



**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY  
ENFORCEMENT COMMITTEE MEETING**

**MINUTES OF JUNE 3, 2013**

**California Board of Barbering  
and Cosmetology  
2420 Del Paso Road  
1st Floor Sequoia Room, Room 109  
Sacramento, CA 95834**

**COMMITTEE MEMBERS PRESENT**

Joseph Federico  
Richard Hedges

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Gary Duke, Legal Counsel  
Tandra Guess, Board Policy Analyst

**1. Agenda Item #1, WELCOME AND INTRODUCTIONS**

Mr. Federico, Board President, called the meeting to order at 10:00 a.m.

**2. Agenda Item #2, ELECTION OF A COMMITTEE CHAIRPERSON**

Upon motion by Mr. Federico, seconded by Mr. Hedges, Mr. Hedges was elected by a 2-0 vote as Chair of the Enforcement Committee.

**3. Agenda Item #3, APPROVAL of ENFORCEMENT COMMITTEE MEETING MINUTES**

Upon motion by Mr. Federico, seconded by Mr. Hedges, the minutes from the January 11, 2013, Enforcement Committee meeting were approved by a 2-0 vote.

**4. Agenda Item #4, DISCUSSION AND RECOMMENDATIONS ON WAYS THE BOARD CAN PREVENT UNLICENSED ACTIVITY**

Focus of this discussion is mobile licensees. Ms. Underwood discussed what the Board has found in its research.

The Board has received numerous complaints about mobile licensees, specifically individuals who are putting signs on their cars saying that they will come to homes to provide services. Industry magazines, including Nail Pro Magazine, promote this practice. Ms. Underwood stated enforcement is going to be difficult because the Board cannot go into people's homes. The Board needs to notify

licensees that this form of mobile services is illegal and is actually unlicensed activity because services would not be performed in a licensed establishment.

The Board will contact magazines to publicize that this is not acceptable and will also utilize social networking as a means to notify individuals. The possibility of adding something to renewal notices will be researched. Ms. Underwood wanted to make sure that the committee is aware that this practice of providing services in people's homes, or outside of a licensed establishment, is going on and it is growing throughout California. Ms. Underwood stated every complaint she has personally seen is from other licensees as opposed to clients being injured. Mr. Hedges' concern is how mobile service providers disinfect their tools.

Board approved mobile units, such as motorhomes, turned into salons are inspected and licensed and clients get their services in the mobile unit and not in the home.

Mr. Hedges noted the Board needed to make the public aware that there could be dangers for them personally.

Mr. Federico questioned whether this would include the so-called makeover parties. Ms. Underwood stated it depended on what the purpose of the parties is. Usually the purpose of a makeover party is to sell products and therefore, makeover parties do not fall under the Board's authority.

Ms. Underwood stated there is an avenue for performing services for clients in rest homes or for clients who cannot leave their home. The appointment must be made through the salon that the provider works in and must be on the provider's appointment book and then the provider can go to the residence.

Ms. Guess stated that she felt the majority of the people who are performing this type of mobile service are unaware that it is considered unlicensed activity. She believes it is important to educate the operators first that this is considered by the Board to be unlicensed activity. Notice to these operators can be made by magazine publication, website posting, bulletins, and social networks. Inserts could be added to license renewal notices. Mr. Hedges suggested press releases.

Freelance certification is being researched. More information will be presented on this subject at the July Board meeting.

### **Public Comment**

Mimi Vazquez, Skyline College, inquired as to where freelance certification comes from. Ms. Underwood stated that the freelance certification is available in another state (Oregon) and they are researching the feasibility freelance certification for the State of California.

Mr. Federico likes the idea of tying mobile service providers to a salon. There needs to be a sponsoring salon. Those providers not sponsored by a salon would be considered as providing unlicensed services. Ms. Underwood thought the Board should start strong with education to consumers and education to licensees letting them know that they could be looking at fines if they are found offering services outside of a licensed establishment.

## **5. Agenda Item #5, DISCUSSION OF THE OPTION OF OFFERING REMEDIAL EDUCATION IN LIEU OF A CITATION AND/OR FINE**

Ms. Underwood stated that the option of offering remedial education in lieu of a citation and/or a fine was before the Board within the past few years and it was mentioned in the Sunset Review Hearing. This option would allow a person, if they receive a citation, to take a remedial education class to have that citation removed from their record and not be fined. Ms. Underwood does not recommend the

Board implement this because she does not believe the Board has the staffing or the resources in general to implement such an option. There is remedial education for foot spa operators who are suspended for violations. Many states found that the cost of such a program was excessive. Mr. Hedges suggested that the Board not go down this road until it has a firm commitment from the Department, the Legislature, and the Governor that the Board would be allowed to set up a separate bureaucracy to handle implementation and enforcement of remedial education. Ms. Underwood feels the current, escalating fine schedule is a good deterrent.

#### **Public Comment**

Jean Ogren suggested the Board consider implementing continuing education requirements before licensees can get their licenses renewed.

### **6. Agenda Item #6, DISCUSSION OF LASH/BROW TINTING**

Ms. Underwood summarized this item. Currently, there is no Food and Drug Administration (FDA) approved product that can be used to tint lashes and brows. States who allow lash and brow tinting are actually in violation of federal rules. The FDA regulates product coming into the country. The FDA will not cite the licensee. The FDA cites the manufacturer of the product. Ms. Underwood doesn't believe providers/salons are aware of the violation. Lash and brow tinting is currently part of the curriculum taught in schools. Ms. Underwood stated the Board needs to get the word out to the licensees. Regulations need to be changed and lash and brow tinting training needs to be removed from the curriculum. Ms. Underwood believes the Board has to take a stand. This is not an acceptable practice. Mr. Hedges suggested research into what is in the products that would harm the eye. Mr. Hedges believes the lack of action on the part of the Board puts the Board and State in jeopardy. Manufacturers are going to have to come up with a new product that is not harmful to the eye.

#### **Public Comment**

Jean Ogren mentioned that this issue is a matter of educating the Board's licensees. Ms. Underwood agreed. Ms. Underwood stated the Board will start with education and will not start immediately start citing for violations, since this was something the Board thought was acceptable.

Upon motion by Mr. Hedges, seconded by Mr. Federico, the suggestion that the committee recommend to the full Board that the Board move forward with education, possibly more strictly regulating the process of lash and brow tinting, and updating the current curriculum to reflect the FDA's warning was approved by a 2-0 vote.

#### **Public Comment**

Jean Ogren asked if a quorum was necessary for this committee meeting. Ms. Underwood stated it was not necessary.

### **7. Agenda Item #7, 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 address the Committee.

**8. Agenda Item #8, ADJOURNMENT**

With no further business, the meeting was adjourned.