

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

LICENSING AND EXAMINATIONS COMMITTEE MEETING

MINUTES OF JANUARY 22, 2024

COMMITTEE MEMBERS PRESENT

Steve Weeks, Chair
Tonya Fairley
Yolanda Jimenez
Colette Kavanaugh
Jacob Rostovsky

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Natalie Mitchell, Board Analyst

1. AGENDA ITEM #1: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Steve Weeks, Committee Chair, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2: DISCUSSION AND POSSIBLE APPROVAL OF THE SEPTEMBER 11, 2023, COMMITTEE MEETING MINUTES

Motion: Tonya Fairley moved to approve the September 11, 2023, Committee Meeting Minutes. Yolanda Jimenez seconded the motion.

Public Comment: There were no public comments received.

Motion to approve the September 11, 2023 Committee Meeting Minutes carried: 5 yes, 0 no, and 0 abstain, per the following roll call vote:

Committee Members voted "Yes": Steve Weeks, Tonya Fairley, Yolanda Jimenez, Colette Kavanaugh, and Jacob Rostovsky

3. AGENDA ITEM #3: DISCUSSION AND POSSIBLE RECOMMENDATION OF THE ESTABLISHMENT OWNERSHIP TYPES

Steve Weeks initiated the discussion on the need to update regulations to distinguish between corporations and Limited Liability Companies (LLCs), noting that they are legally recognized as separate entities. Kristy Underwood proposed a legislative change to explicitly add LLCs to the Business and Professions Code Section 7347, noting that this adjustment would simply formalize the current practice of issuing establishment licenses to LLCs. If the committee approves this recommendation, it will be presented to the board in February, with the goal of incorporating this change into a bill to amend the statute. Jacob Rostovsky inquired about the prevalence of LLCs, to which Ms. Underwood responded with data from a specific county showing a low percentage, around 5%, but highlighted that this might not represent the broader trend. The discussion revealed that while the majority of establishments might be sole proprietorships, there is an observed shift towards LLCs.

Motion: Jacob Rostovsky made a motion to recommend to the full board the provided language for the amendment of Section 7347 as a legislative proposal. Tonya Fairley seconded the motion.

Public Comment: No public comments were received.

Motion to recommend to the full board the above language for the amendment of Section 7347 as a legislative proposal carried: 5 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Steve Weeks, Tonya Fairley, Yolanda Jimenez, Colette Kavanaugh, and Jacob Rostovsky

4. AGENDA ITEM #4: DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING IMPLEMENTING A 90-DAY RETENTION SCHEDULE FOR OUT OF STATE LICENSE CERTIFICATIONS

Steve Weeks introduced the next agenda item concerning a proposal for implementing a 90-day retention schedule for out-of-state license certifications. Kristy Underwood explained that this regulatory change aims to establish how long the board maintains certifications from licensees in other states. This is in response to instances where such certifications might sit in records for months before action is taken, potentially leading to issues with the validity of the license at the time of reciprocity consideration. The proposed 90-day timeframe is to ensure that licenses are current and valid, preventing the acceptance of outdated certifications.

Steve Weeks raised a question about the prevalence of fraud related to out-of-state certifications. Ms. Underwood acknowledged significant fraud issues. However, she clarified that the 90-day rule primarily targets legitimate applications and does not directly address the fraud observed in out-of-state certifications. She noted that the fraud issue is complex with ongoing internal steps being taken to combat fraudulent activities.

Motion: Yolanda Jimenez made a motion to recommend to the full board the provided language for the proposed Section 911 as consideration for a regulatory proposal. Jacob Rostovsky seconded the motion.

Public Comment: No public comments were received.

Motion to recommend to the full board the above language for the proposed Section 911 as consideration for a regulatory proposal carried: 5 yes, 0 no, and 0 abstain, per the following roll call vote: Committee Members voted “Yes”: Steve Weeks, Tonya Fairley, Yolanda Jimenez, Colette Kavanaugh, and Jacob Rostovsky

5. AGENDA ITEM #5: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no public comments submitted.

6. AGENDA ITEM #6, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Steve Weeks proposed addressing a potential regulatory loophole that allows individuals who have lost their establishment licenses to re-enter the industry undetected by hiding their involvement in a new business venture. He suggested that the current lack of disclosure requirements for corporate stockholders, LLC members, or salon management employees, could enable previously disciplined owners to manage salons without the board's knowledge. Mr. Weeks recommended adding this topic to the agenda for the next committee meeting.

7. AGENDA ITEM #7: ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 9:19 a.m.