

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**OCTOBER 17, 2011**  
Board Meeting  
Holiday Inn Hotel  
2726 South Grand Avenue  
Grand Ballroom  
Santa Ana, CA 92705

**OCTOBER 18, 2011**  
Board Meeting  
Holiday Inn Hotel  
2726 South Grand Avenue  
Harbor Room  
Santa Ana, CA 92705



Deedee Crossett, Industry Member,  
President

Christie Truc Tran, Industry  
Member, Vice President

Richard Hedges, Public  
Member

Frank Lloyd, Public  
Member

Wen Ling Cheng, Public  
Member

Kristy Underwood  
Executive Officer

Edmund G. Brown Jr., Governor  
State of California

Department of Consumer Affairs  
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)

2420 Del Paso Road, Suite 100  
Sacramento, CA 95834

# California State Board of Barbering and Cosmetology

## **Board Meeting Agenda**

Monday, October 17, 2011

10:00 A.M. – 5:00 P.M.

Or until completion of business

Holiday Inn Hotel  
2726 South Grand Avenue  
Grand Ballroom  
Santa Ana, CA 92705

### **ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**

#### **OPEN SESSION:**

1. Call to Order/Roll Call (**Deedee Crossett**)
2. Public Comment on Items not on the Agenda  
*Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]*
3. Board President's Report (**Deedee Crossett**)
4. Executive Officer Report (**Kristy Underwood**)
  - Review of Board Statistics
5. Appointment of Committee Members
6. Approval of Board Meeting Minutes (**Deedee Crossett**)
  - July 11, 2011
  - July 12, 2011
7. Legislation Update and Adoption of Positions (**Kristy Underwood**)
  - AB 300 - Safe Body Art Act
  - AB 797 - Cosmetology Schools
  - SB 498 - Transfer of BPPE to the CA Postsecondary Education Commission
  - SB 541 - Subject Matter Experts
  - SB 706 - Posting of Accusations
  - SB 746 - Tanning Salons
8. Regulations Update (**Kristy Underwood**)
  - Administrative Fine Schedule
  - Disciplinary Guidelines
  - Scoring Methods in Examinations
  - Curriculums
  - Unregulated Practices
  - Dishonored Check Fee

# California State Board of Barbering and Cosmetology

9. Discussion on Unlicensed Activity (**Kristy Underwood**)
10. Enforcement Committee Report (**Richard Hedges**)
  - Review and Recommendations on the Apprentice Program
11. National Practical Examination Update (**Kristy Underwood**)
12. Top Violations (**Kristy Underwood**)
13. Public Comment

*Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]*
14. Agenda Items for Next Meeting
15. **Closed Session to Discuss Enforcement Case**
  - Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3)).
  - Discussion of Pending Litigation: Zablah vs. Board of Barbering and Cosmetology, Superior Court, County of San Diego, Case No. 37-2011-00093645 (Closed Pursuant to Government Code Section 11126(e) (1) (2)).
16. Adjournment

A quorum of the Board will be present. Meetings of the Board of Barbering and Cosmetology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting shall make a request no later than five (5) working days before the meeting to the Board by contacting Linda Sakauye at (916) 575-7144 or sending a written request to that person at the address noted above.

*No Attachment*

*No Attachment*

*No Attachment*

**Quarterly Barbering and Cosmetology  
Licensing Statistics  
Fiscal Year 11/12**

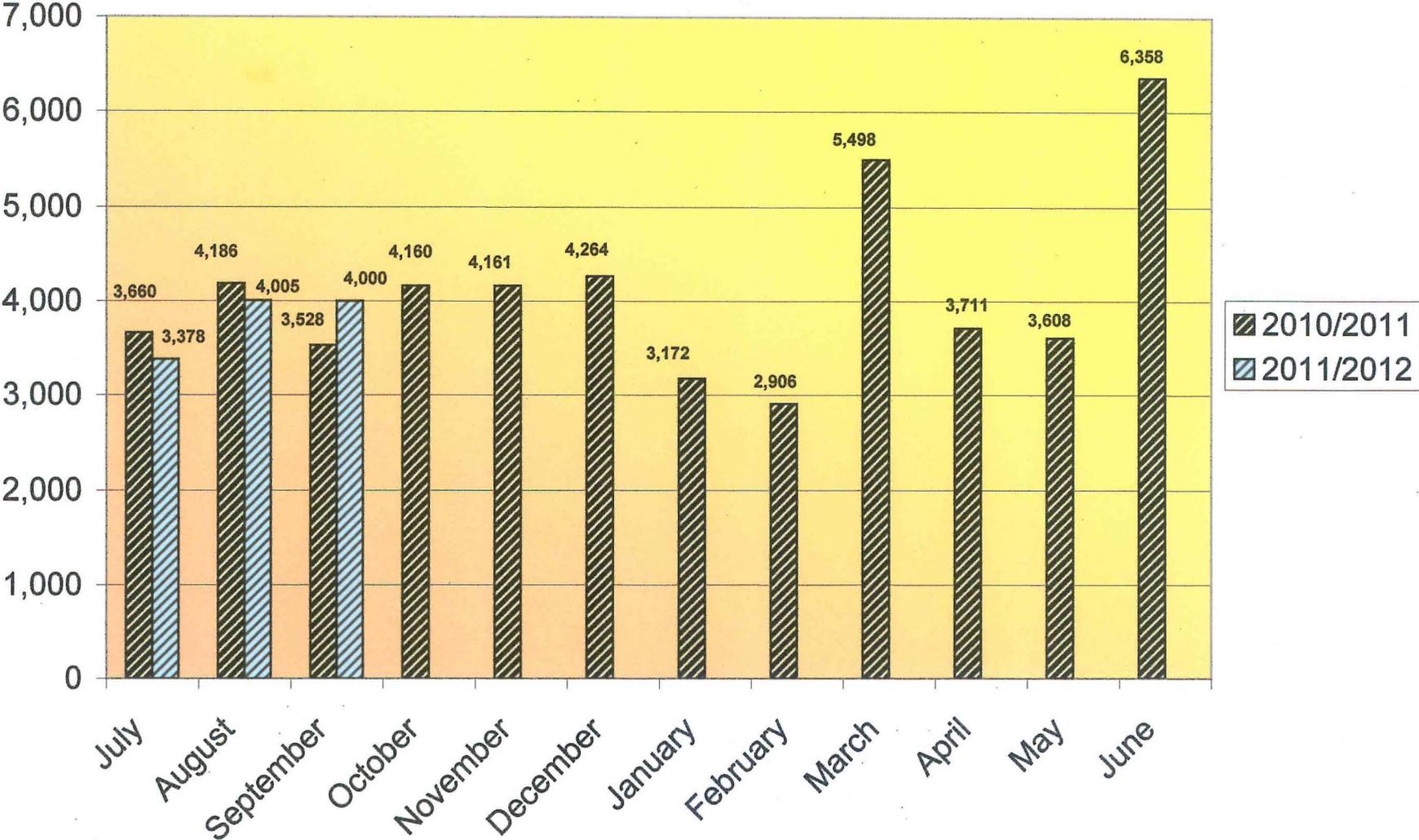
**Applications Received**

	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-May</b>	<b>YTD*</b>
Establishment	1,394				1,394
Barber	476				476
Barber Apprentice	61				61
Cosmetology	5,678				5,678
Cosmetology Apprentice	122				122
Electrology	16				16
Manicuring	2,048				2,048
Esthetician	1,588				1,588
<b>Total</b>	<b>11,383</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,383</b>

**Licenses Issued**

	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-May</b>	<b>YTD*</b>
Establishment	2,042				2,042
Mobile Unit	2				2
Barber	333				333
Barber Apprentice	57				57
Cosmetology	2,335				2,335
Cosmetology Apprentice	135				135
Electrology	2				2
Manicuring	1,366				1,366
Esthetician	1,050				1,050
<b>Total</b>	<b>7,322</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,320</b>

# Number of Applications Received



## Examination Results (July 1, 2011- September 30, 2011)

### Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	332	92	424	78%	113
Cosmetologist	2,810	965	3,775	74%	685
Esthetician	1,080	149	1,229	88%	130
Electrologist	2	0	2	100%	0
Manicurist	1,420	322	1,742	82%	169
<b>TOTAL</b>	<b>5,644</b>	<b>1,528</b>	<b>7,172</b>	<b>79%</b>	<b>1,097</b>

\* Did Not Attend

### Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	296	88	384	77%
Spanish	20	5	25	80%
Vietnamese	15	1	16	94%
<b>TOTAL</b>	<b>331</b>	<b>94</b>	<b>425</b>	<b>78%</b>

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,319	1,451	3,770	62%
Spanish	77	284	361	21%
Vietnamese	59	166	225	26%
<b>TOTAL</b>	<b>2,455</b>	<b>1,901</b>	<b>4,356</b>	<b>56%</b>

Manicurist	Passed	Failed	Total	Pass Rate
English	334	135	469	71%
Spanish	8	9	17	47%
Vietnamese	1,011	401	1,412	72%
<b>TOTAL</b>	<b>1,353</b>	<b>545</b>	<b>1,898</b>	<b>71%</b>

Esthetician	Passed	Failed	Total	Pass Rate
English	770	241	1,011	76%
Spanish	1	5	6	17%
Vietnamese	250	189	439	57%
<b>TOTAL</b>	<b>1,021</b>	<b>435</b>	<b>1,456</b>	<b>70%</b>

Electrologist	Passed	Failed	Total	Pass Rate
English	2	0	2	100%
Spanish	0	0	0	0%
Vietnamese	0	0	0	0%
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>100%</b>

# WRITTEN EXAMINATION STATISTICS

FY 11/12

EXAM TYPE	ENGLISH					SPANISH					VIETNAMESE					Overall Pass/Fail Rates																		
	PASSED	FAILED	TOTAL	% PASSED	% FAILED	PASSED	FAILED	TOTAL	% PASSED	% FAILED	PASSED	FAILED	TOTAL	% PASSED	% FAILED																			
Jul-11	92	17	109	84%	16%	6	2	8	75%	25%	5	0	5	100%	0%	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Eng</td> <td>296</td> <td>88</td> <td>384</td> </tr> <tr> <td>Span</td> <td>20</td> <td>5</td> <td>25</td> </tr> <tr> <td>Viet</td> <td>15</td> <td>1</td> <td>16</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>331</b></td> <td><b>94</b></td> <td><b>425</b></td> <td><b>78%</b></td> <td><b>22%</b></td> </tr> </table>	Eng	296	88	384	Span	20	5	25	Viet	15	1	16	<b>TOTAL</b>	<b>331</b>	<b>94</b>	<b>425</b>	<b>78%</b>	<b>22%</b>
Eng	296	88	384																															
Span	20	5	25																															
Viet	15	1	16																															
<b>TOTAL</b>	<b>331</b>	<b>94</b>	<b>425</b>	<b>78%</b>	<b>22%</b>																													
Aug-11	120	47	167	72%	28%	5	2	7	71%	29%	6	1	7	86%	14%																			
Sep-11	84	24	108	78%	22%	9	1	10	90%	10%	4	0	4	100%	0%																			
Oct-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Nov-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Dec-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Jan-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Feb-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Mar-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
<b>TOTAL</b>	<b>296</b>	<b>88</b>	<b>384</b>	<b>77%</b>	<b>23%</b>	<b>20</b>	<b>5</b>	<b>25</b>	<b>80%</b>	<b>20%</b>	<b>15</b>	<b>1</b>	<b>16</b>	<b>94%</b>	<b>6%</b>																			
Jul-11	761	494	1,255	61%	39%	19	113	132	14%	86%	13	59	72	18%	82%	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Eng</td> <td>2,319</td> <td>1,451</td> <td>3,770</td> </tr> <tr> <td>Span</td> <td>77</td> <td>284</td> <td>361</td> </tr> <tr> <td>Viet</td> <td>59</td> <td>166</td> <td>225</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>2,455</b></td> <td><b>1,901</b></td> <td><b>4,356</b></td> <td><b>56%</b></td> <td><b>44%</b></td> </tr> </table>	Eng	2,319	1,451	3,770	Span	77	284	361	Viet	59	166	225	<b>TOTAL</b>	<b>2,455</b>	<b>1,901</b>	<b>4,356</b>	<b>56%</b>	<b>44%</b>
Eng	2,319	1,451	3,770																															
Span	77	284	361																															
Viet	59	166	225																															
<b>TOTAL</b>	<b>2,455</b>	<b>1,901</b>	<b>4,356</b>	<b>56%</b>	<b>44%</b>																													
Aug-11	790	472	1,262	63%	37%	31	90	121	26%	74%	19	64	83	23%	77%																			
Sep-11	768	485	1,253	61%	39%	27	81	108	25%	75%	27	43	70	39%	61%																			
Oct-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Nov-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Dec-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Jan-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Feb-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Mar-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
<b>Total</b>	<b>2,319</b>	<b>1,451</b>	<b>3,770</b>	<b>62%</b>	<b>38%</b>	<b>77</b>	<b>284</b>	<b>361</b>	<b>21%</b>	<b>79%</b>	<b>59</b>	<b>166</b>	<b>225</b>	<b>26%</b>	<b>74%</b>																			
Jul-11	124	35	159	78%	22%	5	4	9	56%	44%	357	120	477	75%	25%	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Eng</td> <td>334</td> <td>135</td> <td>469</td> </tr> <tr> <td>Span</td> <td>8</td> <td>9</td> <td>17</td> </tr> <tr> <td>Viet</td> <td>1,011</td> <td>401</td> <td>1,412</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>1,353</b></td> <td><b>545</b></td> <td><b>1,898</b></td> <td><b>71%</b></td> <td><b>29%</b></td> </tr> </table>	Eng	334	135	469	Span	8	9	17	Viet	1,011	401	1,412	<b>TOTAL</b>	<b>1,353</b>	<b>545</b>	<b>1,898</b>	<b>71%</b>	<b>29%</b>
Eng	334	135	469																															
Span	8	9	17																															
Viet	1,011	401	1,412																															
<b>TOTAL</b>	<b>1,353</b>	<b>545</b>	<b>1,898</b>	<b>71%</b>	<b>29%</b>																													
Aug-11	116	59	175	66%	34%	0	1	1	0%	100%	321	139	460	70%	30%																			
Sep-11	94	41	135	70%	30%	3	4	7	43%	57%	333	142	475	70%	30%																			
Oct-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Nov-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Dec-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Jan-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Feb-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Mar-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
<b>TOTAL</b>	<b>334</b>	<b>135</b>	<b>469</b>	<b>71%</b>	<b>29%</b>	<b>8</b>	<b>9</b>	<b>17</b>	<b>47%</b>	<b>53%</b>	<b>1,011</b>	<b>401</b>	<b>1,412</b>	<b>72%</b>	<b>28%</b>																			
Jul-11	283	88	371	76%	24%	1	1	2	50%	50%	94	60	154	61%	39%	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Eng</td> <td>770</td> <td>241</td> <td>1,011</td> </tr> <tr> <td>Span</td> <td>1</td> <td>5</td> <td>6</td> </tr> <tr> <td>Viet</td> <td>250</td> <td>189</td> <td>439</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>1,021</b></td> <td><b>435</b></td> <td><b>1,456</b></td> <td><b>70%</b></td> <td><b>30%</b></td> </tr> </table>	Eng	770	241	1,011	Span	1	5	6	Viet	250	189	439	<b>TOTAL</b>	<b>1,021</b>	<b>435</b>	<b>1,456</b>	<b>70%</b>	<b>30%</b>
Eng	770	241	1,011																															
Span	1	5	6																															
Viet	250	189	439																															
<b>TOTAL</b>	<b>1,021</b>	<b>435</b>	<b>1,456</b>	<b>70%</b>	<b>30%</b>																													
Aug-11	248	83	331	75%	25%	0	1	1	0%	100%	99	77	176	56%	44%																			
Sep-11	239	70	309	77%	23%	0	3	3	0%	100%	57	52	109	52%	48%																			
Oct-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Nov-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Dec-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Jan-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Feb-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Mar-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
<b>TOTAL</b>	<b>770</b>	<b>241</b>	<b>1,011</b>	<b>76%</b>	<b>24%</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>17%</b>	<b>83%</b>	<b>250</b>	<b>189</b>	<b>439</b>	<b>57%</b>	<b>43%</b>																			
Jul-11	0	0	0	0%	0%	0	0	0	0%	0%	0	0	0	0%	0%	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Eng</td> <td>2</td> <td>0</td> <td>2</td> </tr> <tr> <td>Span</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Viet</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>2</b></td> <td><b>0</b></td> <td><b>2</b></td> <td><b>100%</b></td> <td><b>0%</b></td> </tr> </table>	Eng	2	0	2	Span	0	0	0	Viet	0	0	0	<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>100%</b>	<b>0%</b>
Eng	2	0	2																															
Span	0	0	0																															
Viet	0	0	0																															
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>100%</b>	<b>0%</b>																													
Aug-11	2	0	2	100%	0%	0	0	0	0%	0%	0	0	0	0%	0%																			
Sep-11	0	0	0	0%	0%	0	0	0	0%	0%	0	0	0	0%	0%																			
Oct-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Nov-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Dec-11			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Jan-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Feb-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
Mar-12			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!			0	#DIV/0!	#DIV/0!																			
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>100%</b>	<b>0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>0%</b>																			



State and Consumer Services Agency – Governor Edmund G. Brown Jr.  
 BOARD OF BARBERING AND COSMETOLOGY  
 P.O. Box 944226, Sacramento, CA 94244-2260  
 P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov



**QUARTERLY BARBERING AND COSMETOLOGY  
 DISCIPLINARY REVIEW COMMITTEE STATISTICS**

**Fiscal Year 11-12**

**Report Date: August 31, 2011**

	July - August	YTD
--	---------------	-----

**NORTHERN**

Heard	282	282
Received	203	203
Pending <sup>1</sup>	608	608 <sup>2</sup>

**SOUTHERN**

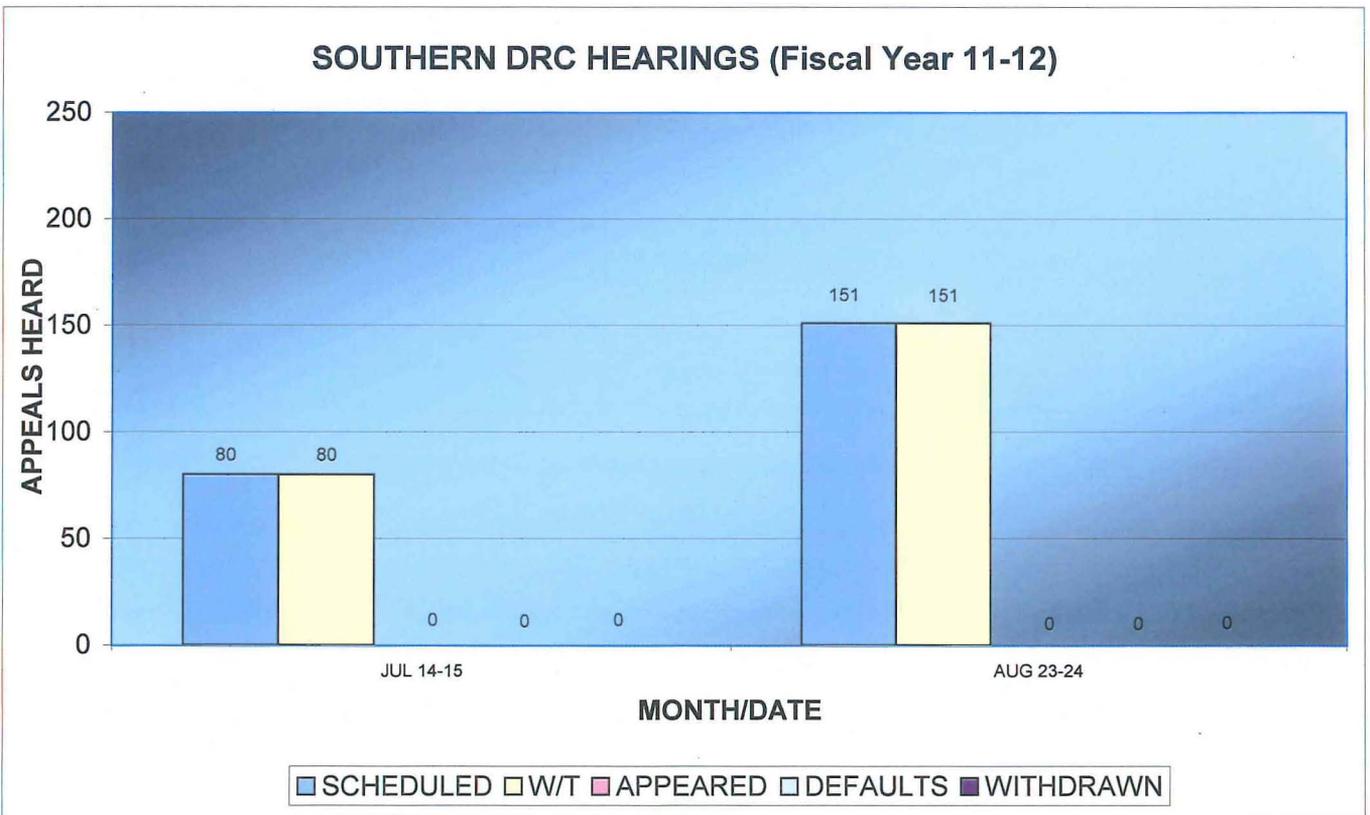
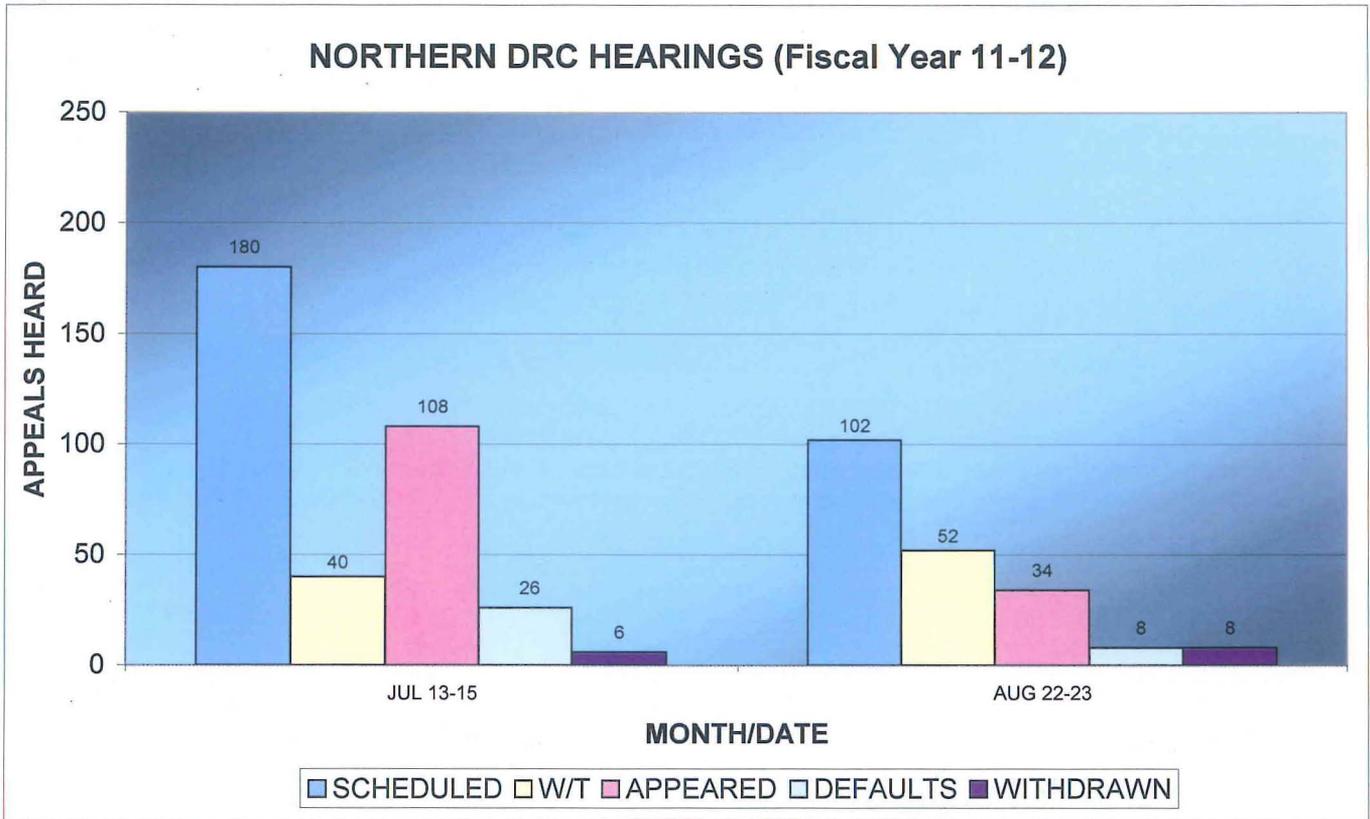
Heard	231	231
Received	455	455
Pending <sup>1</sup>	1,440	1,440 <sup>2</sup>

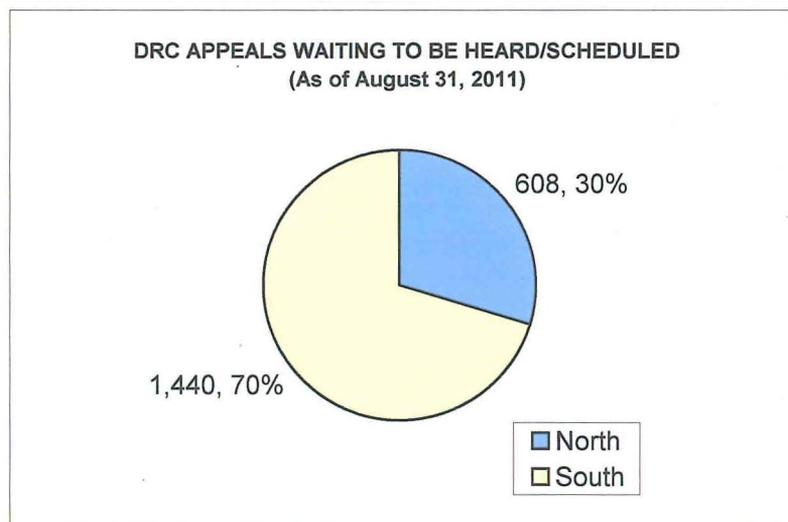
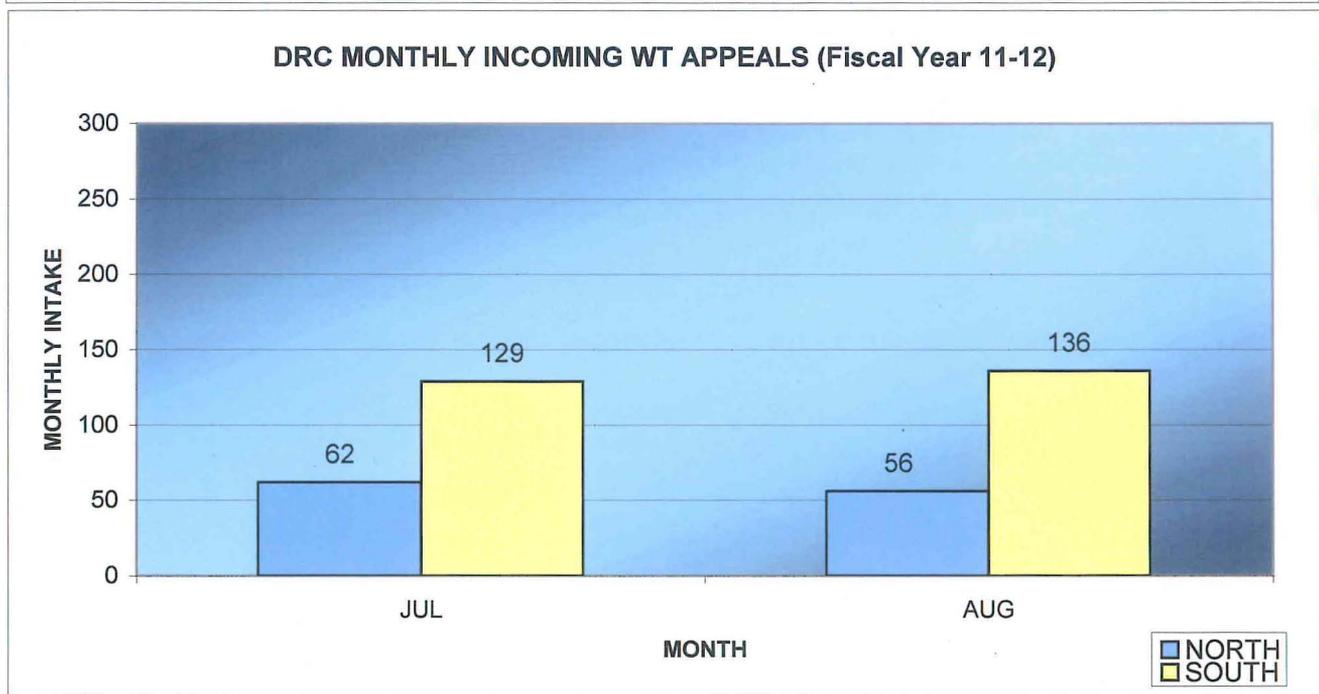
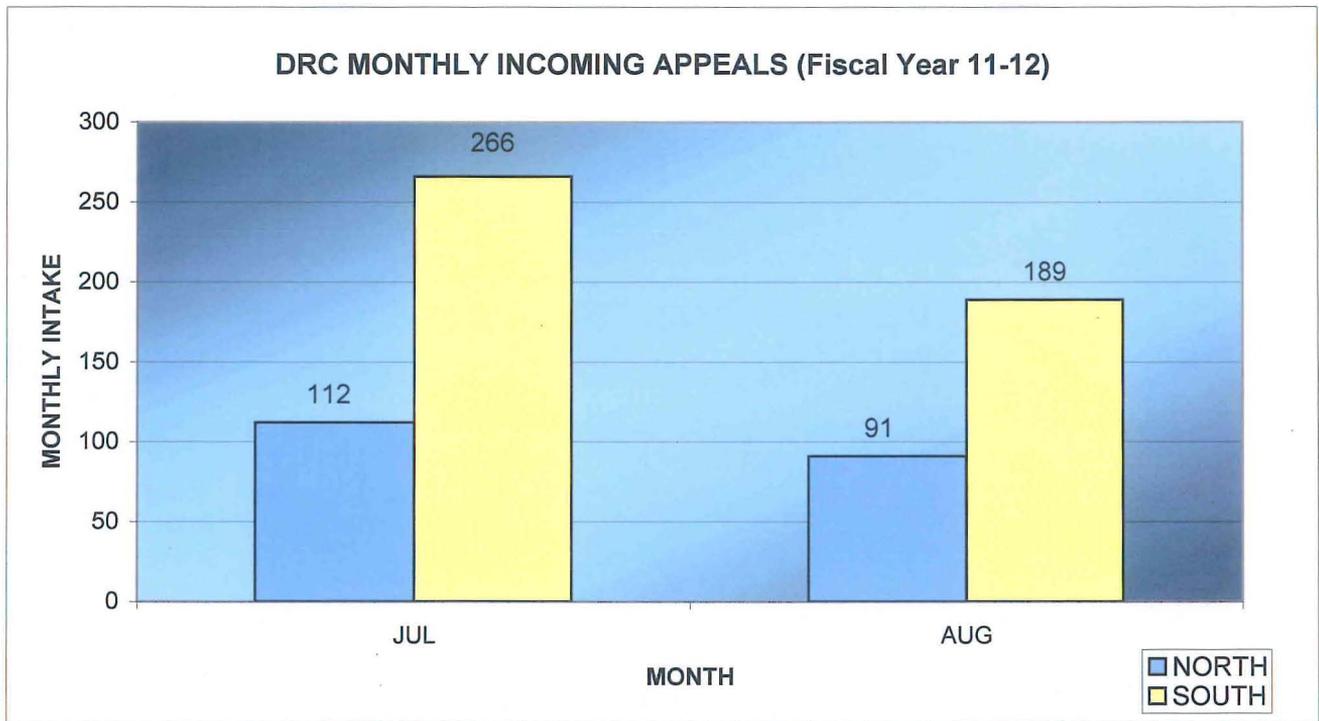
<sup>1</sup> Pending refers to the number of appeals received but not yet heard by DRC.

<sup>2</sup> Figure represents number of pending requests as of report date.

**2011 SCHEDULED HEARINGS**

Area	Location	Date
Southern	Santa Ana	October 19-21, 2011
Northern w/t	Sacramento	November 15-17, 2011
Southern	Los Angeles	December 13-15, 2011





**QUARTERLY BARBERING AND COSMETOLOGY  
ENFORCEMENT STATISTICS Fiscal Year 11-12  
Report Date August 31, 2011**

	*Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
<b>COMPLAINTS</b>					
Complaints Received	727	0	0	0	727
Referred to DOI	11	0	0	0	11
Complaints Closed	925	0	0	0	925
Total Complaints Pending	1227	0	0	0	1227
<b>APPLICATION INVESTIGATIONS</b>					
Received	345	0	0	0	345
Pending	1	0	0	0	1
Closed	346	0	0	0	346
<b>ATTORNEY GENERAL</b>					
Referred	25	0	0	0	25
Accusations Filed	8	0	0	0	8
Statement of Issues Filed	1	0	0	0	1
Total Pending	91	0	0	0	91
<b>DISCIPLINARY PROCESS</b>					
Proposed Decisions	3				3
Default Decision	3				3
Stipulation	8	0	0	0	8
<b>DISCIPLINARY OUTCOMES</b>					
Revocation	12	0	0	0	12
Revoke, Stay, Probation	0	0	0	0	0
Revoke, Stay, Suspend/Prob	11	0	0	0	11
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	0	0
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	12	0	0	0	12
Surrender of License	0	0	0	0	0
Public Reprimands	0	0	0	0	0
License Denied	1	0	0	0	1
Other	0	0	0	0	0
Total	36	0	0	0	36
<b>PROBATION</b>					
Active	202	0	0	0	202
	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
<b>CITATIONS</b>					
Establishments	1135				1135
Barber	43				43
Barber Apprentice	1				1
Cosmetologist	408				408
Cosmetologist Apprentice	7				7
Electrologist	1				1
Electrologist Apprentice	0				0
Manicurist	329				329
Esthetician	39				39
Unlicensed Est.	66				66
Unlicensed Individual	86				86
Total	2115				2115
<b>INSPECTIONS</b>					
Establishments w/ violations	1126				1126
Establishments w/o violations	267				267
Total	1393				1393

\*Enforcement Numbers Through August



State and Consumer Services Agency – Governor Edmund G. Brown Jr

**BOARD OF BARBERING AND COSMETOLOGY**  
P.O. Box 944226, Sacramento, CA 94244-2260  
P (800) 952-5210 F (916) 575-7281 [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)



## **Budget Updates**

### **Constraints:**

On April 26, 2011, the Governor issued an Executive Order B-06-11 ordering No travel, either in state or out-of-state, is permitted unless it is mission critical or there is no cost to the state. The board prepared a reduction plan for FY 2011-12. The plan included eliminating the attendance to all outreach events and two (2) staff members will be traveling to conduct the scheduled disciplinary review hearings in Southern CA. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

### **Attachment 1 Governor Executive Order B-06-11**

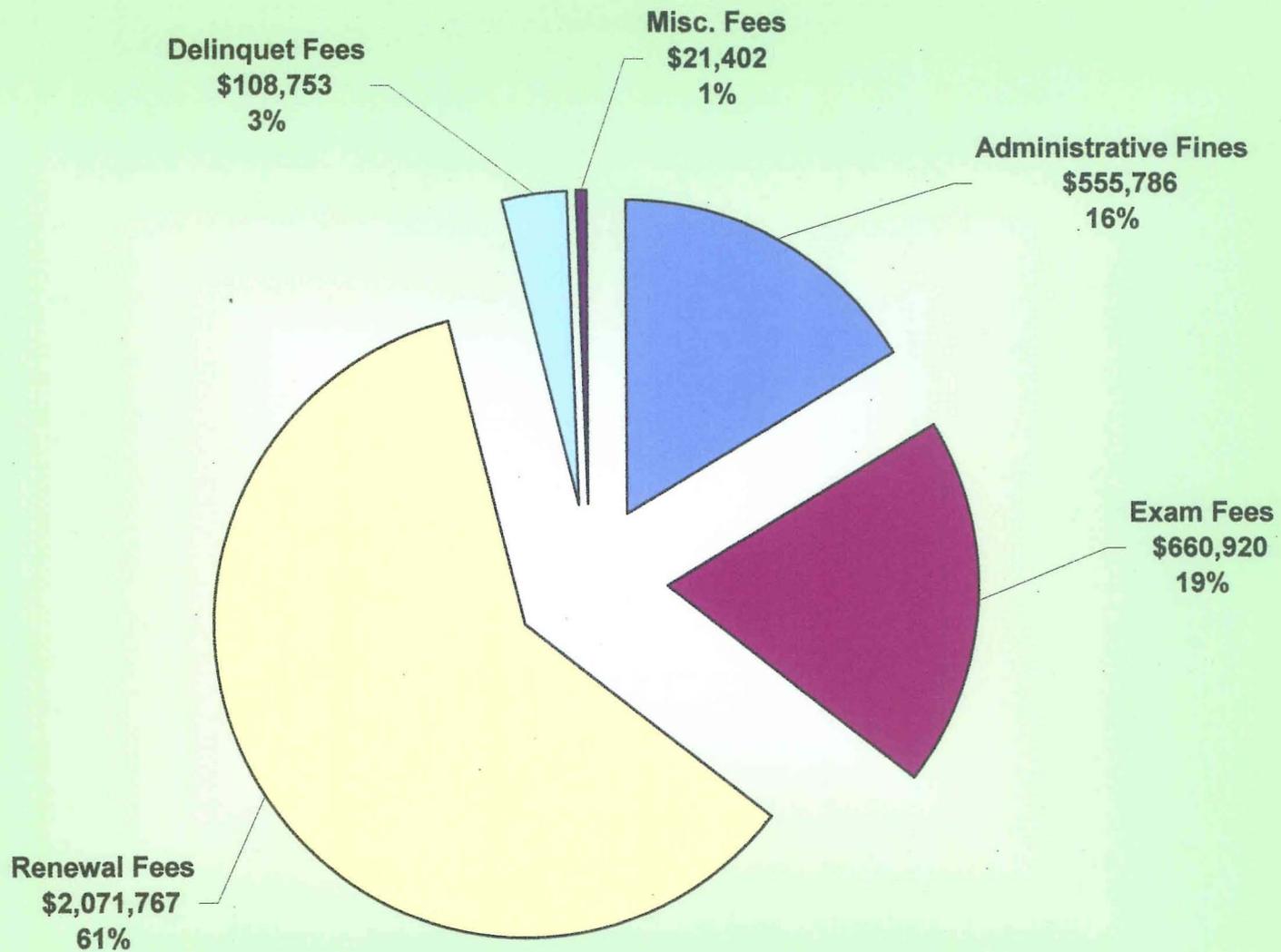
#### **1. Budget 2011/12 Fiscal Year (July 2011 - June 2012):**

**Chart 1** displays the revenues received as of August 31, 2011.

**Chart 2** displays the expenditures as of August 31, 2011.

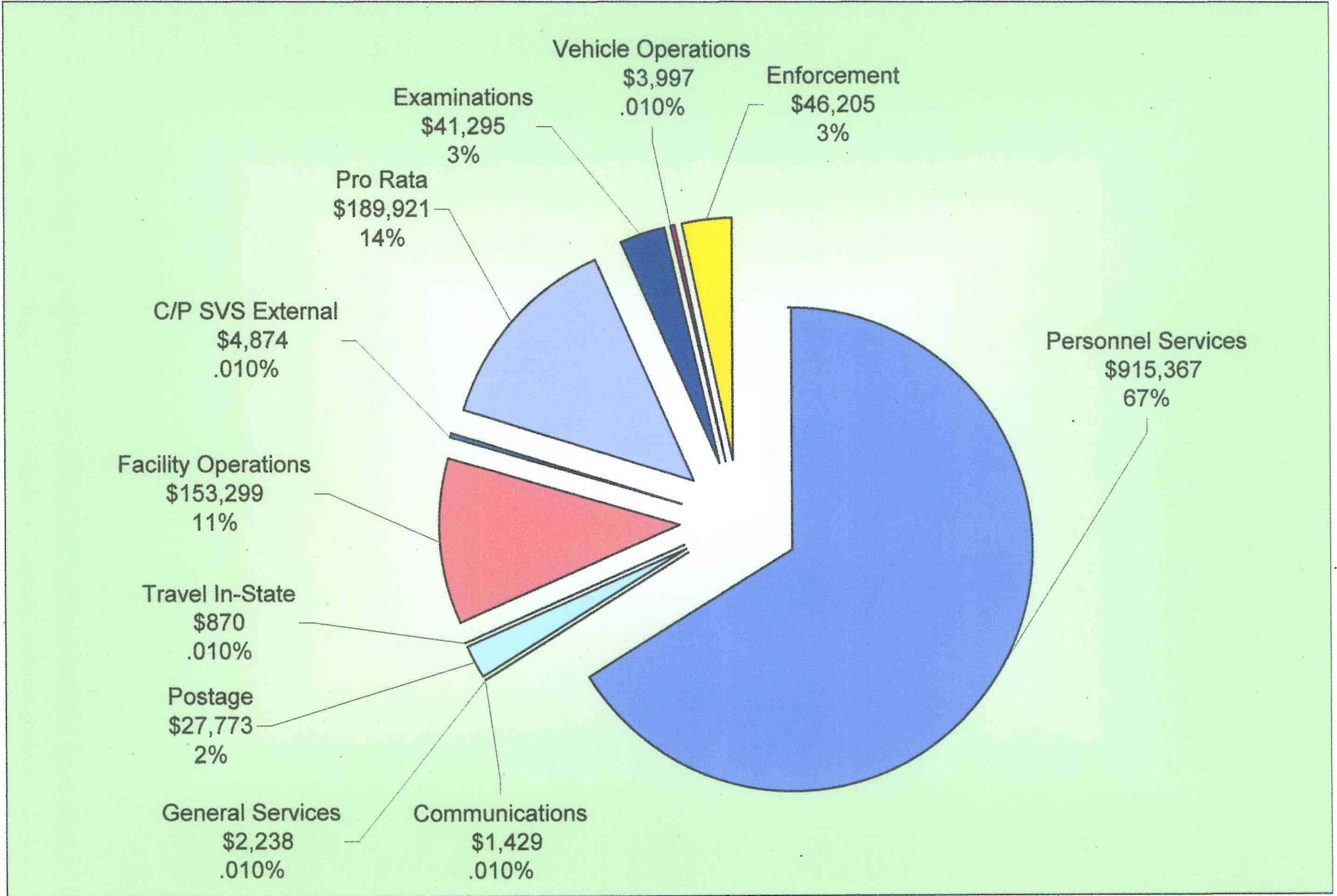
**Attachment 3** displays projected expenditures for end of the year.

Monthly Budget Report (11/12 FY)  
Revenues  
(As of 08/31/11)



Revenues as of 08/31/11  
\$3,418,628

**Monthly Budget Report (11/12 FY)**  
**Expenditures**  
**(As of 08/31/11)**



**Expenditures as of 08/31/10**  
**\$1,387,267**

**Board of Barbering and Cosmetology**  
**Fiscal Year 2011/2012**  
**Projected Expenditures 08/31/11**

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,360,314	3,723,645	636,669
Expert Examiners	464,259	464,259	0
Temporary	22,298	134,916	(112,618)
Statutory-Exempt	103,608	103,308	300
Board Member Commission	0	17,200	(17,200)
Overtime	0	10,000	(10,000)
<b>Total Salary &amp; Wages</b>	<b>4,950,479</b>	<b>4,453,328</b>	<b>497,151</b>
Salary Savings	(363,975)	0	(363,975)
5% Salary Savings	0	278,460	(278,460)
<b>Net Salary &amp; Wages</b>	<b>4,586,504</b>	<b>4,731,788</b>	<b>(145,284)</b>
Staff Benefits	1,922,496	1,900,263	22,233
<b>Total of Personnel Services</b>	<b>6,509,000</b>	<b>6,632,051</b>	<b>(123,051)</b>
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	215,118	200,000	15,118
Printing	243,995	241,995	2,000
Communication	110,722	110,477	245
Postage	339,384	300,000	39,384
Insurance	4,489	2,500	1,989
Travel In State	82,789	129,204	(46,415)
Travel, Out-of-State	0	0	0
Training	24,513	20,000	4,513
Facilities Operations	1,327,231	1,327,231	0
Consultant & Professional Svs. - Interdept.	125,781	90,000	35,781
Consultant & Professional Svs. - External	196,947	196,947	0
Depart. and Central Admin. Services	5,183,696	5,100,000	83,696
Consolidated Data Center	70,088	70,088	0
Examinations	1,354,034	1,354,034	0
Major Equipment	0	50,000	(50,000)
Minor Equipment	98,000	90,000	8,000
Data Processing	0	2,000	(2,000)
Other Items of Expense	7,288	5,000	2,288
Vehicle Operations	14,772	64,575	(49,803)
Enforcement	1,585,095	1,200,000	385,095
Special Items of Expenses	0	0	0
Required OE&OSavings		171,022	(50,482)
<b>Total Operating Expenses &amp; Equipment</b>	<b>10,983,942</b>	<b>10,725,073</b>	<b>379,409</b>
Scheduled reimbursements	(57,000)		(57,000)
<b>Total</b>	<b>17,435,942</b>	<b>17,357,124</b>	<b>322,409</b>

# 0069 - Barbering and Cosmetology

## Analysis of Fund Condition

Prepared 8/16/11

(Dollars in Thousands)

**NOTE: \$10 Million General Fund Repayment Outstanding**

FY 2010-11 Prelim Month 13  
with Proposed BCPs

	Actual 2010-11	GOVERNOR'S BUDGET			
		BY 2011-12	BY+1 2012-13	BY+2 2013-14	BY+3 2014-15
<b>BEGINNING BALANCE</b>	\$ 10,104	\$ 16,040	\$ 6,422	\$ 6,074	\$ 5,614
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 10,104	\$ 16,040	\$ 6,422	\$ 6,074	\$ 5,614
<b>REVENUES AND TRANSFERS</b>					
Revenues:					
125600 Other regulatory fees	\$ 4,939	\$ 4,669	\$ 4,669	\$ 4,669	\$ 4,669
125700 Other regulatory licenses and permits	\$ 4,845	\$ 4,826	\$ 4,826	\$ 4,826	\$ 4,826
125800 Renewal fees	\$ 10,434	\$ 9,464	\$ 9,464	\$ 9,464	\$ 9,464
125900 Delinquent fees	\$ 728	\$ 600	\$ 600	\$ 600	\$ 600
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 61	\$ 119	\$ 22	\$ 13	\$ -
150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18
161400 Miscellaneous revenues	\$ 9	\$ 7	\$ 7	\$ 7	\$ 7
Totals, Revenues	\$ 21,034	\$ 19,703	\$ 19,606	\$ 19,597	\$ 19,584
Transfers from Other Funds					
Proposed GF Loan Repayment					
Transfers to Other Funds					
Proposed GF Loan		\$ -11,000			
Totals, Revenues and Transfers	\$ 21,034	\$ 8,703	\$ 19,606	\$ 19,597	\$ 19,584
Totals, Resources	\$ 31,138	\$ 24,743	\$ 26,028	\$ 25,671	\$ 25,198
<b>EXPENDITURES</b>					
Disbursements:					
0840 State Controller (State Operations)	\$ 27	\$ 19	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 15,060	\$ 17,557	\$ 17,908	\$ 18,266	\$ 18,631
1111 Program Expenditures (State Operations)					
BreEZe SPR Funding		\$ 789	\$ 1,855	\$ 1,600	\$ 1,410
Credit Card BCP (BreEZe)			\$ 313	\$ 313	\$ 313
BL 11-08 Cellular Phone Reduction		\$ -19	\$ -19	\$ -19	\$ -19
EO B-03-11 CS 3.91 DCA Savings Plan		\$ -103	\$ -103	\$ -103	\$ -103
8880 Financial Information System for California (State Ops)	\$ 11	\$ 78	\$ -	\$ -	\$ -
9670 Equity Claims / Board of Control (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 15,098	\$ 18,321	\$ 19,954	\$ 20,057	\$ 20,232
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 16,040	\$ 6,422	\$ 6,074	\$ 5,614	\$ 4,966
Months in Reserve	12.7	3.9	3.6	3.3	3.1

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 2011-12



State and Consumer Services Agency – Governor Edmund G. Brown Jr  
**BOARD OF BARBERING AND COSMETOLOGY**  
P.O. Box 944226, Sacramento, CA 94244-2260  
P (800) 952-5210 F (916) 575-7281 [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)



### **FY 11-12 Outreach/Industry Events**

- None

On April 26, 2011, the Governor issued an Executive Order B-06-11 ordering No travel, either in state or out-of-state, is permitted unless it is a mission critical or there is no cost to the state.

*No Attachment*



**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY  
MINUTES OF JULY 11, 2011**

**Department of Consumer Affairs  
2005 Evergreen Street  
1<sup>st</sup> Floor Hearing Room, Room 1150  
Sacramento, CA 95815**

**BOARD MEMBERS PRESENT**

Deedee Crossett, President  
Christie Truc Tran, Vice President  
Richard Hedges  
Frank Lloyd  
Wen Ling Cheng

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Gary Duke, Staff Counsel  
Hilda Youngblood, Assistant Executive Officer  
Theresa Rister, Board Analyst  
Linda Sakauye, Board Analyst

**1. Agenda Item #1, Call to Order/Roll Call**

Ms. Crossett called the meeting to order at 10:00 a.m. The board members introduced themselves.

**2. Agenda Item, #2, Public Comment**

*Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125 (a)]*

Susie Castaneda of San Jose Community College discussed her concerns about the teacher training program and testing. Not everyone can be a teacher and testing is needed. She asked that discussions continue to ensure good teachers.

Josie Glen of Skyline College discussed the quest to get the extern program into the public schools. She believed a senator would have to present a bill. Skyline College began a pilot program and had 12 salons that participated in the program. (Ms. Crossett asked Ms. Glen to bring up her concerns under agenda item 12 when it was discussed.) Ms. Glen thanked the Board for being very supportive.

Danielle Wachowski with DermCoach Aesthetic Consultants, who provided training for licensed estheticians, discussed the need for estheticians to undergo post-secondary education every year prior to renewing their license. She asked the Board to support this.

### 3. **Agenda Item #3, Board President's Report**

Ms. Crossett participated in the director's call recently with the Department of Consumer Affairs. She thanked Ms. Underwood for her assistance.

The Board has been offered a complimentary booth at the Bath and Body show in San Jose in August. Volunteers would be appreciated.

Mr. Hedges reported he will begin offering short training courses to salons in his area to avoid violations and citations. He will not be paid. He felt this would be a valuable public outreach tool.

### 4. **Agenda Item #4, Executive Officer Report**

Ms. Underwood reported on the exam given at a correctional facility on June 21, 2011. Six of seven individuals passed the exam.

The contract was recently signed for the national practical exam. It was currently being implemented with notices going out to all the schools. It is expected to be fully implemented by September 1, 2011. Ms. Crossett asked about the possibility of an online conference call for questions. Ms. Underwood stated the new exam will be open book and is anticipated to be available to schools on the website by July 15, 2011. Ms. Underwood stated a conference call would not be feasible but a webinar would be. Possibly a hotline. It was agreed a webinar would save time by not having to answer the same questions repeatedly.

- **Review of Board Statistics**

Ms. Underwood provided a brief summary of the board statistics. She noted June was very busy but was not included in the current statistics. Everyone worked overtime to process the year-end applications. Mr. Lloyd asked for a comparison of the last five years. Ms. Underwood noted they were down two positions in the Licensing Division and there was a hiring freeze so there would be a delay. The average wait time for a test date is now 8-12 weeks. Ms. Crossett was concerned that students must start paying their student loan within six months of graduation and this may be stressful to have to wait long for a test date. Ms. Crossett also noted the low passage rate for non English speaking students. Ms. Underwood reported staff have worked with the National group to ensure proper translation of materials. Mr. Hedges noted the barber exam had an 83% pass rate for Spanish speaking students. He wondered if the problem was with the comprehension or translation. Ms. Crossett asked if it would be possible to identify schools that had problems but Ms. Underwood stated it would be difficult and take time. The staff was also limited in school enforcement.

#### **Public Comment:**

Fred Jones of PBFC has studied the NIC exam closely. It covers the applicable skills that everyone needs to know. The test will be rigorous and timed so the students will have to know their skills to complete it on time. Safety is strongly emphasized. The instructions for the exam will be on the Board website. Ms. Crossett believed it will be more difficult than projected. Most curriculums will have to be adjusted.

Susie Castaneda of San Jose Community College believed that the Spanish speaking students may not read Spanish fluently and would do better on the English test.

5. **Agenda Item #5, DCA Director's Report**

6. **Agenda Item #6, Appointment of Committee Members**

Ms. Underwood noted only one newly appointed member has joined the Board, Ms. Wen Ling Cheng. Ms. Chen has requested to join the Disciplinary Review Committee.

Ms. Crossett made the motion that Ms. Chen become a member of the Disciplinary Review Committee. Mr. Hedges seconded the motion and it was approved by a 5-0 vote.

**Public Comment:**

Fred Jones of PBFC asked if a new Board member could be appointed to a committee prior to the next meeting. This cannot be done due to policies stating they must be appointed at a public meeting to ensure board transparency.

7. **Agenda Item #7, Approval of Board Meeting Minutes**

- **April 25, 2011**
- **April 26, 2011**

Mr. Hedges made the motion to approve the minutes of April 25 and 26, 2011. Mr. Lloyd seconded the motion and it was approved by a 5-0 vote.

8. **Agenda Item #8, Legislation Update**

Ms. Underwood reviewed the following legislative updates. None of them impacted the board and were included for informational purposes.

- **AB 300 – Safe Body Art Act:** Registration is required with the local health department but no training is required. An aesthetician's license may not be displayed on the wall while doing permanent make-up. Ms. Hedges encouraged all Board members to reach out to the author to ask to be included in the oversight in salons. It would protect the consumers and assist the enforcement officers.
- **AB 797 – Cosmetology Schools:** Would pull cosmetology schools out of the BPPE. This bill is not moving.

**Public Comment:**

Fred Jones of PBFC noted he has read this act very closely and the cosmetology schools are not exempted. Ms. Crossett disagreed.

- **SB 498 – Transfer of BPPE to the CA Postsecondary Education Commission:** Nothing further to report.
- **SB 541 – Subject Matter Experts:** Allows boards to enter into agreements as opposed to an actual contract for experts.
- **SB 706 – Posting of Accusations:** Requires certain information to be disclosed on the internet re: licensees. This is already done by the Board.
- **SB 746 – Tanning Salons:** Board has minimal oversight; only if in a licensed salon.

## 9. Agenda Item #9, Regulations Update and Approval

The following regulations have been submitted previously to the Board. They have been brought back for final approval prior to submission to the Office of Administrative Law to ensure clarity and proper language.

- **Administrative Fine Schedule: Approval of the Second Modified Text for Section 974 of Division 9 of Title 16 of the California Code of Regulations that was noticed to the public on June 9, 2011; Consideration of any comments received during the public comment period ending June 24, 2011 and Approval of the Final Statement of Reasons.** This was initially rejected by OAL due to clarity issues in the numbering of the sections. The double strikeout has been eliminated and sections were renumbered. Nothing has been changed that the Board agreed upon. Upon approval, it will be sent directly back to OAL for a 30 working day review. A 15 day notice has been done for public comment. No comment has been received. Mr. Hedges made the motion to approve the identified changes to the Administrative Fine Schedule. Mr. Lloyd seconded the motion. It would go into effect in 30 days if approved by OAL. The motion was approved by a 5-0 vote.
- **Disciplinary Guidelines: Approval of Final Statement of Reasons and Specific Language for Section 972 of Division 9 of Title 16 of the California Code of Regulation.** There have been no changes since last approved by the Board. Mr. Hedges made the motion to approve the Disciplinary Guidelines and it was seconded by Mr. Lloyd. The motion was approved by a 5-0 vote.
- **Scoring Methods in Examinations: Consideration of Comment and Approval of Final Statement of Reasons and Specific Language for Section 932 of Division 9 of Title 16 of the California Code of Regulations.** A comment was received to be reviewed by the Board.

### **Public Comment:**

Fred Jones of PBFC wondered if the proposed reduced statement provided enough information and direction. Also the language implied there were two separate exams and not two parts of one exam. (He recommended it read practical examination and written test.) He believed the term criterion referenced based scoring was unclear to many. He believed the new regulation was ambiguous and should be reviewed further. He hoped aggregate scoring would be again discussed in the future. The PBFC did not support the 80/20 aggregate scoring on the barber exam. The barber exam was the only licensed category that had this scoring. In summary, Mr. Jones believed the proposed language was unclear and recommended reconsideration.

Mr. Hedges made the motion to approve the final statement as proposed. It was seconded by Mr. Lloyd and approved by a 5-0 vote.

**Curriculums: Consideration of Comment and Approval of Final Statement of Reasons and Specific Language for Sections 950.1, 950.4, 950.5, 962.3, 962.4, 962.5 and 962.6 of Division 9 of Title 16 of the California Code of Regulations.** No changes or comments received since first approved by the Board. Mr. Hedges made the motion to approve the final statement as proposed. It was seconded by Mr. Lloyd and approved by a 5-0 vote.

**Unregulated Practices: Consideration of Comments and Approval of Final Statement of Reasons and Specific Language to Adopt Section 966 of Division 9 of Title 16 of the California Code of Regulations.** Two comments were received during the public comment period and were presented to the board. Mr. Hedges believed it was confusing to

the consumer and no license should be displayed if an unregulated activity is taking place. He believed a second room should be used which Ms. Crossett believed was unrealistic. Mr. Hedges agreed with the language that the license should be posted conspicuously at the station. A comment from the Director believed the regulatory agency should be designated.

### **Public Comment**

Fred Jones believed it was a misnomer to post that certain activities were unregulated. Some activities such as permanent makeup were regulated by the County and not the Board. He recommended the title be changed to "State Regulated Services" rather than "Unregulated Services". He recommended the addition of "...but may be regulated by local government agencies including the County health department". He hoped to limit the amount of displays.

The Board agreed with Mr. Jones' comments to protect the consumer. Mr. Duke noted the modifications as recommended would require a 15 day notice. Mr. Hedges recommended the title should be "Unregulated Services by the Board of Barbering and Cosmetology." He also recommended the addition of "...but may be regulated by local government agencies including the county health departments or another state agency". After discussion, it was agreed the title should be "The Board of Barbering and Cosmetology does not regulate the following services". They also agreed to the addition of the last sentence. The acting director recommended the regulating agency be listed and this was agreed to. This item will be brought back to the board after the 15 day comment period.

Mr. Hedges made the motion to approve the final statement as amended. It was seconded by Ms. Tran and approved by a 5-0 vote.

- **Dishonored Check Fee: Approval of Final Statement of Reasons and Specific Language for Section 999 of Division 9 of Title 16 of the California Code of Regulations.** To be changed in accordance with the Department of Consumer Affairs. Ms. Underwood did not believe the amount of dishonored checks has increased but more are received than any other department.

Mr. Lloyd made the motion to approve the final statement. It was seconded by Ms. Crossett and approved by a 5-0 vote.

The meeting was reconvened after a fifteen minute break.

### **10. Agenda Item #10, Manicuring Technical Advisory Committee**

- **Review and Approval of Board Industry Bulletins**  
The industry bulletins would be posted on the website under a new link. They would include information, reminders and board action. Mr. Lloyd questioned porous material (did not include metal). He asked about skin tags and mole removal. A separate bulletin will be prepared but was already included on the website as a procedure that should not be done.

Mr. Lloyd made the motion to approve the proposed bulletins (Disinfecting nail files, detox foot spas, callous remover, and reminder that needles are prohibited). It was seconded by Ms. Cheng and approved by a 5-0 vote.

- **Samples of Foot Spa Liners to be Displayed to the Board**

Two foot spas with liners were displayed for the board. The board reviewed the liners. The disinfecting requirements would not change using the liners.

A representative from Footsie Bath noted his liner was recyclable and made from recycled plastic. The foot spa could be disinfected using an EPA approved spray that is left on for 5 minutes then wiped down. Any splashed water could be wiped up with the spray. The enforcement officers can see the used liners and compare them with the log. He noted there will be a sticker on each liner that would be put in the log when used. He offered assistance to research new legislation.

Ms. Crossett noted new legislation would have to be written to require the liners. She acknowledged this was low on her priority list as it was already closely regulated. Mr. Hedges agreed with Ms. Crossett to keep things simple but was interested in doing more research on the liners. Ms. Underwood clarified the liners would be a regulatory change under 980.3. According to regulations, they would still have to be disinfected for 10 minutes after every client. Mr. Lloyd noted at DRC they have found some operators believing they can use a liner and not have to disinfect anymore.

#### **11. Agenda Item #11, Discussion and Proposal to Allow Written Exam at 1200 Hours**

This would allow students to keep on track and be able to pass the written exam and then focus on the practical portion of the exam to be taken later. Some students get discouraged if they do not pass the written exam and it is hard to get them to continue. It is believed if they had more time and assistance to pass the exam they would not get discouraged to continue their program. It would also give students a chance to start working sooner and the ability to make money to pay off their student loans. Mr. Hedges wondered if a pilot program would be feasible to assess the pass/failure rate. Ms. Underwood noted it would take a statutory change to implement. Staff was concerned that every application would have to be processed twice (for the written and practical exam), which was difficult with the current antiquated system. Ms. Crossett asked why a student could not be processed at the testing site to take the written exam. Ms. Underwood explained the testing site only administers the exam and did not determine eligibility. A contract currently exists with a computer-based vendor and they will not review applicants. Ms. Crossett wondered if a student could take the written exam, then provide all their documentation when they apply to take the practical exam. Ms. Underwood believed this would violate exam security. There are 16 testing sites in the state. Ms. Crossett hoped students could get pre-approved prior to the written exam. Ms. Underwood stated this could not happen with the current database. It is expected to be updated in late 2012.

Mr. Hedges asked if the new system will be able to match fines with licenses. This is already done manually but the new system will make it an easier automatic process. Ms. Crossett wondered if it would be prudent to start reviewing the system and the changes needed, including proposed legislation. Ms. Underwood agreed. It will have a significant fiscal impact. Mr. Hedges believed the earliest to start would be December 2011. Ms. Crossett noted the current system had a fiscal impact as well with students not getting to work quickly, and not paying back loans.

The current task will be to find someone to sponsor the legislation change. Mr. Hedges recommended this issue be referred to the Education and Outreach Committee to prepare language. Ms. Underwood stated staff will work on the language at the direction of the board. Ms. Crossett noted she was the only member of the committee but agreed to work with staff.

#### **Public Comment**

Fred Jones noted the PBFC has supported this idea since 2000. It would be very difficult to implement. He noted it would take a lot of legislative work and the Board needed to set their priorities. He hoped the board would focus on getting out from under the BPPE oversight. This would allow the board more flexibility.

Susie Castaneda of San Jose City College wondered if this would be mandatory. She was concerned that some of the subject matter would not be covered by the 1200 hours.

Curriculum may need to be altered. It should be an option. She believed the board should work on reducing the amount of time it took to get scheduled to take a test.

**12. Agenda Item #12, Discussion and Proposal to Expand the Extern Program to Public Schools**

Proposed legislative language was presented to the board. It includes removing the language that states a school "that's approved by the BPPE" which no longer exists. A potential author has been found.

Mr. Hedges made the motion to approve the proposal to expand the extern program to Public Schools as defined by staff. Ms. Crossett seconded the motion.

**Public Comment**

Josie Glen of Skyline College believed this was a great opportunity to include the public schools. She asked about the requirement of four licensees in a salon. She also asked if the college could set up the students' schedules. Ms. Underwood noted it may take a year to approve. Ms. Glen thanked the board for their support of this program. Mr. Hedges recommended Ms. Glen speak to Richard Oliver on the Community College Board. Ms. Crossett recommended they continue with fieldtrips and shadowing to encourage students.

The motion was approved by a 5-0 vote.

**13. Agenda Item #13, Public Comment**

*Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125 (a)]*

The public present did not wish to comment.

**14. Agenda Item #14, Agenda Items for Next Meeting**

There were no new items to add. Ms. Underwood recommended removing this item from future agendas. She encouraged members of the board to contact her with any item they wish to add. Ms. Crossett decided to leave this item on the agenda.

Mr. Lloyd requested future discussion on unlicensed activity. Ms. Crossett also requested discussion and clarification on the apprenticeship program.

**Public Comment**

Pam Lockrem stated every site needed a curriculum and proper teachers, not just owners who had space and wanted to make more money. She was working to raise the standards of programs. She believed they needed to be better monitored in delivering the curriculum.

Mr. Hedges stated the apprenticeship program has changed through the years. At the time it was approved by the board, only one apprentice was allowed per shop. However this was not included in the final legislation. Ms. Crossett noted this topic will be added to a future agenda.

Ms. Crossett wondered if other states had problems when transitioning their tests to other languages. The pass/fail rate did not appear to be shifting. She also wondered if the top 10 violations with the DRC had changed.

**15. Agenda Item #15, Closed Session to Discuss Enforcement Cases**

- **Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3). Mr. Duke noted possible litigation will also be discussed per 11126(e).**

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

With no further business, the meeting was adjourned.



## **CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY**

**MINUTES OF JULY 12, 2011**

**Department of Consumer Affairs  
2005 Evergreen Street  
1<sup>st</sup> Floor Hearing Room, Room 1150  
Sacramento, CA 95815**

### **BOARD MEMBERS PRESENT**

Deedee Crossett, President  
Christie Tran, Vice President  
Richard Hedges  
Frank Lloyd  
Wen Ling Cheng

### **STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Hilda Youngblood, Asst. Executive Officer  
Theresa Rister, Board Analyst  
Linda Sakauye, Board Analyst

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

Ms. Crossett called the meeting to order. The board members introduced themselves.

### **2. Agenda Item #2, PETITION FOR REINSTATEMENT**

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

- Orlando Carter Jefferson
- Manh Nguyen
- Dung D. Phan

### **3. Agenda Item #3, CLOSED SESSION**

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

### **Open Session:**

### **4. Agenda Item #4, ADJOURNMENT**

There being no further business the meeting was adjourned.



State and Consumer Services Agency – Governor Edmund G. Brown Jr.  
**Board of Barbering and Cosmetology-Department of Consumer Affairs**  
 PO Box 944226, Sacramento, CA 94244  
 P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



## MEMORANDUM

**DATE:** October 3, 2011

**TO:** Members, Board of Barbering and Cosmetology

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

**SUBJECT:** Pending Legislation

Listed below are the bills currently being tracked by the Board:

Bill Number	Author	Status
AB 300	Assembly Member Ma	9/13/11 Enrolled
<b>Summary</b>		
Safe Body Art Act. This bill enacts the Safe Body Art Act. The Act would prohibit a person from performing body art without registering annually with the local enforcement agency. This bill would require practitioners to comply with specific requirements including client information and questionnaires, blood borne pathogen training, etc. This bill would require the owner of a body art facility to obtain and annually renew a health permit from the local enforcement agency. This bill also makes other provisions pertaining to body art. This bill defines body art as body piercing, tattooing, branding, or the application of permanent cosmetics.		

Bill Number	Author	Status
AB 797	Assembly Member Conway	No Activity
<b>Summary</b>		
This bill removed cosmetology schools from the Private Postsecondary Act.		

Bill Number	Author	Status
SB 498	Senator Liu	2-Year Bill
<b>Summary</b>		
This bill would abolish the Bureau for Private Postsecondary education and would transfer the Bureau's powers and duties to the California Postsecondary Education Commission.		

<b>Bill Number</b>	<b>Author</b>	<b>Status</b>
SB 541	Senator Price	9/26/11-Signed by the Governor.
<b>Summary</b>		
This bill would authorize Board's to enter into an agreement with an expert consultant to provide enforcement and examination assistance. Recently, Boards were required to enter into contracts with expert consultants for assistance, this bill will allow boards to enter into agreements without having to execute a personal service contract.		

<b>Bill Number</b>	<b>Author</b>	<b>Status</b>
SB 706	Senator Price	9/16/11-Enrolled
<b>Summary</b>		
This bill requires the Board to disclose on the Internet information on licensees including accusations.		

<b>Bill Number</b>	<b>Author</b>	<b>Status</b>
SB 746	Senator Lieu	9/6/11-Enrolled
<b>Summary</b>		
Tanning Facilities. This bill would prohibit a person under 18 years of age from using an ultraviolet tanning device.		



State and Consumer Services Agency – Governor Edmund G. Brown Jr.  
**Board of Barbering and Cosmetology-Department of Consumer Affairs**  
PO Box 944226, Sacramento, CA 94244  
P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



---

## MEMORANDUM

DATE: October 17, 2011

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood   
Executive Officer

SUBJECT: Regulations Update

---

- **Administrative Fine Schedule:** Staff resubmitted the new schedule with the Office of Administrative Law (OAL), which approved it. The schedule went into effect on September 16, 2011.
- **Disciplinary Guidelines:** Staff filed the guidelines on August 22, 2011 with OAL, which has approved them. They will go into effect on November 7, 2011.
- **Scoring Methods in Examinations:** The file was submitted to DCA for review and signature by the Director on August 8, 2011. From there, it will go the State and Consumer Services Agency for approval, then the Department of Finance. It will then be submitted to OAL.
- **Curriculums:** The file has been approved by DCA, the State and Consumer Services Agency and the Department of Finance. It was filed with OAL on October 5, 2011. OAL has 30 working days to approve or deny the file.
- **Unregulated Practices:** The modified text will be noticed to the public this month.
- **Dishonored Check Fee:** Staff submitted the file to OAL, which approved it. The new check fee went into effect on September 2, 2011.



**BOARD OF BARBERING AND COSMETOLOGY**  
 P.O. Box 944226, Sacramento, CA 94244-2260  
 P (800) 952-5210 F (916) 575-7281 [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)



<b>DATE</b>	September 30, 2011
<b>TO</b>	Kristy Underwood, Executive Officer
<b>FROM</b>	Heather Berg, Enforcement Manager
<b>SUBJECT</b>	<b>Unlicensed Activity Report</b>

Unlicensed activity is the Board of Barbering and Cosmetology (Board) TOP Enforcement issue. The amount of citations issued for 7317 and 7349 are at an all time high.

**UNLICENSED ACTIVITY VIOLATIONS by FISCAL YEAR**

Violation Count and Percentage of Violations Cited by Fiscal Year					
Year	*7317	%	7349	%	Total Violations
2006-2007	2,543	4.96	522	1.10	51,214
2007-2008	2,415	6.10	556	1.40	39,570
2008-2009	2,500	4.68	666	1.24	53,390
2009-2010	2,355	4.49	710	1.35	52,339
2010-2011	3,385	5.48	970	1.57	61,717

\*7317 can be against an establishment, an individual or both and includes expired licenses.

**7317. Practice of Barbering and Cosmetology, or Electrolysis for Compensation without a license.** Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board, or in an establishment or mobile unit other than one licensed by the board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is subject to an administrative fine and may be subject to a misdemeanor.

**7349 Employment of Unlicensed Persons**

It is unlawful for any person, firm, or corporation to hire, employ, or allow to be employed, or permit to work, in or about an establishment, any person who performs or practices any occupation regulated under this chapter and is not duly licensed by the bureau, except that a licensed cosmetology establishment may utilize a student extern, as described in Section 7395.1. Any person violating this section is subject to citation and fine pursuant to Section 7406 and is also guilty of a misdemeanor.

### **UNLICENSED ACTIVITY ENFORCEMENT CASES**

Unlicensed Activity Cases are opened from incoming complaints and inspection reports.

<b>Unlicensed Activity Cases Opened by FY</b>	<b>Total Cases Opened</b>	<b>% of Cases</b>	
<b>2006-2007</b>	868	2,978	30
<b>2007-2008</b>	1074	3,030	36
<b>2008-2009</b>	1415	3,118	45
<b>2009-2010</b>	1137	2,689	42
<b>2010-2011</b>	1547	3,425	45
Unlicensed establishments and/or unlicensed individuals			

### **EMPLOYING UNLICENSED PERSONS IN A LICENSED ESTABLISHMENT**

If a licensed establishment is cited twice for 7349 Employing Unlicensed persons, the third violation is sent to the Deputy Attorney Generals office (DAG) to take discipline against the establishment license and personal license of the sole owner if they have one.

### **ENFORCEMENT ACTION AGAINST UNLICENSED ESTABLISHMENT CASES**

The Boards first goal is compliance. A letter is sent to the unlicensed establishments advising the owner they are required to hold an establishment license if they are providing services that are under the scope of practice of our licensees. A questionnaire and application is attached to the letter with a two week response time.

Based on the response received from the letter and questionnaire the enforcement case may be closed for any of the following reasons.

- Establishment already licensed. (This happens when an independent contractor calls their business something different than what the licensed establishment is called).
- Establishment becomes licensed
- Business does not offer any services within our jurisdiction.

If the establishment has not submitted an application or sent a response within 30 days an inspection is requested.

### **THE MAIN PROBLEMS WITH UNLICENSED ACTIVITY ARE:**

- A. If an establishment is cited two or more times for being unlicensed, the Enforcement Unit cannot take disciplinary action against the owner if he/she does not have a personal license.
- B. When individuals are cited for unlicensed activity during an inspection many times the unlicensed individual flees the establishment or gives the inspector false information regarding their identity.

- C. Administrative fines are meaningless since there is no penalty if you are unlicensed and don't pay them. At this time the only penalty for not paying a fine is you are prohibited from renewing your license. If you don't possess a license there is nothing to renew.
- D. When the Board pursues disciplinary action against licensed establishments for employing unlicensed persons multiple times the establishment license is revoked by default decision. The Board is unable to collect on costs or past due fines. A new establishment license is issued under another person's name, but the players don't change. The process starts all over again.

### **ENFORCEMENT OPTIONS**

The Board's Enforcement Unit can take any or all of the following actions against an unlicensed establishment and for those unlicensed establishments that are also employing unlicensed persons.

1. Request additional inspections. Establishment is cited \$1,000 for 7317 and another \$1,000 for 7349 along with fines for any other violations found during the inspection.
2. The Board can disconnect the telephone number the unlicensed establishment advertises with, however the number used to advertise needs to be a land line.
3. The Board can send unlicensed establishments to collections for outstanding fines if the owner can be confirmed.

The Board sent 114 accounts to collections in February and March of 2011. To send an account to collections or FTB the Board needs to send three request for payment notices, with the last one sent by certified mail.

Accounts sent to collections	Amount	Collected
14	\$79,405.25	\$18,479.00

The cost to the Board for using a collection agency is 13.9% of the amount collected.

4. A misdemeanor service request is sent to the Division of Investigation (DOI) after an unlicensed establishment has been cited and fined two times for 7317. DOI goes with the inspector on the next inspection, the Board inspector cites administratively and DOI cites for misdemeanors. DOI has only issued misdemeanor citations to unlicensed individuals working in unlicensed establishments.

### **ADMINISTRATIVE AND MISDEMEANOR CITATIONS**

There are two types of citations an unlicensed person can receive. They can receive an administrative citation from the Board and/or a misdemeanor citation can be issued through a peace officer (DOI).

Misdemeanor citations are currently issued by DOI; it resembles a traffic ticket with a date to appear in court. All background information (prior citations and correspondence) about the unlicensed person is sent to the District Attorney's Office (DA) office.

The Board started using DOI to issue misdemeanor citations on July 1<sup>st</sup>, 2010 for unlicensed activity. DOI assists with the Boards inspectors when we are unable to gain compliance by any other means. So far DOI has only issued misdemeanor citations to unlicensed persons. Most unlicensed establishments have absentee owners and unlicensed workers.

The following chart shows the outcome of those requests.

<b>DOI Requests for Service (July 1, 2010 thru September 21, 2011)</b>	
<b>Misdemeanor Requests</b>	<b>37</b>
<b>Outcome of Misdemeanor Requests</b>	
<b>Misdemeanors Issued</b>	<b>21</b>
<b>Rejected by DA's - Pending Further Violations</b>	<b>3</b>
<b>Accepted for Prosecution by DA</b>	<b>11</b>
<b>Hearing Results</b>	
<b>Cases Heard by DA</b>	<b>6</b>
<b>Arrested</b>	<b>1</b>
<b>Dismissed</b>	<b>1</b>
<b>Pled No Contest</b>	<b>1</b>
<b>60 Hours Community Service</b>	<b>1</b>
<b>12 Months Summary Probation and \$180.00 fine</b>	<b>1</b>
<b>24 Months Probation, 50hrs Community Service, \$150 Fine</b>	<b>1</b>

**DOI Costs 564.25 Hours @ \$161.00 = \$90,844.25**

The Enforcement Unit is able to gain compliance with unlicensed establishments the majority of the time. The Board currently has 10 unlicensed establishment cases that are over a year old.

*No Attachment*

*No Attachment*

# Top 10 Violations - 5 Year Comparison

## Year 2006 - 2007

979 (d) - Incorrect storage of disinfected non-electrical	6536
979 (c) - Incorrect storage of soiled non-electrical	6327
981 (a) - No disposal of non-disinfectable instruments.	5143
979 (a) - Incorrect disinfection of non-electrical instruments.	2620
988 (b) - Liquids, creams, powders and cosmetics not properly labeled.	2598
7317 - Unlicensed establishment/person	2543
965 (a) - All operators' licenses shall be conspicuously posted at their primary work stations.	2360
979 (b) - Disinfectant not changed and/or covered.	2042
988 (c) - Removal of liquids, creams, powders and cosmetics causing contamination to remaining portion.	1988
988 (a) - Liquids, creams, powders and cosmetics not in a clean and/or closed container.	1957

## Year 2008 - 2009

979 (d) - Incorrect storage of disinfected non-electrical instruments.	6783
979 (c) - Incorrect storage of soiled non-electrical	6521
981 (a) - No disposal of non-disinfectable instruments.	4915
988 (b) - Liquids, creams, powders and cosmetics not properly labeled.	3025
979 (b) - Disinfectant not changed and/or covered.	2930
7317 - Unlicensed establishment/person	2500
979 (a) - Incorrect disinfection of non-electrical instruments.	2337
988 (a) - Liquids, creams, powders and cosmetics not in a clean and/or closed container.	1923
988 (c) - Removal of liquids, creams, powders and cosmetics causing contamination to remaining portion.	1672
965 (a) - All operators' licenses shall be conspicuously posted at their primary work stations.	1577

## Year 2007 - 2008

979 (d) - Incorrect storage of disinfected non-electrical	4481
979 (c) - Incorrect storage of soiled non-electrical	4442
981 (a) - No disposal of non-disinfectable instruments.	4138
7317 - Unlicensed establishment/person	2415
988 (b) - Liquids, creams, powders and cosmetics not properly labeled.	1905
988 (a) - Liquids, creams, powders and cosmetics not in a clean and/or closed container.	1610
979 (b) - Disinfectant not changed and/or covered.	1578
988 (c) - Removal of liquids, creams, powders and cosmetics causing contamination to remaining portion.	1345
965 (a) - All operators' licenses shall be conspicuously posted at their primary work stations.	1342
979 (a) - Incorrect disinfection of non-electrical instruments.	1176

## Year 2009 - 2010

979 (c) - Incorrect storage of soiled non-electrical instruments.	7332
979 (d) - Incorrect storage of disinfected non-electrical	6041
981 (a) - No disposal of non-disinfectable instruments.	4697
988 (b) - Liquids, creams, powders and cosmetics not properly labeled.	3165
979 (b) - Disinfectant not changed and/or covered.	2781
7317 - Unlicensed establishment/person	2355
988 (a) - Liquids, creams, powders and cosmetics not in a clean and/or closed container.	1843
988 (c) - Removal of liquids, creams, powders and cosmetics causing contamination to remaining portion.	1708
978 (a)(5) - Insufficient disinfectant solution in container for total immersion of tools and instruments.	1567
979 (a) - Incorrect disinfection of non-electrical instruments.	1363

Year 2010 - 2011

979 (d) - Incorrect storage of disinfected non-electrical instruments.	7237
979 (c) - Incorrect storage of soiled non-electrical instruments.	7235
981 (a) - No disposal of non-disinfectable instruments.	5234
988 (b) - Liquids, creams, powders and cosmetics not properly labeled.	3818
7317 - Unlicensed establishment/person	3385
979 (a) - Incorrect disinfection of non-electrical instruments.	3151
979 (b) - Disinfectant not changed and/or covered.	2981
988 (a) - Liquids, creams, powders and cosmetics not in a clean and/or closed container.	2356
988 (c) - Removal of liquids, creams, powders and cosmetics causing contamination to remaining portion.	2002
965 (a) - All operators' licenses shall be conspicuously posted at their primary work stations.	1759

*No Attachment*

*No Attachment*

*No Attachment*

*No Attachment*