

**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
October 7, 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 October 7, 2013 in Anchorage, Alaska, Robert B. Atwood Bldg., Room 1270

Monday, October 7, 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
Jeannine Jabaay, Public Member
Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist
Darae Crews, Hairdresser/Esthetician

Not in attendance were:

Michael Bolivar, Barber

Mr. Bolivar submitted his resignation from the Board Saturday October 5, 2013.

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

Cynthia Spencer, Licensing Examiner
Ed Riefle, Investigator

Present from the public were:

Heather Picard, Hairdresser
Charles Watson, Body Piercer
Mae Canady, Instructor

Debra Long, Instructor
Charlotte Lushin, Barber
Christine VanVliet, Hairdresser

Item 2. Review/amend agenda

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

Cynthia Spencer informed the Board that public noticed regulations, House Bill 187 information, and the submitted Fiscal Year 2013 Annual Report had been provided to each member for addition to their packets.

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

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

May 20, 2013

The Board reviewed the draft May 20, 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 Darae Crews, and approved unanimously, it was

RESOLVED to adopt the May 20, 2013 meeting minutes as written.

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

Item 5. Correspondence

The board reviewed correspondence provided by Nathan Vallier, Occupational Licensing Examiner, regarding acupuncture law.

The board reviewed correspondence from Diane Lyte regarding her concerns with unlicensed activities and services being provided with incorrect licenses.

Ms. Spencer informed the board that since this correspondence had been received Investigator Ed Riefle had been out in the field in the Kenai, Soldotna, and Wasilla areas conducting inspections.

The board reviewed correspondence from Daniel Wells regarding computerizing client consent forms used for tattooing, permanent cosmetic coloring, and body piercing.

Mr. McKinley informed the board that this correspondence had been forwarded onto the appropriate parties at the Division of Environmental Conservation, Food Safety & Sanitation (DEC) for review. Mr. McKinley clarified for the board that DEC controlled information required on the consent form. The board thanked Mr. McKinley.

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. Board Business/Discussion

❖ Schedule January, May, October, 2014 Meeting Dates

The Board set the following meeting dates with all meetings to begin at 9:00 a.m. due to the drive time needed between Wasilla, AK and Anchorage, AK.

The Board also requested the meetings be held in the Robert B. Atwood Bldg., preferably in the same conference room.

January 10, 2014

May 12, 2014

October 6, 2014

❖ Schedule Practical and Written Examination Dates

The Board set the following examination dates for Anchorage, Fairbanks, and Juneau. All examination application deadlines are 30-days prior to the next scheduled examination.

Anchorage:

January 12 & 13, 2014

January 26 & 27, 2014

February 23 & 24, 2014

March 16 & 17, 2014

April 20 & 21, 2014

May 18 & 19, 2014

June 15 & 16, 2014

July 20 & 21, 2014

August 17 & 18, 2014
September 21 & 22, 2013
October 19 & 20, 2013
November 16 & 17, 2013

Fairbanks:

January 26 & 27, 2014
April 20 & 21, 2014
July 20 & 21, 2014
October 19 & 20, 2014

Juneau:

January 26 & 27, 2014
April 20 & 21, 2014
July 20 & 21, 2014
October 19 & 20, 2014

❖ Practical Examination Report (Jabaay & McKinley)

Mr. McKinley informed the Board that he had the opportunity to observe a practical examination in Fairbanks and Anchorage. Ms. Jabaay stated she had observed two practical examinations in Anchorage each for half a day.

Mr. McKinley informed the Board that the practical examination in Fairbanks was great and very professional. Mr. McKinley stated that the examination proctors conducted themselves in a very professional manner and that there were no unnecessary questions being asked of the candidates.

Ms. Jabaay and Mr. McKinley both agreed that many of the Anchorage candidates were very ill prepared and questions being asked by Anchorage proctors were all to the benefit of the exam candidate. Ms. Jabaay and Mr. McKinley both agreed that some of the problems being reported could be directly related to the training the individual candidate received from their school or apprenticeship. Both Ms. Jabaay and Mr. McKinley agreed that there is a potential issue with Anchorage examination proctors asking candidates questions that are not related to the practical exam.

Ms. Spencer stated that one option left to the Board; as they have conducted plenty of proctor training, updated examination procedure/proctor instruction information; would be to move onto instituting the National Practical Examination standard of no communication between proctors and candidates other than sign-in, verify model release forms, and to give instructions for the specific examination section.

Ms. Spencer went on to state that once signed in and given instructions, the proctors would wait for the candidate or exam section time to run out; ask candidate to stand back from their station, grade the exam section, and then give instruction for the next part or dismiss the candidate if completed.

Ms. Pruhs stated she thought that would be a good idea and may make the schools and instructors aware of deficiencies in the training being provided. Ms. Pruhs asked if no verbal would be applied to all the exam types.

The Board discussed the exam score sheets and agreed that having no verbal communication would only work for barbers and hairdressers as the esthetician and instructor practical examinations do require verbal communication between the proctors and candidates.

The Board asked if this could be implemented in time for the October and November examinations so they could review the results during its January 2014 meeting. Ms. Spencer responded that she would try however there were many changes that would be required and as she was working with a broken arm, no guarantees could be made.

Ed Riefle, Investigator joined the Board at 10:00 a.m. for the Investigative Report.

Item 6. Investigative Report

Mr. Riefle greeted the Board and passed out copies of the Investigative report. Mr. Riefle informed the Board that since the last quarter May 16, 2013 the Division has opened 104 matters and closed 77. Mr. Riefle also stated that the Division had conducted 70 compliance inspections on shops/salons and were able to accomplish 30 on the spot corrections.

Mr. Riefle reviewed the Probation Report provided by Investigator Jay Paff.

Mr. Riefle stated that the Board has a few issues with their statutes as they are worded relating to investigative authority and directed the Board to review statutory information from the Real-estate Commission specifically Sec. 08.88.071”(B) procures a license be deceiving the commission, or aids another to do so”. Mr. Riefle stated that the wording “or aids another to do so” not being included in the Boards statute Sec 08.13.070 has been hindering a couple investigative issues; by adding the language from 08.88.071 to the current 08.13.070 would not only assist investigative staff it would allow action to be taken against individuals who have been helping applicants to gain full licensure by falsifying documentation. Mr. Rifle continued as the current statute reads the applicants are the only individuals being held accountable and by adding the language from 08.88.071 would allow investigative staff to also hold accountable the instructor, shop, or school.

Ms. Spencer asked if this change would be achievable through a regulation change or would it need to be done through statute. Mr. Riefle responded that it would need to be accomplished through statutory change. Mr. Riefle went on to state that the Board would be able to support it through regulation but the most effective would be a statutory change with the backup regulatory change.

The Board asked Mr. Riefle if he could provide some examples of this issue. Mr. Riefle responded that there are cases of instructors documenting hours that never occurred, trusting an apprentice/student to complete hours which the apprentice/student didn't, and documenting training which never occurred. Mr. Riefle went on to state that some of these incidents were deliberate and others could be put down to naiveté of not knowing requirements.

Mr. Riefle review Board of Nursing application questions such as "have you ever been under the investigation by the board or any licensing jurisdiction?" . Mr. Riefle stated that having a question of this sort on initial and renewal applications would allow investigative staff to pursue fraudulent applications if need be.

Ms. Spencer stated that she had spoken with Sher Zinn, Records and Licensing supervisor about this issues several times and as this Board has no professional fitness statues or regulations which would allow them to ask this type of question there was no legal way this could be added to applications at this time. Ms. Spencer went on to state that if statutes were added then the Board could pursue this avenue of questions.

Mr. Riefle responded that he contacted the Attorney General's office about this matter and was waiting on a response and that hopefully by the next Board meeting would have more information. Mr. Riefle also stated that he would like the notary/signature sections of applications to be updated with similar wording and the warning that follows the notary lines;

"I hereby certify that the information provided in this application is true and correct to the best of my knowledge. I understand that any false or misleading information in this application and accompanying documents may result in failure to obtain authorization or subsequent revocation of my authorization to practice as an Advanced Nurse Practitioner.

WARNING: The Alaska Board of Nursing may deny, suspend, or revoke the license of a person who has obtained or attempted to obtain a license to practice nursing by fraud or deceit. The person may also be subject to criminal charge for perjury or unsworn falsification. (AS 11.56.210 and AS 11.56.230)"

Ms. Ledford asked if the Board could require photos of the applicant to be required on applications. Ms. Spencer responded that this would also have to be

a statutory addition/change. Ms. Ledford asked if photos could be added to the license itself. Ms. Spencer stated that this was not available for the Board at this time, but it would also require the Board get a statutory change to require the photo. The Board agreed having a photo requirement would be beneficial especially when inspecting shops for licenses.

Mr. Riefle also suggested that another disciplinary option in lieu of fines would be to require education. Mr. Riefle informed the Board that many cases were mainly due to inadequate knowledge of statutes and regulations and that imposing some sort of "continuing" education may be much more effective in some cases than consent agreements and probation and may also assist in alleviating repeat violations.

Ms. Spencer stated that Ms. Zinn and she felt that posting disciplinary actions on the Board's website like several other professions do, may also help alleviate some problems. Ms. Spencer asked the Board how they felt about posting this information. The Board totally agreed and requested Mr. Riefle follow through with getting this information posted to the website.

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

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

The Board entered into executive session at 10:20 a.m., and returned from executive session at 11:24 a.m.

Recess The Board recessed at 11:25 a.m.; reconvened at 11:30 a.m.

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

RESOLVED to adopt the CA for case 2011-001220, 2013-000960, & 2013-001012, Jeff Staha 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
Jeannine Jabaay	X		
Glenda Ledford	X		
Kevin McKinley	X		

K. Darae Crews X
Deanna Pruhs X

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the CA for case 2012-000115, Claire Bartek 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		
Jeannine Jabaay	X		
Kevin McKinley	X		
K. Darae Crews	X		
Deanna Pruhs	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Kevin McKinley, seconded by Deanna Pruhs, and approved unanimously, it was

RESOLVED to adopt the CA for case 2013-001003, Linda Lorico as written.

Ms. Ledford asked for a roll call vote.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to accept the Imposition of Civil Fine for case 2013-001402, Jake Scrivner.

Ms. Ledford asked for a roll call vote.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the CA for case 2013-001407, Thu Thi Kohls as written.

Ms. Ledford asked for a roll call vote.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the CA for case 2013-001433, Julio Estrada as written.

Ms. Ledford asked for a roll call vote.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Kevin McKinley, seconded by Deanna Pruhs, and approved unanimously, it was

RESOLVED to adopt the CA for case 2013-001791, Lui Talo as written.

Ms. Ledford asked for a roll call vote.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the CA for case 2013-001853, Brittany Dolechek as written.

Ms. Ledford asked for a roll call vote.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to table the CA for case 2013-001808, Sugako Fisko until Investigative Staff is able to provide more information regarding bikini waxing being covered under the hairdresser license allowance to provide “limited esthetics” as defined in Alaska Statute 08.13.220; later this afternoon.

Ms. Ledford asked for a roll call vote.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

The Board thanked Mr. Riefle for his time and assistance.

Recess The Board recessed at 11:34 a.m.; reconvened at 11:41 a.m.

Item 7. Board Business/Discussion cont.

❖ **NIC Annual Conference Report**

Ms. Ledford informed the Board that she attended the NIC Annual Conference which was held in Denver, Colorado during August. The State of Wyoming did a presentation during which it was learned that Occupational Safety and Health Administration (OSHA) is now inspecting shops which can or may lead to fines; Ms. Ledford stated that this is not a Board issue as it will fall into the Department of Environmental Conservation’s (DEC) purview; however as a shop owner and licensee this information should be taken seriously as Alaska may begin the same types of OSHA inspections.

Ms. Crews asked what OSHA is inspecting. Ms. Ledford informed the Board that OSHA is inspecting for ventilation, occupational noise, product material safety sheet information, and more. Ms. Ledford shared the list of inspection information with the Board. Ms. Ledford stated that this is an issue the Board needs to be aware of.

Ms. Ledford stated that NIC strongly supports all cosmetology state Boards and continues to offer assistance to Boards for all issues including Legislative Audits, Sunset (dissolving Boards), etc. Ms. Ledford shared meeting packet information with the Board.

Ms. Ledford informed the Board that the 2015 Annual Conference will be held in Anchorage, Alaska. Ms. Ledford stated that Alaska had beat Las Vegas, Montana, West Virginia, and one other State. Ms. Ledford went on to inform the Board that the specific location had not yet been determined as NIC was still waiting for hotel cost information as they would prefer an “all inclusive” space meaning the conference would be held at a hotel. Ms. Ledford stated that the Conference was tentatively scheduled for September 7 - 9, 2015 which falls on the cusp of the end of tourist season and hotel room rates were still influx between summer and winter rates. Ms. Ledford went on to inform the Board that sponsors for example, Exxon, Milady, Conoco Phillips, etc., would be needed, however she would have more information once NIC had received information on hotel rates. Ms. Ledford went on to state that she had received assurance from the Governor that he would write a welcome letter and the Mayor of Anchorage would also assist by maybe speaking at the event which would consist of 150-200 attendees.

The Board discussed “goodie” bag donations from local businesses. Ms. Pruhs stated that a letter from the Board would assist in receiving donations from local business. The Board agreed when more information was received, they would draft a letter and go over specifics.

❖ Proposed Regulations

The Board reviewed the Proposed Regulation hand out from Jun Maiquis, Regulation Specialist which had gone out for public notice on October 1, 2013 covering 12 AAC 09.004, 09.106, 09.169, and 09.185.

Ms. Spencer informed the Board that the public comment period for these regulations was set to end October 24, 2013 and should be ready for final review/adoption during the January 10, 2014 meeting.

❖ Appoint Board Liaisons

Ms. Ledford asked for volunteers to be the Board appointed liaison with DEC. Mr. McKinley volunteered and was gladly accepted.

Ms. Ledford asked for volunteers to be the Board appointed liaison with NIC. The Board agreed Ms. Ledford should have the honor.

Ms. Spencer confirmed with the Board that Ms. Jabaay had been appointed as the budget report liaison with the Dept. of Commerce. The Board and Ms. Jabaay agreed she had been appointed.

Ms. Ledford asked Ms. Spencer if the Board was allowed to re-write the manicurist legislation. Ms. Spencer stated she had conferred with Ms. Zinn and had been told the Board can absolutely during this or any other Board meeting make any edits/re-writes they felt were needed. Ms. Spencer went on to state that as she was unable to write at this time someone else would need to take over this portion of the task and that this was on the agenda for today under Item 9. Ms. Jabaay stated she could handle the writing.

Ms. Spencer went on to state that there was plenty of time on the agenda to at least get started as there was no budget report and the FY 2013 Annual Report is just review for the Board as the final report was submitted July 2013. Ms. Spencer also stated the Mr. Riefle should be back this afternoon with information regarding the tabled CA.

Ms. Ledford asked if the Board via teleconference could deal with CA's and other investigative issued. Ms. Spencer assured the Board that when able, a teleconference would occur, however most of the cases weren't usually presentable until right before a Board meeting. Ms. Pruhs informed the Board that teleconferencing was very difficult for her due to her work schedule and stated that Friday's were her day off; however she would prefer to have a week notice for a teleconference. The Board agreed that if possible could all teleconferences be scheduled for the end of the day on Friday's.

Recess The Board recessed at 12:05p.m. for lunch; reconvened at 1:09 p.m.

Item 8. Public Comment

Mae Canady, Instructor, examination proctor and shop owner

- Why doesn't the State Board practical examination test on "relaxers"? Many States do and with all new straightener products feel this should be included on our exam.
- Feel that trying the exam with no questions would be a good thing as it may make schools and instructors aware of deficiencies in training.
- Feel proctors should meet every now and then to discuss any problems or concerns. Also would like to be able to review candidate score with the other proctors as one person may score a five (5) and another may score ten (10); would like to discuss as maybe one person missed the candidate doing something or verbalizing something and vice versa.

Ms. Spencer stated that discussing score differences in case one proctor missed something or another was expected; however just changing a score because another proctor scored differently is not acceptable.

The Board stated that detailed instructions would be provided to exam proctors for the non-verbal exams.

Ms. Pruhs stated that she felt the schools should be taking responsibility for how prepared their students are and that trying out a non-verbal practical examination would be beneficial towards that end. Ms. Pruhs went on to state that if the Board didn't take this type of action; the Board would continue to see poorly prepared candidates and high fail rates. The Board agreed with Ms. Pruhs.

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

Christine VanVliet, Hairdresser and examination proctor

Thanked the Board for their time and stated her questions regarding the examination trying non-verbal had been answered. Ms. VanVliet agreed with Ms. Pruhs statement about candidate not being prepared and that this non-verbal try would be beneficial.

Asked if feasible to go to schools and observe training. The Board stated that observing the school training was out of their purview. Ms. Ledford stated that if a school had an extremely high fail rate during the Dept. of Postsecondary Educations annual review this deficiency would be addressed.

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

The Board reviewed statutes and regulations pertaining to Schools and after a brief discussion decided that they did not have any authority besides what was covered in Alaska Statute (AS) 08.13.110, 08.13.180, Regulations 12 AAC 09.125 through 09.180 to address any exam candidate fail issues. The Board agreed that trying a non-verbal practical examination may bring some training deficiencies to light and schools would need to address those issues on their own and with the Dept. of Postsecondary Education. The Board expressed concern that schools may begin charging higher tuition if their fail rates increased.

Item 9. Board Business/Discussion Continued

❖ Chairperson election

Ms. Ledford asked for nominations.

Darae Crews nominated Glenda Ledford to continue as chairperson; Deanna Pruhs seconded the motion.

Ms. Ledford asked if there were any other nominations. Hearing none, Ms. Ledford asked for a roll call vote.

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

RESOLVED to re-elect Glenda Ledford as chairperson for the Board of Barbers and Hairdressers.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE

Ms. Ledford thanked the Board for their vote of confidence.

❖ **Manicuring Legislation Re-Write/Update**

Ms. Ledford informed the Board that she had a Senator who was willing to work with her and would assist with introducing the legislation.

Ms. Spencer informed the Board that included in the meeting packet under Item 9 was the current manicuring legislation. Ms. Spencer also stated that this discussion was considered a subcommittee and therefore the Board could go off record, break into groups or however was comfortable for them, write language and then go back on record and get the wording, edits, changes, etc. on the record.

Ms. Ledford asked if it would behoove the Board to take the suggested changes to a Legislator who has staff who writes legislation; give the Legislator the requested changes and allow the staff to draft it up in a more professional fashion.

Ms. Spencer stated that would be great as long as no fees were involved. Ms. Ledford stated there would be no fees and that she has an appointment scheduled and had been waiting for today to get Board input.

Ms. Spencer informed the Board that as Ms. Ledford had this opportunity; now would be the time to request any other statutory changes, edits they thought were needed.

Mr. Riefle re-joined the Board.

The Board asked Mr. Riefle if he had any suggested statutory changes. Mr. Riefle stated that AS 08.13.070(8) adding verbiage from the Real Estate Commissions AS 08.88.071”(B) procures a license by deceiving the commission, or aids another to do so”, regarding assisting/aiding...to obtain a license. Ms. Spencer asked if adding the language verbatim would be more beneficial. Mr. Riefle stated that it may and adding it as its own subsection should cover all bases. The Board agreed that adding the wording as a new subsection to AS 08.13.070 should be included.

Ms. Spencer asked Mr. Riefle to email her his suggested regulation changes to be included for the January 2014 meeting.

The Board asked that the definition for superfluous hair also be added for a regulation project.

The Board agreed to review case No. 2013-001808 and then continue with manicuring legislation.

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

RESOLVED to enter into Executive Session under the authority of AS 44.62.310(C) to discuss with the investigator case No. 2013-001808.

The Board entered into executive session at 1:31 p.m., and returned from executive session at 1:48 p.m.

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

RESOLVED to adopt the CA for case 2011-001808, Sugako Fisk as written.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. McKinley asked Mr. Riefle if there was a way to not allow a licensee to take on apprentices. Mr. Riefle stated that he could go after them for not submitting records. Mr. McKinley went on to state that as an example, a trainee did and does have proof they completed practical operations however the trainer did not provide this information on quarterly or termination reports. Mr. Riefle stated that the documentation would have to be submitted to the Board to be evaluated. Mr. Riefle went on to state that without Board consideration it would be a “he said/she said” situation.

The Board continued discussing with Mr. Riefle the failure of trainers to submit apprentice reports. Mr. Riefle stated that the Board would need to change their disciplinary sanctions as they determine. Mr. Riefle also stated that the Board could require consent agreements as well as fines or instead of. The Board stated they would like to have the ability to not allow apprentices under a trainer who continually fails to submit reports.

Ms. Spencer asked if it would be possible to add a list of trainers who fail to submit reports on the Board’s website along with the disciplinary actions. The Board and Mr. Riefle agreed that this would violate confidentially/privacy acts.

The Board decided to revisit this issue during the January 2014 meeting.

The Board thanked Mr. Riefle for his time and participation.

The Board decided to move onto Item 10, Application review and then go back to the Manicuring Legislation.

Item 10. Application Review (Spencer)

The board broke into two groups to facilitate the review process

- Dimas P. Carrillo, previous hairdresser training earned in the Philippines

Deanna Pruhs & Kevin McKinley reviewed the application file of Mr. Carrillo

Ms. Pruhs & Mr. McKinley informed the Board that upon review of certificates and transcripts the training and experience earned by Mr. Carrillo met the statutes and regulations set by the board to qualify for licensure. Ms. Pruhs & Mr. McKinley both stated that Mr. Carrillo should be required to take and pass the State Board practical and National Cosmetology written examinations before being issued a license.

The Board agreed with Ms. Pruhs & Mr. McKinley.

On a motion duly made by Kevin McKinley, seconded by Deanna Pruhs, and approved unanimously, it was

RESOLVED to accept all previous training from the Philippines and issue a hairdresser license after passing the Alaska State Board practical and National Cosmetology written examinations for Dimas P. Carrillo.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

- Johanna Javier, Hairdresser by Waiver of Examination

Glenda Ledford, Darae Crews, and Jeannine Jabaay reviewed the application file of Ms. Javier.

Ms. Ledford, Ms. Jabaay, & Ms. Crews informed the Board that upon review of the licensing file; they had determined that Ms. Javier was licensed in NJ based on work experience in lieu of the 1,000 hour training and examination requirements of that State. They also reported upon review of transcripts & certificates Ms. Javier did not meet Alaska's requirements for licensure by waiver of examination in accordance with AS 08.13.100(d) and 12 AAC 09.095(a)(3) and (4). They also reported the file reflects no relevant work history; they also stated that Ms. Javier would need to enroll in an apprentice program or school, complete minimum licensure requirements of AS 08.13.080, apply for examinations; upon passing exams Ms. Javier would be eligible for a hairdresser license.

Ms. Pruhs & Mr. McKinley agreed with the information provided.

On a motion duly made by Glenda Ledford, seconded by Jeannine Jabaay, and approved unanimously, it was

RESOLVED to deny the application for a hairdresser license by waiver of examination of Johanna Javier in accordance with AS 08.13.100(d) and 12 AAC 09.095(a)(3) and (4); once the requirements of AS 08.13.100(d) and 12 AAC 09.095(a)(3) and (4) were met and Ms. Javier passed the practical & written examinations she would be eligible for licensure by examination.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE.

Item 9. Board Business/Discussion Continued

❖ FY 2013 Annual Report – Submitted Report

Ms. Spencer informed the Board that the Annual report provided in the board packet had been submitted and has been provided just for review.

❖ Budget Report

Ms. Spencer informed the Board there was no current budget report for the Board to review. The next report would be available for the January 2014 meeting.

❖ Manicuring Legislation Re-Write/Update, continued

On a motion duly made by Darae Crews, seconded by Jeannine Jabaay, and approved unanimously, it was

RESOLVED to adjourn and break into subcommittee groups to work on the manicuring legislation re-write.

Ms. Ledford polled the Board, hearing no disagreement the Board went off record at 2:42 p.m. and returned at 3:07 p.m.

The Board agreed that Ms. Ledford would take all suggestions, current statutes and regulations to her Legislator; discuss the Boards intent with the legislation and other suggested addition of having the language of AS 08.88.071(B) added as a new subsection to the current AS 08.13.07; have the Legislative staff draft new updated language. This information would then be reviewed by the Board and hopefully submitted during this session.

❖ Regulation Project

The Board stated that a definition of superfluous hair was needed in regards to bikini and other body waxing.

On a motion duly made by Jeannine Jabaay, seconded by Deanna Pruhs, and approved unanimously, it was

RESOLVED to draft a new subsection to 12 AAC 09.990 for public noticing.

New subsection

12 AAC 09.990 Definitions

(c) superfluous hair is defined as all body hair.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE

❖ **Collect signed Travel Authorization and Receipts**

Ms. Spencer passed out and collected travel reimbursement documentation.

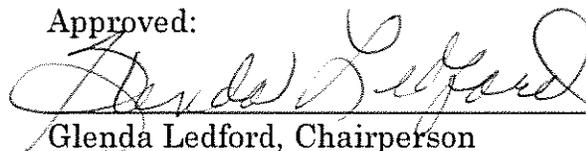
The Board adjourned at 3:12 p.m.

Respectfully submitted:



Cynthia Spencer, Licensing Examiner

Approved:



Glenda Ledford, Chairperson
Board of Barbers and Hairdressers

Date: 5/12/2014