

**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 20, 2013**

By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held May 20, 2013 in Anchorage, Alaska, Robert B. Atwood Bldg., Room 1270

Monday, May 20, 2013

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
Deanna Pruhs, Hairdresser
Michael Bolivar, Barber
Jeannine Jabaay, Public Member
Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist
Darae Crews, Hairdresser/Esthetician

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

Cynthia Spencer, Licensing Examiner
Sara Chambers, Operations Manager
Ed Riefle, Investigator
JayPaff, Investigator

Present from the public were:

Debra Long, Instructor
Charlotte Lushin, Barber
Mae Canady, Instructor
Christine VanVliet, Hairdresser
Elizabeth Giardina, Office of the Governor, Boards & Commissions
Jana Powell, Instructor, Shop/School Shear Fire Academy of Hair Design

Susan Shroy, Instructor, Shop/School MetrOasis Advanced Training Center

The Board welcomed new public member Jeannine Jabaay. Ms. Jabaay introduced herself and gave a brief background stated that she is looking forward to working with the Board.

Item 2. Review/amend agenda

Glenda Ledford asked Board members and staff if there were any changes to the agenda.

Cynthia Spencer stated each Board member had been given an updated agenda, which reflects two additions to Item 7, Dept. of Environmental Conservation Contract Review and April 2013 Annual NIC Regional Conference report and a regulation project for addition to Item 10.

Ms. Ledford asked the Board if there were any other changes needed; hearing no further additions, Ms. Ledford asked for a motion to accept the changes.

On a motion duly made by Kevin McKinley, seconded by Michael Bolivar, and approved unanimously, it was

RESOLVED to approve the amended May 20, 2013 meeting agenda.

Item 3. Ethics Disclosure

The Board reviewed ethics disclosure forms in the meeting packet.

The Board had no ethics violations to report.

Item 4. Review/Adopt Meeting Minutes

January 28, 2013

The Board reviewed the draft January 28, 2013 minutes. Ms. Ledford asked the Board if there were any edits/corrections needed; hearing none Ms. Ledford asked for a motion.

On a motion duly made by Kevin McKinley, seconded by Michael Bolivar, and approved unanimously, it was

RESOLVED to adopt the January 28, 2013 meeting minutes as written.

Ms. Ledford polled the Board, hearing no disagreement the minutes were approved.

Item 5. Practical Examination Discussion

Darae Crews reported to the Board that she had spent April 21, 2013 observing the practical examinations in Anchorage. The Board reviewed Ms. Crews' letter to Ms. Spencer about the examination. Ms. Crews stated that due to inadequate notice, her reception was a little stiff.

Ms. Spencer apologized for dropping the ball on informing the proctors and Ms. Crews about her attendance to observe the examinations. Ms. Spencer stated that the examination proctors are usually informed when someone will be observing exams and the observer is usually sent a letter which outlines dates, times, locations, and other related information.

Ms. Crews stated that her first problem with the exams was the music being played during the entire examination process. Ms. Crews went on to state that she ended up with a terrible headache and that she didn't understand how the candidates could focus on the exam with the music being played. Ms. Crews stated she would like to compare the score sheets she completed against the proctors. Ms. Spencer informed Ms. Crews that due to the Division and examination privacy policies, score sheets were non-releasable and that she would need to confer with Sher Zinn, Supervisor if the Board could review the score sheets and that if allowed, the discussion and review would probably need to occur in executive session. Ms. Crews stated that it would not be necessary.

Ms. Crews continued to report that the exams should have 15-20 candidates at a time and that there was no need to have several groups of candidates scheduled throughout the day; Ms. Crews also stated that there was no need for proctors to be asking questions of the candidates. Ms. Crews informed that Board that when she was proctoring and when she took exams the questions and exam process was not like it is now.

Ms. Spencer responded that the April practical examination was not a typical exam as it was a small group to begin with, several candidates had postponed and there were a couple of no-shows; to top it all off one proctor had been unable to attend due to illness.

Ms. Crews informed the Board that the questions being asked by the proctors were putting extra pressure on the candidates; all the candidates she observed looked stressed out to begin with. Ms. Crews stated that she witnessed proctors telling a candidate, "you cut your client, what are you going to do..." Ms. Crews stated this type of question was covered under "theory" and was probably addressed in the written examination; Ms. Crews asked what information was covered on the written examination.

Ms. Spencer informed the Board that she had also spoken with the two proctors and a candidate had in fact cut the model being worked on.

Ms. Ledford responded that the written examination was compiled by the National-Interstate-Council of State Boards of Cosmetology (NIC) and are extremely confidential. Ms. Ledford also stated that even she is not aware of what the written examinations contain. Ms. Ledford went on to state that all candidates are taught blood borne pathogen topics during their training.

Michael Bolivar stated that this conversation goes back to the January meeting and that there is no way to make an examination complaint free, you just can't make everyone happy.

Ms. Ledford agreed with Mr. Bolivar's statement. Ms. Ledford gave the Board a brief overview of the NIC practical examination; all done on mannequins, candidates are assigned a station, told what to do while the proctors stand at the back of the room, once the candidates have completed their assignment they all leave the room and then the proctors review the mannequin. Ms. Ledford informed the Board that there is absolutely no verbal communication between the proctors and candidates short of the sign-in process and giving instruction. Ms. Ledford went on to state that questions asked by the proctors usually are for the benefit of the candidate and their final grade; Ms. Ledford stated that if the Board ends up having a practical exam to match the NIC exam, they would probably see a dramatic increase in candidate fail rates.

Ms. Crews responded that if proctors ask questions, the questions should be on the score sheet; Ms. Crews stated that she counted 270 questions being asked and that she didn't start to keep count of the number of questions being asked until part way through the morning. Ms. Crews also stated that when she was proctoring she only asked candidates questions if she wasn't sure what the candidate was doing.

Ms. Ledford stated that the Board was ahead of schedule and would move on to another agenda item until Ed Riefle, Investigator arrived at 10:00 a.m. for Item 6.

Item 7. Budget/Fiscal Report

❖ Revenue and Expenditure Report

The Board reviewed the provided budget report. Ms. Spencer informed the Board that their license fees had been decreased by \$20.00 and new applications and statutes/regulation books had been posted to the Boards website. Ms. Spencer urged the Board to appoint a liaison; this person would be able to take any questions and concerns the Board has and speak directly to the person assigned to prepare the reports for clarification and report back to the Board. Ms. Spencer also stated Sara Chambers, Operations Manager would be joining the Board at 11:00am and would be able to address any questions about the report at that time.

The Board agreed and Ms. Ledford asked for volunteers. Mr. Bolivar stated he would be able to liaise for the Board. The Board thanked Mr. Bolivar.

❖ April 2013 Annual NIC Regional Conference

Ms. Ledford informed the Board that she attended the NIC Regional Conference which was held in Charlotte, NC. Ms. Ledford stated that Florida had developed a database which assists their licensing staff with applications, certificates, transcripts, etc., received from applicants who hold licenses and/or training issued/earned outside the US. Ms. Ledford went on to state that the database provides staff with evaluations and credential evaluation information; Ms. Ledford urged Ms. Spencer to contact Robyn Barineau, Executive Director of the Florida Board for more information and possible access.

Ms. Ledford stated she was also able to meet Gary Begley, Chair of the Arizona Board. Ms. Ledford informed the Board that Mr. Begley is an incredible source of information and teacher of the use and types of lasers being used in the industry; Ms. Ledford went on to state she was able to attend a presentation Mr. Begley held regarding the use of lasers. Ms. Ledford informed the Board that she is trying to talk Mr. Begley into coming to Alaska to make a presentation and/or hold a seminar in conjunction with a Board meeting so he could attend and speak to the Board. Ms. Spencer was asked to follow up with Mr. Begley regarding costs of him coming to Alaska and attending a Board meeting.

Ms. Ledford also stated that NIC had expressed an interest in holding the 2015 Annual Conference in Alaska and requested a bid be made. Ms. Ledford stated that this would be a great revenue generator for Anchorage. The Board asked Ms. Ledford what would be involved with this process and what their involvements and costs would be. Ms. Ledford informed the Board that there would be no cost to the Board; will bring approximately 150 attendees and the only item(s) needed would be “welcome” bags which would consist of donations from for example Great Clips, and similar National chains. Ms. Ledford went on to state that Debra Norton, Coordinator NIC, will be contacting hotels, airlines, etc., to negotiate prices and availability.

On a motion duly made by Darae Crews, seconded by Kevin McKinley, and approved unanimously, it was

RESOLVED to move forward with submitting paperwork and questionnaires for a proposal for the 2015 NIC Annual Convention to be held in Anchorage, AK.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Michael Bolivar	X		
Deanna Pruhs	X		
Kevin McKinley	X		
Jeannine Jabaay	X		
Darae Crews	X		

THE MOTION PASSED BY A MAJORITY VOTE.

❖ FY 2013 Annual Report (Spencer)

Ms. Spencer reviewed the annual report process, Board responsibilities for the report, and deadlines. Ms. Spencer informed the Board that historically, staff had completing, writing, and drafting most of the parts of the report that were actually required to be completed by the Board; Ms. Spencer also informed the Board that the deadline for report submission is now being strictly enforced by the Division and failure to submit Board required portions would result in those sections not being submitted at all and the Auditors with Legislative Audit wouldn't overlook non-submission during Board audits. Ms. Spencer suggested the Board break into subcommittees each assigned with a portion of the report for completion and submission to staff before this meeting adjourned.

Ed Riefle, Investigator and Jay Paff, Investigator joined the Board at 9:48a.m.

Item 6. Investigative Report

Mr. Riefle & Mr. Paff greeted the Board and introduced themselves to the Board. Mr. Riefle stated he had been assigned to the Board as their lead investigator after Jasmin Bautista vacated the position. Mr. Paff informed the Board he had been assigned to the Board in the capacity of handling probationary issues for the Board. Mr. Riefle passed out copies of the Investigative report and Probation Report.

On a motion duly made by Kevin McKinley, seconded by Darae Crews, and approved unanimously, it was

RESOLVED to enter into Executive Session under the authority of AS 44.62.310 to discuss with the investigator the investigative report.

The Board entered into executive session at 9:50 a.m., and returned from executive session at 10:43 a.m.

Recess The Board recessed at 10:43 a.m.; reconvened at 10:55 a.m.

On a motion duly made by Michael Bolivar, seconded by Kevin McKinley, and approved unanimously, it was

RESOLVED to adopt the COA for case 2012-001347, Reshay Scott as written.

Ms. Ledford asked the Board if they would like any discussion on this motion; hearing none Ms. Ledford asked for a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Michael Bolivar	X		
K. Darae Crews	X		
Kevin McKinley	X		
Jeannine Jabaay	X		
Deanna Pruhs	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Deanna Pruhs, seconded by Darae Crews, and approved unanimously, it was

RESOLVED to request the Acupuncturist Licensing Staff send a letter of support in reference to case 2013-000508, Courtney Beddow; supporting this Boards COA and requesting Ms. Beddow come into compliance with this Boards COA.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Kevin McKinley	X		
Jeannine Jabaay	X		
Michael Bolivar	X		
Glenda Ledford	X		
Deanna Pruhs	X		
K. Darae Crews	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Michael Bolivar, seconded by Kevin McKinley, and approved unanimously, it was

RESOLVED to request Investigative Staff send letters to case No's. 2013-000481, 2013-000495, 2013-000960, and 2013-000881 informing licenses that if they do not come into compliance

with their COA's on or before August 31, 2013 or surrender their license; if non-compliance after August 31, 2013 all suspended fees go into effect.

Ms. Ledford asked the Board if they would like any discussion on this motion. Mr. McKinley asked Investigative Staff when this letter would be mailed. Mr. Riefle responded the letters would be mailed within the week.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Kevin McKinley	X		
Jeannie Jabaay	X		
Michael Bolivar	X		
Glenda Ledford	X		
Deanna Pruhs	X		
K. Darae Crews	X		

THE MOTION PASSED BY A MAJORITY VOTE.

The Board thanked Mr. Riefle and Mr. Paff for their time and assistance.

Sara Chambers, Operations Manager joined the Board at 11:00 a.m.

Item 7. Budget/Fiscal Report

❖ Revenue and Expenditure Report (Chambers)

Ms. Chambers greeted the Board and asked if there were any questions about the budget report and that she had some information requested by the Board during the January 28, 2013 meeting.

Ms. Spencer stated that the Board had appointed Mr. Bolivar as the liaison for any budget report questions.

Ms. Chambers informed the Board that the Division had lowered license fees by \$20.00; the cost of a full time investigator was hard to give an exact estimate, however based on other Boards that have a full time dedicated investigator could cost a minimum of \$100,000.00 which would cover the individual, not travel, etc. Ms. Chambers informed the Board that the AELS had recently passed legislation which required the Board to have a full time dedicated investigator. Ms. Chambers stated the Board could seek legislation which would require the investigator however, if passed no matter the cost, the investigator would be required; however if done internally through the Division, the Board would be able to have the flexibility to have or not the investigator. Ms. Chambers suggested the Board make a motion for this and to consider requesting a seasonal full time investigator who would work for a specific period of time.

Ms. Chambers directed the Board to review the quarterly report, “personal services” line which reflects staff costs which includes Ms. Spencer, Nate Vallier who has been assisting Ms. Spencer, a new license examiner Tawna Curry, who is also assisting Ms. Spencer, Investigative staff, Sher Zinn, Supervisor, and any other staff that does assist. Ms. Chambers went on to inform the Board that if done internally, costs would not be as high. Ms. Chambers reviewed the rest of the Expenditures and stated that adding an additional full time Investigator would add more fees.

Jeannine Jabaay asked Ms. Chambers what “indirect expenditures” consisted of as it is the largest amount on the report. Ms. Chambers responded that it consisted of the costs of running State Business, insurance, benefits, costs to other Divisions/offices that assist with travel, personnel, etc. Ms. Chambers asked Ms. Spencer to forward Ms. Jabaay the Division email which addressed this question and provided more information on how to read the reports.

Ms. Jabaay asked about the difference between the higher 2012 and lower 2013 revenue amounts; would this amount continue to be lower and higher. Ms. Chambers responded that the change will continue as during a renewal there is more revenue than during a non-renewal year. Ms. Chambers reviewed how fees were set by the Division during a renewal, costs of running the program, any increase/decrease in other areas governed by the Board, etc., Ms. Chambers went on to State the Board is involved in the process, by making suggestion on where fees may be lowered or raised, however the final dollar amount was set by the Division.

❖ Dept. of Environmental Conservation (DEC) Contract Review (Chambers)

Ms. Chambers passed out copies of information received from DEC which reflected shop inspections from July 2010 through May 2013, fees paid from the Divisions general fund (GF), fees paid directly from the Board, list of shops inspected, problems that were addressed, and the DEC Hair and Body Art inspection form.

Ms. Ledford asked why the information provided was only reflecting tattoo/permanent cosmetic color and body piercing shops. Ms. Chambers stated that this Boards regulations do not specify any statutory or regulatory requirements for other types of shops so DEC and the Municipality of Anchorage refer to their statutes/regulations for other types of shops.

Ms. Ledford stated that she was concerned with public protections related to other types of shops. The Board agreed with Ms. Ledford’s statement. Ms. Chambers recommended that the Board compile a list of their wants and concerns, put that information into the form of a motion for further follow up and review.

Ms. Chambers informed the Board that House Bill 84 had passed during this Legislative session and would go into effect December 2013. Ms. Chambers went on to state that this Bill would allow Military training to meet licensure requirements if it was substantially equivalent; and the Board should have a plan in place to deal with what would be accepted and/or allowed. The Board stated that typical Military training does not cover areas licensed by this Board; however they have and will continue to accept CPR and Blood Borne Pathogen training received, if current, received by Military personnel.

Ms. Chambers informed the Board that House Bill 187 is looking into new tools to set fees which would allow more flexibility with the goal being Investigative Staff would be funded with the General Fund fees. Ms. Chambers went on to state that this would assist in stabilizing license fees.

The Board thanked Ms. Chambers for all her time and assistance.

Recess The Board recessed at 12:00p.m. for lunch; reconvened at 1:00 p.m.

Item 8. Public Comment

Jana Powell, Instructor, Shop/School Shear Fire Academy of Hair Design
Pursue opening a school in another State, looking for information on when cosmetology license split occurred and why.

Ms. Ledford stated that she believed it occurred during 1985 and was done by the Legislature; Ms. Ledford asked Charlot Lushin and Debra Long if 1985 was correct. Ms. Lushin responded that the split actually occurred during the 1982 Legislative Session at the urging of the Board at that time as all members were school owner and the split offered more money making opportunities.

Ms. Powell urged the Board to change the license type back to the way it was. The Board responded that this would be a statutory change and informed Ms. Powell that she should contact her Senator, Legislator, Representative for more information on the statutory change procedures and process.

Ms. Powell stated she personally had no problems with questions being asked during the practical examinations as she feels the candidates should know the answers, if trained properly. Ms. Powell also stated that having music playing during the practical examinations was fine and that her students were instructed to pay attention to themselves and no one else during exams and that if a student was asked a questions she stated she felt the proctors were only trying to assist the student in the examination process. Ms. Powell went on to state that if students are not passing the examination the student's instructors, schools, etc., should take a look at how and what they are teaching.

Mr. Bolivar and Ms. Crews asked Ms. Powell how long she has been a school owner. Ms. Powell responded that she had owned her school for about eight (8) years.

Ms. Crews asked Ms. Powell as a school owner if statutes and regulations should mandate the number of hours and topics that must be taught. Ms. Powell responded that she had no problem with following statutes and regulations.

The Board thanked Ms. Powell for her time and participation.

Item 10. Board Discussion, Continuation

❖ Application Review

- Julio Cesar Cienfuegos, Tattoo/PC by Credentials

The Board reviewed the application file of Mr. Cienfuegos.

Mr. McKinley informed the Board that he has worked with artists in Texas and the Texas licensing authority; information reflects that before Texas decided to not license artists none of their training addressed “theory” as this Board does.

The Board agreed that a basic requirement to qualify for licensure by credentials is to hold a license in another State. The Board agreed that the best course of action for Mr. Cienfuegos would be to enroll as an apprentice in Alaska and then continue with the full licensure process.

On a motion duly made by Jeannine Jabaay, seconded by Michael Bolivar, and approved unanimously, it was

RESOLVED to deny application for tattoo/permanent cosmetic colorist by credentials of Julio Cesar Cienfuegos in accordance with Regulation 12 AAC 09.002(r).

Roll Call Vote

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Michael Bolivar	X		
Darae Crews	X		
Jeannine Jabaay	X		
Kevin McKinley	X		
Deanna Pruhs	X		

THE MOTION PASSED BY A MAJORITY VOTE.

❖ FY 2013 Annual Report (Spencer)

The Board broke into work groups to complete the annual report.

The Board asked Ms. Spencer if they would have a chance to review the final report before it was submitted to the Division. Ms. Spencer stated that she would have a draft out to the Board well before the submission deadline.

❖ Regulation Project

The Board reviewed the email and proposed regulations provided by Jun Maiquis, Regulation Specialist.

Ms. Spencer informed the Board that proposed regulations 12 AAC 09.004, .106, and .169 have been in a pending status before she joined the Board and that the Board should either move forward with the regulation process or consider scrapping the changes.

- 12 AAC 09.004

The Board agreed that this proposed regulation should be moved forward after Mr. Maiquis and the Dept. of Law reviewed the language. The Board agreed that this courtesy license needed to be made available to hairdressers.

On a motion duly made by Deanna Pruhs, seconded by Michael Bolivar, and approved unanimously, it was

RESOLVED to public notice 12 AAC 09.004 after Jun Maiquis, Regulation Specialist and the Department of Law review the language provided for the May 20, 2013 meeting

Roll Call Vote

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Michael Bolivar	X		
Darae Crews	X		
Jeannine Jabaay	X		
Kevin McKinley	X		
Deanna Pruhs	X		

THE MOTION PASSED BY A MAJORITY VOTE

- 12 AAC 09.106(d)

The Board agreed that this proposed regulation should be moved forward after Mr. Maiquis and the Dept. of Law reviewed the language.

On a motion duly made by Michael Bolivar, seconded by Darae Crews, and approved unanimously, it was

RESOLVED to public notice 12 AAC 09.106(d) after Jun Maiquis, Regulation Specialist and the Department of Law review the language provided for the May 20, 2013 meeting

Roll Call Vote

NAME	YES	NO	ABSTAIN
Deanna Pruhs	X		
Kevin McKinley	X		
Jeannine Jabaay	X		
Darae Crews	X		
Michael Bolivar	X		
Glenda Ledford	X		

THE MOTION PASSED BY A MAJORITY VOTE

- 12 AAC 09.169

The Board stated that they felt the proposed amendment to 12 AAC 09.169 should assist with supervision problems occurring during tattoo/permanent cosmetic coloring and body piercing apprenticeships by allowing the Board to have more authority enforcing the apprenticeship requirements.

The Board agreed that this proposed regulation should be moved forward after Mr. Maiquis and the Dept. of Law reviewed the language.

On a motion duly made by Michael Bolivar, seconded by Deanna Pruhs, and approved unanimously, it was

RESOLVED to public notice 12 AAC 09.169 after Jun Maiquis, Regulation Specialist and the Department of Law review the language provided for the May 20, 2013 meeting

Roll Call Vote

NAME	YES	NO	ABSTAIN
Kevin McKinley	X		
Jeannine Jabaay	X		
Michael Bolivar	X		
Glenda Ledford	X		
Deanna Pruhs	X		
Darae Crews	X		

THE MOTION PASSED BY A MAJORITY VOTE

- 12 AAC 09.185

The Board agreed that this proposed regulation should be moved forward after Mr. Maiquis and the Dept. of Law reviewed the language.

On a motion duly made by Michael Bolivar, seconded by Darae Crews, and approved unanimously, it was

RESOLVED to public notice 12 AAC 09.185 after Jun Maiquis, Regulation Specialist and the Department of Law review the language provided for the May 20, 2013 meeting

Roll Call Vote

NAME	YES	NO	ABSTAIN
Kevin McKinley	X		
Darae Crews	X		
Deanna Pruhs	X		
Glenda Ledford	X		
Michael Bolivar	X		
Jeannine Jabaay	X		

THE MOTION PASSED BY A MAJORITY VOTE

The Board reviewed proposed regulation changes to 12 AAC 09.090, .095, .100, .105, .108, .109, and .930.

After a brief discussion the Board agreed that these proposed regulation changes needed further review and discussion.

On a motion duly made by Kevin McKinley, seconded by Michael Bolivar, and approved unanimously, it was

RESOLVED to table proposed regulations 12 AAC 09.090, .095, .100, .105, .108, .109, and .930 for further review and discussion by the Board

Ms. Ledford polled the Board, hearing no disagreement the motion passed.

The Board reviewed Advisory No. 4, Risks & concerns with colored or cosmetic contact lenses (non-prescription) from the Board of Examiners in Optometry.

The Board expressed sincere concern with the risks outlined in the Advisory and agreed with the Advisory. The Board requested Ms. Spencer draft a resolution of support for the Board of Examiners in Optometry.

