

**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
February 29, 2016**

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62.610(c)(3), Article 6, a teleconference meeting of the Board of Barbers and Hairdressers was held February 29, 2016.

Monday, February 29, 2016

Item 1. Call to Order/Roll Call

The meeting of the Board of Barbers and Hairdressers was called to order by Glenda Ledford, Chair at 9:00 a.m. Members present were:

Glenda Ledford, Barber, Chair
Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist
Derrick Slaughter, Barber
Jeannine Jabaay, Public Member
Deanna Pruhs, Hairdresser
W. Mae Canady, Instructor Hairdresser/Esthetician

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

Cynthia Spencer, Licensing Examiner
Dawn Bundick, Investigator

Present from the public were:

James Jordan, Tattoo/Permanent Cosmetic Colorist
Scott Britt, Tattoo/Permanent Cosmetic Colorist, Shop Owner
Carlos SOLORZANO, Tattoo/Permanent Cosmetic Colorist
Jennifer Lombardo, Tattoo/Permanent Cosmetic Colorist
Debra Yarin, Tattoo/Permanent Cosmetic Colorist
Kevin Harden, Tattoo/Permanent Cosmetic Colorist, Shop Owner
Matthew Wasdyke, Tattoo/Permanent Cosmetic Colorist
Zakiya McCumins, Public

Glenda Ledford requested new Board member Willie Mae Canady introduce herself.

Ms. Canady greeted the Board and gave brief background. The Board welcomed Ms. Canady.

Item 2. Ethics Disclosure

The Board reviewed ethics disclosure forms in the meeting packet.

The Board had no ethics violations to report.

Item 3. Review/Amend Agenda

Glenda Ledford asked Board members and staff if there were any changes to the agenda; hearing none, Ms. Ledford asked for a motion to accept the agenda.

On a motion duly made by Kevin McKinley, seconded by Jeannine Jabaay, and approved unanimously, it was

RESOLVED to accept the agenda with exceptions as needed.

Ms. Ledford asked the Board if there were any other changes needed; hearing no further additions, Ms. Ledford polled the Board. Hearing no disagreements the agenda was approved.

Item 4. Discuss House Bill 289/Senate Bill 168 (An act relating to the membership of the Board of Barbers & Hairdressers)

Jeannine Jabaay reviewed the proposed bills; Ms. Jabaay informed the Board that the bills would add a nail technician/manicurist seat and an open licensee seat; Ms. Jabaay also stated that she had learned when the Board was formed there were 1200 plus barbers and now there were only 150 licensed barbers; by creating the open licensee seat this allowed for a larger pool of Board member applicants and allows for the Governor to fill a Board position to meet the needs of the licensing industry.

Ms. Ledford asked for discussion.

Derrick Slaughter stated he has a problem with the removal of one of the Barber seats. Mr. Slaughter went on to state that the training requirements for barbers and hairdressers were the same and with two hairdresser seats on the Board he feels that barbers should have the same representation. Mr. Slaughter suggested splitting the esthetician/hairdresser seat into separate seats. Mr. Slaughter also stated that barbering was on the rise due to the availability of schools and instructors; Mr. Slaughter went on to state that he felt the number of licensed barbers would increase exponentially within the next few years and removing a barber seat would not be beneficial.

Deanna Pruhs informed the Board that this would be her last meeting as a Board member and thanked the Board for all their hard work and giving her the opportunity to be a part of the Board. Ms. Pruhs stated that at the moment she was out of State in a rural area with poor cell reception and apologized if she lost connection with the teleconference and that she would keep calling back in.

The Board thanked Ms. Pruhs for all her hard work and assistance with the manicuring legislation and current legislation. Ms. Ledford stated that Ms. Pruhs had been a wonderful Board member.

Ms. Pruhs stated she felt the proposed bill was great as it gives the Governor the flexibility to appoint Board members as the industry changes without needing constant legislation changes to meet the needs of the industry.

Mr. McKinley stated he liked the open seat option; since the creation of the Board there had only been one tattoo/permanent cosmetic colorist (tattoo/pcc) or body piercer seat and this bill would allow the addition of another seat for this profession if the number of licensees allowed.

Ms. Ledford pointed out to the Board that prior to the manicuring legislation the hairdresser seat also represented manicuring and esthetics under the limited esthetics allowances.

Ms. Spencer informed the Board that upon reviewing the bill with her supervisor it was the divisions understanding that if passed the nail technician/manicurist seat would go into effect immediately; the removal of one barber seat would occur when Ms. Ledford termed out and the open seat would then go into effect.

Ms. Canady stated that with the increasing number of estheticians she would be more inclined to add a specific licensee title to the open seat.

Ms. Pruhs stated that the Board had many valid points however with changes to create, add or retitling a Board seat position would require constant legislation and that it would be nice to be able to meet the needs of the industry without needing constant legislation.

Mr. McKinley asked if Board seats were based on the number of licensees or qualified applicants. The Board agreed that a portion of being appointed to a Board was political.

Ms. Jabaay reviewed the current number of licensees and suggested that the Board could consist of two hairdresser one nail technician, one esthetician, one barber, one tattoo/pcc or body piercer, and one public member.

Ms. Pruhs stated she did not agree with Ms. Jabaay's suggestion. Ms. Pruhs informed the Board that the option for an at large seat was suggested by a Representative who had

reviewed the bill; the Representative had informed her that the at large seat allowed for accommodations as the industry changed.

Ms. Jabaay stated she agreed with Ms. Pruhs but that she would feel more comfortable if the Board were all in agreement with the bill but if the Board could not agree what compromises could be made.

Mr. McKinley asked if there was no title for the at large/open Board seat, would the Governor lose the ability to accommodate changes in the industry. Ms. Jabaay and Ms. Pruhs stated that the at large/open Board seat would in fact allow for accommodations.

Ms. Jabaay informed the Board that Representative Gabrielle Ledoux and Senator Lesil McGuire had requested that a letter of support be submitted for the bill that reflected the Board agreed with the proposed changes; using the information gathered during this meeting Ms. Jabaay stated she would like to provide the Board copies of the letter for signature which she could then submit to Representative Ledoux's office.

Ms. Ledford asked the Board to take into consideration how long it could take to pass legislation so the decision made today should not be taken lightly.

Ms. Jabaay stated that at this time there just aren't the numbers to support two barber seats.

Mr. Slaughter responded that he understands both sides of the argument and stated he would agree to one separate esthetician seat. Mr. Slaughter went on to state that if the bill would assist in the betterment of the profession he would be all in.

Ms. Pruhs informed the Board that it had been a Representative that drafted the bill language and that she thought the draft to be good as it represented all licensee groups and allowed the ability to provide licensee representation without continuous legislation.

Ms. Slaughter informed the Board that he would have preferred to have a Board discussion prior to the legislation being submitted.

Ms. Jabaay apologized for not including all Board members during the draft process and that she would be more than happy to make any changes to the letter of support.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford asked for a motion in support of Ms. Jabaay writing a letter of support for submission.

On a motion duly made by Kevin McKinley, seconded by Jeannine Jabaay, and approved unanimously, it was

RESOLVED to approve Jeannine Jabaay write a letter supporting House Bill 289/Senate Bill 168 as drafted to be signed by the Board and submitted to Representative Ledoux and Senator McGuire.

Ms. Ledford asked the Board if they would like any further discussion.

Ms. Canady asked if agreeing to this motion meant that all Board members were in support of the legislation. Ms. Ledford responded yes, agreeing with this motion meant supporting the legislation.

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none Ms. Ledford polled the Board. Hearing no disagreements the motion passed unanimously.

Item 5. Investigative Report

- Angela Thies – Request to Board

The Board reviewed documentation provided by Dawn Bundick, Investigator.

Ms. Bundick informed the Board that Angela Thies was willing to use her 2016 Permanent Fund Dividend (PFD) to pay her current fine of \$8,000. Ms. Bundick stated that the Board approved this Consent Agreement and fine during its May 2012 meeting; the Board granted an extension of the fine payment during its May 2014 meeting giving Ms. Thies until May 2017 to pay the fine in full. Ms. Bundick informed the Board that as of this meeting, Ms. Thies had not made any payments. Ms. Bundick also stated that even though Ms. Thies had signed over her 2016 PFD for garnish; Child Support, Internal Revenue Service, and the Alaska Court System would have priority with garnishments before the Board.

Mr. McKinley asked Ms. Bundick if she thought this was a step forward or did she think Ms. Thies was stalling compliance with her Consent Agreement. Ms. Bundick responded that on the current file it would be up to the Board to determine intent; however signing over her PFD would be a good step.

The Board asked if signing over the PFD would be for multiple years or just a one-time garnishment. Ms. Bundick informed the Board that PFD's could only be signed over one year at a time. Ms. Bundick reminded the Board that they have the authority to submit their own suggestions, such as a payment plan, extend probation, fine payment, etc.

The Board asked Ms. Bundick to confirm that no payment had been made and also asked if no payments had been received would this mean Ms. Thies was in violation of the Consent Agreement. Ms. Bundick responded that no payments have been received and that due to the Board granting an extension during the May 2014 meeting Ms. Thies was not out of compliance with the Consent Agreement at this time.

Ms. Ledford suggested that Ms. Thies pay at least \$50.00 per month and asked the Board for their opinion.

Ms. Pruhs stated she agreed with the \$50.00 per month payment and PFD garnishing.

Ms. Canady stated that she would feel better about leniency or another extension if Ms. Thies had made any effort to submit payments. The Board agreed with Ms. Canady's statement.

Mr. McKinley stated he was disappointed in Ms. Thies as she has had the opportunity to make some sort of payment since 2012. Ms. Jabaay agreed with Mr. McKinley.

The Board discussed options and decided that a \$50.00 per month payment and signing over of the 2016 PFD for garnishment would be reasonable and asked Ms. Bundick to contact Ms. Thies with their decision.

On a motion duly made by Derrick Slaughter, seconded by Kevin McKinley, and approved by roll call vote, it was

RESOLVED to accept the request to accept \$4000.00 in lieu of the \$8000.00 due for case 2012-000800 and 2012-00019, Angela Thies .

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Mae Canady	X		
Derrick Slaughter		X	
Jeannine Jabaay		X	
Kevin McKinley		X	
Deanna Pruhs			X due to location and poor cell service, parts of conversation missed.
Glenda Ledford		X	

THE MOTION FAILED BY A MAJORITY

Ms. Spencer requested a moment to provide information requested by the Board during its January 25, 2016 meeting.

- Consult with Jun Maiquis, Regulation Specialist and if needed the Department of Law to verify if adding a body piercer and tattoo/permanent cosmetic colorist instructor license would require a statutory change.

In accordance with AS 08.13.070 and AS 08.13.082 statutory changes are required.

- Requested an opinion from Department of Law regarding the change to Statute 08.13.080(7); the Board would like to confirm combining apprentice and student training is still allowed. The Board stressed that it was not their intention to not allow combining training.

Dept. of law stated combining training (apprentice and student) was still allowable with current regulations; specifically Statute 08.13.080(7) states “have completed course work and, if applicable, an apprenticeship acceptable to the Board.

- Confirm changes to 12 AAC 09.190(a)(2); replacement of “has been” to “is” does not mean instructors must also hold current licenses in all disciplines that the instructor license authorizes the license holder to teach.

The Department of Law verified that in accordance with Statute 08.13.100(e) verifies “a person licensed as an instructor is considered to be licensed as a practitioner...” Upon further discussion with Dept. of Law the proposed changes to 12 AAC 09.190(a)(2) were pulled from the current regulation project to allow the Board the opportunity for further discussion.

- Can Board add tattooing/permanent cosmetic coloring and body piercing to school licenses?

In accordance with Statute 08.13.110 statutory changes would be required.

- The Board stated it is their intent to allow for a blended learning program for schools and apprenticeship for barbering, hairdressing, esthetics, tattoo/permanent cosmetic coloring and body piercers.

It was determined the Board must review their statutes and regulations to determine if they have statutory authority to allow for blended learning.

Item 6. Correspondence

- Petition against tattoo/permanent cosmetic coloring & body piercing school and instructor licensing from licensed tattooist/permanent cosmetic colorists and body piercers.

Mr. McKinley stated that considering the information provided by Ms. Spencer, he felt the Board should table discussions regarding adding an instructor license for tattooing/permanent cosmetic coloring and body piercing and adding these curriculums to a school license should be tabled until the Board chairperson and the current State fiscal situation determined these topics should be addressed.

The Board agreed with Mr. McKinley; the discussions to add an instructor's license and school curriculum for tattooing/permanent cosmetic coloring and body piercing should be tabled.

Ms. Ledford asked the Board if there was any other business the Board needed to address at this time; hearing none Ms. Ledford asked for a motion to adjourn the meeting.

On a motion duly made by Kevin McKinley, seconded by Jeannine Jabaay, and approved, it was

RESOLVED to adjourn the meeting.

Ms. Ledford polled the Board. Hearing no disagreements the meeting was adjourned Ms. Ledford thanked everyone for their time and thanked Ms. Pruhs for her service as a Board member.

The Board adjourned at 10:30 a.m.

Respectfully submitted:

/s/
Cynthia Spencer, Licensing Examiner

Approved:

/s/
Glenda Ledford, Chairperson
Board of Barbers and Hairdressers

Date: May 2, 2016