



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

**MINUTES OF APRIL 25, 2011**

**Department of Consumer Affairs  
1625 North Market Blvd.  
1<sup>st</sup> Floor Hearing Room, S-102  
Sacramento, CA 95834**

### **BOARD MEMBERS PRESENT**

Deedee Crossett  
Christie Tran  
Marie Lemelle  
Frank Lloyd  
Richard Hedges

### **STAFF MEMBERS PRESENT**

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

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

President Richard Hedges called the meeting to order. The board members and staff members introduced themselves.

#### **2. Agenda Item #2, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Fred Jones from the Professional Beauty Federation of California (PBFC) reminded the board about the 11<sup>th</sup> Annual Welcome to Our World event being held today at the State Capitol, south steps, from 3:00 p.m. – 7:00 p.m.

#### **3. Agenda Item #3, BOARD PRESIDENT'S REPORT**

Mr. Hedges provided a brief summary of his activities during his presidency. He commended past members and staff for their hard work. He also commended the board inspectors and stated that he enjoyed his numerous ride-alongs. He discussed various accomplishments by the Board and Department including the Administrative Fine Schedule and National Exam and Scoring Method. He hoped the Strategic Plan continued to progress and move forward. He welcomed the various college students and teachers in attendance and commented that he had enjoyed his visit to Skyline's new facility.

Mr. Lloyd commended Mr. Hedges for his commitment and leadership to the Board. The Board fully agreed.

#### **4. Agenda Item #4, ANNUAL ELECTION OF OFFICERS**

Mr. Hedges nominated Ms. Crossett for President. Ms. Lemelle seconded the motion and it was approved by a 5-0 vote. Mr. Hedges nominated Ms. Tran for Vice President. Mr. Lloyd seconded

the motion and it was approved by a 5-0 vote. Mr. Hedges handed the gavel to Ms. Crossett.

## **5. Agenda Item #5, EXECUTIVE OFFICER REPORT**

Ms. Underwood thanked Mr. Hedges for his support in the last year as president.

- **Review of Board Statistics:** Ms. Underwood reviewed Board statistics and informed Board that they are pursuing the contract for the national exam and hoped to have it completed by end of the week. The implementation of the national exam is currently under technical review and will be resolved very soon. A collection agency has been contracted to pursue licensees with past due fines. There is an outstanding balance of \$79,000.

There is a statewide hiring freeze. Over 1,000 licensing applications received in March; Licensing Unit worked overtime in April; budget being watched very closely. Three new licensing staff hired. CPS is conducting a classification study of the Inspector class series.

Mr. Hedges brought to the Board's attention a conflict of interest matter (Hiram Johnson Reform Act) regarding the acceptance of a free transportation ticket. Mr. Hedges believes the acceptance of a free transportation ticket is in violation of Government Code Section 89506. Mr. Duke offered to research and stated that he would provide an update at next Board meeting.

Next Board meeting/reinstatement hearing scheduled for June 13-14, 2011 at the Holiday Inn, Orange County. Disciplinary Review Committee (DRC) hearings scheduled for June 15-17, 2011 at Holiday Inn, Orange County. Ms. Crossett commented to have DRC hearings after Reinstatement hearings, better for her, and more cost effective.

## **6. Agenda Item #6, DCA DIRECTOR'S REPORT**

Kim Kirchmeyer, DCA Deputy Director, provided an update on projects and other activities of the department. She provided information on the hiring freeze, effective February 15, 2011 including the freeze exemption request process which requires Department of Finance approval. Six exemptions have been approved; 35 exemptions pending approval.

She also discussed the Consumer Protection and Enforcement Initiative. The third set of performance measures are being worked on and will be reviewed by each Board. Improvements and issues of enforcement programs are also being reviewed. An update will be provided at a future meeting.

Ms. Kirchmeyer provided information on the State Vehicle Executive Order issued on January 27, 2011. The Department had asked boards and bureaus to complete the analysis of vehicles and to ensure compliance with the order. She clarified the home storage permit which allows board inspectors to store their vehicle at their home rather than a state garage. Mr. Hedges expressed concern about having more inspectors than vehicles once all inspector positions were filled.

Ms. Kirchmeyer provided information on the BREEZE Project. She thanked the Board and Ms. Underwood for their support and input. Costs were higher than anticipated; the Department is in negotiations with vendor. Final contract approval is expected in August from Department of General Services and the Legislature.

DCA has received several requests to increase the salary of executive officers. Ms. Kirchmeyer explained the approval process. An analysis is being conducted of executive officer salaries and an evaluation form is being prepared to be distributed in May 2011.

**7. Agenda Item #7, APPROVAL OF BOARD MEETING MINUTES**

- **January 21, 2011:** Mr. Hedges made the motion to approve the minutes and it was seconded by Ms. Tran. Mr. Lloyd questioned Agenda Item #8, Legislation Priorities and stated that he made the first motion to approve but not the second motion. Mr. Hedges stated he believed he made the second motion to approve and commented to refer to January's tape recording of board meeting. The minutes were approved by a 5-0 vote as amended.

**8. Agenda Item #8, LEGISLATION UPDATE**

- **AB 797 – Cosmetology Schools:** Ms. Underwood commented that the bill has not been heard in committee; not moving at this point.
- **SB 498 – Transfer of Bureau of Private Postsecondary Education (BPPE) to the CA Postsecondary Education Commission:** Two-year bill; not been heard in committee. Ms. Crossett commented that it was contradictory to have to report to both the BPPE and the U.S. Department of Education; requirements are the same. Hardship on schools to pay the extra fees; affects their ability to properly pay their instructors, conduct training, and make improvements to the school.

Public Comment:

Fred Jones of PBFC noted school owners were also concerned about accredited schools. Conversations were being held at high levels within the State legislature about resolving this issue. The schools will have to wait for approval from the BPPE and pay more fees. The goal is to separate schools into 3 categories: cosmetology schools not accredited (Board be the State regulatory body), schools that are accredited by a U.S. department approved agency, and schools accredited by the BPPE. He believed the cosmetology programs taught in trade schools should continue under BPPE with a Memorandum Of Understanding.

**9. Agenda Item #9, REGULATIONS UPDATE**

- **Administrative Fine Schedule:** Ms. Underwood provided update; hearing held with no public comment. Has been filed with the Office of Administrative Law Judge for review; 30 working days to review.
- **Disciplinary Guidelines:** Hearing held with no public comments; package is being finalized.
- **Scoring Methods in Examinations:** Working on package; anticipate a public hearing in June 2011.
- **Unregulated Practices:** Working on package; anticipate a public hearing in June 2011.
- **Curriculum:** In process; anticipate a public hearing in June 2011.

**10. Agenda Item #10, UPDATE ON MANICURING TECHNICAL ADVISORY COMMITTEE**

The Manicuring Technical Advisory Committee was established to provide assistance to Board staff

on the technical aspect of the manicuring industry as well as make recommendations to the Board. The issues and recommendations from their April 4, 2011 meeting were outlined and discussed. They included: **1) Disinfectable Nail Files** (Board has no proof that files are disinfectable; Committee believes it's the manufacturer's responsibility to show proof), **2) Contaminated Nail Liquids and Nail Powders** (establishments being fined; study conducted concluded that bacteria cannot grow or live in nail liquids/powders; however, the Board has not received the results of this study), **3) Foot Spa Liners** (liners not addressed in regulations; Committee recommended the use of liners which would require regulatory change. Ms. Crossett expressed concern regarding the disposal of liners and its negative effect on the environment), **4) Prohibitive Substances** (list of prohibitive substances provided to Board; Mr. Hedges made recommendation to update Section 989 of Regulations with further research; Mr. Duke commented that it should be a quick amendment to the regulation), **5) Medical Pedicures** (cannot be performed by manicurist; not within scope of work; must be licensed by Medical Board as per website indicates), **6) Callus Remover Products** (products can be used at establishments if used appropriately; licensees can smooth but not remove calluses; removing callus is a medical procedure) and **7) Detox Foot Spas** (marketed to licensees at trade shows; literature alludes to curing medical conditions; not within scope of licensees. Mr. Lloyd commented that having a policy would be helpful especially for DRC hearings). Bring recommendations to next Board meeting.

**The meeting was adjourned for 15 minute break.**

**11. Agenda Item #11, DISCUSSION ON NEEDLE-TIP TWEEZERS**

Mr. Hedges expressed concern over needle-tip tweezers and how sharp they were. He commented that needles are banned but not tweezers. Ms. Crossett commented on the need to educate licensees about the proper use of needle-tip tweezers versus regulating products. Ms. Underwood stated that tweezers were not illegal if used properly (not for extractions).

Public Comment:

Patsy Kirby, Electrology Association of California, commented that slanted and pointed tweezers are used for electrolysis (not for extractions) and are not a hazard. She provided pictures and samples of the types of tweezers she uses. She does not want the Board to limit her tools. Ms. Crossett asked that the needle tip tweezer information be placed on the website.

Lydia Justice, Electrologist, also uses needle-tip tweezers for single hair removal and agreed they are not a hazard if used properly.

**12. Agenda Item #12, UPDATE AND DISCUSSION ON EXAMS IN STATE CORRECTIONAL FACILITIES**

Ms. Underwood reported that exams are currently taking place at two facilities with approximately 18 applicants; another facility to be added. Exams given as close to the parole date as possible and do not include violent offenders. Out of the 30 exams given, licensed 15 individuals (inmates). Fees not waived for inmates. Mr. Hedges commented that he hoped to expand the program to counties and to have public schools assist also. He believed Skyline supported this opportunity. Mr. Duke noted that the Department of Corrections was provided with specific criteria that inmates

had to meet in order to enter the program; reviewed on a case-by-case basis.

**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)]*

Kirby Giaramita of Skyline College commented that she was participating in Skyline's teaching program to get her teacher's license until the Governor vetoed the bill. She would like to see it observed again. Ms. Crossett commented that she can still be an educator without being a licensed teacher. Mr. Hedges commented that it was the Legislature who had vetoed the bill.

Laurie Biagi of Skyline College commented about the externship program. In addition to the private college program, she would like to see the externship program at community colleges. Fred Jones (PBFC) stated that the community colleges had opposed it twenty years ago.

June Gentile of Solano Community College commented when students complete 1200 hours of schooling, they should be able to take the written portion of exam. Ms. Crossett commented that she liked the idea. Mr. Duke commented to make the change would require Legislature approval.

**14. Agenda Item #14, AGENDA ITEMS FOR NEXT MEETING**

Mr. Lloyd suggested further staff research from the Manicuring committee and firm recommendations. Ms. Crossett suggested a review of Ms. Gentile's suggestion to be able to take the written exam upon completion of 1200 hours of schooling.

**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)).**

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

With no further business, the meeting was adjourned.