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

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**MINUTES OF MEETING
January 23, 2017**

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16 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions
17 of AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was
18 held January 23, 2017 in Juneau, Alaska, State Office Bldg., 9th Fl., Conference Rm C.

19
20

Item 1. Call to Order/Roll Call

21
22
23
24

25 The meeting of the Board of Barbers and Hairdressers was called to order by Kevin
26 McKinley, Chair at 8:00 a.m. Members present were:

27
28
29
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31
32

Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist, Chair
Glenda Ledford, Barber
Jeannine Jabaay, Public Member
Mitch Black, Hairdresser
W. Mae Canady, Hairdresser/Esthetician

33
34

35 Attending via teleconference was:

36
37
38
39

Derrick Slaughter, Industry Licensee/Barber

40
41
42

43 Vacant Board member seat:

44
45

Nail Technician

46
47
48
49

50 Present from the Division of Corporations, Business and Professional Licensing were:

51
52
53
54
55

Cynthia Spencer, Licensing Examiner
Alexa Adelmeyer, Licensing Examiner
Sher Zinn, Records & Licensing Supervisor
Harriett Milks, Attorney, Department of Law

56
57
58
59
60

Jun Maiquis, Regulation Specialist
Martha Hewlett, Administrative Officer
John Clark, Investigator
Amber Whaley, Probation Monitor
Patricia Lonergan, Licensing Examiner

45 Present telephonically from the public were:

46

47 Amie Sovitski, Instructor & Nail Technician

48 Deena Williams, Tattooist/Permanent Cosmetic Colorist

49 Anita McCormick, Instructor & Shop Owner

50 Stacey House, Esthetician

51 Rebecca McGlinchy, Public

52

53 **Item 2. Review/amend agenda**

54

55 Kevin McKinley asked Board members and staff if there were any changes to the agenda.

56 Mr. McKinley asked the Board to consider an “open agenda” which would allow the Board
57 to move around the agenda without keeping to a specific order in order to conduct a smooth
58 flowing meeting.

59

60 Hearing no objections or additions, Mr. McKinley polled the Board. Hearing no
61 disagreements, the agenda was approved.

62

63 **Item 3. Ethics Disclosure**

64

65 The Board reviewed the provided ethics information.

66

67 Cynthia Spencer informed the Board that since Glenda Ledford had been elected as the
68 Vice President of the National-Interstate Council of State Boards of Cosmetology (NIC);
69 this information should be disclosed at all meetings.

70

71 Ms. Ledford stated she had been elected as the Vice President of the National-Interstate
72 Council of State Boards of Cosmetology.

73

74 The board had no ethic violations to report.

75

76 **Item 4. Review/Amend/Adopt Meeting Minutes**

77

78 The Board reviewed the draft October 10, 2016 meeting minutes.

79

80 Mr. McKinley asked the Board if there were any edits for the drafted minutes.

81

82 Jeannine Jabaay stated that page one, line 44 should reflect “present from the public” as
83 the attendees listed were physically present.

84

85 Ms. Spencer noted the change and assured the Board the minutes would be updated to
86 reflect the change.

87

88 Mr. McKinley asked if there were any other edits. Hearing none Mr. McKinley requested a
89 motion.

90

91 **On a motion duly made by Glenda Ledford, seconded by Mitch Black,**
92 **and approved unanimously, it was**

93

94 **RESOLVED to adopt the October 10, 2016 meeting minutes with the**
95 **noted correction on page one, line 44.**

96
97 Mr. McKinley polled the Board, hearing no disagreement the minutes were approved.

98
99 **Item 5. Regulation Projects Update**

100
101 **• 12 AAC 09.006 discussion regarding grandfathering**

102 Ms. Ledford informed the Board that she had met with Representative Cathy Tilton and
103 with Ryan McKee with Americans for Prosperity regarding the need to strike language
104 from the January 2016 effective HB131 which reflects, “for one renewal period”, and add
105 allowances for grandfathering for 12-hour manicurists. Ms. Ledford stated Representative
106 Tilton and Mr. McKee showed support for the correction.

107
108 Ms. Ledford assured the Board that to the requirement to take and pass the NIC nail
109 technician written examination would still be required.

110
111 The Board discussed the need to allow for grandfathering and stated they would support
112 legislation that would allow for grandfathering.

113
114 **• 12 AAC 09.185(a)**

115 Mr. McKinley informed the Board that the current language in 12 AAC 09.185(a) required
116 that a trainer be licensed for at least one year immediately before training begins/taking on
117 apprentices. Mr. McKinley went on to state the use of “immediately” was causing licensees
118 who had any type of license lapse, no matter how long they have been licensed, be
119 disqualified from being a trainer as the use of “immediately” requires a full 12 months of
120 being licensed and any lapse re-started the 12 month clock.

121
122 **On a motion duly made by Glenda Ledford, seconded by Mitch Black,**
123 **and approved unanimously, it was**

124
125 **RESOLVED to begin a new regulation project by amending 12 AAC**
126 **09.185(a), removing “immediately” and using “prior”:** 12 AAC 09.185.
127 Trainees In Body Piercing, Or Tattooing And Permanent Cosmetic
128 Coloring. (a) A currently licensed practitioner of body piercing or tattooing
129 and permanent cosmetic coloring who has held a practitioner’s license in
130 this state for at least one year **immediately** [PRIOR] before the training
131 begins may provide training in body piercing or tattooing and permanent
132 cosmetic coloring to no more than two trainees simultaneously in a shop
133 licensed by the board under 12 AAC 09.110.

134
135 Mr. McKinley asked the Board if they would like any further discussion on this motion.

136
137 Ms. Jabaay asked if there would be any unintended consequences of this suggested change
138 to licensees.

139
140 The Board discussed and decided the change should not have unintended consequences, as
141 it would allow licensees to accommodate apprentices.

142 Mr. McKinley asked if the Board would like any further discussion; hearing none, Mr.
143 McKinley requested a roll call vote.

144
145 **Roll Call Vote**

146	NAME	YES	NO	ABSTAIN
147	Derrick Slaughter	X		
148	Jeannine Jabaay	X		
149	Glenda Ledford	X		
150	Kevin McKinley	X		
151	Mae Canady	X		
152	Mitch Black	X		

153
154
155 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

156
157 **• 12 AAC 09.940 Aftercare Instructions**

158
159 The Board reviewed the hand out provided by Mr. McKinley, which reflected current
160 general aftercare procedures and information.

161
162 Mr. McKinley informed the Board that the Food and Drug Administration (FDA) had
163 updated tattoo/permanent cosmetic coloring and body piercing aftercare instructions; Mr.
164 McKinley requested the Board consider a regulation project that would update the current
165 information provided with current standards and practices for the profession.

166
167 Ms. Ledford stated she felt an update would be warranted as most current text book
168 information was current to most industry standards and information provided by the Board
169 should follow current standards. Ms. Ledford also stated that having this information was
170 an added protection for the practitioner.

171
172 Ms. Jabaay cautioned the Board stating that they should keep in mind depending on what
173 the Board decided to update, that they may need a continuous regulation project in the
174 works in order to keep up with FDA changes.

175
176 Mr. McKinley responded that by using generalities and not specific product names or
177 procedures should allow for the possible need for any other regulation projects to occur
178 every few years or so.

179
180 Ms. Spencer asked if it would be possible to directly reference or refer to FDA requirements
181 through regulation.

182
183 Jun Maiquis and Harriet Milks conferred and informed the Board that the statutory
184 language of AS 08.13.215 allowed for changes via regulation. Ms. Milks added that the
185 Board could adopt information via reference by using the specific verbiage "by reference"
186 and included the referenced material/handout.

187
188 Mr. McKinley requested the Board continue this discussion after Mr. Maiquis and Ms.
189 Milks had reviewed the proposed regulation hand out. The Board agreed.

190 Mr. Maiquis and Ms. Milks introduced themselves to the Board.
191

192 Mr. Maiquis reviewed proposed changes to 12 AAC 09.125(a)(5) which reflects the removal
193 of Dept. of Environmental Conservation (DEC) shop inspections. Mr. Maiquis stated that
194 after conferring with Ms. Milks that this change would need to begin with a statutory
195 change.
196

197 The Board briefly discussed DEC shop inspections and decided that a legislation project
198 would be added to their legislation wish list.
199

200 Ms. Jabaay requested the Board on the record for a statement of support for this proposed
201 legislation project as Board support of a project assists with the legislation project. Ms.
202 Jabaay briefly reviewed the processes that went into House Bill 131, manicuring
203 legislation.

204 The Board stated that they support updating their statutes to reflect the changes
205 implemented by DEC in response to budget cuts that directly affected DEC providing shop
206 inspections for shops that do not provide tattooing/permanent cosmetic coloring and body
207 piercing services.
208

209 The Board assigned Mr. McKinley and Ms. Canady to lead this legislation project.
210

211 Mr. Maiquis reviewed the proposed changes to 12 AAC 09.920(d) which would allow for
212 barber, hairdresser, or esthetician to provide non-permanent services outside of a licensed
213 shop for photo sessions, entertainment purposes such as face painting, makeup services,
214 hairstyling for events such as weddings, carnivals, fairs, receptions, and other such events.
215 Mr. Maiquis informed the Board that due to the statutory language of 08.13.160, to move
216 forward with this regulation project would require an amendment to 08.13.160. Ms. Milks
217 agreed with Mr. Maiquis.
218

219 The Board briefly discussed this project, agreed that they were not happy with the
220 information, and agreed to table this project for the time being.
221

222 The Board thanked Ms. Milks and Mr. Maiquis for their time and assistance.
223

224 **Item 6. Public Comment**

225
226 Amie Sovitski, Instructor & Nail Technician

227 Ms. Sovitski stated she was supportive of the January 2016 manicuring legislation changes;
228 and asked if the Board moved forward with “grandfathering” what would the effective date
229 be.
230

231 Mr. McKinley responded that the legislative process could take a long time based on the
232 manicuring legislation.
233

234 Ms. Jabaay stated that the original intent of the Board with the manicuring legislation was
235 to allow grandfathering, however that language was missed and included language was not
236 understood by the Board. Ms. Jabaay went on to state that if grandfathering made
237 movement it would be along the lines of if a license was issued December 31, 2015 that
238 would qualify for grandfathering; the National Nail Technician examination passage would

239 still be a requirement and to qualify for that exam would not change from the 250 hours of
240 work experience current required through regulation. Ms. Jabaay urged Ms. Sovitski to be
241 involved with the legislative process.

242
243 Ms. Sovitski stated that she felt the 12-hour safety/sanitation training was not adequate
244 and stated she did support the current requirement that now through 2019 completing 250
245 school or 300 apprentice hours was good and would provide training not covered under the
246 previous 12-hour course. Ms. Sovitski went on to state that a formal training requirement
247 is good for the profession.

248
249 Ms. Jabaay agreed with Ms. Sovitski, however she stated that the Board must consider all
250 12-hour manicurists that have been affected by this legislation and went on to state that
251 the Board felt if the 12-hour manicurist could pass the National written examination, that
252 would determine competency in that field.

253
254 Ms. Sovitski thanked the Board for their time.

255
256 The Board thanked Mr. Sovitski for her participation.

257
258 Deena Williams, Tattooist/Permanent Cosmetic Colorist
259 Ms. Williams introduced herself to the Board and stated she has been providing permanent
260 cosmetic services for 17 years.

- 261 • Support splitting tattoo/permanent cosmetic colorist license into two separate
262 licenses.
- 263 • Currently in beginning stages of putting together a training center/school in Alaska
264 for permanent cosmetic services.
- 265 • All for three (3) apprentices at a time in this field per trainer/instructor.
- 266 • Don't feel a person who completed a 2-3 day out of state course in microblading
267 should have to complete training back in Alaska with a tattooist who is not educated
268 in permanent cosmetics makeup based on the differences of tattooing and
269 permanent cosmetics procedures/practices.
- 270 • Suggest changes to the theory hours required for safety and sanitation; suggest
271 move this part of the curriculum to be covered under practical operations.

272
273 Mr. McKinley stated Ms. Williams should contact licensing staff with school application
274 questions before getting to far into the school process.

275
276 Mr. McKinley asked for verification that Ms. Williams suggested lowering the theory hours
277 to be included in the practical operations. Ms. Williams concurred and stated you can talk
278 about safety/sanitation all you want but when applying to practical operations more is
279 learned.

280
281 The Board thanked Ms. Williams for her time and participation.

282
283 Anita McCormick, Instructor & Shop Owner
284 Read last few meeting minutes and was wondering where the Board was on changing hours
285 for microblading.

286

287 Mr. McKinley informed Ms. McCormick this topic was on the agenda for later today at
288 about 11am, Item 9. Ms. McCormick responded she would listen in at that time.

289
290 Ms. Williams asked the Board if she could also call back in to listen. Mr. McKinley stated
291 she would be more than welcome; however, she would not be able to address the Board at
292 that time.

293
294 **Item 7. Budget Report**

295
296 Martha Hewlett, Administrative Officer joined the Board.

297
298 Ms. Hewlett reviewed the FY16 End of Year report and the FY17 First Quarter report with
299 the Board.

300
301 Ms. Hewlett informed the Board that Director Janey Hovenden would like to meet with
302 them this afternoon to review proposed fees in preparation for the upcoming renewal
303 period. The Board responded they would like to meet with Ms. Hovenden; Ms. Spencer
304 stated that the Board would be adjourning as soon as they completed all business in order
305 for them to have time working on legislation at the Capitol.

306
307 Ms. Spencer informed the Board that if they missed Ms. Hovenden at this meeting, they
308 could review the information via a teleconference along with updated proposed regulations.

309
310 The Board informed Ms. Hewlett they were pleased with their current financial status and
311 thanked her for her time and participation.

312
313 *Recess The Board recessed at 9:55a.m. for a break; reconvened at 10:00a.m.*

314
315 **Item 8. Investigative Report**

316
317 John Clark, Investigator and Amber Whaley, Investigator Probation Monitor greeted the
318 Board.

319
320 Mr. Clark and Ms. Whales introduced themselves to the Board. Mr. Clark informed them
321 that their regular investigator, Dawn Bundick was unable to attend the meeting so he
322 would be reviewing the investigative report with the Board.

323
324 Mr. Clark reviewed the Memorandum dated January 4, 2017 with the Board.

325
326 Ms. Jabaay asked if case 2016-001311 was for a manicurist or nail technician. Mr. Clark
327 responded this case was related to a manicurist and stated he was unable to discuss the
328 case at this time.

329
330 Ms. Jabaay asked what “contested license denial” for case 2016-001340 meant. Mr. Clark
331 responded this meant the case as with the Dept. of Law for the hearing process.

332 Ms. Whaley reviewed Probation Report with the Board.
333

334 The Board asked what “hold” referred to for cases 2014-001940 and 2015-000817. Ms.
335 Whaley responded that the licensees were no longer in State and licenses were not active;
336 she went on to assure the Board that if either of those individuals came back to Alaska and
337 renewed, the fines, probation, etc., would be reactivated.
338

339 Ms. Ledford asked what can the Board or investigative staff do to address cases that were
340 out of compliance.
341

342 Ms. Whaley responded that the Board could decide to enforce full fine amounts. Mr. Clark
343 added that those out of compliance were in violation of a Board order and an accusation
344 could be filed to suspend or revoke licenses.
345

346 Mr. Clark reviewed the Litigation Report dated January 18, 2017.
347

348 The Board briefly discussed Dawn Bundick’s request from the October meeting to add
349 language to 12 AAC 09.110, 09.110 and 09.125 stating that current shop owner license
350 must be displayed in a conspicuous location. The Board agreed that current language
351 clearly addresses individual licenses and apprentice/student permits but no reference to the
352 shop license is specifically mentioned.
353

354 Mr. Clark requested the Board make a decision addressing the non-compliant cases.
355

356 Mr. McKinley asked if an individual lost their license by suspension or revocation, when the
357 individual reapplied would they still need to pay fines and would probation be an option.
358

359 Mr. Clark responded that the individual would need to re-apply for a new license and the
360 Board could set conditions to the issuance of a license by requiring fines and probation.
361

362 Ms. Whaley suggested a 30-day allowance for an individual to come into compliance
363 through an accusation letter.
364

365 The Board discussed options, including peer review, applying limitations on a license by
366 limiting services, and reviewed AS 08.13.030, and decided 60-days would be the best option
367 for the licensee, as it would allow time to come into compliance before a license is
368 suspended or revoked. The Board asked Mr. Clark if they could remove the ability for an
369 instructor or trainer (tattoo/pcc & body pierce) to take on apprentices in response to
370 continual issues with student/apprentice paperwork. Mr. Clark responded the Board could
371 impose those limitations through a consent agreement.
372

373 **On a motion duly made by Mitch Black, seconded by Jeannine Jabaay,**
374 **and approved unanimously, it was**
375

376 **RESOLVED to request investigative staff to allow for a 60-day**
377 **accusation process to revoke or suspend the license(s) of those who**
378 **are out of compliance with a Board order, which will include full**
379 **fine amounts going into effect.**

380 The Board discussed wording of the motion in order to make sure that those individuals
381 who are making regular payment and otherwise make good faith attempts to remain in
382 compliance with a Board order would not fall under the 60-day process that may lead to a
383 license suspension or revocation.

384
385 Ms. Whaley suggested the Board use wording “at the Boards discretion” and informed the
386 Board that each case/instance may be different and the Boards input would be requested
387 prior to any action being taken or started.

388
389 Ms. Ledford interjected that she agreed with Ms. Jabaay and investigative staff, however
390 she would recuse herself from voting on Jessica Steele’s case as Ms. Steele is known to her.

391
392 **On a motion duly made by Jeannine Jabaay, seconded by Mitch Black,**
393 **and approved unanimously, it was**

394
395 **RESOLVED to amend the previous motion to reflect; at the boards**
396 **discretion the board, in the event of a respondent being out of**
397 **compliance with a board order, can invoke the full fine amount and**
398 **investigative staff will issue a certified letter giving respondent 60-**
399 **days to come into compliance; if the respondent fails to come into**
400 **compliance within the 60-days, investigative staff will file an**
401 **accusation to suspend or revoke the license for violation of a board**
402 **order.**

403
404 Mr. McKinley asked the Board if they would like any further discussion on this motion;
405 hearing none Mr. McKinley polled the Board. Hearing no disagreements, the motion
406 passed.

407
408 Ms. Whaley reviewed status of Michele Christensen’s case; Ms. Whaley reviewed the
409 hardship requests dated May 31, 2016 and the amended request dated November 18, 2016.

410
411 The Board agreed; they were all in agreement to accept the second request as Ms.
412 Christensen had remained in contact with the Board through investigative staff and taking
413 into consideration events outlined in her requests the Board stated they would allow the
414 extension, however the first payment must be made by May 1, 2017 so if need be they
415 would be able to review the case during the May 8, 2017 meeting.

416
417 Ms. Whaley reviewed the status of Jessica Steele’s case; Ms. Whaley informed the Board
418 that Ms. Steele’s case began in 2014 and was signed October 6, 2014, however by April 2016
419 no payments had been received and Ms. Steele was out of compliance with the Board order;
420 Ms. Steel had contacted investigations via telephone and electronically stating she planned
421 to make two payments and pay off the fine prior to this meeting.

422
423 Ms. Whaley requested the Board make an official decision on how they would like her to
424 proceed with this case. Mr. Clark stated this case would be a good opportunity for the 60-
425 day notification. Ms. Whaley also stated she had spoken with Ms. Steele last week; Ms.
426 Steele had informed her that she was experiencing financial difficulties however; no
427 hardship request had been submitted for consideration.

428

429 Ms. Ledford reminded the Board that she would recuse herself from this discussion, as she
430 knows Ms. Steele.

431
432 The Board discussed case 2014-001939, Jessica Steele. The Board reviewed October 10,
433 2016 minutes covering their discussion about this case. The Board agreed that action was
434 necessary as Ms. Steele's case had been ongoing since 2014, no fine payment had been
435 received, and despite telephonic and electronic communications from Ms. Steele and
436 investigative staff, there had been no follow through by Ms. Steele.

437
438 The Board agreed that case warranted the beginning of the accusation process previously
439 discussed and requested Ms. Whaley to send the certified letter offering 60-days to come
440 into compliance and institute the full fine amount.

441
442 Mr. McKinley polled the Board; hearing no objections and taking into consideration Ms.
443 Ledford's recusal, Investigative staff was requested to begin the accusation process and to
444 impose the full \$5000 fine amount.

445
446 Ms. Whaley thanked the Board for their time and assistance.

447
448 Mr. McKinley asked Mr. Clark how the Board could go about stopping unlicensed
449 advertising of services that are popping up all over Craig's List, Facebook and other
450 electronic media outlets; advertising services from homes and hotel rooms.

451
452 Mr. Clark responded that one problem is locating the individual practitioner and there are
453 not enough available resources to be able to adequately monitor or keep up with this issue.
454 Mr. McKinley stated this was a growing issue that requires some sort of attention by the
455 Board and investigations.

456
457 Mr. Clark suggested that Mr. McKinley contact Ms. Bundick and Angela Birt, Chief
458 Investigator to begin a dialog of this issue.

459
460 **On a motion duly made by Jeannine Jabaay, seconded by Mae Canady,**
461 **and approved unanimously, it was**

462
463 **RESOLVED to enter into Executive Session under the authority of**
464 **AS 44.62.310(C) to discuss with the investigator the investigative**
465 **report.**

466
467 The Board entered into executive session at 11:15 a.m., and returned from executive session
468 at 12:05 p.m.

469
470 **On a motion duly made by Jeannine Jabaay, seconded by Glenda**
471 **Ledford, and approved by roll call vote, it was**

472
473 **RESOLVED to adopt the Imposition of Civil Fine as written for**
474 **case 2016-001145.**

475
476 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
477 McKinley requested a roll call vote.

478 Ms. Black informed the Board that she would be abstaining from voting on this case, as she
479 knows the individual.

480

481 **Roll Call Vote**

482

483	NAME	YES	NO	ABSTAIN
484	Kevin McKinley	X		
485	Jeannine Jabaay	X		
486	Derrick Slaughter	X		
487	Glenda Ledford	X		
488	Mae Canady	X		
489	Mitch Black			X

490

491 **THE MOTION PASSED BY A MAJORITY VOTE FOR CASE 2016-001145,**
492 **ALONDRA GONZALEZ-FELICIANO.**

493

494 **On a motion duly made by Jeannine Jabaay, seconded by Mitch Black,**
495 **and failed by roll call vote, it was**

496

497 **RESOLVED to adopt the Imposition of Civil Fine as written for**
498 **case 2016-000508.**

499

500 Mr. McKinley asked the Board if they would like any further discussion.

501

502 Ms. Jabaay stated that this exact topic she cannot in good faith, vote to approve because
503 she feels it is not the responsibility of a booth renter or employee to make sure that the
504 shop they are working in is licensed; until the Board has a statute that requires the shop
505 license to be prominently posted, then she does not see how the Board can hold an employee
506 or subcontractor liable for this issue.

507

508 Mr. Slaughter stated he agrees with Ms. Jabaay.

509

510 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
511 McKinley requested a roll call vote.

512

513 **Roll Call Vote**

514

515	NAME	YES	NO	ABSTAIN
516	Kevin McKinley	X		
517	Jeannine Jabaay		X	
518	Derrick Slaughter		X	
519	Glenda Ledford		X	
520	Mae Canady		X	
521	Mitch Black		X	

522

523 **THE MOTION FAILED BY A MAJORITY VOTE.**

524

525 **On a motion duly made by Jeannine Jabaay, seconded by Mae Canady,**
526 **and failed by roll call vote, it was**

527 **RESOLVED to adopt the Imposition of Civil Fine as written for**
528 **case 2016-000510.**

529
530 Mr. McKinley asked if the Board would like any further discussion.

531
532 Ms. Jabaay reiterated her previous statement and stated that in good conscience she could
533 not vote to approve.

534
535 Mr. McKinley asked if the Board would like any further discussion; hearing none Mr.
536 McKinley requested a roll call vote.

537
538 **Roll Call Vote**

539	NAME	YES	NO	ABSTAIN
540				
541	Derrick Slaughter		X	
542	Jeannine Jabaay		X	
543	Glenda Ledford		X	
544	Kevin McKinley	X		
545	Mae Canady		X	
546	Mitch Black		X	

547
548 **THE MOTION FAILED BY A MAJORITY VOTE.**

549
550 **On a motion duly made by Jeannine Jabaay, seconded by Mitch Black,**
551 **and failed by roll call vote, it was**

552
553 **RESOLVED to adopt the Imposition of Civil Fine as written for**
554 **case 2016-000513.**

555
556 Mr. McKinley asked if the Board would like any further discussion.

557
558 Ms. Jabaay reiterated her previous statement and stated that in good conscience she could
559 not vote to approve.

560
561 Mr. McKinley asked if the Board would like any further discussion; hearing none Mr.
562 McKinley requested a roll call vote.

563
564 **Roll Call Vote**

565	NAME	YES	NO	ABSTAIN
566				
567	Mae Canady		X	
568	Kevin McKinley	X		
569	Mitch Black		X	
570	Glenda Ledford		X	
571	Jeannine Jabaay		X	
572	Derrick Slaughter		X	

573
574 **THE MOTION FAILED BY A MAJORITY VOTE.**

576 **On a motion duly made by Jeannine Jabaay, seconded by Mitch Black,**
577 **and failed by roll call vote, it was**

578
579 **RESOLVED to adopt the Imposition of Civil Fine as written for**
580 **case 2016-000514.**

581 Mr. McKinley asked if the Board would like any further discussion.

582
583
584 Ms. Jabaay reiterated her previous statement and stated that in good conscience she could
585 not vote to approve.

586
587 Mr. McKinley asked if the Board would like any further discussion; hearing none Mr.
588 McKinley requested a roll call vote.

589
590 **Roll Call Vote**

591	592	593	594	595	596	597	598
	NAME	YES	NO	ABSTAIN			
	Jeannine Jabaay		X				
	Glenda Ledford		X				
	Mae Canady		X				
	Mitch Black		X				
	Derrick Slaughter		X				
	Kevin McKinley	X					

599
600 **THE MOTION FAILED BY A MAJORITY VOTE.**

601
602 **On a motion duly made by Jeannine Jabaay, seconded by Mitch Black,**
603 **and approved by roll call vote, it was**

604
605 **RESOLVED to adopt the Imposition of Civil Fine as written for**
606 **case 2016-001031.**

607
608 Mr. McKinley asked if the Board would like any further discussion.

609
610 Ms. Jabaay stated that she would vote to accept this case as the respondent is the shop
611 owner and not an employee or subcontractor of a shop. Ms. Jabaay went on to state that
612 she felt it is the responsibility of the shop owner/manager to maintain proper shop
613 licensing.

614
615 Mr. McKinley asked if the Board would like any further discussion; hearing none Mr.
616 McKinley requested a roll call vote.

617
618 **Roll Call Vote**

619	620	621	622	623	624
	NAME	YES	NO	ABSTAIN	
	Mitch Black	X			
	Jeannine Jabaay	X			
	Derrick Slaughter	X			
	Glenda Ledford	X			

625 Mae Canady X
626 Kevin McKinley X

627
628 **THE MOTION PASSED UNANIMOUSLY FOR CASE 2016-001031, MAGENA**
629 **QUINLAN D/B/A BARE SKIN SPA.**

630
631 Mr. Clark asked the Board if they would like letters of advisement sent to the respondents
632 of the cases the Board did not accept. The Board agreed that an advisement letter would be
633 good. Ms. Spencer requested the Board make a motion to request an advisement letter be
634 sent due to this being the first time the Board had not accepted/approved these types of
635 cases.

636
637 **On a motion duly made by Jeannine Jabaay, seconded by Derrick**
638 **Slaughter, and approved unanimously it was**

639
640 **RESOLVED to request investigative staff send a letter of**
641 **advisement regarding proper licensing to cases 2016-000508, 2016-**
642 **000510, 2016-000513, and 2016-000514.**

643
644 Mr. McKinley asked the Board if they would like any further discussion on this motion;
645 hearing none, Mr. McKinley polled the Board, hearing no disagreement the motion passed.

646
647 **On a motion duly made by Mae Canady, seconded by Derrick**
648 **Slaughter, and approved by roll call vote, it was**

649
650 **RESOLVED to adopt the Consent Agreement as written for case**
651 **2016-000505.**

652
653 Mr. McKinley asked if the Board would like any further discussion.

654
655 Ms. Jabaay informed the Board she would recuse herself from voting on this case, as she
656 knows Ms. Easton

657
658 Mr. McKinley asked if the Board would like any further discussion; hearing none Mr.
659 McKinley requested a roll call vote.

660
661 **Roll Call Vote**

662

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Kevin McKinley	X		
Jeannine Jabaay			X
Mae Canady	X		
Derrick Slaughter	X		
Mitch Black	X		

666
667
668
669
670

671 **THE MOTION PASSED BY A MAJORITY VOTE FOR CASE 2016-000505,**
672 **CAROLYN EASTON D/B/A MODIFY SALON.**

673 On a motion duly made by Jeannine Jabaay, seconded by Mitch Black,
674 and failed by roll call vote, it was

675
676 **RESOLVED to adopt the Consent Agreement as written for case**
677 **2016-001133.**

678
679 Mr. McKinley asked if the Board would like any further discussion; hearing none Mr.
680 McKinley requested a roll call vote.

681
682 **Roll Call Vote**

683	NAME	YES	NO	ABSTAIN
684	Mitch Black	X		
685	Kevin McKinley	X		
686	Mae Canady	X		
687	Derrick Slaughter	X		
688	Glenda Ledford	X		
689	Jeannine Jabaay	X		

690
691
692 **THE MOTION PASSED BY A UNANIMOUS VOTE For Case 2016-001133, Sara**
693 **Grocott D/B/A Spruce And Feather Skincare, Formerly Lush Skin Care And Lash**
694 **Arts.**

695
696 On a motion duly made by Jeannine Jabaay, seconded by Glenda
697 Ledford, it was

698
699 **RESOLVED to adopt the Consent Agreement with noted typos on**
700 **page 4, lines 18 & 19, dollar amounts in parentheses are incorrect,**
701 **and accepting the hardship request allowing 365 days for fine**
702 **payments for case 2016-000801.**

703
704 Mr. McKinley asked if the Board would like any further discussion; hearing none Mr.
705 McKinley requested a roll call vote.

706
707 **Roll Call Vote**

708	NAME	YES	NO	ABSTAIN
709	Mae Canady	X	Derrick Slaughter	X
710	Jeannine Jabaay	X		
711	Glenda Ledford	X		
712	Mitch Black	X		
713	Kevin McKinley	X		

714
715
716 **THE MOTION PASSED BY A UNANIMOUS VOTE FOR CASE 2016-000801,**
717 **KATHERINE GUTKNECHT D/B/A BARE SKIN SPA.**

718
719 On a motion duly made by Jeannine Jabaay, seconded by Mitch Black
720 Ledford, and approved by roll call vote, it was

721 **RESOLVED to accept the Consent Agreement and deny the**
722 **hardship request dated 1/12/2017 for case 2015-001103.**

723
724 Mr. McKinley asked if the Board would like any further discussion.

725
726 Ms. Jabaay stated she did not believe the board should extend the amount of time for
727 payment of the fine based on this individual's lack of cooperation with the Board and
728 investigative staff; Ms. Jabaay also stated that this case began in 2015.

729
730 Mr. McKinley asked if the Board would like any further discussion; hearing none Mr.
731 McKinley requested a roll call vote.

732
733 **Roll Call Vote**

734

735 NAME	735 YES	735 NO	735 ABSTAIN
736 Kevin McKinley	736 X		
737 Jeannine Jabaay	737 X		
738 Derrick Slaughter	738 X		
739 Glenda Ledford	739 X		
740 Mae Canady	740 X		
741 Mitch Black	741 X		

742

743 **THE MOTION PASSED BY A UNANIMOUS VOTE FOR CASE 2015-**
744 **001103, KELLY L. NASH D/B/A PIVOT POINT.**

745
746 The Board thanked Mr. Clark and Ms. Whaley for their time.

747
748 *Recess The Board recessed at 12:20 p.m.; reconvened at 12:30 p.m.*

749
750 **Item 9. Board Business/Discussion**

751
752 **• Public Board Member Vacancy (L. Irwin, Boards & Commissions)**

753 Lindy Irwin was not on the line for discussion.

754
755 **• Correspondence**

756 The Board reviewed the summary draft meeting minutes from the National Association of
757 Barber Boards of America (NABBA).

758
759 Ms. Spencer informed the Board that travel request for this meeting had been denied due to
760 the lack of justifiable agenda items. Ms. Spencer went on to State that the agenda had only
761 one topic covering school and on-line education discussions. Ms. Spencer informed the
762 Board that she had been in contact with NABBA to request a more accurate and detailed
763 agenda be considered for upcoming meetings.

764
765 Ms. Ledford asked if she could go to NABBA meetings on her own time and expense. Ms.
766 Spencer responded that she believed Ms. Ledford could travel and attend meetings on her
767 own expense, but she would get verification from her supervisor.

769 Ms. Ledford asked if she did attend at her own expense could she speak on behalf of the
770 Board. Ms. Spencer responded that no, she could not speak on behalf of the Board. Ms.
771 Spencer informed the Board that no Board member could speak on behalf of a Board. Ms.
772 Jabaay concurred with Ms. Spencer.

773

774 • **Tattoo & Body Piercer Curriculum (McKinley)**

775 Mr. McKinley stated it was the tattoo/permanent cosmetic colorist curriculum he wanted to
776 speak to at this time. Mr. McKinley reported that he had spoken with the tattoo
777 community over the last year and the result of these conversations reflects agreement to
778 raise the current curriculum to 1000 hours. Mr. McKinley went on to state that many
779 wanted to raise the curriculum over 1000 hours, however he had informed them that
780 anything over 1000 would require a statutory change.

781

782 Ms. Canady stated she supported the 1000 hours suggestion; however, she was not
783 comfortable with raising the curriculum while this license type was combined.

784

785 Mr. McKinley responded that the tattoo community, himself and the Board are all in
786 agreement with Ms. Canady's statement; however until legislation went through to split
787 the license it would remain a combined license. The Board concurred.

788

789 The Board discussed legislation. Ms. Jabaay stated that the Board must prioritize the most
790 important critical issues for legislation so as not to overwhelm bill supporters. The Board
791 agreed to move forward with a regulation curriculum change and that splitting the license
792 was not a critical issue for legislation, however when in meetings at the Capitol mentioning
793 splitting the license would be acceptable.

794 Mr. McKinley asked if the Board wanted to attach microblading to the permanent cosmetic
795 colorist license; the Board responded yes, as it is clearly a service that pierces the dermal
796 layer of skin and dye is deposited and does fall under the cosmetic coloring services.

797

798 **On a motion duly made by Glenda Ledford, seconded by Mitch Black,**
799 **and approved unanimously, it was**

800

801 **RESOLVED to begin a new regulation project by amending 12 AAC**
802 **09.169 and making necessary amendments to 12 AAC 09.088, 12 AAC**
803 **09.086, and 12 AAC 09.173; by raising the total hours required to**
804 **1000. To include a minimum of 270 hours of theory instruction and**
805 **a minim of 150 practical operations to be broken out as follows: 12**
806 **AAC 09.169. Tattooing And Permanent Cosmetic Coloring**
807 **Training Requirements.**

808 **(a) A student who is receiving training in tattooing and**
809 **permanent cosmetic coloring must complete a curriculum that**
810 **consists of at least 1,000 hours of theoretical and practical training.**
811 **The training must include a minimum of 270 hours of theory**
812 **instruction and a minimum of 150 practical operations.**

813 **(b)The 150 practical operations required under (a) of this section**
814 **must include the following:**

815 **(1) 50 practical operations observed by the student;**

816 **(2) 50 practical operations in which the student**

817 participated; and
 818 (3) 50 practical operations performed by the student
 819 under supervision, but without assistance.
 820 (c)The 270 hours of theory instruction required in (a) of
 821 this section must include the following:

822	SUBJECT	MINIMUM
823		NUMBER OF
824		HOURS
825	(1) safety, sanitation, sterilization, and aseptic	100
826	(2) anatomy and physiology	30
827	(3) skin and skin disorders	10
828	(4) aftercare techniques	100
829	(5) equipment and supplies	20
830	(6) Alaska statutes and regulations	10

831 (d)In addition to the requirements of (a) -(c) of this section, an
 832 applicant must successfully complete training equivalent to that
 833 required for completion of courses certified by the American
 834 Red Cross, the American Heart Association, or a similar
 835 organization approved by the board, in

- 836 (1) cardiopulmonary resuscitation (CPR): and
- 837 (2) blood borne pathogens.

838 (e) An applicant for a tattooing and permanent cosmetic coloring
 839 license under AS 08.13.082(d)(1)(8) based on training received in
 840 another state shall submit, on a form provided by the department,
 841 verification of completed training equivalent to that required
 842 under (a) – (c) of this section. The applicant may establish
 843 compliance with the requirements of (c)(6) of this section by
 844 submitting to the department an affidavit from the applicant
 845 that states that the applicant has studied the Alaska statutes
 846 and regulations regarding tattooing and permanent cosmetic
 847 coloring for at least the minimum number of hours required.

848 (f) An applicant for a tattoo and permanent cosmetic colorist
 849 license under (e) of this section who does not have enough
 850 hours to satisfy the requirements equivalent to those of (a) – (c)
 851 of this section may obtain the remaining hours of training
 852 needed in a licensed shop in this state under a licensed
 853 practitioner of tattooing and permanent cosmetic coloring.
 854 The applicant must obtain a student permit under 12 AAC
 855 09.180 and board approval of the proposed training program
 856 under 12 AAC 09.190 before the training begins.

857
 858 Mr. McKinley asked the Board if they would like any further discussion on this motion.

859
 860 The Board discussed the safety and sanitation requirements; use of “a minimum of..” was
 861 satisfactory.

863 Mr. McKinley asked the Board if they would like any further discussion on this motion;
864 hearing none, Mr. McKinley requested a roll call vote.

865
866 **Roll Call Vote**

867

868	NAME	YES	NO	ABSTAIN
869	Mae Canady	X		
870	Kevin McKinley	X		
871	Mitch Black	X		
872	Glenda Ledford	X		
873	Jeannine Jabaay	X		
874	Derrick Slaughter	X		

875
876 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

877
878 Mr. McKinley asked if any grandfathering would be needed. Ms. Spencer responded that
879 she didn't have an answer however, Mr. Maiquis would be back in a bit and the Board could
880 ask him at that time.

881
882 Mr. McKinley asked if this project should be tabled for the time being. Ms. Spencer
883 responded that the project should continue, as the review process would include another
884 Board review before a public notice would be published.

885
886 • **Update service and practices of estheticians**

887 Ms. Ledford asked the Board how they would feel about allowing a licensed esthetician to
888 provide microblading services under the direct supervision of a medical director.

889
890 The Board briefly discussed a medical director option and the current language provided in
891 the current statute and regulation booklet. Mr. McKinley informed the Board that the use
892 of "medical director" would allow the Board to determine what type of medical professional
893 would be authorized to supervise the procedure through a definition or regulation.

894
895 The Board agreed that their current language is very outdated and would need to address
896 this issue at another meeting.

897
898 Ms. Williams asked if she could address the Board. Mr. McKinley informed Ms. Williams
899 that the time to address the Board was during public comment; the Board could not allow
900 testimony or conversation at this time. Mr. McKinley suggested Ms. Williams make notes
901 and present them and any questions or concerns at the next meeting. Ms. Williams
902 thanked the Board.

903
904 Mr. Maiquis re-joined the Board. Mr. McKinley reviewed the regulation project to change
905 the curriculum of 12 AAC 09.169 and reviewed the Boards grandfathering concerns for
906 apprentices that would already be enrolled during this process. Mr. Maiquis stated that
907 the inclusion of a transition date would be needed. Mr. Maiquis reviewed the statutory
908 authority for 12 AAC 09.169 and concurred a transition period and date should meet the
909 Board's needs; Department of Law and then the Board would review this before publishing
910 a public notice.

911 Ms. Spencer informed the Board that she just received a text from Ms. Milks stating the
912 removal of DEC inspection information would require legislation change.

913
914 Mr. McKinley asked Mr. Maiquis if he thought a regulation change to add displaying shop
915 owner licenses could occur. Ms. Jabaay briefly reviewed her and the Boards previous
916 discussion with investigative cases that employees of shops are being penalized for this
917 along with the shop owner. The Board reviewed their statute and regulation booklet and
918 were unable to find regulatory language which clearly required posting of a current shop
919 owner license.

920
921 Mr. Maiquis stated he would need to verify with Dept. of Law and would get back to the
922 Board with an answer.

923
924 The Board returned to their discussion regarding service and practices of estheticians. The
925 Board considered creating a new policy to allow estheticians under the direct supervision of
926 a medical director to provide microblading. Ms. Spencer reminded the Board that policy
927 was only a band-aid and wouldn't hold up in a court.

928
929 The Board agreed microblading should be covered under a permanent cosmetic colorist
930 license when the license was split from tattooing.

931
932 **Item 10. Board Business/Discussion, continued**

933
934 **• Alaska State Law Question for National Written Examinations (All
935 Board Members)**

936 The Board decided to table this discussion until the May 2017 meeting and asked Ms.
937 Spencer for directions regarding writing questions.

938
939 Mr. McKinley requested the Board should at least write five to ten questions per person;
940 questions must be pulled from their statute and regulation booklet; the questions must
941 apply to all license types.

942
943 **• Board member Legislative Guidance for 2017**

944 The Board reviewed the provided handout.

945
946 Ms. Spencer requested the Board review the provided handout for Senate Bill (SB) 4; Ms.
947 Spencer informed the Board that having the Boards official on the record opinion on any
948 bill is a great help to administrative staff when members of the legislature contact them.
949 Ms. Spencer went on to state that the Board may be able to use SB4 as a vehicle for other
950 legislation.

951
952 The Board stated that they had not been aware of this bill until Ms. Spencer had emailed it
953 to them.

954 Mr. Slaughter stated he did not like this bill as he felt the use of chemicals is a large
955 portion of the services a barber provides and wanted to know why this bill had been
956 created. Ms. Black agreed with Mr. Slaughter.

957

958 Ms. Spencer informed the Board that a non-chemical curriculum would be easy to create by
959 removing chemical practices from the current curriculum; there was a National written
960 examination specific for non-chemical barbers, and the current barber practical
961 examination could be amended to meet non-chemical requirements.

962
963 The Board briefly discussed the creation of a hair braider license. The Board requested Ms.
964 Spencer request the National hair braiding written examination from National-Interstate
965 Council of State Boards of Cosmetology so the Board could review the content at their May
966 2017 meeting.

967
968 The Board agreed that they are not in support of SB4 as currently written.

969
970 The Board stated their most urgent legislative change requests are:

- 971 • Removing DEC shop inspection requirements for shops that do not provide
972 body modification services.
- 973 • Adding grandfathering to the new nail technician requirements.

974
975 *The Board adjourned at 2:37 p.m.*

976
977 Respectfully submitted:

978
979 _____
980 /s/
981 Cynthia Spencer, Licensing Examiner

982 Approved:
983
984 _____
985 /s/
986 Kevin McKinley, Chairperson
987 Board of Barbers and Hairdressers

988 Date: May 8, 2017

989