

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF BARBERS AND HAIRDRESSERS**

MINUTES OF MEETING

April 2, 2007

THESE DRAFT MINUTES WERE PREPARED BY DIVISION STAFF. THEY HAVE NOT BEEN REVIEWED OR APPROVED BY THE BOARD.

By authority of AS 08.13.040, and in compliance with AS 44.62, Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held on April 2, 2007.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 9:06 a.m.

Members present were:

Larry Allen Ungerecht, Tattooist
Charlette Lushin, Barber
Carol Hernley, Barber
Cody Downs, Public Member
Debra Long, Hairdresser, Chairperson

Alice Massie, Hairdresser/Esthetician - Absent

Staff present:

Sue Karlslyst, Licensing Examiner

Agenda Item 2 Review and Approve Agenda

Sue stated that the “application reviews” were not on the agenda. The reviews will be discussed at a point when the meeting is running ahead of schedule. Esthetician correspondence, agenda item 14B, and Miami Ink licensing issues will be discussed during agenda item 5.

On a motion duly made by Lushin, seconded by Downs and carried unanimously, it was

RESOLVED that the agenda was approved as amended.

Agenda Item 3 **Review and Approve Minutes of September 18, 2006**

Debra asked if there were any changes or corrections to the minutes.

On a motion duly made by Ungerecht, seconded by Lushin and carried unanimously, it was

RESOLVED to approve the minutes as read.

Agenda Item 4 **Public Comment**

There was no one present for public comment time.

The board decided to discuss the application reviews at this time. Ms. Anna V. Shastitko submitted a hairdresser application on March 7, 2007 requesting to transfer 694 hours of training from Russia. After discussion, the board decided to omit 320 hours of Professional Vocational Study and 34 hours of Introduction to Marketing and Economics. The other hours pertained directly to hairdressing.

On a motion duly made by Ungerecht, seconded by Downs and carried unanimously, it was

RESOLVED to accept 340 hours of hairdresser training. Ms. Shastitko will also need to meet the requirements of 12 AAC 09.160 and 12 AAC 09.090.

Mr. Derrick Crooker submitted a Tattooing and Permanent Cosmetic Coloring application on March 12, 2007. All licensing requirements have been met under 12 AAC 09.173.

On a motion duly made by Ungerecht, seconded by Downs and carried unanimously, it was

RESOLVED to accept the application of Mr. Derrick Crooker and approve him to sit for the written examination.

Being ahead of schedule the board moved onto agenda item #7

Agenda Item 7 **Procedures for the Practical Examination (for proctors)**

This information is given to all proctors that go through the training process. As a reminder, the board requests that this information be sent to each proctor who is scheduled to proctor during any given month.

On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED to send the “Procedures for the Practical Examination” information sheet to each proctor who is scheduled during any given month.

Being ahead of schedule the board moved onto agenda item #8

Agenda Item 8

What to Expect at the Practical Exam (for candidates)

Due to the recent number of phone call to the office, Sue compiled a list of information that is important to the candidates who are taking the practical examination. The list was read. Discussion followed with no changes being made to the list.

On a motion duly made by Lushin, seconded by Downs and carried unanimously, it was

RESOLVED to include the, “What to Expect at the Practical Exam” information sheet in the examination packet that is sent to all candidates when they are schedule for the examination.

Being ahead of schedule the board moved onto agenda item #11

Agenda Item 11

Scoring Problems

Sue presented examples of scores sheets from recent practical exams given in Anchorage and Fairbanks. The problems include a score of “0” being given on 10 and 20 point question, an overall span of more than 20 points between each proctor scoring the same candidate and one proctor giving a score and another proctor giving a “0” for the same section. It is the responsibility of the “lead proctor” to review score sheets.

On a motion duly made by Ungerecht, seconded by Downs and carried unanimously, it was

RESOLVED to add to the “Procedures for the Practical Examination” (for proctors) information sheet that if a score of “0” is given on a 10 or 20 point question, the proctor must state why a “0” was given.

Being ahead of schedule the board moved onto agenda item #14 B

Agenda Item 14B Correspondence

On March 27, 2007, Sue received a Newsletter and cover letter from the National Coalition of Estheticians, Manufacturers/Distributors & Associations (NCEA). NCEA is requesting a teleconference with the board. Since this information was given to the board the day of the meeting no one was able to review the contents.

On a motion duly made by Lushin, seconded by Downs and carried unanimously, it was

RESOLVED to table this item until the September 24, 2007 meeting.

Agenda Item 5 Investigative Report

Rick Younkens, Chief Investigator joined the meeting. Carol stated that there seems to be widespread licensing problems in the state and no one to follow up on investigations. The board specifically asked when an investigator would be able to visit the Fairbanks area.

Mr. Younkens stated he would meet with John Clark and determine when he would be able to get to Fairbanks based on scheduling and travel. Charlette suggested that the investigator contact a board member in Fairbanks who could inform them of the areas that need to be visited. Sue reminded the board that they should not be addressing complaint issues. Board members should immediately forward any complaints directly to the Juneau office or to investigator Clark.

Mr. Younkens stated that the old case files on the investigators report need to be resolved. In most cases, the individual has left the state or is not currently practicing. Carol asked why the board is not given more information on individual cases. Mr. Younkens stated that the reports are "vague" for a reason. If the case were to go to hearing, board members need to be able to be fair and unbiased.

In June of 2003, the board mailed a letter to all licensees and shop owners regarding frequent problems that are seen in the industry during investigations.

On a motion duly made by Downs, seconded by Ungerecht and carried unanimously, it was

RESOLVED to have Sue follow up with investigator John Clark and make any necessary changes to the letter and have it included in the 2007-2009 renewal mailing.

Correspondence was reviewed regarding the Bellanina Facelift. The board feels that this practice is crossing over into the scope of practice for Esthetician. Mr. Younkins stated that it might also be crossing over into the Physical Therapy scope of practice. This procedure is more than a massage. They are using antiseptics, lotions and cleansing items on the skin and face for cosmetic purposes. Mr. Younkins stated that if these practices occurred, a Cease and Desist as well as other injunctions could be issued to the massage therapist.

On a motion duly made by Ungerecht, seconded by Downs and carried unanimously, it was

RESOLVED to have Sue send a letter to the American Massage Therapy Association (AMTA) stating the position of the board.

Kevin McKinley, a license tattoo artist, was present for the discussion regarding Miami Ink. Miami Ink, a Florida based television program would like to come to Alaska and film and perform tattooing in the Village off Kasaan. The board was provided with their proposal. Discussion followed regarding the difference between a Courtesy License (12 AAC 09.004), Permanent License (12 AAC 09.086), Temporary Permit (12 AAC 09.107), and Temporary Shop License (12 AAC 09.112). It was determined that no action was required by the board if Miami Ink met the licensing requirements mentioned above.

Agenda Item 6A

Regulations

Jun Maiquis, Regulations Specialist II and Gayle Horetski Assistant Attorney General, joined the meeting telephonically. Chris Bennett from Faribanks also joined the meeting telephonically.

Sue stated that under 12 AAC 09.127 (d) the regulation cited is 12 AAC 09.146 which is equipment for schools teaching advanced manicuring. The correct citation should be 12 AAC 09.110. Amendment so noted.

On a motion duly made by Luschin, seconded by Cody and carried unanimously, it was

RESOLVED to adopt the three page regulation regarding 12 AAC 09.125, 12 AAC 09.127, and 12 AAC 09.990 with amendment noted as the board has considered the cost to the public.

Off the record at 10:30 a.m.
Back on the record at 10:45 p.m.

Agenda Item 6B Draft Regulations

The board reviewed the proposed changes to 12 AAC 09.106 (d) (3), 12 AAC 09.110 (k), and 12 AAC 09.155 (c).

On a motion duly made by Lushin, seconded by Downs and carried unanimously, it was

RESOLVED to accept the draft regulations 12 AAC 09.106 (d) (3), 12 AAC 09.110 (k), and 12 AAC 09.155 (c) and submit for public notice at no cost to the public.

Agenda Item 6C Regulations

The board discuss making changes to 12 AAC 09.110 (j) by adding words that the manager must be on the premise. This has possible problems when the shop owner is a corporation. The board decided to make no changes to the regulation at this time.

On a motion duly made by Ungerecht, seconded by Downs and carried unanimously, it was

RESOLVED for the licensing examiner, Sue Karlslyst, to follow up with investigator, John Clark, to see what kind of problems this creates in the industry by not have a manager on the premise.

Agenda Item 6D Regulations

Sue stated that at the board meeting of September 18, 2006 the board had voted to approve out of state applications on a case by case bases where the state does not track practical operations. However, this becomes an arbitrary review of applications and it would be "cleaner" to remove the requirement of tracking practical operations on out of state applications.

On a motion duly made by Downs, seconded by Ungerecht and carried unanimously, it was

RESOLVED to remove the language "that included the minimum number of practical operations set out in 12 AAC 09.160" in regulation 12 AAC 09.002 (b) (2) (B) and (D) AND remove the language "including the minimum number of practical operations set out in 12 AAC 09.163" in regulation 12 AAC 09.002 (d) (2) (B) and (D) and submit for public notice at no cost to the public.

Agenda Item 6E Regulations

The board discussed statute 08.130 display of license or permit. With the technology of the internet a print out verifying licensure is available immediately upon issuing a license or permit. If applicants were able to display this printout without waiting for the original license in the mail they would be able to start working sooner.

On a motion duly made by Ungerecht, seconded by Downs and carried unanimously, it was

RESOLVED to add to General Provisions the following: “A license or permit issued under this chapter must be posted in a conspicuous location in the licensee’s place of business for public inspection. Pending receipt of the current license or permit from the department, the licensee shall display the department’s Internet website posting confirming licensure” and submit for public notice at no cost to the public.

**Editor’s note should be included: The current posting confirming licensure can be found at the Internet Website of the Department of Commerce, Community and Economic Development, Division of Corporation, Business and Professional Licensing:
www.commerce.state.ak.us/occ/search3.htm.**

Agenda Item 10 Exam Preparation

Sigel and Sue Shroy, owners of Metroasis Advanced Training Centerjoined the meeting. Sigel had provided the board with his resume prior to the meeting. Sigel stated that he interviews 20-24 candidates before he accepts a student into his school. He picks the best of the best. Sigel’s concerns are regarding the practical examination and feels his students are being treated poorly. His superior students are being failed in areas where they have had nothing but high scores. He has been preparing his students for the exam the same way for years and recently a student was accused of “cheating” on the practical exam. He prepares them by having a list of materials on one side of the paper and the grading sheet on the other side. Sigel cited several examples where his students had come back to him after an exam and expressed their concerns. Some of Sigel’s concerns included improper language by examiners, racial connotation and examiners being late to the exam or taking excessive breaks. Sigel stated that the statutes and regulations are used in theory and at board meetings but it the statutes and regulations are not being practiced.

In summary, Sue Shroy stated that the written exam is objective and the practical exam is subjective. She noted that some states only have the written exam. Sigel and Sue would like to have the practical exam eliminated.

Agenda Item 9 **Recess for Lunch**

Off the record at 12:00 a.m.
Back on the record at 1:09 p.m.

Agenda Item 10 **Exam Preparation**

The board discussed the issues that Sigel and Sue Shroy had brought before them. The board felt that some of the decisions they made earlier will help: sending the proctors the "Procedures for the Practical Examination" and sending the candidates the "What to Expect at the Practical Exam." The board asked Sue K. if the division had received any written complaints from students regarding any of the issues discussed. Sue K. stated that several students had called and asked for breakdowns of their scores and if they had complaints they were told they must put them in writing. The division has received no written complaints in the recent months.

The board was provided a copy of the "cheat sheet" that one student used at the exam. The written material was not on the back of a score sheet and the hand written information was more than a material list. The information included how to do a procedure. The board explained that candidates are told to put away all materials before the exam and that this type of information is not allowable at the examination.

Overall, the board feels that students need to come to the exam prepared. Students are sent a detailed examination packet giving them instructions and information on how they are going to be scored. The examiners are aware that students are nervous and take that into account. It is also recognized that a good student's can also have an "off" day. The board does not feel that the practical exam should be eliminated.

It was also suggested that a staff person from the division could be present at the practical exam as an observer or Larry Ungerecht or Cody Downs could be present as observers.

Agenda Item 12 **Practical Examination Scoring Guidelines**

This is information that is given to examiner when they go through training. The "hairstyle" portion of the Hairdressing section is missing. Debra will prepare this for review at the next board meeting.

Agenda Item 13 Comparison

The board did a comparison of the Examination Instructions (that students receive), the Instruction Cards (used at the exam) and the Score Sheets.

On a motion duly made by Lushin, seconded by Downs and carried unanimously, it was

RESOLVED to add to the Hairdresser Instructions Card under Hair Style (2) (c) Full Stem, Half Stem and No Stem.

On a motion duly made by Downs, seconded by Ungerecht and carried unanimously, it was

RESOLVED to change the text on the Hairdresser Score Sheet under Bleach Touch-Up and Highlighting (b) to read “Client Card or release form.”

On a motion duly made by Long, seconded by Ungerecht and carried unanimously, it was

RESOLVED to change the text on the Hairdresser Instruction Card under Haircut to read, “(8) blow dry your patron’s hair. Upon completion, hold up hand. (9) Demonstrate in front of the examiner the three different techniques for the curling iron.”

On a motion duly made by Hernley, seconded by Downs and carried unanimously, it was

RESOLVED to have the Score Sheet for Barbers and the Score Sheet for Hairdressers to match under the areas of Perm, Virgin Tint and Bleach Touch-Up and Highlighting.

On a motion duly made by Hernley, seconded by Downs and carried unanimously, it was

RESOLVED to change the text on the Barber Instruction Card under Permanent Waving to read, “(2) Section “straight back” for full permanent waving. (3) Wrap entire front (right or left) side of mannequin’s head using proper rod selection appropriate to length.”

On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED to omit number 2 (section for haircut) on the Barber Instruction Card under Haircutting/Hair Style.

On a motion duly made by Lushin, seconded by Downs and carried unanimously, it was

RESOLVED to change the text on the Examination Instructions for Barber, page 6, under Shaving Finished Product to read "Finish with application of astringent." To delete the phrase, "A moustache may be left, but this shaving area must be demonstrated to the examiner on how to shave."

On a motion duly made by Lushin, seconded by Downs and carried unanimously, it was

RESOLVED to change the Barber Score Sheet under Shave to read:

**Patron Preparation 10
Steam Towels and Pre-shave Conditioning 12
Lathering 5
Position to Patron 10
Strokes 20
Water Shave Second Time Over 5
Finishing Steps: a. Steam Towel 2
b. Drying 2
c. Apply Astringent 4
Sanitation 15
Final Results 15**

On a motion duly made by Long, seconded by Lushin and carried unanimously, it was

RESOLVED to table the Esthetician comparison until board member Alice Massie was present.

Off the record at 2:45 p.m.
Back on the record at 3:01 p.m.

Agenda Item 14 Administrative Business

Debra will prepare the narrative for annual report. The board reviewed their goals and objectives for 2007 and noted that number 7 had been completed regarding Tananna Valley Campus Proposal.

Fiscal Year 2008 Goals and Objectives:

1. Conduct two one-day face-to-face meetings and two or three teleconferences as needed.
2. Have an operating budget so that we can accomplish our goals.
3. Representation on the National level
4. Pass/fail Statistics to the schools for the written examination.
5. Continue to be attentive to the school and apprentices responsibilities to the student, i.e. applications filed in a timely manner and record keeping.
6. Take steps to educate the legislature on the concerns of our profession i.e. sanitation and public safety and any statute change necessary to separate the profession and to separate the tattooing and permanent cosmetic coloring licenses.
7. Work with the governor's office to fill board seats in a timely manner.
8. To continue to monitor other states regarding braiding and weaving.
9. Continue to investigate adding independent contractors/chair rental licenses.

The board reviewed the legislative Recommendation for FY 2007. The following are the recommendations for TY 2008:

1. Recommend Legislature pass legislation to change the title of the Board of Barber and Hairdresser to include Manicurist and Body Artists.
2. Recommend Legislature change AS 08.13010 (a) to read "...7 members appointed by the governor." In the following make-up:
 1. one person licensed as barber
 2. one person licensed as tattooing and permanent cosmetic coloring.
 3. one person licensed as hairdresser
 4. one person licensed as esthetician
 5. one person licensed as body piercer
 6. one person license as manicurist
 7. one public member

On a motion duly made by Downs, seconded by Ungerecht and carried unanimously, it was

RESOLVED to approve fiscal year 2008 goals and objectives and legislative recommendations.

The board reviewed the written examination statistics provided by Schroeder Measurement Technologies for the calendar year 2006. It was noted that the Esthetics written exam has a low pass rate not only in Alaska but nation wide.

The board decided that there was no need of out-of-state travel this year to attend a nation conference.

Agenda Item 15 **Office Business**

The board confirmed they will meet September 24, 2007 in Anchorage.

The board reviewed the budget report and had no questions.

Other Business

The board discussed dropping the fees on licensing. Currently to operate a practitioner may need up to 4 licenses. Shop owner license, practitioner license, state business license and city business license. Sue noted that the budget determined the fee schedule and that she didn't think the board had control over the fees. Sue will follow-up on that issue.

The board also instructed Sue to follow-up on what the process would be to add a "Chair Rental/Independent Contractor" License.

It was noted that Carol will be closing her shop this fall. The board will be reviewing her schedule at the September meeting to determine if her schedule will allow her to attend proctor training for the practical exam.

Agenda Item 16 Adjourn

At 4:10 p.m. on a motion duly made by Downs, seconded by Ungerecht and carried unanimously, it was

RESOLVED that we adjourned the meeting.

Adjourned at 4:10 p.m.

Respectfully Submitted:

Sue Karlslust, Licensing Examiner
Board of Barbers and Hairdressers

Approved:

Debra Long, Chair
Board of Barbers and Hairdressers

Date: _____

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