



**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY  
LICENSING COMMITTEE  
MINUTES OF AUGUST 13, 2012**

**2420 Del Paso Road  
1<sup>st</sup> Floor Sequoia Room, Room 109  
Sacramento, CA 95834**

**Additional Location:  
1299 Old Bayshore Highway, #118  
Burlingame, CA 94010**

**COMMITTEE MEMBERS PRESENT**

Deedee Crossett  
Richard Hedges  
Wen Ling Cheng (via telephone)

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Heather Berg, Enforcement Manager  
Tami Guess, Executive Analyst

**1. Agenda Item #1, Welcome and Introductions**

Ms. Crossett called the meeting to order at 9:00 a.m.

**2. Agenda Item, #2, Review of Licensing Requirements for Establishments**

Ms. Underwood provided a background of the issue of the establishment license. It is an issue at Disciplinary Review Committee (DRC) with owners not knowing the laws.

Heather Berg, Enforcement Manager, has reviewed other states' practices in regards to establishment licenses. She looked at the Board of Barbering and Cosmetology (BBC) being notified when the licensee-in-charge changes but with 56,000 establishments determined this will not be feasible. Other states require an establishment to have a form filled out on the premises of who the licensee-in-charge is and all individual licensed operators currently working in the shop.

Ms. Crossett stated in theory any licensed operator should be able to be in charge. An owner may not be in charge if they do have a license. Ms. Crossett agreed providing updates to BBC would be impractical as it may change daily. Ms. Berg noted when an inspector arrives the unlicensed operators most likely will leave the premises of the salon very quickly. Ms. Crossett believed keeping an updated employee list on the premises would be a better idea but wondered how this would be helpful to an inspector if an unlicensed person left. Ms. Berg noted if a non-licensed person was working but not on the list, they could be cited.

Ms. Underwood noted there is a big issue with no one wanting to be the licensee-in-charge. No one wants to take the responsibility and risk being cited. Ms. Underwood stated the Board does have the authority to cite the licensee-in-charge but never does.

Mr. Hedges believed more education for owners should be required. Ms. Crossett agreed and asked what needed to be done to do this. It would take legislation to require this. The education could be provided online or in a classroom. Ms. Crossett believed a four to eight hour class could provide an overview of the basic rules and regulations to where they could take a written test to obtain their establishment license. She wondered if an owner would educate themselves on their own if it was not required. Ms. Crossett and Mr. Hedges agreed the unlicensed owner should be required to take the test and have a license, even if they had a licensee-in-charge. Mr. Hedges did not believe the licensee-in-charge always had accurate information. Ms. Berg asked if corporations and partnerships should be required to have an owner license. The Committee agreed only sole proprietors and LLCs should be included. Mr. Hedges recommended a sales threshold be established and only establishments making less than a certain amount of sales be required to get the license but Ms. Crossett did not agree that a small business should get penalized. Mr. Hedges noted that large chains seldom get cited for not having a licensee-in-charge.

Ms. Underwood believed the law is vague about who could be in charge, it states as long as they had a license.

Ms. Crossett wondered if the Board could strongly suggest that establishment owners take more education. This would not require legislation. She stated she has received calls from owners asking how to learn more. Most operators do not learn how to manage a salon in school.

Ms. Crossett asked about the possibility to move forward with the idea that if you are a licensed establishment owner that will count as a licensee, with the ability to be in charge. Ms. Berg noted enforcement already uses this definition. Mr. Hedges agreed but believed they needed more education to run the salon. He wanted to see a good faith effort from owners that they are learning and up-to-date. He believed legislation was the only answer. Ms. Crossett stated the establishment owners are being held accountable for their employees.

Mr. Hedges stated an establishment license is tied to the owner via their social security number. They can be tracked. However, the owner may then have a relative apply for a new license and have that owner run the business.

The Committee agreed things need to be consistent and legal interpretation needs to be clarified.

**Public Comment:**

Gary Federico provided his perspective on the establishment license. He believed the regulations were created many years ago and things have changed. The number of independent contractors/booth renters has greatly increased. Many people have opened their own salons without management experience. He questioned whether the salon owner should be held liable for its contractors' mistakes.

Fred Jones of the Professional Beauty Federation of California (PBFC) agreed some establishment owners are ignorant of the law and have inaccurate information. He believed the road to education should be done in steps. He believed only a full licensee can understand all the necessary laws which is in line with the licensee-in-charge. He did not feel an establishment license would be sufficient. He believed establishment owners should be held accountable for citations in their salon. He agreed booth renting will be a different aspect but needs to be addressed. Mr. Jones discussed the prospective of a curriculum and exam for an establishment owner. This will take time and money that the Board and its staff

do not have. It will take legislation. He believed there are other issues that need legislation that should take priority. Mr. Jones stated the PBFC would oppose a curriculum and test for someone to invest in a salon. They need to be encouraging small business ownership and not requiring more red tape.

Ms. Crossett believed the Board needs to take a proactive approach to further education. This may result in less DRC cases which would be less taxing on staff. She believed business owners should be set up for success. Mr. Hedges noted the only people who come to DRC are the ones who are caught. The good owners will educate themselves.

Mr. Jones offered solutions. He agreed with the proposal of the list of licensees to be available ready for the inspectors. It should be explained the licensee-in-charge needs to be ensuring the laws and regulations are being enforced, but they will not be held liable for citations. He recommended an optional course posted on the Board's website and an optional test if someone wants to be the licensee-in-charge. He did not feel an investor should be in charge.

Ms. Crossett asked for a recommendation for protecting the consumer in a salon with multiple booth renters.

Mr. Jones believed three-fourths of booth renters could be considered employees and controlled by the salon owner. He believed the independent contractors/booth renters should have their own establishment licenses. His organization is working on a model for a booth rental contract to make the distinction clear.

Ms. Crossett was aware certain states do require a booth renter to license their own station.

Mr. Hedges agreed proof of liability insurance by booth renters should be required. This would also take legislation.

Gary Federico believed the booth renter status needs to be clarified. He cited SOLA as an example. He believed each booth should be considered a separate address. Ms. Crossett believed the consumer gets confused about who is in charge. Mr. Hedges noted separate walls are needed for a separate address. He hoped to find a solution that would not create a lot of extra work for the Board.

Ms. Crossett agreed the education should be encouraged.

Mr. Hedges believed all the information should be collected and reported back to the Board.

Jamie Schrabek of Precision Nails stated she agreed individuals should be licensed separately. She stated she would like to see other requirements built in to the establishment license if legislation was going to be pursued. She believed the establishment must advertise under the name it's licensed under with the Board. She also believed advertisements must include the license number. She noted Washington State requires proof of a \$100,000 minimum liability policy as part of their establishment license. Ms. Schrabek believed mobile operators should be addressed. Ms. Underwood noted she and Ms. Berg had been recently talking about this and will be talked about at the next Enforcement Committee Meeting. Ms. Schrabek believed the Board should make it easier for consumers to do their due diligence. She recommended building a checklist regarding knowledge about the ten 10 violations into the application.

Ms. Berg stated things can be added to the establishment license application without legislation. To prevent license transfer, a copy of the bill of sale, lease agreement, City license, fictitious name

statement or other document could be required. This would make an immediate impact without legislation. Ms. Berg agreed with adding the checklist that would require initialing by the applicant.

Mr. Federico asked if the Board could require a class be taken if an owner is cited. Ms. Underwood believed legislation would be needed for violations other than manicuring and pedicuring.

Ms. Crossett offered to email her notes and recommendations to staff. It will be placed on the next committee meeting agenda.

Mr. Hedges asked staff what things could be done now. Ms. Underwood stated only the application review could be done. Staff has been cut by 5%. Ms. Crossett also asked for the definition of the establishment licensee; this can also be done. Formal recommendations cannot be done until 2013. Ms. Underwood agreed the schools issue should take priority in looking for a sponsor.

Mr. Hedges believed there should be a way to determine that a licensee should be in charge if the owner has not had any education. Ms. Crossett agreed but believed it should be clarified. Ms. Underwood stated the legal rules now state the licensee-in-charge needs one of the five individual licenses. She believed this language is broad and can be adjusted. She could ask for a formal legal opinion, which can then be discussed by the Board.

Ms. Underwood stated the staff has always believed the establishment license is too easy. They agree that advertisement requirements should be reviewed. Ms. Crossett noted she teaches her student how to investigate a salon. Having a matching license would be very helpful.

### **3. Agenda Item #3, 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)]*

The public present did not wish to comment to the Board any further.

### **4. Agenda Item #4, ADJOURNMENT**

With no further business, the meeting was adjourned.