by any state agency or department to the Legislature, a Member of the Legislature, or any state legislative or executive body to include a signed statement by the head of the agency or department declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge.

This bill would also make any person who declares as true any material matter pursuant to these provisions that he or she knows to be false liable for a civil penalty not to exceed \$20,000.

Comments:

AB 1957 defines a "written report" as either a document required by statute to be prepared and submitted to the legislature (or any state legislative or executive body), or a document summary or statement requested by a Member of the Legislature. It is unclear how "head of agency or department" relates to a Board.

Recommendation:

Staff recommends the Board take a WATCH position on AB 1993 as it is early in the process.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 2091-Public Records: information security

Bill Number: AB 2091
Authors: Conway
Current Status: Introduced

Provisions:

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure. Investigatory or security files compiled by a public agency, as defined, for correctional, law enforcement, or licensing purposes are exempt from disclosure under the act.

This bill would exempt from disclosure under the act the records of a public agency relating to information security and the investigatory or security files compiled by a public agency for information security purposes.

Comments:

This bill will allow the state to keep documents that relate to information security confidential.

Recommendation:

Staff recommend a SUPPORT position on AB 2091.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 2130- Professions and Vocations: sunset review

Bill Number: AB 2130
Authors: Huber
Current Status: Introduced

Provisions:

Existing law establishes the Joint Committee on Boards, Commissions, and Consumer Protection and, until January 1, 2012, requires the committee to hold public hearings at specified times and to evaluate whether a board or regulatory program has demonstrated a need for its continued existence. Existing law states the intent of the Legislature that all existing and proposed state boards be subject to review every 4 years to evaluate and determine whether each has demonstrated a public need for its continued existence, as specified.

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would instead make specified boards and regulatory programs subject to review by the Joint Sunset Review Committee.

Comments:

This bill is tied to AB 1659 and would not become operative unless AB 1659 is enacted to establish the Joint Sunset Review Committee.

Recommendation:

Staff recommend the Board take a WATCH position on AB 2130.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 2393-Private Postsecondary Education: fair business practices

Bill Number: AB 2393
Authors: Ammiano
Current Status: Amended

Provisions:

The California Private Postsecondary Education Act of 2009 provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education, with specified exceptions. The act exempts various institutions from compliance with the provisions of the act, except that those otherwise exempt institutions are required to provide the bureau with specified records and other information prior to closure.

The act requires private postsecondary educational institutions to comply with various fair business practices , and prohibits an institution from, among other things, making an untrue or misleading change in, or untrue or misleading statement related to, a record indicating student completion, placement, employment, salaries, or financial information, including a specified list of records and documents pertaining to financial reports and other records that the institution is required to file with the bureau.

This bill would add to the list of records and documents, in which the institution is prohibited from making an untrue or misleading statement, records related to placement, employment, salaries, or financial information regarding an occupation or job in an apprenticeship program approved by the Division of Apprenticeship Standards or a position for which the Board of Registered Nursing has established licensure requirements.

The bill would prohibit an institution from using any job or occupational name or description that suggests or implies that the job or occupation is the same as, or similar to, a job or occupation in an apprenticeable field or nursing field in documents relating to placement, employment, salaries, or financial information, unless the information in the document pertains exclusively to the placement, employment, salaries, or financial information in a job or occupation that meets specified requirements.

The act requires private postsecondary educational institutions to annually report to the bureau, and publish various statistics including job placement rates. The act requires job placement rates to be calculated by dividing the number of graduates employed in the field by the number of graduates available for employment for specified programs. The act defines "graduates employed in the field" for the purposes of these provisions.

This bill, with respect to occupations or jobs in an apprenticeship program approved by the Division of Apprenticeship Standards of the Department of Industrial Relations or a position for which the Board of Registered Nursing has established licensure requirements, would separately define "graduates employed in the field" for purposes of the reporting requirements and the fair business practices provisions of the act.

Comments:

While this bill does not have an impact to the operations of the Board, there appears to be an impact to barbering and cosmetology schools.

Recommendation:

Staff does not have a recommendation for a position on AB 2393, but will continue to provide information on future changes to the existing language.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 2466-Regulations: legislative validation

Bill Number: AB 2466
Authors: Smyth
Current Status: Introduced

Provisions:

AB 2466 would require the Office of Administrative Law to submit a copy of every regulation submitted to the Secretary of State to the Legislature as well. It would also change the effective date of a regulation from 30 days after filing with the secretary of State to 90 days. This bill would require the Legislature to refer a copy of every regulation submitted to it to the appropriate policy committee for review of its consistency with the intent of the Legislature in regard to the statute that authorizes the regulation and to offer a recommendation on whether the regulation should be repealed by statute.

Comments:

AB 2466 extends the implementation time from 30 days after filing a regulation with the Secretary of State to 90 days. The rulemaking process is very time consuming often taking 18 months to file a regulation. The changing from 30 to 90 days will only add to the time that it takes to implement new/amended regulations.

Recommendation:

Staff recommends an Oppose unless Amended positions on AB 2466 with the request that the 30 day period be maintained.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 2529-State Agencies: regulations: review

Bill Number: AB 2529
Authors: Fuentes
Current Status: Introduced

Provisions:

Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

This bill would adopt the regulatory philosophy and the principles of regulation, as outlined in Presidential Executive Order 12866, in order to achieve the same regulatory benefits within the state. This bill would require the Department of Finance to assist state agencies with the review of new and existing regulations for compliance and consistency with these requirements, and to review analyses performed by agencies in promulgating new regulations or in reviewing existing regulations.

This bill would require an agency to annually provide to the department a list of its planned regulatory actions for that year, as specified, and indicate the actions which the agency believes are significant regulatory actions, as defined. This bill would require an agency, for each significant regulatory action, to submit prescribed information to the director at least 30 days prior to issuing a notice of proposed action, as specified. The bill would require the director to review the submitted information, as specified. This bill would require the department, in order to establish a baseline for the determination of the costs and benefits of significant regulatory actions that it reviews, to complete a review of all significant regulatory actions completed by state agencies since January 1, 2004, and summarize the costs and benefits of those actions in a report to be completed prior to July 1, 2011.

This bill would require the Governor to convene an interagency group with specified duties for the purpose of formulating an effective methodology for performance of the analysis and cost-benefit studies by state agencies, as specified.

Comments:

Currently the Board must have the Department of Finance review any fiscal impact to new or amended proposed regulations. In addition, the Board submits and anticipated calendar of all regulatory packages that are planned for each year. An impact is not assumed with this bill that would directly relate to the Board.

Recommendation:

Staff recommends the Board take a WATCH position on AB 2529.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 2603-Regulations: reductions

Bill Number: AB 2603
Authors: Gaines
Current Status: Introduced

Provisions:

AB 2603 requires a state agency to determine how many regulations it proposes by July 1, 2011 and on or before December 31, 2010 to reduce the total number of regulations it has identified by 33%. The bill also requires that until December 31, 2021 that any new regulation proposed by an agency also eliminate another regulation.

Comments:

AB 2603 does not clearly define a "regulations" for the purposes of counting them. However, a mandate to reduce the number of the Board's regulations by 33% does not appear to be in the best interest of protecting consumers. The Board regulations define not only licensing requirements but also health and safety within an establishment. A blanket requirement to eliminate or reduce regulations would appear to increase consumer harm in the industry.

Recommendation:

Staff recommends an Oppose position on AB 2603.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 2738-Regulations: statement of reasons

Bill Number: AB 2738
Authors: Niello
Current Status: Introduced

Provisions:

Existing law requires an agency to submit to the office, among other things, an initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation that includes, among other things, a description of reasonable alternatives to the regulation. Existing law requires, for a regulation that would mandate the use of specific technologies or equipment or prescribe specific actions or procedures, that the imposition of performance standards be considered as an alternative.

This bill would delete the requirement, in the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific actions or procedures, that the imposition of performance standards be considered as an alternative. This bill would instead require that the agency acknowledge that performance standards are generally the preferred alternative to mandating specific methods of compliance and would require the agency to provide a justification for departing from that acknowledged preference, as specified.

The bill would also require the agency to identify and describe the elements of a regulation that require, or may require through at least one alternative method of compliance, the use of specific technologies, equipment, actions, or procedures, or other potentially proprietary compliance scheme, methodology, or process.

Comments:

The creation if the Initial Statement of Reasons is a detailed process for staff. The requirements of this bill do not appear to create an impact or a barrier to the preparation of an Initial Statement of Reasons.

Recommendation:

Staff recommends that the Board take a WATCH position on AB 2738 as it is early in the process.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: AB 2783-Professiona and Vocations: military personnel

Bill Number: AB 2783
Authors: Committee on Veteran Affairs
(Salas (Chair), Gilmore, Lieu, V. Manuel Perez, and Yamada)
Current Status: Introduced

Provisions:

Existing law provides for the licensure and regulation of certain businesses, occupations, and professions by specified boards within the Department of Consumer Affairs created under the Business and Professions Code. Existing law requires these boards to adopt rules and regulations to provide for methods of evaluating education, training, and experience obtained in the armed services, if applicable to the requirements of the business, occupation, or profession regulated, and to specify how this education, training, and experience may be used to meet the licensure requirements for the particular business, occupation, or profession regulated. Existing law also requires these boards to consult with the Department of Veterans Affairs before adopting these rules and regulations.

This bill would, in addition, require these boards to consult with the Military Department before adopting these rules and regulations.

Comments:

AB 2783 only adds the *Military Department* to the existing language. There does not appear to be an impact based on this language.

Recommendation:

Staff recommends that the Board take a WATCH position on AB 2783 as it is early in the process.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: ABx 8 8-Franchise Tax Board: administration

Bill Number: ABx 8 8
Authors: Committee on Budget
Current Status: Amended February 17, 2010

Provisions:

This bill would require licensing entities to provide the Franchise Tax Board (FTB) with the name, social security number or federal taxpayer identification number of each individual licensee. The bill would require FTB to send a notice of suspension to the licensee if they fail to pay taxes.

Comments:

Staff have been informed that this bill did not make it out of the 8th extraordinary session.

Recommendation:

No recommendation is needed at this time.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: SB 942-State Auditor: analysis of regulations

Bill Number: SB 942
Authors: Dutton
Current Status: Amended April 5, 2010

Provisions:

The Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies, including a requirement that the notice of proposed action contain prescribed cost estimates associated with the proposed regulation. Existing law also provides for the review of these regulatory actions by the Office of Administrative Law.

This bill would establish an Economic Analysis Unit within the office. The bill would require agencies to make publicly available and submit to the unit specified cost estimates that pertain to a proposed regulation and specified information used to develop the cost estimates, as prescribed. The bill would require the unit to review final revised cost estimates for regulations that the agency determines to have a cost estimate of \$50,000,000 or more. The bill also authorizes a stakeholder to petition the director of the office to direct the unit to review a regulation that does not meet the \$50,000,000 cost estimate threshold. The bill requires the unit to approve or reject the cost estimates of regulations that it reviews, as specified.

This bill would require each agency to review each regulation adopted prior to January 1, 1990, and to develop a report with prescribed information that shall be submitted to the Legislature on or before January 1, 2013. The bill would also require each agency, on or before January 1, 2018, and at least every 5 years thereafter, to conduct additional reviews of regulations that have been in effect for at least 20 years, as specified, and to submit an annual report to the Legislature that identifies the regulations reviewed during that year and the associated findings.

Comments:

Staff does not see an impact in the additional information that is required regarding cost estimates. A concern is the requirement to review each regulation adopted prior to January 1990. This will take staff time to conduct this review and prepare necessary reports.

Recommendation:

Staff recommends that the Board take a WATCH position on SB 942.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: SB 1111-Health Board-Enforcement

Bill Number: SB 1111
Authors: Negrete McLeod
Current Status: Introduced

Provisions

The provisions of SB 1111 can be found in the attached bill.

Comments:

SB 1111 is sponsored by DCA and is the Consumer Health Care Enforcement Reform Act. The Department is asking for support from all Board on this legislation. The Board's Executive Officer has been involved in the development of similar language for non-health boards, however, this language is has not been placed in a bill.

The majority of SB 1111 is directly related to health boards, however, there are some sections that are expected to be included in the non-health board legislation. A brief summary of these areas is listed below:

- Require discipline information to be posted on the web site.
- Authorize the Director to audit and review enforcement programs.
- Allow boards to receive actual costs of investigations, enforcement and probation monitoring.
- Allow boards to contract with collection agencies for fine collection efforts.
- Allow executive officers to adopt default decisions for revocations and stipulated settlements for license surrender.
- Allow the Director to issue a temporary suspension order if the executive officer provides evidence of imminent risk to consumer safety.
- Require the boards to report annually on various enforcement statistics.
- Require the Attorney General's office to meet certain timeframes.

These are only a few of the provisions that are included in this legislation. Staff is closely following this process and believes that this will greatly improve the enforcement process and increase consumer protection.

Recommendation:

Staff recommends that the Board take a SUPPORT position on SB 1111.



MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: SB 1171-Sunset Review

Bill Number: SB 1171
Authors: Negrete McLeod
Current Status: Amended April 5, 2010

Provisions:

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection and would authorize the appropriate policy committees of the Legislature to carry out its duties. The bill would terminate the terms of office of each board member or bureau chief within the department on unspecified dates and would authorize successor board members and bureau chiefs to be appointed, as specified. The bill would also subject interior design organizations, the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, the Tax Education Council, the Naturopathic Medical Committee, and the certification of common interest development managers and massage therapists to review on unspecified dates. The bill would authorize the appropriate policy committees of the Legislature to review the boards, bureaus, or entities that are scheduled to have their board membership or bureau chief so terminated or reviewed, as specified, and would authorize the appropriate policy committees of the Legislature to investigate their operations and to hold specified public hearings. The bill would require a board, bureau, or entity, if its annual report contains certain information, to post that report on its Internet Web site.

Comments:

Under SB 1171, a board that does not successfully complete its review would no longer sunset and become a bureau. Instead, the terms of the board members would terminate and the appointing authorities would appoint a new board. Various changes are also proposed to the actual sunset report that boards would file. Amendments that took place on April 5, 2010 were only to reflect common interest developments and massage therapists.

Recommendation:

Staff recommends that the Board take a WATCH position on SB 1171 as this bill is likely to see further amendments.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: SB 1351-OAL: regulation review

Bill Number: SB 1351
Authors: Wright
Current Status: Amended April 5, 2010

Provisions:

This bill would require an agency that adopts a regulation that requires the use of a new or emerging technology or equipment in order to achieve the identified purpose of the regulation to post, as specified, upon the effective date of the regulation, that the required technology or equipment is commercially available or will be commercially available prior to the effective date of the regulation.

This bill would, if the required technology or equipment is not commercially available on the effective date of a regulation, prohibit an agency from enforcing a violation of the regulation until at least 6 months after the technology or equipment becomes commercially available and the agency posts that information, as specified.

This bill would require an agency to make any implementation schedule, procedure, or form that is necessary for compliance with a proposed regulation available to the public upon the agency's final adoption of that regulation. The bill would, if the implementation schedule, procedure, or form necessary for compliance with the regulation is not available on the effective date of the regulation, prohibit an agency from enforcing a violation of the regulation for at least 6 months after the implementation schedule, procedure, or form becomes available and the agency posts that information, as specified.

Comments:

It does not appear that the Board would see a significant impact based on the current version of SB 1351.

Recommendation:

Staff recommends that the Board take a WATCH position on SB 1351.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: SB 1491-Department of Consumer Affairs: omnibus

Bill Number: SB 1491

Authors: Committee on Business and Professions and Economic Development (Senators Negrete McLeod, Aanestad, Calderon, Correa, Florez, Oropeza, Walters, Wyland and Yee)

Current Status: Introduced

Provisions

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology by the State Board of Barbering and Cosmetology. Under existing law, nail care is a specialty branch within the practice of cosmetology and is the practice of, among other things, cutting, trimming, manicuring nails or massaging, cleansing, or beautifying the hands or feet of any person. Existing law permits metal instruments to be used for the cutting, trimming, manicuring, or pedicuring of nails or cuticles.

This bill would specify that nail care is also the practice of pedicuring nails or massaging, cleansing, or beautifying from the elbow to the fingertips or the knees to the toes of any person. The bill would also permit metal instruments to be used for the smoothing and massaging of the hands and feet.

Existing law makes it unlawful for any person to engage in barbering or cosmetology for compensation or to operate an establishment where barbering or cosmetology is practiced without a license and specifies that a violation of this requirement is a misdemeanor.

This bill would instead provide that a violation of that requirement is subject to an administrative fine and may be subject to a misdemeanor.

Existing law requires barbering and cosmetology establishments to provide specified hand-washing facilities, including running water, soap, and approved sanitary towels.

This bill would instead require these establishments to provide running water, soap, and towels or air hand dryers. Existing law authorizes the board to issue a notice of violation or a citation with an administrative fine to persons violating the act.

Existing law authorizes these persons to appeal the citation and requires them or their appointed representative to appear in person before the disciplinary review committee.

This bill would eliminate that appearance requirement and instead authorize these persons or their appointed representative to appear in person before the disciplinary review committee.

Comments:

SB 1491 is the omnibus bill supported by the Department of Consumer Affairs. While the bill deals with various Boards, the information on this memo is specific to barbering and cosmetology. The Executive Officer of our board has worked with Senate committee staff on the language that is proposed.

The first provision clarifies that a manicure and a pedicure include massaging from the fingers to the elbow and the toes to the knee. This is current practice and is included in the board approved test books. This provision is necessary to clarify the tasks that can be performed during these services.

The language also clarifies for the use of smoothers to beautify the feet. Staff recommend that if this language is enacted, specific regulations be developed on tools that can be used for smoothing. This section in no way allows for the use of a razor edged tool (i.e. credo blades, rasps).

The amendment that is recommended to section 7317 is to clearly state that the Board has the authority to assess an administrative fine for unlicensed activity. The current wording of this section has been challenged because it states that unlicensed activity may be subject to a misdemeanor.

The bill allows for the use of air hand dryers. Currently salons are required to have approved sanitary towels in the hand washing area.

Finally, the bill clarifies in statute that a written testimony can be submitted for a DRC appeal.

Recommendation:

Staff recommends that the Board take a SUPPORT position on SB 1491.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: SB x 8 8-Franchise Tax Board: administration

Bill Number: SBx 8 8
Authors: Committee on Budget and Fiscal Review
Current Status: Introduced

Provisions

This bill would require a state governmental licensing entity, as defined, issuing professional or occupational licenses, certificates, registrations, or permits to provide to the Franchise Tax Board the name and social security number or federal taxpayer identification number of each individual licensee of that entity. The bill would require the Franchise Tax Board, if an individual licensee fails to pay taxes for which a notice of state tax lien has been recorded, as specified, to send a notice of suspension to the licensee. The bill would provide that the license of a licensee who fails to satisfy the unpaid taxes by a certain date shall be automatically suspended, except as specified, and would require the Franchise Tax Board to mail a notice of suspension to the applicable state governmental licensing entity and to the licensee, and would provide that the suspension be canceled upon compliance with the tax obligation. The bill would require the Franchise Tax Board to meet certain requirements and would make related changes.

Comments:

This bill would allow the Franchise Tax Board to suspend a barbering and cosmetology license for failure to pay taxes. This bill makes other provisions that would not impact the Board.

Recommendation:

Staff recommends that the Board take a WATCH position on SBx 8 8.



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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: April 5, 2010

FROM: Kristy Underwood
Executive Officer

SUBJECT: Overview of Spot Bills

The following bills are spot bills and staff will continue to monitor for future amendments.

AB 2481 Board of Barbering and Cosmetology
AB 2667 Department of Consumer Affairs
AB 2707 Regulatory Boards

No action is required at this time, however, staff will keep the Board informed of any amendments.



State and Consumer Services Agency – Arnold Schwarzenegger, Governor
Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

TO: Members of the Board
Board of Barbering and Cosmetology

DATE: April 18, 2010

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Regulations Update

School Curriculums — Staff submitted the final rulemaking file to the Department of Consumers Affairs (DCA) on February 23, 2010, where it was reviewed and approved by the Legal Affairs Division before being forwarded to DCA’s Legislative and Policy Review Division. From there, the file will be presented to DCA Director Brian Stiger for his signature and, ultimately, to the State and Consumer Services Agency. The file will then be submitted for review to the Office of Administrative Law.

Administrative Fine Schedule — DCA’s Legal Affairs Division has reviewed and approved the Board’s proposed language, which was filed with the Office of Administrative Law on April 13, 2010, along with a Notice of Proposed Rulemaking. Staff has also mailed the notice to the people on the Board’s interested parties list. The Notice is scheduled to be published in the OAL Notice Register on April 23, 2010. The public hearing is set for June 7, 2010, following the mandated 45-day public comment period.



State and Consumer Services Agency – Arnold Schwarzenegger, Governor
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MEMORANDUM

TO: Members of the Board
Board of Barbering and Cosmetology

DATE: April 18, 2010

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Approval of Regulatory Language for Schedule of Fees

Attached is regulatory language affecting California Code of Regulations Title 16, Division 9, Section 998, Schedule of Fees.

Upon Board approval of the attached language, Board staff will schedule a public hearing and proceed with the regulatory approval process.

BOARD OF BARBERING AND COSMETOLOGY
Title 16, Division 9 of the California Code of Regulations.

LEGEND

Underlined Indicates proposed amendments or additions to the existing regulation.
~~Strikeout~~ Indicates proposed deletions to the existing regulation.

Amend Section 998 of the California Code of Regulations as follows:

998. Schedule of Fees

The following fees shall be charged by the board:

(a) Barbers:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75 90
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹

(b) Cosmetologists:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75 90
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹

(c) Estheticians:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75 90
(3) Initial license fee.....	40
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹

(d) Manicurists:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75 90
(3) Initial license fee.....	35
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹

(e) Electrologists:

(1) Preapplication fee.....	9
(2) Application and examination fee.....	75 90
(3) Initial license fee.....	50
(4) License renewal fee.....	50 ¹
(5) License renewal delinquency fee.....	25 ¹

(f) Apprentice application and license fee².....25

(g) Establishments:

(1) Application and initial license fee.....	50
(2) License renewal fee.....	40
(3) License renewal delinquency fee.....	20

(h) Mobile Units:

(1) Application fee.....	50
(2) Initial inspection and license fee.....	100
(3) License renewal fee.....	40
(4) License renewal delinquency fee.....	20

1 Fees effective for all licenses expiring on or after December 21, 2007.

2 Licenses of apprentices are not renewable.

NOTE: Authority cited: Sections 7312, 7337.5(b) and 7421, Business and Professions Code. Reference: Sections 7415, 7417, 7418, 7419, 7420, 7423, 7424, and 7425, Business and Professions Code.

*Closed Session to Discuss
Enforcement Case*