

**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
May 2, 2011**

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 May 2, 2011, at 550 W. 7th Ave., Anchorage, Alaska.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 9:05 a.m.

Members present were:

Debra Long, Hairdresser, Chairperson
Glenda Ledford, Barber
Jynal Radziukinas, Hairdresser/Esthetician
Michael Bolivar, Barber

Absent member was:

Lorenda Moore

The board chair noted the absent board member was excused.

Staff present was:

Sher Zinn, Licensing Supervisor
Melinda Butler, Licensing Examiner

Agenda Item 2 Review and Approve Agenda

On a motion duly made by Ms. Ledford, seconded by Ms. Radziukinas and carried unanimously, it was

RESOLVED to approve the agenda as read.

Agenda Item 3 Review and Approve Minutes of January 10, 2011

On a motion duly made by Ms. Ledford, seconded by Ms. Radziukinas and carried unanimously, it was

RESOLVED to approve the minutes of the January 10, 2011 meeting.

Agenda Item 4 Ethics Reporting

No Ethics violations to report. Ms. Long asked Mr. Bolivar to watch the ethics video online. Ms. Zinn reported that when a board member recuses themselves from a vote, they need to fill out an ethics disclosure form to declare potential conflict, as well as stating on the record at a board or commission meeting.

Agenda Item 5 Investigative Report

Ms. Bautista was not available for the meeting, however, she prepared an investigative report. There are 7 open cases, and 10 closed cases.

Agenda Item 6 Public Comment

Set aside until 10:00am.

Agenda Item 7 NIC Updates Effective July 1, 2011

Ms. Long stated the board is concerned with the written exams, and asked if the updates were going with the new textbooks.

Ms. Long asked Ms. Butler to update NIC on Barber License information for Alaska.

Ms. Long formally welcomed Mr. Bolivar.

Agenda Item 8 Hairdresser Exam vs. Cosmetology Exam

Ms. Long stated that Alaska is the only state that doesn't have a cosmetology license. Mr. Bolivar pointed out that every state has different requirements, and wondered why every state can't do the same thing under the National Association, and why should we be concerned about other states requirements. The hairdressing students have been given the cosmetology exam, not the hair design exam. Ms. Long stated she thinks students should have the hair design exam. Ms. Ledford stated it isn't fair to fail a student on information that they are not required to have for their license. Ms. Zinn pointed out the hairdresser exam doesn't cover manicuring or esthetics, and the license allows manicuring and limited esthetics. Mr. Bolivar pointed out the differences between the two exams. Thirty percent of the written cosmetology exam the students are not taught on, and that 30% could cause someone to fail. Ms. Long agreed that the cosmetology exam was much more detailed than a hairdresser would

need . Ms. Radziukinas agreed. Ms. Ledford asked if the hairdressing license would not include manicuring and waxing. Ms. Long said it would be discussed later in the meeting during regulation changes. Ms. Zinn pointed out that it would require a regulation change to make the title the national hair design test. Ms. Ledford asked if it would still have manicuring and limited esthetics? Mr. Bolivar, suggested current licensee's could be grandfathered in, however new students wouldn't have the manicurist/ limited esthetics included in their license. Ms. Ledford stated that the hairdressing license would include hairdressing only. Ms. Zinn pointed out that manicuring is required to be included by statute. However, manicurists aren't required to take the state board exam, only the exam from the school. So, they could still do it if they got an exam from the school. Ms. Long stated the board would come back to this during Agenda item #16.

Agenda Item 9 Manicuring Legislation

Ms. Long noted she had communicated with Karen Lidster, Legislative Aide to Senator John Coghill. Ms. Lidster stated she would find out where the legislation was in the process and get back to Ms. Long. Ms. Lidster worked for then Representative Coghill, when she first communicated with the board at its September 2009 meeting. Ms. Long noted that Mr. Coghill is in the minority now and his office suggested the board find a "friendly legislator" willing to sponsor the bill who is in the majority. Ms. Long talked to Joe Paskavan about carrying the bill to increase manicuring hours for the license. More work is needed to continue on this. Ms. Ledford stated she would do what she can to find a friendly legislator and wanted to know if the board could have a lobbyist. Ms. Zinn stated that the board can't have a lobbyist, but a board member can contact their legislator as a member of the public.

Ms. Long noted that every manicuring student must sign the meningitis form per Post Secondary's instructions. Mr. Bolivar said his school wasn't making manicurists sign that sheet, but will from today on.

Agenda Item 6 Public Comment

Charlotte Lushin and Heather Harvey were public members that were present for the meeting. They had no public comment to present.

Break off the record at 10:02am

Back on the record at 10:17am

Agenda Item 10 Body Art

Ms. Moore was not present, due to an excused absence, to present any more information on dermal piercing or eyeball tattooing. Ms. Zinn stated that the Medical Board Meeting is May 13th and 14th in Anchorage. Ms. Long will try to get a hold of

Ms. Moore to see if she will be attending.

Agenda Item 11 MYCAA Funding for Military Spouses

Ms. Long's school was approved for this program. The main requirement for qualification of this program is that the student gets a diploma and can be licensed. Ms. Long is having problems using the program. Mr. Bolivar stated that his school tried this program, however it was so cumbersome and very difficult to get a hold of anyone for help, that his school no longer participates in this program.

Agenda Item 12 Board Members are Not Exempt

Ms. Butler referred to an article in a journal regarding board members being personally responsible in a court of law for any denial of a license. Ms. Zinn spoke with the Dept. of Law, Dan Branch, and he said we probably wouldn't have this issue in Alaska, but we should be aware that this does happen. Ms. Ledford asked if the State would back the board up in court. Ms. Zinn said it would, but the fees would come out of the Board's budget.

Agenda Item 13 UAF-CTC Student Internships

Ms. Long explained that the CTC wants their students to be able to have internships in local salons for credit. They would have to have an instructor present during the internship. The school would like to count practical hours in the salons. Mr. Bolivar stated there would be no way to regulate that. All they could do is stand around and observe, sweep hair, clean up chemicals, it wouldn't really teach them much. Ms. Long agreed. She also stated that currently, if one does a haircut, they all get credit for it. On paper it looks good, but when they are done, they have to be retrained.

Mr. Bolivar stated that they are struggling like a new business. It seems that it was just poor planning on the school's part. He didn't think they should be able to have internships. Ms. Ledford and Ms. Long agreed. Ms. Ledford stated if the board allows this, it opens a can of worms for everyone to do this. Mr. Bolivar stated internship doesn't make sense.

Charlotte Lushin added that the reason the school is having problems is they don't advertise or do anything to take business away or be in competition with the local salons. They have been very conscious of that. Mr. Bolivar stated that they need to realize they are competition to local business. They can't ignore that. A school is in competition with local business for clients. They need to advertise. They are licensed as a regular school.

Ms. Ledford pointed out they have a business problem, and it is not up to the board to solve their business problems. The other board members agreed.

Agenda Item 14 Examinations

Ms. Long said the statutes allow the board to implement a state law exam which the board had discussed at the last meeting. The board members were to draft questions for the exam. Approximately 20-25 questions would be part of the exam for each of the fields. The National Associations of Cosmetology would write the exam for the board once they received the draft questions.

The board discussed the amount of hours of study of state law required by regulation. It was noted instructors are required to complete 25 hours of instruction covering "rules and regulations of the board", however, barbers, hairdressers, estheticians and advanced manicurists must complete five hours of "state law". It was further noted all regulations requiring state law should use the same terminology, "state law" or "Alaska statutes and regulations". Body piercing and tattooing and permanent cosmetic coloring students or apprentices must complete 10 hours of state law. The only way to know they have studied state law is to test them. Ms. Long reiterated that it was important all board members work on the law questions for the exam, and the board should put them together at a meeting to be submitted to NIC to draft the exam.

Hairdresser score sheets

Ms. Zinn and Ms. Butler pointed out very large scoring differences between proctors for the same student. Ms. Long stated that the lead proctor needs to talk to the other proctors before the exam on proper scoring procedures. Heather Harvey stated that the exams are very rushed, and mistakes happen because of this. Ms. Long agreed, and would like to see the scheduling more separated out so the groups are smaller, and less rushed. Mr. Bolivar suggested breaking it up into two sessions for hairdressers.

Ms. Long also brought up that Trendsetters setup is not really made for exams. The mannequins don't fit at the station. Hairdressers share stations, and it seems very disorganized and messy. Four students were at one table. It wasn't fair to the students.

Ms. Long asked Mr. Bolivar how Academy of Hair was set up. Mr. Bolivar said the stations were made to hold mannequins. It can have up to 18 students.

Mr. Bolivar suggested limiting it to 10 barbers/hairdressers in the morning, then have another group limited to 10 barbers/hairdressers in the afternoon. Then have the estheticians, then the instructors. That would be less stress for everyone, but the proctors would be there longer. Ms. Long wants Ms. Ledford and Ms. Butler to try splitting the schedule and see how it works.

Ms. Ledford stated that Trendsetters closes down for exams, but they are regularly open on Sunday. Ms. Long asked Mr. Bolivar if exams could be at Academy of Hair Design every month, as that school is closed on Sunday's and it wouldn't interrupt business.

Proctor Behavior

Ms. Long ask if everyone read the complaint letter. Ms. Zinn stated that she frequently gets complaints from Anchorage. Proctors shouldn't comment on how students are doing, or have facial expressions that make the student think they are doing something wrong. Mr. Bolivar stated that it all goes back to being stressed from being too busy. Splitting up the students should help this. Ms. Ledford stated it is her job to make sure the students get a fair and unbiased experience, she does not need a proctor that has the wrong attitude. Ms. Long pointed out that it can't be allowed.

Ms. Long addressed the general rules for proctors. Ms. Ledford wants the proctor memo stating the rules sent to all proctors.

**Recess for Lunch- off the record at 12:04 p.m.
On the record at 1:10 p.m.**

Roll Call

Members present-

Debora Long
Glenda Ledford
Jynal Radziukinas
Michael Bolivar

Staff present-

Sher Zinn, Licensing Supervisor
Melinda Butler, Licensing Examiner

Agenda Item 15 Application Review

The board reviewed an application packet for Handan Sumer, who applied to be an esthetician. She was trained in Turkey. The board decided that Ms. Sumer's training does not meet the State's requirement of 350 hours.

On a motion duly made by Mr. Bolivar, seconded by Ms. Ledford and approved unanimously, it was

Resolved not to accept Ms. Sumer's current training, but to require her to take the 350 hours of training required by AAC 09.002 (d)(2)(A)&(B), before she can be scheduled to take the Esthetics written and practical exams.

Agenda Item 16 Discuss Proposed Changes

Movie Productions

Ms. Butler stated that currently Alaska requires hairdressers that come to Alaska with a movie production to obtain an Alaska hairdressers license. She was presenting the board with the idea of making a courtesy license for those hairdressers who just work on the people involved with the movie production, as a way to cut down licensing paperwork, and assure their license is issued in a timely matter. Mr. Bolivar agreed that a courtesy license is a good idea. It was decided that the following should be added to read 12 AAC 09.004(e) "A courtesy license to practice hairdressing as a hairdresser for the purpose of working on a television, film, or stage production. (1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested; (2) pay the applicable fees established in 12 AAC 02.140; (3) verification of a current hairdressing license from another state or jurisdiction; (f) a courtesy license to practice hairdressing is valid for the duration of the production, not to exceed 12 months. If the license is required for a period longer than 12 months, the licensee must apply for a new and separate license.

On a motion duly made by Ms. Ledford, seconded by Ms.Radziukinas and approved unanimously, it was

Resolved to make an additional regulation for a courtesy license for hairdressers working on television, film, or stage production.

Body Piercing on Minors

This couldn't be changed at this meeting as it is written in statute, however, it was put on the list of requests for changes to be brought to the legislature.

Instructor License

Ms. Long pointed out that Alaska requires 3 years of experience as a licensed barber, hairdresser, manicurist, or esthetician, or 1 year of experience and 600 hours of schooling. However, if an applicant moves into the state with an instructor's license from another state, they only have to prove that they passed the exams, and have a current license in Alaska. It was decided to add a (5) to include (A) and (B).

On a motion duly made by Ms. Ledford, seconded by Mr. Bolivar and approved unanimously, it was

Resolved to change 12AAC 09.106 for Instructor license requirements, under (d) add (5)(A) at least three years of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or in another licensing jurisdiction; or (B) one year of practice as a licensed barber, hairdresser, manicurist, or esthetician followed by 600 hours of student instructor training.

Proposed Changes Discussed January 10, 2011

Ms. Long asked Ms. Butler to recap the changes to the regulations that were discussed on January 10, 2011 at the board meeting in Anchorage. The items bolded and underlined were added, the items in brackets and capitalized were taken out. They include:

12 AAC 09.130(c)-**Not** [EXCEPT AS PROVIDED IN (k) OF THIS SECTION, NOT] later than the 15th day after the calendar quarter...

12 AAC 09.130(e)-**Within** [EXCEPT AS PROVIDED IN (k) OF THIS SECTION, WITHIN] 20 working days after termination...

12 AAC 09.130(f)-**Within** [EXCEPT AS PROVIDED IN (k) OF THIS SECTION, WITHIN] five working days after completion...

12 AAC 09.130(j)-**A** [EXCEPT AS PROVIDED IN (k) OF THIS SECTION, A] school must provide a certificate...

12 AAC 09.130(k)-After written notice to the student and the department, a school owner may **request that the department hold all hours** [DELAY SUBMITTING THE DOCUMENTATION REQUIRED BY (c), (e), (f) AND (j) OF THIS SECTION] for a student that has failed to pay all fees and tuition currently due to the school for the student's course of training until the fees and tuition have been paid. **Hours being held by the department for nonpayment to the school cannot be used for transfer or to qualify for state board examinations until the school informs the department in writing that the hours are to be taken off of hold status.**

12 AAC 09.160(a)(4)- take out last part that has reference to (c)

12 ASC 09.160(a)(8)-change 0 to 5 under Minimum Number of Practical Operations, Barbers

12 AAC 09.160(a)(9)- change to "beard shaving" and keep 50 practical operations

12 AAC 09.160(a)(10)- repealed

12 AAC 09.160(a)(11)-change to 10

12AAC 09.160(a)(12)-change to 11

12 AAC 09.160(a)(13)-change to 12

12 AAC 09.160(c)- repealed

12 AAC 09.165(a)(1)-**Statutes** [RULES] and Regulations of the board...

12 AAC 09.180(d)-repealed

12 AAC 09.185(j)- A training for tattooing and body piercing under this section may not be completed in less than six months and no more than 12 months.
12 AAC 09.190(j)...**by submitting records of apprenticeship in accordance with 12 AAC 09.130.**

The board reviewed the draft regulations in the board packet for 12 AAC 09.130(c)(e)(f)(j)(k), 12 AAC 09.160(a)(4)(8)(9)(10)(11)(12)(13), (c), 12 AAC 09.165(a)(1), 12 AAC 09.180(d), 12 AAC 09.185(j), and 12 AAC 09.190(j).

On a motion duly made by Ms. Radziukinas, seconded by Ms. Ledford, and approved unanimously, it was

Resolved to send the draft regulations without changes, to the regulation specialist for purposes of public notice, which includes 12 AAC 09.130, 09.160, 09.165, 09.180, 09.185, and 09.190.

Agenda item 17 Business

Budget

The board reviewed the budget report. It was noted the board would have a deficit at the end of Fiscal Year 2011, because the renewal period would start just after FY 11 ended on June 30, 2011. Ms. Butler explained that the fees would be going up to make up the deficit. Ms. Long pointed out the next fiscal year will be much better because of the renewals this year.

Fee Changes

Ms. Zinn pointed out the proposed fee changes, and that with these changes, the deficit would be eliminated. She also pointed out the exam fees would be raised as the result of continually losing money with each exam.

Ms. Ledford brought up the fact that the instructor's exam packet should be looked at for the next meeting. The students that come in for the instructor practical exam are describing, not teaching. Ms. Long suggested the board needs to re-look at that packet at the next board meeting.

Mr. Bolivar left the room at 2:40pm

Mr. Bolivar returned at 2:42pm

Ms. Long pointed out to Mr. Bolivar that the school license fee would be going up to \$640. She also pointed out that to renew her licenses this year it will cost her almost \$1200.

Ms. Zinn asked what they thought about the fees. Ms. Long said they have no choice,

they must raise the fees to makeup the deficit. Mr. Bolivar agreed. Ms. Zinn said anyone who complains can put their complaint in writing and send it to the regulations specialist. The Lieutenant Governor's office looks at the public comments and decides if the fees are too extreme.

Annual Report

The board reviewed goals and objectives, and proposed legislation recommendations that were in the annual report last fiscal year. Nothing was added to the existing goals and objectives, or recommendations for proposed legislation.

Ms. Long will have the narrative statement done by July 1, 2011.

Exam dates and board meeting dates will be set at the September 2011 board meeting.

Ms. Long thanked Kelly Sherman for her years of service, and had a plaque made which Ms. Ledford will take and present to her.

Ms. Long signed the minutes of the January meeting.

Adjourn

On a motion duly made by Ms. Radziukinas, seconded by Mr. Bolivar, it was resolved to adjourn the meeting of the Board of Barbers and Hairdressers.

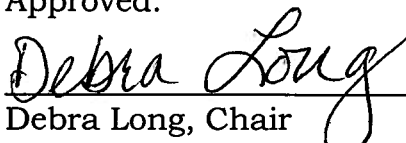
The meeting adjourned at 3:08 p.m.

Respectfully Submitted:



Melinda Butler, Licensing Examiner
Board of Barbers and Hairdressers

Approved:



Debra Long, Chair
Board of Barbers and Hairdressers

Date: 9-12-2011

