

**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
January 26, 2015**

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 January 26, 2015 in Juneau, Alaska, State Office Bldg., 9th Floor, Conference Room A.

Monday, January 26, 2015

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 8:30 a.m. Members present were:

Glenda Ledford, Barber, Chair
Deanna Pruhs, Hairdresser
Jeannine Jabaay, Public Member
Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist
Derrick Slaughter, Barber

Not in attendance were:

K. Darae Crews, Hairdresser/Esthetician

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

Cynthia Spencer, Licensing Examiner
William Harlan, Investigator
Sher Zinn, Records and Licensing Supervisor
Sara Chambers, Division Director
Martha Hewlett, Administrative Office
Colleen Kautz, Operations Manager

Item 2. Review/amend agenda

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

Cynthia Spencer stated that agenda items 9 and 11 had additional handouts which had been provided to Board members.

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 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

October 6, 2014

The Board reviewed the draft October 6, 2014 minutes. Ms. Ledford asked the Board if there were any edits/corrections needed; hearing none Ms. Ledford polled the Board. Hearing no disagreements the October 6, 2014 minutes were approved as written.

Ms. Ledford stated that the Board was ahead of schedule and would move on to another agenda item until Public Comment, Item 5 at 9:15 a.m.

Item 6. Investigative Report

William Harlan, Investigator, greeted the Board and provided additions to the Investigative report.

The Board thanked Mr. Harlan for providing the Investigative Report information for review prior to the meeting.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, 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 8:37 a.m., and returned from executive session at 8:57 a.m.

Mr. Harlan reviewed the Investigative Report with the Board; Mr. Harlan reported that there were currently 31 open matters, 27 closed matters, and conducted five (5) compliance inspections.

On a motion duly made by Deanna Pruhs, seconded by Derrick Slaughter, it was

RESOLVED to adopt the CA for case 20012-000224 as written.

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

Kevin McKinley stated that he felt the Board was being lenient with this case despite the length of time it has taken to close the case. Mr. McKinley also stated that he felt the individual was taking advantage of the Boards statutes and regulations by not only being an apprentice during the incident the individual was also the shop owner and that the individual felt that as the shop owner he didn't have to follow his trainers guidance.

Derrick Slaughter asked how Mr. McKinley felt the Board should handle this issue. Mr. McKinley responded that the full fine amount should be imposed with no suspension of any fines.

Deanna Pruhs stated that she felt this case has gone on for so long; the individual had signed the proposed CA and that the Board should approve the CA as is.

Ms. Ledford reminded the Board that AS 08.13.195 reflects a civil penalty may not exceed \$5,000 and that this issue was open during 2009; even though it has taken several years to get to this point and taking into consideration due process and the fact the individual had signed the agreement; Ms. Ledford stated she felt the CA being proposed was acceptable.

Mr. McKinley responded that this issue was still a class B misdemeanor in accordance with AS 08.13.27 and the Board must make a stand and address this type of violation. Mr. McKinley reminded the Board that this case is the reason tattooing, permanent cosmetic coloring and body piercing became regulated; Mr. McKinley went on to stress to the Board that this was not a case of "oops I made a mistake", this was a deliberate act taken by the individual.

Jeannine Jabaay stated that she agrees with Ms. Pruhs and Ms. Ledford; the individual has agreed and signed the proposed CA; if the Board rejects the CA the individual may not agree to a new CA which may lead to a Hearing and Hearing officer and court costs which the Board will be responsible for.

Mr. McKinley responded that agreeing to the proposed CA would be a mistake. Mr. McKinley went on to state this type of issue is the Boards responsibility to address and failure to sanction this type of incident may lead to more issues.

Mr. McKinley also stated that it is the Boards responsibility to protect kids and that this type of issue is a problem which he feels the Board must address.

Ms. Pruhs and Ms. Ledford both stated that this type of issue is a problem for this industry not just the tattooing and body piercing side. Ms. Ledford also stated that no matter what action the Board takes on this issue this will still be an industry problem. Ms. Pruhs stated that parents do have the right to go after violators in civil court.

Mr. McKinley responded that he still feels the Board must make a stand and that accepting this CA is setting an industry standard. Mr. McKinley stated he felt that the CA should state a \$5,000 with \$1,000 suspended.

Ms. Ledford interrupted the Board to remind them that it was time for public comment and that the Board would resume this discussion after comment.

Item 5. Public Comment

Glenda Ledford, School Owner

Ms. Ledford urged the Board to consider accepting distance/on-line education. Ms. Ledford stated that if an individual can earn their PhD on-line, the Board should consider at least allowing required theory hours to be completed through an on-line course. Ms. Ledford stated that on-line training can be tracked through schools with log in and/or ID tracker which the school can use to verify attendance. This would allow those unable to afford moving costs, rental fees, etc., to complete most of their training at home and then physical attendance at the school for practical operations. Ms. Ledford also stated this would also benefit those in outlying communities in Alaska.

Ms. Ledford also asked the Board to consider increasing the required theory hours for barbers & hairdressers.

Ms. Ledford asked the Board to also consider a braiding license. Ms. Ledford informed the Board that many States offered a braiding only license and several other States were considering this license type as well. Ms. Ledford added that changes in the industry were making a braiding license type more appealing and it may offer a cost saving to students as many individuals are only interested in this service.

The Board briefly discussed the benefits of on line courses and decided allowing this would require a regulation change. The Board asked Ms. Ledford if she felt allowing this type of course would result in a loss of revenue for schools. Ms. Ledford stated she did not believe it would as it would open the doors to individuals who could not afford to move to Anchorage or Fairbanks for the year or so it would cost them to complete an entire program.

The Board agreed that a braiding license would require a statute change.

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

The Board resumed Investigative Report, Item 6 discussion.

Item 6. Investigative Report Cont.

Mr. McKinley stated that he felt the Board would be setting an industry standard by accepting this CA.

Ms. Jabaay stated she felt that the Board should accept the CA as is. Ms. Pruhs agreed with Ms. Jabaay and also stated that taking into consideration the length of time that has passed since the incident occurred and costs incurred by the Board that the proposed CA was acceptable.

Ms. Ledford agreed with Ms. Jabaay and Ms. Pruhs and went on to state that the Board could begin regulation changes defining and providing more specific directions regarding the Statement of Responsibility and shop owner responsibilities for apprentices.

Mr. McKinley informed the Board that he felt they were taking the easy route by accepting this CA and that the hard decision in this case was the right decision.

Recess The Board recessed at 9:49a.m.; reconvened at 9:56a.m.

The Board requested the motion be restated.

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

RESOLVED to adopt the CA for case 20012-000224, Daniel Paul as written.

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
Jeannine Jabaay	X		
Glenda Ledford	X		
Deanna Pruhs	X		
Derrick Slaughter	X		
Kevin McKinley		X	

THE MOTION PASSED BY A MAJORITY VOTE.

Item 7. Board Review of National-Interstate Council of State Boards of Cosmetology (NIC) Tattoo Written Examination

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

RESOLVED to enter into Executive Session under the authority of AS 44.62.310(C) to review the NIC Tattooing Written examination.

The Board entered into executive session at 9:59a.m., and returned from executive session at 10:20 a.m.

The Board agreed that through AS 08.13.080 they had the authority to use the NIC Tattooing written examination as well as covering the use of equipment and current industry standards the examination covered safety, sanitation, sterilization, aseptic techniques, information. The Board asked Ms. Spencer for direction.

Ms. Spencer informed the Board that a regulation change would need to be approved before implementation of the NIC exam. Ms. Spencer stated language currently used for barbers, hairdressers, and estheticians in 12 AAC 09.056, 060, and .065, referencing the NIC exams would need to be added to 12 AAC 09.068. Ms. Spencer also informed the Board that the examination fee may also need to be lowered from the current \$60 to match the barber, hairdresser, and esthetician written exam fee of \$35.

The Board requested Ms. Spencer obtain the NIC Body Piercer written examination for review and consideration at the Boards scheduled May 4, 2015 meeting.

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

RESOLVED to approve the use of the NIC Tattoo Written examination and begin a regulation project to 12 AAC 09.068 which would reference the use of the NIC Tattoo exam.

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
Derrick Slaughter	X		
Jeannine Jabaay	X		
Glenda Ledford	X		
Kevin McKinley	X		
Deanna Pruhs	X		

THE MOTION PASSED BY A MAJORITY VOTE.

Ms. Ledford discussed with the Board providing specific Alaska State law questions to NIC for addition into their written examination booklets for Alaska.

The Board agreed that this would be a good idea. Ms. Ledford informed the Board that each member was responsible to provide five (5) questions and answers from the current Barber & Hairdresser statute & regulation book at the May 2015 meeting.

The Board asked Ms. Spencer if they could use Dept. of Environmental Conservation, Div. of Health, Food Safety & Sanitation statutes and regulations. Ms. Spencer stated she would check and email Board members.

Item 8. Application Review (Spencer)

Ms. Spencer informed the Board that there were two applications; both were for individuals applying for tattoo/permanent cosmetic colorist (tattoo/pc) licenses using out of State training. The Board broke into two to facilitate the review process.

- Clayton Bruce, Tattoo/PC out of State training, no license.

Mr. Slaughter, Ms. Ledford, and Ms. Jabaay reviewed the file with the Board and stated that Mr. Bruce does not meet the training requirements of 12 AAC 09.169. Upon review of training documentation it was found Mr. Bruce was short 80 practical operations and 30 theory hours short in anatomy & physiology. The group suggested Mr. Bruce should be required to enroll in an apprenticeship program, complete practical & theoretical hours and then be allowed to take the written examination to qualify for a license.

The Board agreed with the groups findings.

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

RESOLVED to accept the out of state training earned at Garden City Tattoo, require the completion through an apprentice program including 80 practical operations and 30 theory hours in anatomy & physiology, and then issue a tattoo/permanent cosmetic colorist license after passing the written examination for Clayton Bruce.

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
Derrick Slaughter	X		
Jeannine Jabaay	X		
Glenda Ledford	X		
Kevin McKinley	X		
Deanna Pruhs	X		

THE MOTION PASSED BY A MAJORITY VOTE.

- Christopher Kelly, Tattoo/PC out of State training, Oregon & Washington State licenses.

Ms. Pruhs and Mr. McKinley reviewed the file with the Board and stated that they felt the Oregon State written examination met the requirements of Alaska’s written examination; however upon review of the Verification of Training form, it seems that the form was not completed correctly and information was missing for training earned at Dragonfly Body Art. The group suggested the application be tabled and Ms. Spencer contact the trainer at Dragonfly Body Art, Timothy Grounds and ask for clarification regarding the training completed by Mr. Kelly. The group compared the Training Verification form and course curriculum provided by Dragonfly Body Art and confirmed to the Board that they felt the Verification of Training form was just completed incorrectly.

Ms. Spencer stated she would do as the Board requested and asked if the Board would agree to review the application via mail/email vote once information was received. The Board agreed.

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

RESOLVED to table the application for licensure as a Tattooist/Permanent Cosmetic Colorist until verification of course completion was received for Christopher Kelly.

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		
Derrick Slaughter	X		
Jeannine Jabaay	X		
Deanna Pruhs	X		
Kevin McKinley	X		

THE MOTION PASSED BY A MAJORITY VOTE.

The Board discussed defining the Statement of Responsibility required for apprentices and decided to add this to the May 2015 meeting agenda. Mr. McKinley stated he would work with DEC and Sara Chambers, Director, regarding the Boards contract with DEC for shop inspections. The Board requested Ms. Spencer invite the Municipality of Anchorage Shop Inspector(s) to the May 2015 meeting to review their inspection requirements and open lines of communication between the Board and Municipality of Anchorage.

Item 9. Board Business/Discussion

❖ Proposed Statute and Regulation Changes (Board)

The Board reviewed copies of previous manicuring legislation which was drafted in 2010, statute amendments provided by Ms. Ledford submitted for the October 2014 meeting.

Ms. Ledford asked the Board if they had completed their assignments from the October 2014 meeting to review sections of the current statutes and regulations and draft any changes/edits they thought might be needed. The Board responded that they had reviewed the statute/regulation booklet and found no changes were needed.

Ms. Pruhs informed the Board that she had made appointments to speak with Legislators and shared her schedule.

The Board discussed breaking into groups of two (2) in order to visit the Capital and speak with Legislators after the meeting.

Ms. Ledford asked Ms. Spencer if she had any information regarding the use of mannequins instead of a live model for barber & hairdresser practical examinations. Ms. Spencer informed the Board that this was allowable; however the Board would need to make a motion on the record and it would be added to Board Policy; no regulation change was needed.

The Board briefly discussed the use of mannequins for the practical exam and decided this would not be an option for estheticians as the live model for their exam was used for the entire examination process whereas barbers & hairdressers only need a live model for the haircut and shave portion of their practical exam. The Board agreed that allowing the use of a mannequin would alleviate costs to exam candidates and would allow an option for candidates if their model didn't show for the examination.

On a motion duly made by Deanna Pruhs, seconded by Derrick Slaughter, and approved unanimously, it was

RESOLVED to approve the use of one (1) new, without any previous services performed, mannequin for the barber & hairdresser practical examination portions which ask for a live model. Candidates must be able perform the required haircut, shave, and all other required examination operations on the mannequin

Ms. Ledford asked the Board if they wanted any further discussion on the motion; hearing none, Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Derrick Slaughter	X		
Jeannine Jabaay	X		
Deanna Pruhs	X		
Kevin McKinley	X		

THE MOTION PASSED BY A MAJORITY VOTE.

Ms. Ledford informed the Board that they were ahead of schedule and would move on to Item 11 and would return to Item 10 at 1:30.

Item 11. Board Business/Discussion, Cont.

❖ Proposed Regulations

The Board reviewed the proposed changes to 12 AAC 09.190 drafted by Jun Maiquis, Regulation Specialist.

The Board discussed changes to (g), new subsection (j)(1), and (k).

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

RESOLVED to public notice changes to 12 AAC 09.190 after Jun Maiquis, Regulation Specialist and the Department of Law review the language provided and changes requested by the Board for the May 4, 2015 meeting.

12 AAC 09.190. Apprentices of barbering, hairdressing, and esthetics. (a) A currently licensed barber, hairdresser, or esthetician instructor in a shop that is licensed by the board under 12 AAC 09.110 may sponsor an apprentice in the instruction of barbering, hairdressing, or esthetics if

- (1) the instructor submits a curriculum to the board and provides for
 - (A) verification that the shop where the training will be provided meets the requirements of 12 AAC 09.155 if the apprenticeship training is for barbering or hairdressing and 12 AAC 09.162 if the apprenticeship training is for esthetics;
 - (B) instruction of the minimum hours of theoretical and practical training specified in 12 AAC 09.160 if the apprenticeship training is for barbering or hairdressing or 12 AAC 09.163 if the apprenticeship training is for esthetics;
 - (C) a period of apprenticeship that meets the requirements of AS 08.13.082; and

(D) the issuance of an affidavit of completion to each apprentice successfully completing the apprenticeship;

(2) the instructor has been licensed and actively engaged in the practice of barbering, hairdressing, or esthetics for at least three years and holds a current instructor license; and

(3) the apprentice holds a student permit issued under 12 AAC 09.180(a).

(b) An instructor may sponsor no more than two apprentices. The instructor must ensure that each apprentice sponsored by that instructor has that apprentice's own work station in the shop where the training will be provided.

(c) An instructor may not sponsor a student-instructor.

(d) An instructor must provide training and instruction to the same extent required of a school of barbering, hairdressing, or esthetics.

(e) An instructor must provide a time clock in the shop for the recording of the apprentice's attendance. An instructor must maintain daily records of an apprentice's number of hours of instructional coursework and number of practical operations.

(f) An instructor may not credit an apprentice for more than 10 hours of training in any one day.

(g) All records required to be maintained by an instructor under this section must be maintained in an orderly, alphabetical, or numerical filing system and must be made available for inspection by any member of the board [UPON REASONABLE NOTICE] **during shop hours of operation.**

(h) An apprentice may not perform work in a shop unless the licensed barber, hairdresser, or esthetician instructor responsible for the apprentice's training is on the premises.

(i) Repealed 11/16/2004.

(j) Not later than the 15th day after the [CALENDAR QUARTER] month, on a form provided by the department, an instructor shall submit a report on each apprentice enrolled. This report must include

(1) the exact number of hours of theoretical and practical training completed by the apprentice during the previous [QUARTER] month; and

(2) the exact number and type of operations completed by the apprentice during the previous quarter.

(3 ??) The monthly report must maintain continuity from month-to-month, from the date of enrollment to the date of termination or completion of the course of instruction regardless of attendance by the apprentice.

(k) Not later than 20 working days after termination of instruction of an apprentice, the instructor shall notify the department, on a form provided by the department, of the termination. The termination report must include the date of the apprentice's enrollment, the date of termination, the total number and types of operations performed by the apprentice, and the total number of hours and types of training received by the apprentice. The termination report

is subject to audit and may be utilized to establish credit hours for transfer and reenrollment under 12 AAC 09.135.

(l) Not later than five working days after completion by an apprentice of a course of training, the instructor in a shop shall submit to the board an affidavit showing the total number of operations, and the total number of hours of training and theoretical instruction completed by the apprentice, and the date of completion of the training. This affidavit will serve as certification by the instructor that the apprentice meets eligibility requirements necessary for examination for licensure.

(m) [(j)] Upon completion of a course of instruction under this section, an apprentice is eligible to take the appropriate examination in the license categories of barbering, hairdressing or esthetics. The instructor shall notify the board of an apprentice completing the course of instruction no later than 30 days after the completion by submitting records of apprenticeship in accordance with this section.

(n) [(k)] An apprentice who interrupts his or her training for a continuous period of two years will not be allowed credit for apprenticeship instruction and training received before the interruption.

(o) [(l)] Repealed 4/23/98.

(p) [(m)] The board will not give credit for apprenticeship work completed before the apprentice has a valid student permit.

(q) [(n)] For an apprentice who has completed an apprenticeship and has passed the licensing examination, the student permit expires 30 days after the student is notified in writing of passage of the examination. After passing the examination, an apprentice may, under the supervision of a licensed instructor, continue to practice under the student permit until the student permit expires under this subsection or a valid practitioner license is issued, whichever occurs first.

Ms. Ledford asked the Board if there were any other changes they thought were needed and if they would like further discussion on the motion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Deanna Pruhs	X		
Kevin McKinley	X		
Jeannine Jabaay	X		
Derrick Slaughter	X		
Glenda Ledford	X		

THE MOTION PASSED BY A MAJORITY VOTE.

❖ Correspondence

The Board reviewed the on-line 12 hour manicurist proposal from Aaron Boutsomsi, Alaska Nail Academy.

The Board discussed the pros and cons of an on-line course and decided that as long as an on-line course for the 12-hour manicurist license would meet all requirements of 12 AAC 09.144 and was only offered by schools licensed by this Board in accordance with 12 AAC 09.125 the Board stated they had no objection.

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

RESOLVED to approve on-line course offered by schools licensed in accordance with 12 AAC 09.125 specifically for the 12-hour manicurist license of 12 AAC 09.144.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford polled the Board; hearing no disagreement the motion passed.

Recess The Board recessed at 12:47p.m.; reconvened at 1:00p.m.

The Board ate lunch and continued to review proposed manicuring legislation.

Item 10. Budget Report

Martha Hewlett, Administrative Assistant and Colleen Kautz, Operations Manager, joined the Board at 1:30pm.

Ms. Hewlett introduced herself and Ms. Kautz and explained to the Board that she and Ms. Kautz were now assuming responsibility of the Budget Report reporting to Boards from Sara Chambers, Director.

Ms. Hewlett and Ms. Kautz reviewed the Annual Fiscal Report to Professional Licensing Boards and Commissions, November 2014, Fiscal Year (FY) 2014 Year End report, and the FY 2015 1st Quarter report with the Board.

Ms. Hewlett and Ms. Kautz thanked the Board for their time and stated that if there were any questions regarding the budget that Board members should feel free to email Ms. Hewlett, Ms. Kautz, or Ms. Chambers.

The Board thanked Ms. Hewlett and Ms. Kautz for their time and very clear explanation and review of their budget.

Item 11. Board Business/Discussion, Cont.

❖ Correspondence continued

The Board reviewed the December 28, 2014 letter from MetrOasis.

The Board stated that in accordance with 12 AAC 09.900 none of the examination proctors used to administer practical and written examinations for the Board were in violation of the regulations. The Board went on to state that examination proctor W. Mae Canady was a school owner, however the only course offered in her school is the 12-hour manicurist course; the Board reiterated that none of their examination proctors were in violation of 12 AAC 09.900.

Item 12. Division Business

Ms. Spencer collected travel receipts that were available and requested the Board mail, email or fax their receipts to her.

The Board broke into groups for their visit to the Capitol Building.

The Board adjourned at 2:22 p.m.

Respectfully submitted:

/s/
Cynthia Spencer, Licensing Examiner

Approved:

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

Date: 5/4/2015