



**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY  
MINUTES OF OCTOBER 17, 2011**

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

**BOARD MEMBERS PRESENT**

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

**STAFF MEMBERS PRESENT**

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

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

Ms. Crossett called the meeting to order. The board members introduced themselves.  
Mr. Hedges requested a moment of silence for the passing of Ken Cassidy and the eight licensees slain at Seal Beach.

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

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

Fred Jones of the PBFC echoed Mr. Hedges commemoration of Ken Cassidy. He stated the mission of the PBFC was to raise the professional standards of the Beauty organization. An open salon memorial was held for Ken Cassidy and several hundred people were in attendance.

Victor Chang asked that the board reconsider their decision on fish pedicures.

Kathryn Grady owner of Plush Beauty Bar in West Hollywood stated her salon is having difficulty finding licensed nail technicians. She asked the board to consider developing regulatory language to develop the apprenticeship program for nail technicians. Ms. Crossett agreed a number of schools have eliminated the nail program because their enrollment has dropped. Ms. Grady noted the students cannot afford to take months off work to attend school. She would like to work with the schools to build awareness of the opportunities to earn a living wage.

Doug Schoon, president of Schoon Scientific, asked the Board to revisit their decision on the non-use of pedicure tub liners. He believes a consequence of regulation should be to encourage innovation for solutions. He believes the use of pedicure liners to be one such innovation. He stated he will prepare a written document with his comments regarding the environmental benefits of using pedicure tub liners and send it to the board shortly.

Robin Willoughby recommended training be included when a licensee obtains an establishment license so the salon owner will be aware of citation costs. Online education would be appropriate and could be charged for. She stated she only received training in aesthetics and not nail or cosmetology. She also commented on regulation for instrumentation. She was recently cited for working outside the scope of her license. She did not find anything in the regulations that said she could not use a 30 percent Glycolic acid peel. She noted she has bought items at conventions but found she could not use them. She asked where it was stated she could not use 30 percent glycolic acid, to protect her and other licensees. She also expressed her concern about unlicensed establishments and wondered why their fines were so low. She was concerned about disparity in the number of hours required. Ms. Crossett noted the training and unlicensed establishment fines were an ongoing issue.

Stephanie Foster with the Division of Apprenticeship Standards joined Kathryn Grady, owner of Plush Beauty Bar in requesting the Board develop a nail apprenticeship program.

Debora Sue Olson of the Real Barber College discussed the need for the licensure of Schools.

Shauntie Jackson asked the board why braiders did not need a license to work in the salon and why hair extensions are not part of the board curriculum in school training. She noted a lot of students have to go out of the school realm to learn braiding. She believed it should require a license. She recommended a credit card be developed to discourage unlicensed activity. She hoped braiding would be discussed by the board. Ms. Crossett stated braiding hair is not considered styling and a license is not required. A license is not required only if braiding is done and nothing else. However, the establishment must have a license. The female audience member disagreed because various tools are used including needles. Mr. Hedges noted braiders were frequently cited for working out of the scope. Ms. Crossett agreed this should be looked at in the future.

Ann Parker of Healthy Hair Salon asked about braiding salons not being required to have a license. It was noted anyone doing anything beyond braiding would require a license.

Veronica Marisol, Salon Owner, discussed hair removal regulations. Ms. Crossett explained the scope of hair removal. Mr. Hedges stated for a regulation to be changed, legislation would need to be involved.

Fred Jones of B and P Code noted BBPE section 7316 subsection d, paragraph 2 defined the scope of natural braiding and read the regulation to clarify. He noted a lot of publicity has been generated over the topic. He stated it was important that policymakers don't create laws based on anecdotal experiences. The broader community needs to be heard from.

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

Ms. Crossett attended the Face and Body Show in San Jose, California. She also spoke at the luncheon about citations and microbacteria. She noted there were a lot of questions. She encouraged fellow board members to take the opportunity to provide public outreach and education.

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

Ms. Underwood reported the Department has signed a contract for the Breeze system. Phase I will commence July 2012. It will be a long process.

- **Review of Board Statistics**

Ms. Underwood provided a brief summary of the board statistics. The budget has been cut by 5 percent and travel has been cut. The hiring freeze remains in effect which has been difficult on the staff. Mr. Hedges commented that the Board of Barbering and Cosmetology has recently made a loan to the State of California in the amount of 10 million dollars. Mr. Lloyd asked if the national exam was included in the exam results. Only the written is included. He asked that a chart be provided on the practical exam. He noted a drop in the Spanish scores.

#### **Public Comment**

Fred Jones of PBFC worked with the national exam office to review the Vietnamese version. They found 27 inappropriate translated words. They found 7 inappropriate translations in the Spanish version. The test scores will eventually come up with the new exams. He stated it was important to notify the students about the new exam. He was impressed with the company in their willingness to work and refine the tests.

#### 5. **Agenda Item #5, Appointment of Committee Members**

Ms. Underwood stated it would be best to appoint the committees when the remainder of the board member appointments are made. A teleconference will be scheduled. Ms. Crossett recommended students attend DRC meetings to become aware of the violations. Mr. Lloyd suggested the new Board members attend a DRC Hearing before they are assigned to the committee.

#### 6. **Agenda Item #6, Approval of Board Meeting Minutes**

- **July 11, 2011**
- **July 12, 2011**

Ms. Crossett noted in Item 10 of the Board minutes that the comment "this was low on her priority list", she clarified this item was low on the Board's priority list. She stated the minutes should read "Face and Body Show."

Mr. Hedges made the motion to approve the minutes of July 11 and 12, 2011. Mr. Lloyd seconded the motion and it was approved by a 4-0 vote.

THE BOARD TOOK A 15 MINUTE BREAK AT THIS TIME.

#### 7. **Agenda Item #7, Legislation Update**

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

- **AB 300 – Safe Body Art Act:** Registration is required with the local health department but no training is required. This was signed by the Governor.
- **AB 797 – Cosmetology Schools:** Would pull cosmetology schools out of the BPPE. This bill is not moving.
- **SB 498 – Transfer of BPPE to the CA Postsecondary Education Commission:** Nothing further to report.

- **SB 541 – Subject Matter Experts:** Allows boards to enter into agreements as opposed to an actual contract for experts. This has been signed by the Governor. No impact.
- **SB 706 – Posting of Accusations:** Requires certain information to be disclosed on the internet re: licensees. This is already done by the Board. Signed by the Governor. No impact.
- **SB 746 – Tanning Salons:** Board has minimal oversight; only if in a licensed salon. Signed by the Governor. No impact.

### **PUBLIC COMMENT**

Veronica Marisol asked if Board's licensed salons could do body wraps. Ms. Crossett stated body wraps were outside of the Board's scope.

Sal Hernandez of Montebello Beauty College asked about AB797. When BPPE is dissolved he asked about the money that was collected from schools but did not receive an answer. The Board had the same question but it was currently out of their scope.

Fred Jones of PBFC noted the Governor also signed a bill that cracked down on independent contractors and employers who mischaracterized their employees as independent contractors.

## **8. Agenda Item #8, Regulations Update and Approval**

The following regulations have been submitted previously to the Board and the current status is noted.

- **Administrative Fine Schedule: Approval of the Second Modified Text for Section 974 of Division 9 of Title 16 of the California Code of Regulations that was noticed to the public on June 9, 2011; Consideration of any comments received during the public comment period ending June 24, 2011 and Approval of the Final Statement of Reasons.** This has been approved by OAL.
- **Disciplinary Guidelines: Approval of Final Statement of Reasons and Specific Language for Section 972 of Division 9 of Title 16 of the California Code of Regulation.**  
This has been approved and will go into effect November 7, 2012.
- **Scoring Methods in Examinations: Consideration of Comment and Approval of Final Statement of Reasons and Specific Language for Section 932 of Division 9 of Title 16 of the California Code of Regulations.** These are currently being reviewed by the Department of Consumer Affairs. The timeframe is unknown at this time.
- **Curriculums: Consideration of Comment and Approval of Final Statement of Reasons and Specific Language for Sections 950.1, 950.4, 950.5, 962.3, 962.4, 962.5 and 962.6 of Division 9 of Title 16 of the California Code of Regulations.** Currently with OAL.
- **Unregulated Practices: Consideration of Comments and Approval of Final Statement of Reasons and Specific Language to Adopt Section 966 of Division 9 of Title 16 of the California Code of Regulations.** Work is ongoing. Notice will begin in late October.
- **Dishonored Check Fee: Approval of Final Statement of Reasons and Specific Language for Section 999 of Division 9 of Title 16 of the California Code of Regulations.** Approved.

## **9. Agenda Item #9, Discussion on Unlicensed Activity**

Per a request at the last meeting, information on unlicensed activity was presented. It continues to be the biggest issue with more complaints received. The costs are very high. Unlicensed activity is difficult to monitor and punish. The Board has had success in working with the Department's Division of Investigation (DOI). Mr. Hedges would like to see the Board obtain their own sworn peace officers. Mr. Lloyd cited an example of an establishment that had received four or five citations. It was agreed more inspectors were needed and it will be included in the future budget. Ms. Underwood noted the biggest problem was unlicensed salons that employ unlicensed individuals. As the inspectors walk in, the owners cannot be found or determined. Mr. Lloyd noted some salon owners believed their Tax ID number was sufficient and only needed education.

Ms. Crossett asked what the board could do. She recommended being proactive in asking the help of the consumers. She recommended consumers be educated on what to look for. She also recommended being included on the Small Business Association Website. Ms. Underwood would like to continue to use the (DOI) and hopes to revisit the possibility for new Inspector positions. She noted the establishment license only requires that the application is filled out. Ms. Chang stated that any business that opens should have proper insurance. Mr. Hedges feels it would be beneficial to have retired police officers on staff, on an on-call basis, for criminal investigations.

### **Public Comment**

Sal Hernandez stated he has come across many undocumented workers who want to learn and work. Without a license, their work is tax-free. He recommended the board find a way for them to work.

Marianne Light mentioned the Inspection reports currently being used have the old fine schedule posted. She offered Kristy Underwood a copy of her PowerPoint presentation on how to get a license.

Fred Jones of PBFC commented that increased laws and regulations, though well intended, will often increase unlicensed activity. The economy also had an impact. He believed the board had the most control over activity in unlicensed establishments and needed to send clear messages. He recommended increased communication. The board needs to help people understand their responsibilities. Some students believe they do not need a license if their salon had a license. An unlicensed salon can take advantage by charging lower prices. He recommended when regulations are looked at, the question does it help or hinder unlicensed activity, should be answered. As part of the solution, he believed the inspectors needed to have a relationship with the city managers, county administrators and other municipal resources to confront the unlicensed salons immediately. The new computer system will enhance this communication.

Ann Parker noted she reported unlicensed activity on an Inglewood salon on multiple occasions. She commended the inspectors for coming out right away. She wondered why they could not come out on Saturdays (they can). She left the employment of that salon.

Ray Briggs recommended the landlord be contacted about unlicensed activity at their property.

(Unknown audience member) She believed it would be important to post a list of people who were fined and why.

Phuc Dam from United Hair and Nail stated the displaying of licenses must be enforced.

Marianne Light commented that Saturday inspections are limited. She would like to see the Board encourage the inspectors to conduct more weekend inspections.

#### **10. Agenda Item #10, Enforcement Committee Report**

- Review and Recommendations on the Apprentice Program: Members of the DRC noticed an increase of unlicensed activity of unsupervised apprentices and stories from apprentices of lack of responsible licensee. Ms. Underwood agreed. Testimony from the public was heard at the meeting and various issues were discussed that were brought forward by staff. It was subsequently agreed the program needs to be overhauled. It will be done with extensive input from the public. It was agreed the apprenticeship program is very valuable if done correctly. If not, none of the parties involved are being served. The apprentice is not being well served by the program if their hours are not recorded or they don't receive adequate supervision. The owner of the salon is not being served because they don't understand the rules.

Ms. Underwood agreed the citations have increased and they have seen four or five apprentices in a shop with no licensee. With no supervision, the apprentice may also be delayed in taking or passing their exam. Staff will be working on recommendations to changes in the program and will bring them back to the Enforcement Committee for their review. The apprentices have been encouraged to report any problems with training in a salon. She noted anyone can be a trainer if they do not have any outstanding fines or disciplinary actions. The trainer and establishment requirements will be looked at to bring to a higher level. Mr. Hedges believed the number of apprentices were limited at salons based on the number of licensees. Ms. Crossett stated she was surprised to see how poorly some apprentices performed on their exams. She believed public feedback would be very important in the process of changing the apprenticeship program. First hand information would be important.

#### **Public Comment:**

Andre Nezetich with the Los Angeles County Cosmetology Apprenticeship Program stated he was instrumental in getting the apprenticeship program going in his salons. He believed the program has been successful in providing graduates and preparing to work. He estimated they had 120 apprentices in three locations. It was important that the apprentice was working and earning money during the program. They also received assistance in studying for the exam. The Board agreed it was a successful program. He noted an apprentice did not have to be assigned to a specific cosmetologist as long as the ratio was correct. He agreed there was room for improvement but noted his program was very successful. The Board asked him to be available in the future to provide input.

**11. Agenda Item #11, National Practical Examination**

Ms. Underwood noted the National Practical Examination was implemented on October 3, 2011. There was a 75 percent pass rate. The webcast is online and there appears to be a good response from schools. Ms. Underwood believes the use of mannequins in place of live models should be considered. Ms. Crossett asked if the use of hand sanitizer could be researched. Mr. Hedges expressed concern on the use of hand sanitizer. Ms. Crossett thanked staff for the implementation of the exam which took a lot of work. Ms. Underwood also thanked the staff.

**Public Comment**

Peter Westbrook commented on soap versus sanitizer. He recalled the discussion occurred back in the eighties.

Doug Schoon believes nothing is as effective as washing hands with soap and water. The sanitizer can dry out skin and does not remove contaminants or debris.

Ann Parker also commented on soap versus sanitizer.

**12. Agenda Item #12, Top Violations**

Ms. Underwood discussed the top 10 violations and how they have changed over the years.

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

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[Government Code Sections 11125, 11125 (a)]*

Clara Schuster asked for a clarification on Cholesterol being used during the exam process Ms. Crossett stated they would get back to Clara with more information. She asked if soap and water will still be an option at the exam.

Shauntie Jackson commented on the apprenticeship program. She believed she became a stronger teacher after learning how to teach. She believed the mentors/teachers should have a minimum hours requirement to become better teachers.

Marianne Light mentioned she has developed a PowerPoint presentation of the 10 Ten Violations. She offered to send a copy to Ms. Underwood.

Sharalyn Ada from Marinello School recommends the Board use mannequins in place of live models for the exam.

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

Apprenticeship program.

**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).**
- **Discussion of Pending Litigation: Zablah vs. Board of Barbering and Cosmetology, Superior Court, County of San Diego, Case No. 37-2011-00093645 (closed pursuant to Government Code Section 11126(e)(1)(2)).**

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

The board returned to open session and agreed to hear one additional public comment.

**Public Comment**

David Rue spoke on behalf of Esther Kim and requested to appeal a recent cancellation of a cosmetology license and the resulting reinstatement. The license expired on April 30, 2006 and the grace period expired on April 30, 2011. Ms. Kim moved in 2004 and never received a notice due to her address change. Ms. Kim did receive the establishment license at her place of business and did renew it. She believed she was current on her cosmetology license. Her establishment license was clearly displayed. Ms. Kim was never cited by investigators for an expired license until July 2011. She had never received a citation in the past. Mr. Rue hoped the board could review her case and consider reinstatement. Mr. Rue agreed Ms. Kim should have taken the time to renew her cosmetology license. Mr. Duke noted there was no precedence for this request. The law was clear that the grace period was five years and the licensee must qualify again for a new license. Mr. Hedges cautioned it would set a precedent for multiple appeals. The board agreed it was the responsibility of the licensee to renew a license, update the address and follow through. The board was not able to reinstate the license due to statute. However, staff can assist in scheduling the examination for Ms. Kim.

With no further business, the meeting was adjourned.