



**Holiday Inn San Diego Zoo Area  
595 Hotel Circle South  
San Diego, CA 92108  
Room, Coronado**

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

### **MINUTES OF OCTOBER 14, 2007**

#### **BOARD MEMBERS PRESENT**

Jerry Tyler, President  
Richard Hedges, Vice President  
Deedee Carlson  
Marlene Gadinis  
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 ABSENT**

Socorro Farias

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

Mr. Tyler called the meeting to order at 10:00 a.m. The board members and staff members introduced themselves. Patty Harris of DCA also introduced herself.

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

Mr. Tyler congratulated Mr. Williams on becoming a grandfather. Mr. Tyler reported he was invited to be a speaker at the National Interstate Council Cosmetology Board's convention in South Dakota in late August. This was the first time the California board had a presence at their convention. He stated it was a wonderful networking and learning experience to connect with other boards. Mr. Tyler has continued in his outreach efforts including meeting with Proctor and Gamble about their products and education. He will be attending the Paul Mitchell School to cut hair. He has written numerous articles for California Hairstylist. The Board commended Mr. Tyler on his efforts.

#### **3. Agenda Item #3, Executive Officers Report**

Ms. Underwood reported a new licensing manager has been added to the staff. Staff recently attended a nail show in Sacramento. Many questions were fielded including pets in salons, foot files (no metal), footspa liners. Mr. Tyler commended Ms. Underwood for her recruiting efforts.

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

Patty Harris gave a brief summary of her background. She reported the department is working on a project of targeting unlicensed activities. Ms. Underwood is an integral part of this. Education is a key part in educating the public to use licensed professionals. Undercover work has been done in areas such as automotive repair and locksmiths.

**5. Agenda Item #5, Approval of Board Meeting Minutes for August 5 and 6, 2007**

Upon a motion by Ms. Gadinis, seconded by Mr. Hedges, the minutes were approved by a 7-0 vote.

**6. Agenda Item #6, LEGISLATION AND BUDGET COMMITTEE**

a) Call to Order/Roll Call:

Members include Jerry Tyler, Richard Hedges, and Marlene Gadinis. Jerri Walters also attended as the alternate. Mr. Tyler called the meeting to order.

b) Approval of August 5, 2007 Committee Meeting Minutes

Upon a motion by Mr. Hedges, seconded by Ms. Gadinis, the minutes were approved by a 4-0 vote.

c) Budget Update

Ms. Underwood provided the current budget update. She noted it is in draft form. Once the budget is signed the office sets up the allotments. The draft is based on last year's figures.

d) Proposed Regulations Update

The following proposed regulations and their status were reviewed by staff and discussed by the committee: Schedule of Fees, Credit for Special License (Apprentice Transfer of Hours), Summary of Suspensions (AB409) (have been approved and in effect), Administration Fine Increase (adding of two fines for footspas. Moving forward), Interpreter and Interpreter Model (Be finalized), Removal of Externship Curriculum (currently being worked on). The barbering and cosmetology curriculums are being worked on separately so one does not hold up the other.

e) Proposed Legislation Update

Updates were provided for the following Legislation.

- AB 105 - Tanning Facilities
- AB 721 – Public Records Requests
- AB 865 – Live Customer Agents
- AB 973 – ROP License Fees
- AB 1025 – Denial of Licensure (Vetoed yesterday)
- AB 1135 – Report Declarations

- SB 374 – Military Service-Benefits
- SB 618 - Electronic Records
- SB 797 – Professions and Vocations
- AB 823 – Private Post Secondary Act
- SB 963 – Operation and Regulatory boards
- SB 45 – Private Postsecondary Education was recently signed by the Governor and discussed in detail by Mr. Duke and the Board. Mr. Duke recommended a potential motion be made: The Board authorizes the approval of any new Barbering or Cosmetology School, effective January 1, 2008, that meets the requirements of Section 3 of Chapter 67 of the statutes of 2007 as amended by the recently signed Senate Bill 45. Staff is directed to review any application to insure that the school meets the requirements of subdivision (c) of Section 3 of Chapter 67 of the Statutes of 2007. Provided the ministerial requirements of subdivision (c) are met, Board staff shall provide approval of compliance with subdivision (c) and Board approval of the school shall be effective January 1, 2008, retroactive to the date the school commenced operation as provided in subdivision (c). Any school applying for approval pursuant to SB 45 shall notify its students and prospective students of the actual legal status of the Board's approval of the school.

(Lisa Halko, Legal Counsel for Paul Mitchell Schools, thanked the board for their support and appreciation for signature of this bill. She stated that 85% of their students do pass the exam.)

Mr. Hedges made the recommended motion, Mr. Tyler seconded it.

Public Comment:

Fred Jones of PBFC, expressed concern about the retroactivity identified in the motion and recommended caution. It could encourage shady startup schools who want to get in through a quick review. He was assured staff will conduct thorough reviews.

Travis Yaldo of West Coast Barber College, Inc., spoke of recent correspondence with Janene Mayberry regarding opening a new Barber school in San Diego.

The motion was approved by a 4-0 vote to bring the issue before the full board.

f) Legislative Goals for 2008

Staff provided a list of items the board has discussed over the last few months. The committee was requested to prioritize the list for presentation to the full board. After discussion of each goal, the committee agreed on the following priority:

- 1- School Oversight
- 2- Booth Rental License

- 3- Hairstylist License
- 4- Assistant License and Braiding/Threading Licensure
- 5- Requirements for Establishment Owners
- 6- Continuing Education
- 7- Scope of Practice Updates

Public Comment

Fred Jones of PBFC, commented that we are not ready for continuing education. He believes that an assistance license is the same as an Externship license.

Richard Hedges made the motion to bring the priority list to the full board, Mr. Tyler seconded it. The motion was approved by a 4-0 vote to bring the list before the full board.

- g) Public Comment

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

- h) Agenda Items for Next Committee Meeting

None identified at this time.

- i) Adjournment

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

**7. Agenda Item #7, DISCIPLINARY REVIEW COMMITTEE**

- a) Call to Order/Roll Call

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

- b) Approval of August 5, 2007 Committee Meeting Minutes

Mr. Hedges noted they have still been receiving older cases and they have all not been resolved as stated in the minutes. Mr. Hedges made the motion to approve the minutes with his clarification; Mr. Tyler seconded it. The minutes were approved by a 5-0 vote.

- c) Review of DRC Statistics and Schedule

DRC statistics as of October 12th were reviewed. Ms. Carlson noted the word is spreading quickly about the increase in fines. Mr. Tyler recently spoke with SuperCuts management about enforcement. It was met with positive response. Mr. Hedges noted certain parts of the industry need more oversight. Unlicensed activity was discussed. Other fines were also discussed. Some operators are being fined twice. Can they be lumped together to encourage compliance and payment of the fine. Ms. Underwood noted when the fees were

raised in February-March of 2007, the unlicensed activity fines dramatically increased. Staff is working closely with the inspections program to ensure they continue to be the consumer protection agency. The inspectors need to be utilized to the best of their ability in the most harmless situation.

The Board discussed the proposed dates for 2008 DRC meetings.

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.

**8. Agenda Item #8, LICENSING & EXAMINATION COMMITTEE**

a) Call to Order/Roll Call

Members include Marlene Gadinis (Chair), Jerry Tyler, Richard Hedges, Frank Lloyd, Jerry Walters (alternate)

b) Approval of August 5, 2007 Committee Meeting Minutes

Upon a motion by Mr. Tyler, seconded by Mr. Gadinis the minutes were approved by a 5-0 vote.

c) Review of Licensing Statistics.

Staff reviewed the licensing statistics. There is no backlog. There is a 3-4 week wait. Mr. Tyler noticed the no shows have decreased. Ms. Underwood noted a staff person has been designated to call applicants whose mail is returned.

d) Update on National Exam audit

Ms. Underwood provided an update on the National Exam Audit. The vendor is performing the review and a report is expected by the end of the year. The vendor will make a recommendation on the validity of the exam.

Public Comment

Kirby Morris noted the goal should not be a 100% passage rate. The goal is to weed out incompetent and unsafe people to protect the public. California is in alignment with the nation. However Ms. Gadinis disagreed with this, 100% passage should be the goal.

e) Discussion on Booth Rental License

Staff presented a summary of other states requirements for a booth renter and establishment owner license. The common area is a problematic area. Public education on being an independent contractor would be helpful. Mr. Hedges noted he is opposed to the master license holder being responsible for the sanitation of the independent worker.

f) Public Comment

Fred Jones spoke on behalf of Ken Cassidy. He was in favor of the separate license, it will send a clear message that they are their own business and have responsibilities. Taxes are a concern to the legislature and a law has been passed to require all licensees to identify their status as an employee, owner or contractor.

Nick Niknejad of Flair Beauty College, expressed his concerns about safety and cosmetic demonstrators. (Mr. Duke noted they are exempt from regulation) However if they are working in a salon, they are responsible for sanitation. He noted there is not a regulatory body but there is a basis for civil action.

Jerry Gardner with VCME Inc., discussed unlicensed salon owners and sanitation violations. He offered a proposal to the board for remediation. The coursework would be 6 hours for Non licensed salon owners and 4 hours for remediation courses. The courses could be taken in the classroom or on the Internet. This will reduce the incidents of future repeated violations.

Mr. Hedges agreed this could be effective if it is done immediately. He noted there is no excuse for licensees to let their license expire as they are reminded constantly for 6 months prior.

LaFaye Austin, NIC, offered information on practices in Oklahoma.

g) Agenda Items for Next Committee Meeting

Demonstrator Permit

h) Adjournment

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

**9. Agenda Item #9, EDUCATION AND OUTREACH**

a) Call to Order/Roll Call

Committee members include Jerri Ann Walters, Deedee Carlson, and Socorro Farias (Marlene Gadinis, Alternate). Ms. Farias was absent; Ms. Gadinis took her place.

b) Approval of April 22, 2007 Committee Meeting Minutes

Upon a motion by Ms. Gadinis, seconded by Ms. Carlson, the minutes were approved by a 3-0 vote.

Approval of August 5, 2007 Committee Meeting Minutes

Upon a motion by Ms. Walters, seconded by Ms. Carlson, the minutes were approved by a 3-0 vote.

c) Consumer Outreach Campaign Update

Ms. Underwood updated the committee on the consumer outreach campaign. Staff attended the state fair in August.

d) Industry Outreach Campaign Update

Ms. Underwood noted there are no more events scheduled for the remainder of 2007.

e) Public Comment

Tina Ling of the Asian Law Caucus discussed the trade shows/Worker Outreach Campaign and wants to know if the Board could be involved. Ms. Carlson noted some trade shows require a license. She advised Ms. Ling to contact Ms. Underwood if she wanted a representative of the board to speak at her event.

f) Agenda Items for Next Committee Meeting

Ms. Walters requested a handout regarding employer and independent contractors. Ms. Underwood will bring the information that is handed out at the tradeshow for the committee's review.

g) Adjournment

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

(15 minute break)

**10. Agenda Item #10, 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 August 5, 2007 Committee Meeting Minutes

Mr. Hedges noted a correction on Item 11.d. He actually stated he was concerned the enforcement analysts may not be effective if there was a large volume of cases. Upon a motion by Mr. Carlson, seconded by Mr. Williams, the minutes as amended were approved by a 4-0 vote.

c) Review of Enforcement Statistics

Enforcement statistics were reviewed by Ms. Underwood. Mr. Williams asked if it was possible if the complaints were broken down into the areas of licensure.

d) Review of Current Administrative Fine Schedule

Mr. Hedges noted he favors a sliding scale within the fines. Many fines seem to be duplicative. Mr. Williams agreed. It is important the board be fair in how the licensees are treated. Health and sanitation violations need to be treated very seriously. Possibly administrative areas need to be further reviewed. Mr. Williams noted he was asked to go to a salon and found violations that could and were corrected immediately, such as properly posting a license/notice. The salon owner immediately corrected it, once it was pointed out to him. Mr. Williams preferred this method of inspecting instead of only writing violations, but realized this may not be feasible with the time constraints of the inspectors. All agreed it would be important to streamline the inspection process. Mr. Williams recommended incorporating questions into the written examination to ensure the Board's rules and regulations are taught in schools. Ms. Carlson agreed, stating students are assigned to read the rules but if they know they're not going to be tested on them, they may not.

e) Public Comment

Fred Jones briefly commented on the duplicative fines and feels they will be worked out under further review. Some fines are subjective to inspectors. Protection of due process rights and fair and equal treatment is vital.

Patty Harris of DCA noted the Pharmacy Board developed a self-assessment form for their licensees. It is very straightforward. It is done every two years when the laws are updated.

LaFaye Austin of NIC, believed information regarding the Oklahoma process would be helpful. She will forward it to the board.

Tina Ling of the Asian Law Caucus noted a lot of California workers are not English proficient. She asked what the Board was doing to address this. Ms. Underwood noted staff is looking at proposals to have all the forms translated. An update will be provided at the January board meeting. Ms. Carlson recommended including pictures; possibly video clips on the website. Also, some inspectors are bilingual and a language line is available.

f) Agenda Items for Next Board Meeting

Breakdown of categories of complaints.

g) Adjournment

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

**11. Agenda Item #11, FULL BOARD RECONVENES**

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

## 12. Agenda Item #12, REPORT OF ACTION ITEMS FROM THE COMMITTEES

### LEGISLATION AND BUDGET COMMITTEE

**Legislative Goals:** Mr. Hedges made the motion the entire board adopt the legislative goals as outlined by the committee: Priority #1 – School oversight. #2 – Booth Rental License. #3 – Hairstylist License. #4 – Assistant License and Braiding/Threading Licensure. #5- Requirements for Establishment Owners. #6 – Continuing Education and #7 – Scope of Practice Updates. Mr. Tyler seconded the motion. It was approved by a 7-0 vote

**SB45:** Mr. Hedges made the motion that the Board authorizes the approval of any new Barbering or Cosmetology School, effective January 1, 2008, that meets the requirements of Section 3 of Chapter 67 of the statutes of 2007 as amended by the recently signed Senate Bill 45. Staff is directed to review any application for approval to insure that the school meets the requirements of subdivision (c) of Section 3 of Chapter 67 of the Statutes of 2007. Provided the ministerial requirements of subdivision (c) are met, Board staff shall provide approval of compliance with subdivision (c) and Board approval of the school shall be effective January 1, 2008, retroactive to the date the school commenced operation as provided in subdivision (c). Any school applying for approval pursuant to SB 45 shall notify its students and prospective students of the actual legal status of the Board's approval of the school. Mr. Tyler seconded the motion.

Ms. Carlson wondered if this motion would protect the students from unscrupulous schools taking their money and not getting approved. Mr. Williams believed the motion gives the board some of the responsibilities of BBPVE. Other laws will also protect the students. Mr. Tyler noted the BBPVE was charging each school \$3,500 so they had a cash resource to monitor. Ms. Harris of DCA noted there are no applications pending for approval. Any applications that come in will be given a voluntary agreement. There are currently no laws in California requiring any new school to be approved. This agreement would be made that the school would be in line with the requirements from June 30, and will remain until it is determined who will approve the schools in the future. Mr. Duke concurred this is a voluntary agreement. Mr. Williams noted at his previous school in North Carolina, he was thoroughly inspected monthly and given a grade of A, B or C. The board was very hands-on. He hoped the board could have more resources in the future to hire more staff so they don't have to micromanage.

#### Public Comment

Fred Jones agreed the motion sends a message to the legislature that the board is ready to take on sole oversight of the schools. The voluntary agreement includes the requirement that the school will abide by the laws that were in effect in June. As a third party beneficiary, this protects the students and the board. He noted staff would be able to evaluate the schools without delay.

Lisa Halko, representing Paul Mitchell noted California has the Business and Professions Code that will provide for consumer protection. SB45 provides the board with the ability to say no. She thanked the board for their support to the

school and professionalism of the industry and students.

The motion was approved by a 7-0 vote.

**13. Agenda Item #13, REPORT ON CITATION AND FINE PROCEDURES**

Ms. Underwood presented a summary of the process of administering citations and fines. Staff is proposing to go back 7 years for history of violations. Providing this history will bring the confrontation level down. The enforcement analyst will review the citations and make a recommendation to the enforcement manager. The violator will be notified within 30 days of the specific violation and fine. Various scenarios were discussed. It is hoped this new procedure will free up the inspectors from having to calculate the fines and do the administrative portion, and allow them more time to assist with compliance in the field. Inspectors do have authority to stop operation for serious violations and this can be dealt with on a case-by-case basis.

Mr. Hedges read the following statement into the record:

"First and foremost, I am very concerned about the violence with which our inspectors are being faced. They work hard, under difficult conditions and with low pay. We are lucky we have loyal folks willing to do this work. We need to fix all of these issues for them, but foremost, their safety. I agree with those who say, "It is vital that we do something very soon to improve the safety of our inspectors." In doing something we must do the right thing. In doing something we can't dilute inspections or enforcement. If we do dilute inspections or enforcement, we will ignore the Governor; Legislature and DCA's work with us to eliminate the horrible infections caused by bad sanitation practices within the industry and put consumers at risk. In doing something we must do the right thing. In doing something we must abide by SB 362, which tells us; our Mission is to protect the public. Section 7303.1 of SB 365 states; "Protection of the public shall be the highest priority for the Board of Barbering and Cosmetology in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." Having said that, we must move with caution and exert oversight of this new process. A rush to do something must not create a two-track system that creates a different type of justice for those who know how to access the system, or worse, those who have the ability to bring pressure on the system. As I have said in the past, I am concerned about directing all of the citations written by our inspectors through Enforcement because of the following: As you know, in January 2007 the entire Board was told that DRC had eliminated our backlog of citation appeals that had existed since the Board was reestablished in 2003. However, all of our cases we have dealt with until July 2007 were 2004, 2005 and 2006 cases that had been stranded in Enforcement, when we should have been dealing with the flood of new citation appeals brought on by the new fine schedule. Jerry Tyler complained about finding 2005 appeal cases in our appeals scheduled for Tuesday, September 25, 2007. Those cases were cases that had been in Enforcement. Out of the 6 days that DRC met in September 2007, every day had some old appeal cases that had been stranded in Enforcement. We are still dealing with old backlogged cases. These citations that had been directed to Enforcement are the most important cases because these are the worst violations of health and sanitation. It has created a great concern on my part that these unseen or unnoticed backlogs will occur again with all of our citations going to Enforcement under our new cite and fine procedure. When we have reached a solution for the problem, and created a new cite and fine

procedure, the new procedure must have complete transparency because, as the Board, we are held responsible. We must have regular weekly reports regarding the number of citations that go to Enforcement, the number of citations that are reviewed and the number of citations that are dismissed, the number of citations that are forwarded to the licensees for payment or appeal, the number of citations that are forwarded to the licensees without fines attached and the age of the citations when they are forwarded to the licensees who have been cited. There must be strict guidelines for what Enforcement may change in the citations, eliminate or alter. Without strict guidelines we may have unequal enforcement of our regulations for health and sanitation. We spent a little over a year with the Foot Spa Regulations and the Cite and Fine regulations. I have been involved in all of the meetings including the Foot Spa Working group. The staff recommended the current cite and fine schedule as well as most of the fine amounts. There was a great push to increase the penalties for both the foot spas and unlicensed activity. Most of our Board members have been very vocal about stopping all the unlicensed activity. I, as well as Jerry Tyler, have been very vocal about stopping all the unlicensed activity within our industry. We had many meetings regarding the new cite and fine regulations and amounts: working group meetings, committee meetings, Board meetings and finally hearings. The new regulations went to the DCA and the OAL for approval. **There was no outcry against the new fine system.** There was generally support at the meetings. Finally the Board voted unanimously to impose the new fine system. As I said in the past, I believe we made a mistake, especially in imposing a fine of \$1,000.00 on employees working in an unlicensed establishment. I admit that it even goes against my belief system to impose a fine of that size on people who are required to do what the boss tells them and seldom if ever question the authority of their employer. IN the rush to implement a new system for foot spa sanitation and disciplinary rules to stem the rising tide of horrible bacterial infections, I, as well as other Board members, overlooked the absolute unfairness of that excessive fine. I am willing to admit my mistake. I am happy we have placed an item on the agenda to discuss the reconsideration of the fine amounts for this violation. If we have made a mistake on some of these fines, we should probably change them. I do not want a system that ignores regulations we have on the books. If it is important to have a regulation, it is important to enforce it fairly and evenly. One solution may be to have a sliding scale for the amount of fines within the amounts listed on the fine schedule. However, it has to be implemented evenly to all that are cited. A sliding scale must have strict criteria. I believe the DCA and our Board is getting a great deal of feedback from the industry and we are under a great deal of pressure to fix all the problems surrounding the new fine system. I know some industry members on the Board have in their own words been, "taking a great deal of heat" from friends and acquaintances. That is fine, public input is what we need, but we also need cool heads. All of our Board members want to do the right thing. What we can't do, is hurry to fix it just so we can go back to life, as we knew it before we changed the fine system. I am very sympathetic. I do not work in the industry and do not have to deal with the discontent. Kristy provided the Board with the new procedure information so that we could absorb the details before we make a collective decision and vote on it. We need to consider this carefully or we are courting a chance for future regrets. No matter how good our current staff and Board are, we are making decision for future Boards and staff members. **I want to support the change in cite and fine procedure.** I have faith with Kristy's guidance and a full and informed discussion with the Board that we will be able to have good new cite and fine procedures. But foremost it must be transparent, fully reported on a regular basis to all board members, and administered equally to all our licensees. I will never go before the California State Legislature again and not have a full explanation of why I voted for something. I will always be able to say that I understood the desire of the Legislature and the effect of our policies. **So, if I do understand fully what this new process will do to the consumer first, then the**

**licensees, then the DRC and finally the Board, I will vote for it, but only when I understand it fully.** I consider all our leadership, staff and Board members as friends. I believe we all want the best practices for the consumer. I am a public member and have sworn to protect the consumer. I have made health and sanitation my mission. I need full information with time to fully consider and digest it to get on board with any new cite and fine procedure. **What is clear from our DRC hearings is that the new fine policy is working!** People have gotten a message that we are taking these violations seriously. They are cleaning up and bringing us proof. Sometimes they are bringing us subsequent inspections that are completely clean. We need to fix what is broken. We cannot keep up with the pace of appeals and cannot jeopardize our inspectors' health and safety. We do not want a policy that changes the perception that came with the new cite and fine regulations that the Board is serious about health and safety issues. Let me make it clear, our EO, Kristy Underwood is not responsible for the unseen backlog of old cases in enforcement. She inherited this situation. She has been working successfully to solve many other problems that she inherited. However, we must move very carefully to insure that we don't have an even larger problem in the future. Once again we are legally bound to the following and I quote: "Protection of the public shall be the highest priority for the Board of Barbering and Cosmetology in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

Ms. Gadinis noted there is a level of trust. The staff is working hard and looking at each individual case. Mr. Williams agreed staff has to make individual decisions. The major violators need to be put out of business. A balance needs to be reached between dishonest and honest shops. Mr. Tyler stressed public and industry education. The board will receive a weekly report. Mr. Hedges recommended an oversight committee be formed.

#### Public Comment

Fred Jones expressed concern about the working/oversight group. He had legal concerns about the board directing staff to change what was already approved without a public hearing. The PBFC trusts the board and its executive officer. He stated clean shops should not be afraid when inspectors come in; unclean shops should be afraid. He believed the new process would correct this problem. DRC should not have to handle all cases such as expired licenses. Let the staff do it. Everyone will have the same due process with the new system. He believes more compliance will be seen. Mr. Jones confirmed he heard the above motion and hopes things will move forward.

Patty Harris, DCA, noted the Department is in support of the proposed program. A standardization of compliance will greatly enhance enforcement.

#### **14. Agenda Item #14, FINAL REPORT ON LICENSEE SURVEY**

The survey for AB449 has been completed and a final report prepared. Ms. Underwood will include the legislative priorities in the report.

**15. Agenda Item #15, 2008 BOARD MEETING CALENDAR**

The proposed meeting calendar was presented. The January meeting will be held January 13-14.

**16. Agenda Item #16, PUBLIC COMMENT**

A male member of the public expressed concern on cosmetic demonstrations in department stores. The brushes and other tools are used for many people, and sanitation laws are not regulated.

Alex Irving asked if the board/staff can collect more data prior to submitting the survey report to the legislature in January. He estimated 32,000 licensees are unaccounted for, who did not respond to the survey. Ms. Underwood was unsure how they could be contacted without extra time and expense being spent.

**17. Agenda Item #17, ADJOURNMENT**

With no further business, the meeting was adjourned.