



**Department of Consumer Affairs
1625 North Market Boulevard
First Floor Hearing Room – S-102
Sacramento, California 95834**

JOINT MEETING OF THE BOARD OF THE BOARD OF BARBERING AND COSMETOLOGY AND THE BOARD'S STANDING COMMITTEES

MINUTES OF AUGUST 5, 2007

BOARD MEMBERS PRESENT

Jerry Tyler, President
Richard Hedges, Vice President
Deedee Carlson
Socorro Farias
Frank Lloyd
Jerri Ann Walters
Ken Williams

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Denise Johnson, Asst. Executive Officer
Gary Duke, Staff Counsel
Theresa Rister, Board Analyst
Janene Mayberry, Admin. Asst.

BOARD MEMBER PRESENT VIA TELEPHONE:

Marlene Gadinis

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

Mr. Tyler called the meeting to order at 10:00 a.m. Mr. Hedges made a motion to hear Item 11 earlier than scheduled. Mr. Williams seconded the motion and it passed by an 8-0 vote. It will be heard after Item #3. The board members and staff members introduced themselves.

2. Agenda Item, #2, President's Report

Mr. Tyler welcomed the newest member, Socorro Farias to the board. Ms. Farias gave a brief synopsis of her background. Mr. Tyler reported California now has reciprocity with every state in the United States. Mr. Tyler noted he has been invited to be a featured speaker at the National Interstate Council of Cosmetology Boards at their national convention. He is excited to be representing the California board and learning from other boards in the United States and 11 other countries. He will be speaking on illegal and underground activity. He is continuing to write monthly articles for California Stylist. He has attended three advisory board meetings in the last quarter. Strategic partnerships are being formed in the industry. Mr. Tyler has been asked to meet with the Wella president from Japan, who is forming a global interchange group of the industry.

3. Agenda Item #3, Executive Officers Report

Ms. Underwood updated the board on reciprocity. It is being implemented with the help of the computer based testing vendor. At this time, 468 applications have been approved. She updated the board on AB 2449, legislation that required the board to do a survey of all licensees and their current employment status. 75% of those surveys have been tallied. 36% of the licensees stated they are booth renters/independent contractors, 30% did not answer, 23% are employees, and 11% are salon owners. The board was surprised that the percentage of independent contractors was not higher. Ms. Underwood believed the survey should be completed within the next few weeks. A report will follow to the board and the legislature by January 1, as required. Ms. Underwood indicated an examination was conducted in the state correctional facility at Chowchilla on July 24, with 5 candidates, 3 passed. The plan at this time is to conduct a test every six months. Staff is working closely with the Department of Corrections to get the right people into the program (future parolees) and schedule the testing. The program is only for women at this time. Mr. Duke noted the law provides standards for rehabilitation for the program to follow. However, the rules may not be clearcut. The burden of proof is upon the applicant.

4. Agenda Item, #4, Department of Consumer Affairs Report

No report was given

5. Agenda Item #5, Approval of Board Meeting Minutes

April 22-23, 2007: Mr. Hedges made the motion to approve the minutes, it was seconded by Mr. Tyler. Mr. Lloyd noted on page 13 regarding AB 1025. The committee and the board voted to oppose the bill, not support. The minutes as amended were approved by an 8-0 roll call vote.

May 25, 2007: Upon a motion by Mr. Hedges, seconded by Mr. Tyler, the minutes were approved by an 8-0 vote.

(15 minute break) (Ms. Gadinis, at a remote location, left the meeting)

6. Agenda Item #6, Appointment of Committee Members

Mr. Tyler welcomed Ms. Farias. She requested to be placed on the Education and Outreach Committee. Mr. Tyler asked to be placed on the DRC committee as an alternate in addition to Ms. Gadinis and Ms. Carlson. Mr. Hedges moved approval of the President's appointments to the committees, Mr. Williams seconded the motion and it was approved by a 7-0 vote.

7. Agenda Item #7, LEGISLATION AND BUDGET COMMITTEE

a) Call to Order/Roll Call:

Members include Jerry Tyler, Richard Hedges, and Marlene Gadinis. Ms. Gadinis was not present. Ms. Walters was asked to be an alternate. She agreed and attended the committee meeting.

b) Approval of April 22, 2007 Committee Meeting Minutes

Upon a motion by Mr. Hedges, seconded by Mr. Tyler, the minutes were approved by a 2-0 vote.

c) Budget Update

Ms. Underwood provided the budget update as of May 30, 2007. There is approximately \$300,000 to carry over. The request for additional inspectors is moving forward. There are 14 people in the enforcement division.

d) Proposed Regulations Update

The following proposed regulations and their status were reviewed by staff and discussed by the committee: Schedule of Fees (going through the process with the department), Credit for Special License (Apprentice Transfer of Hours) (with Office of Administrative Law), Summary of Suspensions (AB409) (with Office of Administrative Law with due date of 8/10), Administration Fine Increase (adding of two fines for footspas. Hearing on 7/30, no public comment. Moving forward), Interpreter and Interpreter Model (Hearing on 7/30, no public comment), Removal of Externship Curriculum (currently being worked on).

e) Proposed Legislation Update

Updates were provided for the following Legislation.

- AB 105 - Tanning Facilities
- AB 265 - Threading: Extended inoperative date until 7/1/09
- AB 721 – Public Records Requests
- AB 865 – Live Customer Agents
- AB 1025 – Denial of Licensure
- AB 1135 – Report Declarations
- AB 1393 – Public Records
- AB 1525 – BPPVE Approved Schools
- SB 374 – Military Service-Benefits
- SB 618 - Electronic Records
- SB 823 – Private Post Secondary Act was reviewed and discussed. Mr. Tyler made the motion to support the oversight of the schools from the Board of Barbering and Cosmetology. Mr. Hedges seconded the motion. It was approved by a 3-0 vote to bring the issue before the full board.

Public Comment

Fred Jones, PBFC, discussed the history of the dual oversight. His organization has supported the concept of the Board being the sole agency over private beauty schools. He noted an extra layer has been added to SB 823 and now the administration is in a position to veto. Upon request from the board, he discussed the current situation. At this point, new schools cannot open in California. He is looking for an amendment to some urgency bill that removes the requirement that BPPVE has to first approve barbering and cosmetology schools prior to this board's approval. He strongly supports the board's motion.

George Brunt is attempting to open a new Paul Mitchell school in Pleasant Hill, CA. They cannot open because they did not meet the deadlines of the BPPVE. He also stated this board was more qualified to govern the aspect of licensure.

Nadine Bruders of San Diego has experienced many problems and setbacks with BPPVE in trying to open a new school. She supports the motion.

Mr. Hedges noted the Paul Mitchell salon/school will be a good addition to the city and he is disappointed it is being held up. Mr. Duke indicated staff will try to work with Paul Mitchell school and others to get their schools open.

f) Public Comment

The public present did not wish to address the committee on other issues.

g) Agenda Items for Next Committee Meeting

Continue to watch progress in the legislation, detailed status of SB 823. Mr. Duke recommended SB 963 be placed on the next agenda. It deals with a complete reformation of the Department of Consumer Affairs. It is a two year bill.

h) Adjournment

There being no further business, the meeting of the Legislation and Budget Committee was adjourned.

8. Agenda Item #8, DISCIPLINARY REVIEW COMMITTEE

a) Call to Order/Roll Call

Members include Frank Lloyd (Chair), Richard Hedges, Ken Williams, Jerry Tyler (Alternate), Deedee Carlson (Alternate). All members were present.

b) Approval of April 22, 2007 Committee Meeting Minutes

Mr. Hedges made the motion to approve the minutes, it was seconded by Mr. Tyler. Mr. Duke pointed out an error in Item #9.c. "...dual process" should be "due process." Mr. Hedges accepted this amendment to his motion. The minutes as amended were approved by a 5-0 vote.

c) Review of DRC Statistics and Schedule

DRC statistics as of June 30th were reviewed. Mr. Hedges noted many appeals were in enforcement and have now created a backlog of older cases. They have been resolved. More dates have been added to keep the cases moving. Mr. Williams asked if the meetings could be scheduled on Sundays-Mondays as they have traditionally been done. He noted it is difficult to get away from his school during the mid week. Ms. Underwood indicated this may require staff overtime. Mr. Lloyd and Mr. Hedges have agreed to attend the meeting. Mr. Tyler will attend on the 24th. Mr. Williams committed to the 19-21 but could not

guarantee he could be there on a regular basis. Ms. Carlson offered to attend some Los Angeles sessions. In November, Ms. Carlson, Mr. Hedges and Mr. Lloyd will attend. Ms. Underwood indicated the schedule will be firmed up and sent out by email. She asked everyone to confirm their availability to attend.

d) Public Comment

The public present did not wish to address the committee.

e) Agenda Items for Next Committee Meeting

Statistics

f) Adjournment

There being no further business, the Discipline Review Committee was adjourned.

9. Agenda Item #9, LICENSING & EXAMINATION COMMITTEE

a) Call to Order/Roll Call

Members include Marlene Gadinis (Chair), Jerry Tyler, Richard Hedges, Frank Lloyd. Ms. Gadinis was not in attendance so Mr. Tyler conducted the meeting.

b) Approval of April 22, 2007 Committee Meeting Minutes

Upon a motion by Mr. Hedges, seconded by Mr. Tyler, the minutes were approved by a 3-0 vote.

c) Review of Licensing Statistics.

Staff reviewed the licensing statistics. There is no backlog. There is a 6-8 week wait. Mr. Tyler expressed concern over the 1,228 no shows for the practical examination and 1,098 no shows for the written. It is a space somebody else could have had.

d) Review and Approval of Regulatory Language to Revise the Curriculum for Electrology, Esthetician, Barbering and Manicuring:

Proposed language was presented to revise the curriculum currently in regulation to make it more flexible. The cosmetology curriculum has previously been approved by the board. The manicuring curriculum was previously approved but they felt the motion was not clear enough so it is being reviewed. Mr. Duke was asked to provide the language for a clear, positive motion. Mr. Duke noted the language needs to be in regulatory format for the OAL. He asked the item to be tabled and placed on tomorrow's agenda. Mr. Hedges made the motion to approve the language as presented in concept until the full regulations are brought back before the board. Ms. Underwood recommended bringing back the final language to the October meeting along with more information, to the full board for approval. Mr. Lloyd seconded the motion.

Public Comment:

Jean Ogrin commented on the electrology curriculum. She presented a letter from Patsy Kirby who wrote that she felt the curriculum was too vague. Ms. Ogrin noted the required hours for electrolysis, thermolysis and the blend should be equal. There needs to be a balance. She objected to using "salon and spa skills." Ms. Underwood commented the number of hours was derived from input from the industry. Mr. Tyler commented skills are needed beyond technical skills.

Fred Jones, PBFC, appreciates broad modalities and not an over micromanaged curriculum with unintended consequences that lead to wholesale licensure and regulatory exemptions.

Jaime Schrabec commented on the manicuring curriculum proposal. She wanted to ensure there was justification to increase the hours from 400 to 500. She discussed technical instruction vs. practical operation; it is not realistic in beauty schools. Other than hours she would rather see competency skills listed.

The motion was approved by a 3-0 vote.

e) Update on National Exam Audit

Ms. Underwood provided an update on the National Exam Audit. The vendor to perform the audit has been chosen. The audit is expected to take 4-5 months. A full report will be submitted to the Board.

f) Update on Computer Based Testing Update

The new vendor for computer based testing began on June 5, 2007. The new vendor is PSI, Psychological Services. Several glitches were encountered but are being resolved. PSI has 13 testing locations in the state.

g) Discussion of Booth Rental License

Per industry statistics 75-90% of the people in California within the beauty industry are independent contractors/booth renters. More and more states are moving towards licensing these entrepreneurs to reflect this change. It will assist in consumer protection to have accountability. Mr. Tyler explained the store owner is recognized as the establishment owner. They may be required to maintain all the rules and regulations. Mr. Lloyd expressed his concern that somebody needs to be in charge for disputes. Mr. Hedges noted he is in favor of the booth renter license but is against taking the responsibility for health and sanitation off the booth renter and salon owner. He believed if the salon owner is responsible, they will be watching the booth renters more closely. Mr. Tyler agreed specific guidelines need to be developed. Mr. Tyler requested the committee recommend to the full board to require booth renters to obtain an establishment license under the current statutory authority. He also requested staff draft a proposal for the license, looking at other states' procedures. Mr. Hedges made the motion to move this issue forward for discussion by the full board to protect health and safety without relieving that responsibility from the establishment owner. Mr. Tyler seconded the motion.

Public Comment

Fred Jones, PBFC, advised his organization is not against booth rental, but for a 'clear playing field.' He believed there is ignorance about being a sole proprietor within the booth rental segment. Booth renters have all the responsibilities of an establishment owner. Every booth renter should have their own establishment license for consumer protection and their own protection. Now, inspectors don't know who is a sole proprietor and who is an employee. The landlord is responsible for the common area. Tax evasion is rampant. (Mr. Tyler noted most states require educational classes for booth renters)

Kirby Morris, of NIC, noted the Board should go to the AG's office to see if it is legal to put a double licensure on the same space. He cited Nevada which does not issue a booth renter license because it was determined it is not legal. He stated the board should focus on health and safety of consumers and not about who is paying taxes.

Jean Ogren of the Electrology Association, noted this is a gray area. As a salon owner she had a written contract that delineated all the responsibilities of the booth renter and herself. In her experience of being audited, she said the state government is concerned about where the money goes; it should be kept separate. She required her booth renters to get a separate business license.

The committee voted 3-0 in favor of the motion. It will move forward to the full board.

h) Discussion on Hair Stylist License

Mr. Tyler pointed out that occupational analysis studies have shown 90% of people become cosmetologists to do hair. He noted hair stylists are required to do 1,600 hours in a broad scope of work in hair, skin and nails, but may only want to do hair. Many states are moving in this direction. Mr. Tyler gave the scenario of a person getting their hair stylist license after 900 hours. They could then later take additional classes/hours if they wanted to expand their license into skin and nails. Hair stylists are being forced to pay for education that is not utilized. This license would be good for reciprocity also. He requested this issue be moved forward for discussion by the full board; it will not be an action item. If approved in the future, it will require legislation. The committee agreed.

i) Discussion on Natural Hair Braiding Certification

Mr. Tyler stated the area of natural hair braiding needs to be regulated. It is not within the scope and practice of hair styling. It is the cause of the largest amount of hair loss in African American women and is due to improper hair braiding and care of braids. The focus is now on the technique and not other issues such as the skin and scalp. Mr. Tyler feels a natural hair braiding certification needs to be developed to allow a curriculum to be developed to teach the basics of health, safety and sanitation. He noted plastic extensions are being purchased and melted onto scalps. This creates dioxin, a very dangerous chemical. He also noted extension braids sold in store that purport to be 100% human hair may not be. 'Individual hair extension is a booming part of the industry that nobody knows anything about.' This certification would require legislation; it is currently exempt so legislation would be required to remove the exemption. Mr. Hedges recommended speaking with members of the legislature to bring it to their attention. Mr. Hedges noted many hair braiders can be cited for working out of scope of practice. Mr. Hedges made the

motion to move this issue to the legislation and budget committee. It was seconded by Mr. Lloyd and approved by a 3-0 vote. Ms. Underwood recommended adding legislative goals to the agenda for the next meeting to discuss goals for new legislation and set priorities.

j) Discussion on Establishment Renewal Notices

Mr. Hedges noted he had received information that establishments do not receive renewal notices. Staff confirmed that they do. However, if they do not pay a fine, their renewal is placed on hold. So if they pay their \$40 renewal, the check is cashed but their license is not renewed because of the past due fines. He hoped it could be arranged that they receive a renewal notice, along with the reminder/requirement to pay the past due fine. Ms. Underwood indicated the enforcement and license databases do not communicate at this time. Mr. Duke noted the renewal notices are sent out by the Department of Employment Development. Linking the two databases would be a very expensive and time consuming endeavor. Ms. Underwood suggested a note could be added to the renewal notice stating their renewal will not be valid if they have any past due fines. The committee directed staff to add this.

k) Public Comment

Kirby Morris, of NIC, wanted to clarify he was not accusing PBFC of not telling the truth, but there are myths. He also wanted to point out he is not against booth rental salons. He is favor of licensing them but feels a lot of discussion is needed to make sure it is done right. He stated he will work with staff to outline his concerns.

l) Agenda Items for Next Committee Meeting

None at this time.

m) Adjournment

There being no further business, the meeting of the Licensing and Examination Committee was adjourned.

(15 minute break)

10. Agenda Item #10, EDUCATION AND OUTREACH

a) Call to Order/Roll Call

Committee members include Jerri Ann Walters, Deedee Carlson, Socorro Farias (Marlene Gadinis, Alternate). All members were present.

b) Approval of April 22, 2007 Committee Meeting Minutes

Due to lack of a quorum the approval of the committee meeting minutes was tabled.

c) Election of Chair

Ms. Carlson was elected chair at the last meeting.

d) Consumer Outreach Campaign Update

Ms. Underwood updated the committee on the consumer outreach campaign. Staff attended the state agency expo, and will be attending the California State Fair.

e) Industry Outreach Campaign Update

Ms. Walters noted the Face and Body show in San Francisco is upcoming on 8/26-27. Staff will be attending that event, along with the Nail Pro show in Sacramento on 10/7. The packet outlines all the events staff has attended in 2007. Ms. Walters asked if it would be beneficial to have a licensed person at the shows to answer questions. Mr. Duke noted the people working in the booth are representatives of the Board, and anyone else may give improper information.

f) Discussion on Media Alternatives

Ms. Underwood presented the committee with a plan proposed by Alex Irving regarding cost savings PR.

Alex Irving of Alexander Public Relations developed a list for staff regarding media alternatives. He noted public outreach should be an ongoing process. Staff and board members do not have time to focus on this. He stated the board needs a plan for ongoing public relations. 'The Board needs faces.' A representative of the board needs to meet with personnel from every magazine in the industry and provide information for future articles. His plan recommends establishment of the California Publicists Council to get the word out. He also recommends creating an official awareness PR campaign for 2008 which will require strategic planning. A theme/slogan would be created. A quarterly newsletter should also be created focusing on the issues, achievements of the board and targeting the influential people of the industry. His plan suggests exposing the people of the board and staff to the industry through the newsletter, and press releases. Overall, he recommended these ideas be prestrategized. He noted none of the ideas cost a lot of money. (i.e. the newsletter could cost \$1 per copy) Mr. Irving noted his company is very knowledgeable of the industry and the board. He noted the board may want to do an associative website to the current state website. It can be changed more actively and quicker.

Ms. Underwood indicated staff will thoroughly review the proposal and bring a recommendation back to the committee. Available resources will be identified. Mr. Duke noted a website is more passive requiring the user to access it. A mailed newsletter may be more effective. At this time, email addresses are not collected for future IT mailings. Ms. Walters noted it would be important to get email contacts for schools to get information out quickly.

Mr. Duke asked Mr. Irving if he could develop public service announcements. He stated that his focus is on public relations but he has had experienced in doing them. Mr. Duke recalled he saw some while in Florida that seemed effective.

g) Public Comment

None at this time.

Ms. Walters noted she emailed Oprah and Tyra Banks to give them information about the board and the positive changes that are being made for the industry. She has not yet received a response.

Ms. Carlson asked if they could require renewals to complete a healthy and safety education update course to renew their license. Ms. Underwood stated it would require legislation and may be a difficult task to get through the legislature. Ms. Underwood stated it would fall more under the Legislation and Budget Committee.

h) Agenda Items for Next Committee Meeting

Public relations plan from staff. Update on consumer and industry outreach.

i) Adjournment

There being no further business the meeting of the Education and Outreach Committee was adjourned.

11. Agenda Item #11, ENFORCEMENT AND INSPECTION COMMITTEE

a) Call to Order/Roll Call

Members include Richard Hedges (Chair), Frank Lloyd, Deedee Carlson, Ken Williams. All were in attendance.

b) Approval of April 22, 2007 Committee Meeting Minutes

Upon a motion by Mr. Carlson, seconded by Mr. Williams, the minutes were approved by a 4-0 roll call vote.

c) Review of Enforcement Statistics

Enforcement statistics were reviewed by Ms. Underwood. It was noted complaints dropped during the period. Mr. Williams noticed a large increase in citations issued. Ms. Underwood stated this may be caused by the push to get them in before the end of the fiscal year. Ms. Carlson asked if a licensee is reinspected if they are on probation. Ms. Underwood explained the office has a probation monitor that keeps in close contact with people on probation. The requirements are determined on a case-by-case basis. They typically will get reinspected within 3-6 months. Mr. Duke indicated under the newly proposed summary suspension regulation, a subsequent inspection is required within a short period of time after the violation has been found. At this time, it only pertains to footspas and pedicures.

d) Review of Health and Safety Enforcement (taken out of order)

Ms. Underwood outlined a couple of areas that staff feels need to be improved in the health and safety area. A comprehensive review is needed of the health and safety laws. The same violations have been cited for the past 5 years. These are the obvious visible

violations that can be common when somebody gets busy. Mr. Tyler agreed it may be time to review the relevancy of the health and safety laws. There may be items that are outdated, or some may need to be included. Ms. Underwood cited an example of the posted license at the workstation. Someone will be cited if the license is posted in the reception area. Consumer harm needs to be reviewed. Mr. Williams noted a problem with multiple violations for one item. Mr. Hedges and Mr. Lloyd noted the importance of the top violations. Ms. Underwood stated the inspectors should not have to make the decisions about what violations they give. Staff feels an internal review is needed to analyze the current violations, procedures, etc. The board agreed. Mr. Hedges reminded the board that the fines had not been raised in many years until recently. The flat fine policy was developed so inspectors could work the weekends and not have to call in for the fine. People are now reacting to the increase in fines. Mr. Duke noted most boards issue subsequent citations after an inspection and analysis. This would provide for consistency in citations and determine the seriousness of the violation. Mr. Tyler noted this will take the inspectors out of volatile situations. Ms. Underwood outlined the following staff recommendations for reform: 1) Inspection reports will no longer contain administrative fines. Notices of violations with fine schedule will be left with the violators. 2) Inspectors would conduct inspection and submit photographs and report to the enforcement unit. 3) The enforcement analyst would then review the history of the violator, and determine the course of action to be taken which could be a citation or disciplinary action. They cannot actually dismiss the fine but can determine there is no substantial evidence to move forward. Immediate action could be taken for serious violations. Mr. Hedges indicated at this time the enforcement analysts have a large backlog and is concerned that they would not be effective. Strict timelines must be adhered to, i.e. must be completed within 10-15 days. Mr. Lloyd recommended a mass mailing of fine amounts to protect the inspectors. Mr. Tyler noted the fine schedule is posted on the website and very available. Mr. Tyler believed the new enforcement director Heather Berg, will get things moving. Mr. Duke noted the proposed changes will depersonalize the process for the inspectors, and offer a sense of fairness to violators that there will be another level of review. This will open the door for the inspector to return in the future without animosity. Mr. Hedges noted strict timelines need to be adhered to; Performance standards need to be established to provide a means of accountability. All agreed more staff will be needed to help the system to be a success. Mr. Hedges recommended weekly reports be submitted to DRC on the progress to make sure things are being completed timely. Ms. Gadinis felt the proposed changes will create an educational environment for the inspectors in the field with the licensees. Mr. Duke believed the proposed changes could save the DRC time in not having to hear appeals. Mr. Williams expressed his strong support for the proposed changes. They will allow inspectors the opportunity to educate. Correction needs to be the focus. Mr. Hedges made the motion to move forward with staff's recommendations and ensure number 3 is carefully monitored and implemented to ensure there is enough staff and ability to complete in a timely fashion (within 15 days from receipt of paperwork). Ms. Walters seconded the motion. Mr. Duke pointed out summary suspension cases will have priority.

Public Comment:

Jaime Schrabek of Precision Nails applauded the board's concerns. She noted education has not taken place in the schools. The inspectors' job is to enforce. Health and safety needs to be integrated into the curriculums.

Fred Jones, PBFC, appreciates the recommendations. The sensitivity is high in the industry at the present time. Objective reviews are needed to include the case

licensee's case history. An inspector cannot be objective. He recommended immediate adoption.

Alex Irving expressed his support for the recommendations.

Mr. Lloyd reiterated the length of time needs to be cut as short as possible. Ms. Gadinis noted that once a person is given a notice they should be told it will be reviewed by the enforcement agency and the citation will be issued in 30 to 45 days. Keep the communication open. From a school perspective, Ms. Carlson indicated it may be helpful in the future to let schools know how their students did on each area of the test and not just an overall pass/fail.

Kirby Morris of NIC indicated the national examination program can provide that information.

Mr. Lloyd recommended an information sheet be left at the time the notice of violation is given explaining the process in black and white. Ms. Farias and Mr. Williams agreed communication is important at all levels so there is no misunderstanding. The motion was approved by an 8-0 roll call vote.

e) Public Comment

None at this time.

f) Agenda Items for Next Board Meeting

Continuing update on the review of health and safety enforcement. Ms. Underwood noted this will be a thorough and timely process. She anticipated coming to the October meeting with a detailed plan.

Mr. Williams asked about the remediation component and if it was only for people who have lost their license. Ms. Underwood stated it comes from the attorney general's office if they will be required to do remedial training. Mr. Lloyd asked if a citation similar to a 'fix-it ticket' could be established. Mr. Duke indicated the board has the authority to issue an order of abatement which would cover this. Mr. Hedges recalled this was done in the past but staff recommended discontinuing this practice. Mr. Lloyd asked who monitors when a shop is ordered to close for 5 days as a result of violations. Staff noted the inspectors will try to go out during that period to ensure they are closed.

g) Adjournment

There being no further business the meeting of the Enforcement and Inspection Committee was adjourned.

12. Agenda Item #12, FULL BOARD RECONVENES

Mr. Tyler called the meeting of the full board to order.

13. Agenda Item #13, REPORT OF ACTION ITEMS FROM THE COMMITTEES

LEGISLATION AND BUDGET COMMITTEE

No action items to discuss.

LICENSING AND EXAMINATION COMMITTEE

Approval of Regulatory Language to Revise Curriculum for Electrology, Esthetician, Barbering and Manicuring:

It was reported the committee approved to proceed with the regulatory package with the new reformatted language, and present that at the next board meeting. OAL is requesting the 'final' language at this time. However Mr. Duke reported the language may change throughout the rulemaking process, but would require another motion. Mr. Hedges made the motion to approve the committee's recommendation to move forward with the new licensing types and hours. Mr. Tyler seconded the motion.

Public Comment

Jean Ogren reiterated her concern about the discrepancy in hours for the three electrology modalities.

The motion was approved by a 7-0 roll call vote.

ENFORCEMENT AND INSPECTIONS COMMITTEE

Review of Health and Safety Enforcement: No Action Items to Discuss

14. Agenda Item #14, UPDATE ON THE BUREAU FOR PRIVATE POST-SECONDARY AND VOCATIONAL EDUCATION

Ms. Underwood clarified the current law states a school can only be approved if it is previously licensed by the BPPVE. The BPPVE does not exist any longer. Transition legislation SB 1525 allows approved schools to maintain their approval. If something does not happen by January 1, schools will no longer be approved, resulting in no approved students, and discontinuation of the exam. Ms. Carlson asked if the board has the staff to manage the school approval process if they undertake this, including student advocacy. Mr. Tyler noted the BPPVE was charging for school approval, which may allow the board to hire more staff. All agreed the board needs to send a clear message that they are the best qualified to provide oversight over the schools. All expressed great confidence in Ms. Underwood and her staff to make this transition and process successful. Mr. Duke noted one avenue to accomplish the change would be to request a bill to delete the line requiring schools be approved by BPPVE. It would not require urgency legislation. Another avenue would be to support SB 823 which continues BPPVE.

Public Comment

Fred Jones, PBFC, commented SB 823 is the vehicle to create the new BPPVE structure. He noted in conversations with the staff of the author of the bill, they were hesitant to let the schools go because they wanted to get as much backing on this bill as they could. He noted he has tried to convince them this would not affect it. He has been contacting multiple legislators over this issue. He noted there is urgency for schools who are trying to open.

SB 1525 keeps things status quo up until January 31. If nothing is passed, no schools will be licensed. If SB 823 passes, new schools will have a hard time. He recommended also striking the word 'license' from the current law. He noted increase of duties only affects urgency bills. He recommended amending 7362, removing the BPPVE and allowing schools to be approved by the board. (Mr. Tyler asked if contacting schools would be helpful). Mr. Jones indicated educating politicians would be more helpful. He stated the board needs to send a clear message, 'send our schools back.'

Mr. Hedges made the motion to direct staff to move to claiming the licensing function of private post secondary board vocational schools, and getting legislation to allow the Board of Barbering and Cosmetology to license them. Mr. Tyler seconded the motion.

Public Comment:

George Brunt reiterated his difficulties in opening a new school in the Bay Area. He cannot wait until January to open his school. He appreciated the Board's concerns and supports their decision to move forward. He hoped staff could look into alternative ways to help his school open before January.

Mr. Jones clarified 'voluntary contract' is not increasing the official duties of the department and is legal. It is requesting, not requiring. Creative alternatives are possible. 1525 keeps the status quo but does not provide a mechanism for approval of a new school.

Ms. Carlson noted it was made clear to potential schools by BPPVE to not sign a lease until they received preliminary approval. However, since they do not exist anymore, approval is difficult. Mr. Duke clarified under 1525; schools who had received approval prior to June 30 were authorized to open. Mr. Williams wondered who the board could go to to make their intentions clear. He did not believe the state is in favor of having unlicensed schools.

The motion was approved by a 7-0 roll call vote.

15. Agenda Item #15, PUBLIC COMMENT

Jean Ogren asked if the Electrologist Association could educate the Board on their industry. They would like to provide more information about their industry. Mr. Hedges recommended a future presentation on the second day of the regular meeting. Ms. Ogrin asked if the advisory committee was still operating. Mr. Tyler confirmed the Board is aware the Electrologist Association is an important part of the board. Ms. Ogrin asked if changes in the meeting locations could be noticed more in advance. She noted the last meeting was changed from San Jose to Sacramento at the last minute. Staff noted the website would be a good source of updated information. Ms. Ogrin thanked the board for being professional and proactive.

16. Agenda Item #16, ADJOURNMENT

With no further business, the meeting was adjourned.