



BOARD OF BARBERING AND COSMETOLOGY  
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
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**Board of Barbering and Cosmetology  
2420 Del Paso Road, Suite 100  
Sequoia Conference Room  
Sacramento, CA 95834**

## **MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY**

### **POLICY COMMITTEE**

#### **MINUTES OF MAY 24, 2006**

#### **COMMITTEE MEMBERS PRESENT VIA PHONE:**

Jerry Tyler, President  
Richard Hedges, Vice President  
Joe Gonzalez  
Jeri Ann Walters

#### **STAFF MEMBERS PRESENT:**

Kristy Underwood, Executive Officer  
Denise Johnson, Assistant Executive Officer  
Gary Duke, Staff Counsel  
Theresa Rister, Board Analyst

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

Mr. Tyler called the meeting to order at 10:00 a.m.

#### **2. Agenda Item #2, DISCUSSION ON BOARD POLICIES AND PROCEDURES**

Mr. Tyler explained the committee was formed to clarify the guidelines and procedures of the Board. He commended staff on putting together the draft of the Board Member Guidelines and Procedure Manual. The committee members agreed.

Ms. Underwood discussed the procedure for developing the draft guidelines. The manual is used to ensure everyone is on the same page as to how business is conducted as a Board. The goal of the committee today is to review the procedures and bring their recommendations to the full Board. It was agreed to discuss the procedures, make recommendations and staff will revise the draft to present to the full Board.

The committee commenced discussing the draft manual item-by-item.

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The committee wished to add California Community College, Bureau for Private Post Secondary and Vocational Education, National Education (NEC), Associated of Cosmetologist Teachers, California Association of Private Post Secondary Schools (CAPS) to the organizations list. The committee agreed to email a list to Ms. Underwood.

Ms. Underwood explained the items noting "Board Policy-Adopt" needed to be adopted by the Board; while items noting B&P or GC section indicated items taken directly from codes and did not need to be adopted.

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Composition – agreed.

Officers – Mr. Hedges noted "...in succession" needed to be changed to "...but not in succession." He believed this item was discussed and voted on at the last board meeting. It will be looked at in the minutes to clarify.

Meetings – Mr. Gonzalez expressed his concern that only Senator Figueroa's concerns were being addressed. Mr. Tyler clarified that they have been directed by the sunset review, not Senator Figueroa. Mr. Gonzalez felt the Board needs to meet more often than four times a year. Others felt the language was flexible enough for additional meetings. Mr. Hedges noted the board is appointed and under the direction of the government; the board needs to comply with their direction. This item was agreed to 3-1 (Gonzalez).

Board Member Attendance at Board Meetings – Mr. Hedges asked if a provision for attendance via telephone needed to be added. Mr. Gonzalez questioned AB 1561. Ms. Underwood explained AB 1561 is a current bill that states if a board member misses three or more meetings, the appointing authority has the power to remove them from the board. Mr. Gonzalez disagreed with including that in the manual. Ms. Underwood will get the exact language for review and noted it is still in the review process and not yet law.

Discussion ensued regarding public comment. It was discussed whether the public be allowed to comment after each page or at the end of the agenda item. It was agreed that public comment will come at the end of the meeting.

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Board Member Participation – Mr. Gonzalez believed it was the legislature's decision on the removal of a board member. Ms. Underwood confirmed the appointing power is the only one who can remove a board member. Mr. Gonzalez believed the president had too much authority. The item was agreed to.

Quorum – agreed.

Agenda Items – agreed. There may be exceptions on an emergency basis.

Record of Meetings – agreed.

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Tape Recording – agreed.

Meeting Rules – Mr. Duke recommended adding “The Board meetings will be conducted under an informal simplified version of Robert’s Rules of Order.” He felt this would be more appropriate. An asterisk could be included regarding Rosenberg’s Rules of Order, a more updated, simplified process. All agreed.

Communication – agreed.

Correspondence – agreed.

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Ethics Training – agreed.

Board Member Orientation – agreed.

Board Member Removal – agreed.

Resignation of Board Members – agreed.

Conflict of Interest – Mr. Gonzalez believed conflict of interest needed to be more clarified. Mr. Duke noted this item is a Government Code Section, “a restatement of common law doctrine of public officials to avoid conflict of interest.” He recently provided Ms. Underwood with a memo outlining this item; he will email copies to all committee members for their review. He stated most conflict of interest issues are handled on a case-by-case basis.

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Supervision of the Executive Officer – agreed.

Performance Appraisal of Executive Officer – agreed. Mr. Gonzalez asked if this item should be placed on the agenda for each January. Mr. Duke noted most appraisals are annual, but when it is done is up to the board’s discretion. The language notes the process begins at the annual election meeting.

Mr. Gonzalez questioned if the new president is to take over at the end of the meeting or as soon as they are elected? Mr. Duke noted it is up to the Board’s discretion.

Page 9:

Appointment – agreed.

Role – agreed.

Recruitment – agreed. Mr. Gonzalez questioned if the board needs to work with DCA's Human Resources Office. Mr. Duke stated yes.

Selection – agreed.

Board Staff – agreed.

Page 10:

Capacity – agreed.

Appointments – agreed.

Standing Committees – agreed.

Page 11:

Licensing and Examination Committee – agreed.

Enforcement and Inspections Committee – agreed.

Legislative and Budget Committee – agreed.

Education and Outreach Committee – agreed.

Industry Advisory Committee – Good idea to include. The number of industry representatives was discussed. Mr. Hedges suggested “selected industry representatives.” The number will be up to the board to determine. Mr. Duke recommended striking the makeup of the committee from the manual. The sentence would read “The committee shall be comprised of board members and selected industry representatives.” All agreed this was appropriate.

Page 12:

Disciplinary Review Committee – agreed. Ms. Walters asked why the Disciplinary Review Committee consists of three Board members. It was noted the membership is set by law/regulation. Mr. Hedges recommended adding “...three Board members and an alternate...” Mr. Duke was unsure if this change could occur as it is regulation and recommended “...may wish to consider appointment of an alternate...” Mr. Hedges recommended “The Board may wish to appointment an alternate for the convenience of those who cannot attend.” All agreed. Mr. Duke recommended restating CCR Section 974.1.: “The Board president shall annually appoint members of the Disciplinary Review Committee, the appointment shall be made concurrently with the annual election of the Board president.” All agreed.

Ad Hoc Committees – agreed.

Task Forces and Working Groups – agreed.

Committee Agendas – agreed.

Mr. Gonzalez questioned why Mr. Tyler was able to assign committees without talking to members. Mr. Duke referred him to page 10. He noted Mr. Tyler’s assignments were in draft form and subject to approval by the Board. The procedure was followed correctly. At this point it was felt the discussion was far from the agenda and in possible violation of the Bagley-Keene Open Meetings Act.

Page 13

Attendance at Committee Meetings – Mr. Hedges recommended changing the first sentence to read “...the Board member shall notify the Board President and Executive Officer.” All agreed.

Dual Membership – agreed.

Committee Meeting Rules – agreed.

Record of Committee Meetings – agreed.

Page 14

Staff Assistance – agreed.

Tape Recording – agreed.

Page 15

Travel Approval – Mr. Hedges recommended the following changes: “Board members shall notify the Board President and Executive Officer of all travel except for regularly scheduled Board and Committee meetings, task force and working groups which the Board member is assigned. The Board President shall relay any travel plans to the Executive Officer. The Executive Officer shall report to the full Board on any additional travel conducted by Board Members.” “The Board member must make notification within 10-day period prior to attending a meeting of a committee from which he or she is not a member, and such notice requires the meeting to be noticed as a Board meeting.” “...without approval from the Board President and Executive Officer.” All agreed with the edits proposed by Mr. Hedges. Mr. Hedges recommended the chapter heading be changed to “Travel”.

Travel Arrangements – agreed.

Travel Claims – agreed.

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Request for Records Access – agreed. Mr. Gonzalez did not believe a Board Member should have access to records. However Mr. Duke noted the Board may wish to review a closed case, and this item would come into play at that time.

Contact with Candidates, Licensees, Complainants, Respondents – agreed.

Gifts from Candidates – agreed.

**PUBLIC COMMENT**

Nadine Brewer - Congratulated the committee on their hard work.

Bill Roccofor – Stated his name, but had no comments.

Dian Torres - Ms. Torres asked what previous policies the Board was following. Mr. Duke indicated there was no previous comprehensive list of Board member policies and procedures. Other than elections of officers, prior procedures were based on customs and practices of other associated bodies. She commented on the following items: Composition (Page 4): Will board makeup change when government/political party changes. Mr. Duke noted this section was a restatement of the law. Meetings (page 4): Should the Board meet more frequently until the Board is more stable and unified? Board Member Participation (Page 5): not clear. Agenda Items (Page 5): This was not adhered to previously. Supervision of the Executive Officer (Page 8): roles are not clear. Board Staff (Page 9): Do Board members need to take exams as a civil service employee? Mr. Duke noted this item refers to employees not Board members. Appointments (Page 10): concerned about maintaining committees and lack of public input. Committee Agendas (Page 12): concerned about shift in leadership. Request for Records Access (Page 15): make sure language reads to ensure confidentiality of actual recipient. She questioned if Professional Beauty Federation of California should be on the list of Organizations. Mr. Duke noted although the list of Organizations is not used in the manual, it would be helpful to include for reference at meetings, etc.

Mary Ann Haley – She expressed concern over frequency of meetings, and the Board's ability to address all the issues before them. She recommended adding Vocational Leadership Group at Community Colleges and National Educators of America and Cosmetology Educators of America, American Association of Cosmetology Schools (AACCS) under Organizations (Page 2). She was requested to give the list of names to Ms. Underwood.

After hearing public comment, the motion was approved by a 4-0 roll call vote. The recommendations will be forwarded to the full Board for review.

### **3. Agenda Item 3, ADJOURNMENT**

The meeting was adjourned at approximately 11:50 a.m.