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 5, 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 October 5, 2015 in Anchorage, Alaska, Robert B. Atwood Bldg., Room 1270.

These minutes were drafted by staff of the Board of Barbers and Hairdressers and have not been reviewed or approved by the Board.

Monday, October 5, 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 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
Derrick Slaughter, Barber

Absent from the meeting were:

Darae Crews, Hairdresser/Esthetician. Ms. Crews submitted a letter of resignation September 22, 2015.

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

Cynthia Spencer, Licensing Examiner
Dawn Bundick, Investigator
Al Kennedy, Senior Investigator
Harriet Milks-Dinegar, Attorney
Jun Maiquis, Regulation Specialist
Sara Chambers, Operations Manager

Present from the public were:

Debra Long, Instructor, Proctor, Shop, & School Owner

Charlotte Lushin, Proctor & Barber
Charles Watson, Body Piercer
Michelle Black, Instructor, Exam Proctor
Normandy Huckins, Instructor (King Career Center)
Kevin Harden, Tattooist/Permanent Cosmetic Colorist, Shop Owner

Item 2. 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 Derrick Slaughter, and approved unanimously, it was

RESOLVED to accept the amended agenda.

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.

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 4, 2015 Meeting
July 20, 2015 Teleconference

The Board reviewed the draft May 4 and July 20, 2015 minutes. Ms. Ledford asked the Board if there were any edits/corrections needed. Mr. McKinley requested that page 3 of the May 4, 2015 minutes be corrected from October 4 to October 5. Ms. Spencer made the correction.

Ms. Ledford asked the Board if there were any other edits/corrections; hearing none Ms. Ledford asked for a motion.

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

RESOLVED to adopt the May 4, 2015 and July 20, 2015 meeting minutes as amended.

Ms. Ledford polled the Board. Hearing no disagreements the May 4, 2015 and July 20, 2015 minutes were approved.

Item 5. Budget Report

Ms. Spencer informed the Board that there was no budget report available at this time. Ms. Spencer stated the most current budget reports would be available for the January 2016 meeting.

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

Item 9. Board Business/Discussion

- Schedule January/February, May, October, 2016 Meeting Dates

The Board discussed the benefits of holding a Board meeting during the upcoming Legislative Session as it would offer the Board the opportunity to speak with Senators, Representatives, and Legislators regarding proposed statutory changes.

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; except for the Juneau, AK meeting.

The Board also requested the Anchorage meetings be held in the Robert B. Atwood Bldg.

January 25, 2016 – Juneau, AK, begin at 8:00 a.m.
May 2, 2016 – Anchorage, AK
October 3, 2016 – Anchorage, AK

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

RESOLVED to approve the 2016 meeting dates.

Ms. Ledford polled the Board. Hearing no disagreements the 2016 meeting dates were approved.

- 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 from the next scheduled examination.

Anchorage:
January 10 & 11, 2016
January 24 & 25, 2016
February 21 & 22, 2016
March 20 & 21, 2016
April 17 & 18, 2016
May 15 & 16, 2016
June 12 & 13, 2016
July 17 & 18, 2016
August 14 & 15, 2016
September 18 & 19, 2016
October 23 & 24, 2016
November 20 & 21, 2016

Fairbanks:
January 10 & 11, 2016
April 17 & 18, 2016
July 17 & 18, 2016
October 23 & 24, 2016

Juneau:
January 10 & 11, 2016
April 17 & 18, 2016
July 17 & 18, 2016
October 23 & 24, 2016

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

RESOLVED to public notice examination dates as set by the Board.

Roll Call Vote

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

THE MOTION PASSED BY A MAJORITY VOTE

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Item 8. Application Review

Ms. Spencer informed the Board that there were no applications to review at this time, however there would be a school, located in Juneau, AK, which would need to have the required Board member inspection. Ms. Ledford and Mr. McKinley stated they would be willing to conduct the inspection. Ms. Spencer thanked Ms. Ledford and Mr. McKinley and stated as soon as the application was ready she would contact them to begin the travel process.

Item 9. Board Business/Discussion

- NIC Annual Conference Report

Ms. Ledford informed the Board that she had attended the NIC 2015 Annual Conference in Missoula, MT. Ms. Ledford stated that a hot topic discussed during this meeting had been Human Trafficking and the effects it was having on this industry.

The Board agreed that Human Trafficking was a big issue and that hopefully by raising the manicurist/nail technician licensure requirements may have some impact.

Ms. Spencer informed the Board that Federal Bureau of Investigation Special Agent Goeden would be speaking with the Board about this issue during its January 2016 meeting.

- Tattoo Curriculum review/update

Mr. McKinley and Ms. Ledford requested this item be moved to the January 2016 agenda. The Board agreed.

- Tattoo & Body Piercer Instructor License

Mr. McKinley and Ms. Ledford requested this item be moved to the January 2016 agenda. The Board agreed.

- Barber, Esthetician, Hairdresser Exam Instruction Card Updates

Ms. Spencer stated that during the last several meetings there had been several requested changes to the examination cards; however as the Board has not made any official motion providing staff specific direction no changes had been made to the examination cards.

The Board reviewed copies of the examination cards and decided that the only needed change was to the hairdresser exam instructions for bleach touch-up and highlighting card. The Board requested that line two and three be switched so the card will read exactly like the barber exam instructions for bleach touch-up and highlighting card.

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

RESOLVED to update the hairdresser examination card, bleach touch-up and highlighting to reflect:
1. Prepare mannequin using appropriate protection; 2. Section; apply two highlighting foils on mannequin; 3. Upon completion, hold up hand.; 4. In front of examiner apply bleach touch-up to left side of mannequin head.

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

Dawn Bundick, Investigator joined the Board at 9:55 a.m.

- Dept. of Environmental Conservation – No Longer Inspecting Barber, Hairdresser, Esthetic, and Manicuring Shops

The Board discussed the Department of Environmental Conservation (DEC) change in enforcing their shop inspection laws. Ms. Spencer informed the Board that due to budget cuts DEC is not entertaining any idea of beginning inspections again. The Board suggested suing DEC as the shop inspection requirements are in their statutes yet effective July 2015 the only shops DEC will inspect are tattoo/permanent cosmetic coloring and body piercing shops and they want their legal options to address this breach of contract. The Board stated they feel that no longer having DEC inspections and allow the Certificate of Compliance with 18 AAC included with the Shop Owner application allows shops to falsify that they are in compliance, devalues the Shop Owner license itself, and with severely limited investigative services there is no way to provide the public any amount of security that a shop meets safety and sanitation standards.

Ms. Jabaay asked why this Board will continue to pay a large fee to DEC is they are not inspecting all shops per the Boards contract with them; Ms. Jabaay suggested that since DEC broke the contract with the Board that the Board should fire DEC and find a new group that will conduct inspections.

Ms. Spencer suggested using City/Municipality offices for the inspections such as the Municipality of Anchorage. Ms. Ledford stated that City's may not have the offices to provide this service such as Wasilla as it has no Department of Health.

Ms. Spencer informed the Board that they should address their concerns to Harriet Dinegar, Attorney and Sara Chambers, Operations Manager, when they were on the line with the Board this afternoon.

The Board discussed and agreed that even when DEC was conducting shop inspections there was never a physical presence of an Inspector and that since DEC never lived up to its contract with the Board why should the Board continue to have a contract with DEC and even require inspections for shops since DEC has never followed their statutes while under contract with this Board.

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The Board discussed the self-certification that was created in response to DEC changes; the Board agreed that it was just as useful and an actual DEC inspection and that the Certification of Compliance of 18 AAC gave the Board the authority to investigate problems/complaints as the form required applicant signature and notary. Ms. Pruhs stated that the Board would need to track costs, complaints and resolutions with the self-certification to see if it was cost effective to be absolutely certain they were not paying DEC any additional fees for services it is not providing.

The Board stated that a big issue of concern is liability; when DEC was inspecting and applicants were self-certifying that they met the requirements of 18 AAC any noncompliance issues were the responsibility of DEC and now the liability is on the Board.

The Board agreed that they needed to find out what their legal options are and then take action.

Ms. Ledford noted the time and asked the Board to pick up this conversation at 1:00 p.m.

Recess *The Board recessed at 9:58 a.m.; reconvened at 10:02 a.m.*

Item 6. Public Comment

Diana Vivlamore, Instructor (esthetics & hairdressing), Tattoo/Permanent Cosmetic Colorist

- Ms. Vivlamore requested the status of the manicurist license.
  Ms. Ledford reviewed House Bill 131 and current proposed regulations which are due to take effect January 1, 2016.
- Ms. Vivlamore asked the Board why they were stripping license from currently licensed manicurists and requiring additional training; the Board is going backwards with licensing.
  The Board responded that no additional education would be required for those who could provide work experience; the Board stated that no matter what licensees would need to take and pass the National Nail Technician written examination; licensees that could prove licenses in another State that required a minimum of 250 hours of training and a National written examination would be allowed to prove this and would be "grandfathered" with the new license.
- Complained about holding multiple licenses in multiple States due to individual State requirements.
  Board stated no control over other State requirements; this Board does not require Instructors to continue to renew each individual professional license when holding an Instructor license.
- Complained about fees.
  Board informed that they have no authority over fees; fees are set by Division and concerned individuals should respond to proposed regulation public comment.
- Continue to compare Alaska requirements to New York.
- Board should have only one Inspector/Investigator; the continuous change of personnel for this Board is crazy and seems a waste of time and resources.
  Board agreed.

- Get lobbyist for legislation changes, etc.
  Board responded that is was unethical and illegal for them to obtain a lobbyist; as individuals Board members could go lobby for changes but as a group/Board it would be unethical.
- Micro blading, micro needling should be under tattoo license.

Ms. Ledford stated the Board needed to move on as it was 10:20 a.m. and one other person for public comment.

The Board urged Ms. Vivlamore to check her mail for proposed regulations which the Board is currently drafting; read the public notice and submit her questions, complaints, etc. in writing per the public notice public comment period. The Board thanked Ms. Vivlamore for her participation.

Kevin Harden, Tattoo/Permanent Cosmetic Colorist and Shop Owner

- Mr. Harden asked the Board to clarify what is meant by "change to tattoo curriculum, agenda Item 9"
  The Board responded the curriculum change would be for teaching tattooing/permanent cosmetic coloring.
- Feel change needed, can spend entire apprenticeship without touching a machine and then one year after license issued allowed to take on up to two apprentices. Feel this is very ridiculous; setting up an Instructor license absolutely makes sense.
- For Instructor license, who would set up curriculum, requirements, who teaches Instructor, etc.
  The Board responded that the curriculum and Instructor requirements would be what the Board would be working on.
- If industry got together, what could be presented to the Board for consideration to address the curriculum and Instructor license requirements?
  The Board stated that the curriculum and Instructor license changes would be discussed during meetings, the changes would be drafted to fit regulation changes which would then be public noticed. Discussion during meetings, public comment, and the public notice should give artists time to submit and suggest changes.

Mr. McKinley and the Board commended Mr. Harden for being ahead of the game with this topic and stated they looked forward to receiving his input.

- Mr. Harden asked how he could get information on exam content.
  The Board responded that no one but the Board had access to examinations as this ensured protection of the exam content.
- If obtain Instructor license what would the changes be; would be allowed two apprentices, still must remain on premises while apprentice working, setting up a school how much to charge students?
  The Board stated that this would all be discussed and proposed in a draft regulation project. The Board stated that as far as Instructor student ratio; this is addressed in the School license regulation 12 AAC 09.125 and student fees would need to be addressed to Alaska Postsecondary Education.

Ms. Spencer asked Mr. Harden to submit in writing (US Postal Service or email) his suggestions, curriculum ideas, etc., so they may be shared with the Board when they discuss the curriculum and other changes.

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

Recess *The Board recessed at 10:35 a.m.; reconvened at 10:38 a.m.*

Item 6. Investigative Report

Dawn Bundick greeted the Board and passed out additions to the Investigative report.

On a motion duly made by Jeannine Jabaay, 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 investigators the investigative report.

The Board entered into executive session at 10:39 a.m., and returned from executive session at 11:41 a.m.

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

RESOLVED to adopt the CA for case 2015-001069, Thanh My Truong 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 (consulted on case)
Derrick Slaughter	X		
Jeannine Jabaay	X		
Kevin McKinley	X		
Deanna Pruhs	X		

THE MOTION PASSED BY A MAJORITY VOTE.

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

RESOLVED to adopt the Imposition of Civil Fine for case 2015-001072, Michael Lai 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	
Derrick Slaughter	X		
Deanna Pruhs	X		
Glenda Ledford			X (consulted on case)
Kevin McKinley	X		

THE MOTION PASSED BY A MAJORITY VOTE.

The Board reviewed the letter requesting financial relief from fines resulting from the Imposition of Civil fine, case 2014-002456 adopted by the Board during its May 4, 2015 meeting of Wende Irick. Ms. Irick is requesting a fine reduction from $2000.00 to $500.00

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

RESOLVED to accept the letter requesting a reduction of civil fine from $2000.00 to $500.00 for Wende Irick.

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

Roll Call Vote

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

THE MOTION FAILED BY A UNANIMOUS VOTE.

Ms. Bundick reviewed the Probation and Investigative Reports with the Board.

Ms. Bundick stated that four individuals were just about completed with their probation and would be removed from the list for the next meeting. Ms. Bundick informed the Board that four individuals Ryan Cunningham, Claire Bartek, Brittany Dolechek, and Robert

Watson were not in compliance with their cases due to non-compliance, failure to pay fine and failure to pay fine in full by due date. Ms. Bundick also informed the Board that Sugako Fisk was also in non-compliance with fines after being granted an extension and apologized for not marking it on the report.

Ms. Bundick reported that there were currently 43 open matters, 7 matters had been closed for the period from April 14, 2015 through October 4, 2015 and conducted eight compliance inspections.

Ms. Ledford asked the Board if they had any further questions for Ms. Bundick or Mr. Kennedy.

Ms. Spencer asked Ms. Bundick and Mr. Kennedy if they would join the Board during the DEC shop inspection discussion as their input and suggestions would be appreciated. Ms. Bundick and Mr. Kennedy stated they would be back for that discussion.

The Board thanked Ms. Bundick and Mr. Kennedy for their time and assistance.

Ms. Ledford informed the Board that stated that she had two awards from Representative Lynn Gattis for Deanna Pruhs and Jeannine Jabaay. Ms. Ledford read the award certificate to the Board. Thank you for your passion in your field without your dedication to the health and safety of Alaskans House Bill 131 could not have happened. Your drive, dedication and never give up attitude clearly came through as this bill progressed from committee to committee. It is people like you who truly make Alaska a better place. Enclosed, you will find a signed copy of the bill and signed picture of the bill signing. It's good to know that we have people in our government looking out for what's best for Alaskans. Keep up the good work, sincerely Representative Lynn Gattis.

Recess The Board recessed for lunch at 11:59 a.m.; reconvened at 1:00 p.m.

Harriet Milks-Dinegar, Attorney, joined the Board telephonically at 12:58 p.m.

Item 10. Board Business/Discussion, Cont.

Harriett Milks-Dinegar introduced herself to the Board. Ms. Milks informed the Board that she is an attorney with the Department of Law and had been assigned to this Board as council.

- Dept. of Environmental Conservation – No Longer Inspecting Barber, Hairdresser, Esthetic, and Manicuring Shops

Ms. Ledford asked Ms. Milks to explain to the Board how DEC can choose to not adhere to their statutes regarding shop inspections. Ms. Milks responded that she had no idea how DEC could choose to ignore their own statutes however this Board has no authority to regulate another agency. Ms. Milks clarified that she could only assist the Board with writing their own regulations.

Jun Maiquis, Regulation Specialist, joined the Board telephonically at 1:00 p.m.

Ms. Ledford asked as the Boards legal advisor; does Ms. Milks have any suggestions on what the Board can do to address this issue with DEC. Ms. Milks requested regulation information; Ms. Spencer responded, regulations 12 AAC 09.125(5) and 09.110(7). Ms. Milks apologized to the Board; she stated she was unaware this would be a question for her and that she would confer with attorney Todd Araujo about this issue and get back to the Board as soon as possible. Ms. Milks reiterated to the Board; they have no authority to regulate another agency. Ms. Spencer stated that Sara Chambers, Operations Manager may have more information when she joins the Board shortly. Jun Maiquis, regulation specialist stated he did not have any information on this matter. Ms. Milks asked the Board to excuse her for just a moment as she wanted to ask Mr. Araujo if he had any information on this matter.

The Board paused for a moment and discussed DEC statutes and their statutes. The Board agreed that they would need something in place for shops and schools until a resolution was agreed upon. The Board discussed being their own Inspectors; Ms. Spencer pointed out this would be a huge expense to the Board as the Inspector(s) would need to be trained and would be required to inspect every shop in Alaska. Ms. Spencer also stated that this would also cause lengthy delays in processing shop and school applications. The Board agreed that self-certification should be fine since most shops not providing body modification services were self-certifying since DEC did not conduct physical inspections.

Ms. Milks rejoined the Board and informed them that Mr. Araujo did have this question on his desk. Ms. Milks informed the Board that it was Mr. Araujo's understanding that the Board was going to draft a resolution and that there had been an impasse and the next step was to take the issue to a Commissioner level. This information was new to the Board and that they would check with Ms. Chambers when she joined the Board. Ms. Milks stated again that the Board did not have the authority to regulate DEC. Ms. Pruhs responded that it was ok for DEC to pick and choose what statutes they followed but this Board was not allowed that option. Ms. Milks clarified that it was not ok to not follow statutes but the main question was what this Board could do if another agency was not following that agencies statutes. Ms. Pruhs asked what options were available. Ms. Milks stated they would need to check with Ms. Chambers. Ms. Milks asked for another moment as Mr. Araujo just arrived with further information.

Ms. Milks stated that the Board had adopted a resolution in July which went through October 1, 2015 which allowed self-certification and noted that this issue had moved on to a Commissioner level which the Board would need to verify with Ms. Chambers.

The Board decided to move onto the proposed regulations until Ms. Chambers joined the Board. The Board reviewed provided information under Agenda Item 10.

Sara Chambers, Operations Manager, joined the Board telephonically at 1:12 p.m.

Ms. Milks asked Ms. Chambers for information on where the Board stands with DEC shop inspections.

Ms. Chambers stated that the bottom line with DEC is that they had not changed their position on providing shop and school inspections; Ms. Chambers went on to state the DEC has no intentions on beginning shop and school inspections again and that there is no meaningful discussions about bringing the statutory authority to this Board through legislation. Ms. Chambers informed the Board that this issue had been discussed on the Commissioner level with Director Janey Hovenden, Commissioner Hladick, and Deputy Commissioner Parady; reviewing budgets through Fiscal Year 17 all parties are very concerned about finding that balance between public protection and viability; however there will be no success requesting additional funding for Investigators to perform these inspections unless the Board submitted legislation which the Division could attach a fiscal note.

Mr. McKinley asked if in summary, there is no interest in providing inspection unless the Division obtains more money from the Board. Ms. Chambers responded that spending authority was needed for this and currently there is no authority for this cost; spending authority would need to be granted by the Legislature. Ms. Chambers also added that even having Investigators conduct the inspections would require training, additional staff, and travel costs for which there is no money. If legislation is submitted, fiscal notes could be added to cover costs. Mr. McKinley asked for clarification that the inspections would only be for new shops; Ms. Chambers responded that yes the inspections would be for new shops and those that changed location. Mr. McKinley asked for a ballpark number of new shops that had been licensed. Ms. Chambers stated she would run a search and email the information.

The Board discussed the July through October 1, 2015 resolution allowing self-certification of the compliance with 18 AAC, DEC shop requirements. Ms. Chambers stated that the purpose of this resolution was to allow the Board time to work with DEC and hopefully resolve the situation. The Board continued to discuss with Ms. Chambers and Ms. Milks options and decided to extend the current self-certification resolution and introduce a regulation project to address this issue. Ms. Milks suggested the wording for an updated regulation to read "…all or any applicable inspection requirements" as this would allow for Muni or DEC inspections. Ms. Chambers stated that Signe Andersen, Attorney, had stated that the Board couldn't hold one area/group to a higher standard. Ms. Milks stated she would do more research on this with Ms. Anderson, Ms. Spencer and the Board.

Ms. Ledford asked if an extension of the resolution through the January 2016 meeting would be enough time to address this issue. Ms. Jabaay asked if the Board could amend the wording of the resolution by removing or updating 18 AAC 23. Ms. Milks responded since the resolution was still working and had been approved by the Dept. of Law the Board should only change the expiration date. Ms. Chambers and the Board agreed with this suggested change to the current resolution.

The Board reviewed the email from Ms. Chambers with shop and school information. The Board asked Ms. Chambers since DEC is not providing inspections does the Board still need to pay for services not being provided. Ms. Chambers informed the Board that the contractual fees paid to DEC are only for shops providing body modification,

tattoo/permanent cosmetic coloring and body piercing services. Ms. Chambers informed the Board that an offer of additional fees had been made to DEC however, it was declined due to insufficient resources that DEC had. Ms. Chambers also stated that DEC felt continuing to inspect body modification shops due to blood borne pathogen and other safety and sanitation issues were very important.

Ms. Jabaay asked if the Board could consider removing all inspection contract with DEC and either find one entity or create a new position for an inspector to conduct shop and school inspections. Ms. Chambers responded that they would need to review statutes to find authority and she believes the ball is currently in DEC's court so they would need to submit legislation to effect this change. Ms. Chambers reminded the Board that the Division does not have the funding authority for this; funding for this may cost at least $10,000.00 and at this time legislation would be the route to take.

Ms. Pruhs asked Ms. Chambers what if the Board stopped issuing licenses in response to DEC not meeting their requirements which may push the public to have a response through their Legislative body. Ms. Milks responded that she didn't think the Board has the authority to make that decision; the lack or failure of DEC to inspect shops wouldn't be enough to make a case in this circumstance.

The Board discussed their options and frustrations with this issue and agreed that legislation was not an option as this issue would have a fiscal note and nothing with a fiscal note would get movement at this time. The Board agreed that the self-certification is the only option available at this time. Ms. Chambers and Ms. Milks agreed with the Board.

Ms. Ledford asked Mr. McKinley how he would feel if the Board completely dropped DEC and the body modification shops also self-certified. Mr. McKinley responded that it would not be a hardship for these shops and agreed with the Board that even the body modification shops rarely had a physical presence from DEC during certifications or renewals of certifications. Ms. Chambers responded that to make this change would require a statute change. The Board responded this legislation would have no fiscal note and would save the Board money ($11,000.00). Ms. Ledford stated that as it is with self-certifying it's holding the tattoo/permanent cosmetic coloring and body piercing shop/disciplines at a different standard. Ms. Ledford went on to state if this is the case those disciplines should have their own Board. Ms. Chambers informed the Board that several Boards regulated different disciplines and practices for example, Nurses and Nurse Aides and Architects, Engineers and Land Surveyors; these areas were found to have similar minimum requirements so the Legislature put those disciplines together.

Ms. Pruhs asked with self-certification; if a complaint is filed for sanitation issues will DEC still cover the complaint or will the Board's Investigator need to take responsibility. Ms. Chambers stated she would need to do more research. Mr. Kennedy informed the Board that unless DEC's statutes and regulations allowed the Board to investigate these types of complaints the Board's investigator would not have authority to investigate; the response to these types of complaints would be this is not in our jurisdiction.

The Board agreed that who would handle these types of complaints would need to be verified before the Board finalized/adopted the self-certification on a permanent basis. Ms. Milks urged the Board to be realistic regarding DEC and that many applications require self-certifications and that most individuals/applicants are being truthful.

Ms. Chambers assured the Board that she and Mr. Kennedy would work together to find information on the investigative side of this issue. Ms. Chambers also reminded the Board that the regulation process could take up to six months and they should keep that in mind when extending the self-certification resolution.

Ms. Ledford stated the Board would extend the resolution through May 2, 2016, however they would still like face to face time with Ms. Chambers and Ms. Milks during the January 2016 meeting in Juneau.

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

RESOLVED that the Board of Barbers and Hairdressers will accept the following documentation in lieu of the DEC or municipal certification required in 12 AAC 09.110(a)(7) on applications postmarked on or before October 1, 2015: a statement signed and notarized by the applicant under penalty of unsworn falsification that the shop is fully in compliance with the environmental sanitation regulations in 18 AAC 23 to be extended through May 2, 2016.

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

Roll Call Vote

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

THE MOTION PASSED BY A UNANIMOUS VOTE

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

- New Legislation Regulation Projects

The Board continued to review the proposed regulations.

Ms. Spencer reminded the Board that they were on a deadline with these regulations as they must go into effect January 1, 2016; Ms. Spencer also reminded the Board that Ms. Jabaay must leave the meeting at 3:00 p.m.

Mr. Maiquis began reviewing the regulations with the Board and asked if there were any questions.

Ms. Ledford stated that during this process the Board had asked that "manicurist" be changed to "nail technician" however this had not been applied to the regulations. Mr. Maiquis responded that "manicurist" had been used throughout the bill. Ms. Milks stated that the definition Statute 08.13.183 stated that a person licensed as a manicurist could use the title "nail technician"; however the rest of the bill uses "manicurist" and allows the use of an alternative title.

The Board stated that the intent was to change the title to "nail technician" which would assist investigative staff when checking licenses. The Board discussed the history of the bill and use of "nail technician" as the new license type. Mr. Maiquis asked Ms. Milks if changing "manicurist" to "nail technician" was allowable. Ms. Milks reviewed the information and stated a change to 08.13.183 could be interpreted as "nail technician" and the 12 AAC 09.990(7) would need to be updated and made very clear, for example, "manicurist" means "nail technician". The Board requested this change be made with an effective date of January 1, 2016 and restated that the Boards intent was to change the license title to "nail technician". Ms. Milks informed the Board that this change was doable. Mr. Maiquis confirmed with Ms. Milks the change would be acceptable.

Mr. Maiquis ensured the Board that they would still be able to make amendments after the Public Comment period, before adopting the proposed regulations.

Ms. Ledford asked about page 6, Section 13, of HB 131 beginning at line 6; work experience and examination; does this mean that the individual would not need additional training if they could provide work experience? Ms. Milks stated Ms. Ledford was correct; this would give the licensee a little more elbow room and provide them more security feeling their license wouldn't be revoked right away.

The Board began reviewing the proposed regulations beginning with page 1 and asked the Board if there were any edits. The Board stated that changing "manicurist" to "nail technician" on this page and throughout the proposed regulations were needed. Mr. Maiquis confirmed this language would be updated.

The Board discussed the transitional language. Ms. Jabaay asked for confirmation that the 250 hours of work experience in this transition language would not be acceptable forever. Ms. Ledford and Ms. Pruhs stated the transition language will not be valid after August 31, 2017.

Mr. Maiquis requested the board review page 4, 12 AAC 09.006 transitional language of the draft to make sure the language and intent was what the Board wanted.

Ms. Jabaay asked if the option to complete 300 apprenticeship hours should be added to 12 AAC 09.108, page 6 of the draft. Ms. Pruhs stated page 2, 12 AAC 09.002 provides the 300 hours of apprenticeship training. The Board discussed the placement of the apprenticeship hours and requested the language be added to 12 AAC 09.108. Ms. Milks and Mr. Maiquis agreed to the addition.

Ms. Spencer asked if 12 AAC 09.068(a), page 5; remove the word "prepared" directly after the underlined verbiage and replace it with "sponsored". The Board agreed and requested the change be made.

Ms. Jabaay asked if the use of "electrical" on page 10, 12 AAC 09.146(c)(10) should be "electric". Ms. Milks stated that the use of "electrical" was a grammatical error and would make the change to "electric".

Ms. Spencer asked if 12 AAC 09.160(d) is being repealed, page 11 of proposed regulations, wouldn't manicuring also need to be removed from 12 AAC 09.160(12). The Board agreed and requested 12 AAC 09.160(12) also be repealed.

Mr. Maiquis informed the Board that once their edits were made an updated copy of the draft project would be sent to Ms. Spencer who would share it with the Board.

Ms. Ledford asked Mr. Maiquis if he had all the changes; Mr. Maiquis stated he did and anything he missed would be pulled from the meeting minutes. Mr. Maiquis reminded the Board that before or after the motion the Board must also provide the estimated cost to private persons, state and city agencies with complying with the proposed regulations. Mr. Maiquis also stated the Board, on the record, would need to state how public comments were to be received, written and/or oral, and who should be mailed the draft regulations, interested parties list, all licensees, etc. Mr. Maiquis stated he recommended mailing to all current licensees; Mr. Maiquis stated the Board was legally required to mail to interested parties.

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

RESOLVED to adopted the draft regulations 12 AAC 09.002 – 12 AAC 09.990 for public notice with the following amendments with edits/revisions made by the Regulation Specialist and the Department of Law as needed; allowing for written comments only: Change "manicurist" to "nail technician"; add 300 apprenticeship hours verbiage to 12 AAC 09.108, replace "prepared" with "sponsored" in 12 AAC 09.065(a), correct the use of "electrical" with "electric" in 12 AAC 09.146(c), and repeal 12 AAC 09.160(12)

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

Roll Call Vote

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

THE MOTION PASSED BY A UNANIMOUS VOTE.

The Board stated that they estimated the additional cost of the new license to be approximately $100 and that the public notice should be mailed to current hairdressers, Instructors, manicurists and schools along with the Interested Parties list.

The Board thanked Mr. Maiquis and Ms. Milks for all their time, patience, and assistance.

- Regulation Project 12 AAC 09.990(b), Photography Studio/Professional Photographer Provide Make-Up Service

The Board stated they had addressed this through policy. Ms. Spencer informed the Board that this exception required a regulation change; Ms. Spencer also informed the Board that she had been informed that posting the policy addressing this issue to the Boards website was not allowed.
Jeannine Jabaay left the meeting at 3:01 p.m.

The Board reviewed their opinion, 12 AAC 09.920 and discussed a regulation project.

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

RESOLVED to begin a regulation project by adding subsection (d) to the current regulation 12 AAC 09.990: <u>licensed estheticians, hairdressers, barbers may provide services for make-up and/or hair styling for on-site/location photo sessions with a photographer or for entertainment purposes such as but not limited to face painting or hairstyling, temporary hair colors at fairs, markets, carnivals, weddings, receptions, and other such events. This does not allow for any invasive/permanent services such as but not limited to haircutting, perming, permanent hair coloring, and shaving</u>.

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

Roll Call Vote

NAME	YES	NO	ABSTAIN
Derrick Slaughter	**X**		
Glenda Ledford	**X**		
Deanna Pruhs	**X**		
Jeannine Jabaay	**Had to Leave Meeting**		
Kevin McKinley	**X**		

THE MOTION PASSED BY A MAJORITY VOTE.

- Use of Mannequin for Barber Practical Examination

Ms. Spencer asked the Board for direction regarding the use of a mannequin for the Barber practical examination. Ms. Spencer informed the Board that there had been several cases of Barbers using mannequins however the mannequins did not have beards; several had complained about how directions for the use of mannequins for the hairdresser examination had been very clear but similar directions had not been provided for the barber examination.

The Board discussed the use of mannequins by barbers for the practical examination. The Board stated a barber may use a mannequin for their entire practical examination however, the mannequin must have a beard and like hairdressers, the mannequin must be brand new with no prior services performed on it; examination requirements must be met and examination proctors must be able to verify beard growth/length per the examination instructions; "the growth of the beard will be checked by the examiner prior to shaving. At least two days of unshaven beard must be present on the model or mannequin prior to the examination".

- Body Piercer and Hair Design National Written Examination
- Alaska State Law Questions for National Written Examinations

Ms. Spencer informed the Board that the examinations and State Law Questions must be reviewed in executive session.

Ms. Spencer stated she had also been able to obtain the Hair Design written examination. Ms. Spencer informed the Board that they were currently administering the NIC Cosmetology written examination which extensively covered more esthetics and manicuring topics than the current regulations covered for hairdressers. Ms. Spencer stated that current training requirements do not cover a large portion of what candidates are tested on.

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

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RESOLVED to enter into Executive Session under the authority of AS 44.62.310(C) to review the NIC Body Piercer and Hair Design Written examinations.

The Board entered into executive session at 3:27 p.m., and returned from executive session at 3:38 a.m.

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

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.

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

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

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

RESOLVED to request a regulation project for 12 AAC 09.060(a)(1); by removing National Cosmetology Test and replace it with <u>National Hair Design</u> Test.

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

Ms. Ledford requested the minutes reflect the Board's request to conduct a clean-up of their current Statutes and Regulations which may need to occur through legislation. Ms. Ledford stated this project was needed as it would allow the Board to clean up unclear language.

Ms. Spencer stated she would email the recommended proposed legislation information that the Board had submitted with their FY15 Annual Report.

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The Board requested the State Law questions be moved to the January 2016 meeting. Ms. Spencer reminded the Board that these questions must be generic so a hairdresser and tattooist could use and answer the same questions.

The Board adjourned at 3:45 p.m.

Respectfully submitted:

_____
Cynthia Spencer, Licensing Examiner

Approved:

_____
Glenda Ledford, Chairperson
Board of Barbers and Hairdressers

Date: _____

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