

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
3 DEVELOPMENT
4 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
5 BOARD OF BARBERS AND HAIRDRESSERS

6
7 MINUTES OF MEETING
8 October 10, 2016
9

10 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the
11 provisions of AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and
12 Hairdressers was held October 10, 2016 in Anchorage, Alaska, Robert B. Atwood Bldg.,
13 Room 1760

14
15 **Item 1. Call to Order/Roll Call**
16

17 The meeting of the Board of Barbers and Hairdressers was called to order by Kevin
18 McKinley, Chair at 8:37 a.m. Members present were:

19
20 Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist, Chair
21 Glenda Ledford, Barber
22 Jeannine Jabaay, Public Member
23 Mitch Black, Hairdresser
24 W. Mae Canady, Hairdresser/Esthetician
25 Vacant, Nail Technician
26

27 Attending via teleconference was:

28
29 Derrick Slaughter, Industry Licensee/Barber
30

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

32
33 Cynthia Spencer, Licensing Examiner
34 Dawn Bundick, Investigator
35 Nina Akers, Probation Monitor
36 Angela Birt, Chief Investigator
37 Al Kennedy, Senior Investigator
38 Sara Chambers, Operations Manager
39 Shalome Cederberg, Boards and Commissions
40

41 Present from the public were:

42
43 Debra Long, Instructor
44 Heather Harvey, Instructor, Shop Owner
45 Jeremy Price, Alaska Director, Americans for Prosperity
46

47 Michelle McMullin, Nail Technician
48 Kevin Harden, Tattoo/Permanent Cosmetic Colorist, Shop Owner
49

50 **Item 2. Review/amend agenda**
51

52 Kevin McKinley asked Board members and staff if there were any changes to the
53 agenda. Mr. McKinley asked the Board to consider an “open agenda” which would
54 allow the Board to move around the agenda without keeping to a specific order in
55 order to conduct a smooth flowing meeting.
56

57 Cynthia Spencer stated each Board member had been given additions to the packet
58 included; Probation Report for Item 8, draft regulations for Item 10 and
59 applications for Item 11. Ms. Spencer informed the Board that there would be no
60 budget report for this meeting due to report dates; Ms. Spencer stated a report
61 should be available by the end of the month which she would send to all Board
62 members.
63

64 **On a motion duly made by Glenda Ledford, seconded by Mae**
65 **Canady, and approved unanimously, it was**
66

67 **RESOLVED to approve an open agenda to allow all business**
68 **items to be covered.**
69

70 Mr. McKinley asked the Board if they would like any further discussion regarding
71 the agenda.
72

73 Mae Canady requested a discussion about a braiding license and microblading be
74 added to the agenda. The Board agreed that discussion about braiding could be
75 added to Item 7, which may allow for microblading discussion or they could discuss
76 microblading under Item 12, “tattoo/permanent cosmetic coloring curriculum” or
77 “update services and practices of estheticians”
78

79 Mr. McKinley asked if there were any other additions or discussion regarding the
80 agenda; hearing no further additions, Mr. McKinley polled the Board. Hearing no
81 disagreements, the agenda was approved.
82

83 **Item 3. Ethics Disclosure**
84

85 The Board reviewed the provided ethics information.
86

87 Ms. Ledford informed the Board that she had been elected as the Vice President of
88 the National-Interstate Council of State Boards of Cosmetology. The Board
89 congratulated Ms. Ledford.
90

91 The board had no other ethic violations to report.

92

93 **Item 4. Review/Amend/Adopt Meeting Minutes**

94

95 The Board reviewed the draft May 2, 2016 meeting minutes.

96

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

99

100 **RESOLVED to adopt the May 2, 2016 meeting minutes as**
101 **written.**

102 Mr. McKinley polled the Board, hearing no disagreement the minutes were
103 approved.

104

105 **Item 5. Sign Wall Certificate**

106

107 Mr. McKinley signed the wall certificate for Joshua Bridges. Ms. Spencer noted
108 there was an error on the wall certificate and informed Mr. McKinley a new
109 certificate would be created and sent to him for signature after the meeting.

110

111 The Board was ahead of schedule so moved onto Item 7 to discuss braiding.

112

113 **Item 7. Braiding Discussion**

114

115 Mae Canady informed the Board that there are many individuals providing
116 braiding services who are not licensed hairdressers; Ms. Canady stated that over
117 the last few years this type of service has been growing. Ms. Canady informed the
118 Board that several states, like North Carolina, offer a braiding specific license or
119 certification; some states allow no chemical services and some do. Ms. Canady went
120 on to state that many individuals providing braiding services do not want to cut,
121 color, etc., hair; they only braid the natural hair and have no interest in completing
122 the required 1650 or 2000 hours of training for a hairdresser license. Ms. Canady
123 suggested the Board consider a certificate or license for braiding that would require
124 training similar to the previous 12-hour manicurist license.

125

126 The Board responded that a new license type would require statutory changes and
127 would need to go through legislation.

128

129 Mr. McKinley asked why this service was an issue at this time. Ms. Canady
130 responded that there are many people providing this service for fees and is a
131 growing service area.

132

133 Ms. Ledford suggested that Ms. Canady begin working on this for legislation and
134 obtain representation on the Legislative side.

135 Jeannine Jabaay stated this would be better received with the full support of the
136 Board and that when the Board submits legislation this year they should be sure
137 there were multiple parts (separating tattoo/permanent cosmetic colorist license,
138 braiding license, services that pierce the skin but don't fall under tattooing,
139 threading, eyelash services, etc.). The Board agreed that any legislation submitted
140 should contain multiple projects.

141
142 Ms. Canady stated this was a topic she was passionate about and would be doing
143 more research into other states requirements for presentation at the January 2017
144 meeting. Ms. Canady also stated that she would be meeting with her
145 representative/legislator with this information and would be sharing information
146 with the Board.

147
148 Mr. McKinley asked if Ms. Canady thought this legislation would be cost neutral;
149 and went on to state that with the current state fiscal issues, legislation that may
150 have expenses/fiscal notes may not receive much attention. The Board agreed with
151 Mr. McKinley. Ms. Ledford and Ms. Jabaay reviewed, based on their experience
152 with manicuring legislation, what Legislators would look at immediate costs.

153
154 Ms. Canady responded that there might be a fiscal note; however, the fees that
155 would be generated from either a new license or certificate should balance out costs.
156

157 Ms. Canady thanked the Board for sharing information and experiences with the
158 legislative process and stated that she felt very strongly about this issue and would
159 have a strong presentation in support of this issue.

160
161 Ms. Ledford suggested the Board look at adding a no chemical barber license with
162 legislation. Ms. Ledford stated that this license would allow licensees to cut and
163 shave hair only with no chemical services being provided. Ms. Ledford went on to
164 state that there would be training and examination requirements. Derrick
165 Slaughter responded that from his experience in Alaska and Alabama, at least 50-
166 60% of the work he and other barbers provided were chemical related.

167
168 Mr. McKinley asked Mr. Slaughter how he felt about a braiding license or
169 certificate. Mr. Slaughter stated he had no problem with creating a new license for
170 this service.

171
172 Mr. McKinley asked Mitch Black how she felt about a separate braiding license.
173 Ms. Black responded that she thought it was a good idea and would allow
174 individuals who only want to provide braiding services to be regulated for the public
175 protection. Ms. Black also stated that she has several students and know of others
176 who only want to provide braiding services but are required to complete the full
177 hairdresser training; this type of license would allow them to provide the services
178 safely with realistic training.

179 Mr. McKinley stated he was definitely interested in this discussion and is looking
180 forward to more information.

181
182 Ms. Spencer informed the Board that the National-Interstate Council of State
183 Boards of Cosmetology (NIC) does offer a braiding and non-chemical barber written
184 examination. Ms. Spencer also stated that the Board did provide several proposed
185 legislative projects in their Fiscal Year 16 Annual Report for FY17 which could be
186 added to proposed legislation projects.

187
188 The Board briefly discussed a separate braiding license and possible training
189 requirements. The Board agreed that a braiding license would be a good move due
190 to the growing industry; the Board agreed that there would be a fiscal note attached
191 to this legislation however, due to the growing number of providers, this legislation
192 change would also generate revenue.

193
194 Mr. McKinley informed the Board they still had a few minutes before Public
195 Comment so they could begin the microblading discussion.

196
197 Ms. Canady stated the information and research she has read does not make her
198 think this is a service that should be added to an esthetician license due to the
199 service breaking the skin and depositing dyes; and to add it to the current tattooing
200 license wouldn't be reasonable as she feels more training than the 380 hours would
201 need to be added to the tattoo/permanent cosmetic coloring license. Ms. Canady
202 suggested a certificate/endorsement for microblading services.

203
204 Ms. Jabaay cautioned the Board against creating so many certificates; Ms. Jabaay
205 stated that creating multiple certificates for braiding and microblading, the Board
206 will not only be governing barbering, hairdressing, esthetics, tattooing and body
207 piercing but multiple other facets of this industry; at what point will the Board
208 propose to the legislature to divide services that pierce the skin, etc.

209
210 Ms. Canady stated that certificates or endorsements are what many state Boards
211 are doing to meet industry needs and allow service providers to obtain licensure
212 quickly and economically. Mr. Canady went on to state that many people cannot
213 afford full hairdresser or esthetician training so the certificates offer an economical
214 way for them to obtain a license or certificate and earn a living. Ms. Canady
215 informed the Board that during her research into microblading she found that there
216 aren't any tattoo shops that have staff to teach microblading so people who want to
217 provide this service must go out of state to obtain training, then they come back to
218 Alaska enroll in an apprenticeship program just to complete whatever hours are
219 still needed but no additional service specific training is provided. Ms. Canady
220 stated the lack of training in state for microblading really bothers her.

221 Ms. Ledford cautioned against over regulating. Ms. Jabaay agreed and suggested
222 less than 20 hours of training for braiding and microblading. Mr. McKinley
223 informed the Board that tattooists are reluctant to take on apprentices for
224 microblading training as this is not a service your average tattooist provides. Mr.
225 McKinley suggested that the Board consider an advanced esthetician license which
226 would cover microblading.

227
228 Ms. Ledford asked how the Board would determine what services would an
229 advanced esthetician be able to provide and where would the Board draw the line.
230 Ms. Jabaay stated that the Board must protect the public and should consider how
231 many hours of training would be necessary to put a safe service provider in a shop.
232

233 Mr. McKinley asked the Board, for the time being, what license should be allowed to
234 provide microblading.

235
236 Ms. Ledford informed the Board that microblading had been discussed at the last
237 NIC meeting and most states regulate this service under a tattoo license.
238

239 Ms. Jabaay recalled testimony from Carolyn Easton provided during the May 2,
240 2016 meeting and recalled that Ms. Easton had completed 20 or so hours of training
241 in microblading out of state and still needed to enroll as a tattooist/permanent
242 cosmetic colorist apprentice for additional training to meet the Board's
243 requirements for licensure as a tattooist/permanent cosmetic colorist. Ms. Jabaay
244 stated that the Board cannot regulate the art of a service but must make sure
245 enough training is required to put a safe practitioner behind a chair.
246

247 The Board agreed due to the service and tools used, microblading should be kept
248 under the tattoo/permanent cosmetic coloring license.
249

250 Ms. Ledford asked Ms. Spencer if the Board could add an endorsement for this
251 service instead of creating a new license and what would be involved. Ms. Spencer
252 responded that she was not sure if the Board had the authority to add
253 endorsements or if this would require a new license but she would look into the
254 matter. Ms. Spencer asked Sara Chambers if she had information regarding this.
255

256 Ms. Chambers, Division Operations Manager, introduced herself and greeted the
257 Board.
258

259 Ms. Chambers stated the Board should ask itself and determine if this endorsement
260 is something the Board wants to utilize to require individuals to have so they can
261 provide microblading services or a tool for the public to know if a service provider
262 has specific training. Ms. Chambers stated that if the requirements for piercing
263 and depositing services/microblading were already in statute then the Board may be
264 able to just begin a regulation project and the Department of Law would verify if

265 this would be the correct avenue to effect change. Ms. Chambers also suggested
266 that changes for microblading be considered on the National level, meaning if most
267 states require, for example, 400 hours of training, changes this Board makes should
268 closely mirror those requirements in order to avoid gaps and allow the reciprocity
269 process to be smooth.

270
271 Ms. Ledford asked Ms. Chambers could the Board do a regulation change under the
272 curriculum requirements of tattooing/permanent cosmetics licensing to include
273 microblading. Ms. Chambers responded this change is a possibility; Ms. Chambers
274 clarified the Department of Law would need to look at the proposed change and
275 existing statutory/regulatory authority to determine if it could be done. Ms.
276 Chambers recommended the Board try a regulation change prior to legislation
277 changes and that the project be submitted with their other proposed regulations to
278 avoid extra costs.

279
280 The Board discussed regulatory options and agreed Ms. Chambers suggestion was
281 excellent. The Board asked Ms. Chambers if this avenue could be applied to their
282 earlier discussion regarding a braiding license, certificate or endorsement. Ms.
283 Chambers responded it might and that the request should be submitted along with
284 their regulation projects as well.

285
286 The Board thanked Ms. Chambers for this information and participating. The
287 Board agreed that they should move forward with a project that would allow the
288 Dept. of Law to review their statutes and regulations to determine if the Board had
289 the authority to add a braiding license, certificate, or endorsement and to split the
290 tattoo/permanent cosmetic colorist license into separate licenses.

291
292 The Board briefly discussed an endorsement for microblading which would allow a
293 provider to obtain training out of State and then work in Alaska under the direct
294 supervision in a doctor's office similar to estheticians providing laser services.

295
296 The Board agreed that this discussion should continue at the January 2017 meeting
297 with information/direction received from the Dept. of Law.

298
299 **On a motion duly made by, Glenda Ledford, seconded by Mae**
300 **Canady, and approved unanimously, it was**

301
302 **RESOLVED to contact the Department of Law to request**
303 **review of current statutes and regulations in order to find out**
304 **if the Board has the authority to separate the**
305 **tattoo/permanent cosmetic colorist license into separate**
306 **licenses; add a braiding license, add a microblading license**
307 **and a threading license under regulations.**

308

309 Mr. McKinley polled the Board; hearing no disagreements the motion passed.

310

311 **Item 6. Public Comment**

312

313 Heather Harvey, Instructor, Shop Owner

314 Ms. Harvey informed the Board that she had gone out of State for a 5 day, 20 hour
315 microblading course then returned to Alaska, enrolled in a tattoo apprentice
316 program to complete the 380 hours of training; Ms. Harvey stated she was not
317 happy having to come back to Alaska and go through the apprentice requirements,
318 however once she began the apprenticeship she realized that she was not prepared
319 to work on the general public, not the art/microblading but the safety/sanitation
320 process; and even now that the apprentice training has been completed when
321 setting up to work on clients the time spent on the sanitation side of a procedure
322 takes longer than the procedure itself. Ms. Harvey went on to state that the
323 safety/sanitation aspect of the apprentice training was more detailed and
324 comprehensive than she had thought it would be and that it had been well worth it.

325

326 Ms. Harvey stated that she felt 1,000 hours of training seems a bit much but the
327 380 hours, even though it was inconvenient, was very good and that the Board
328 should require those seeking to provide microblading services complete at least the
329 current 380 hours of training. Ms. Harvey stated due to all the infection issues and
330 blood related to the microblading procedure, the Board should not make it easy for
331 an individual to obtain a microblading license.

332

333 Ms. Harvey asked why the Board was considering adding a threading license since
334 the procedure is so similar to waxing and tweezing.

335

336 Ms. Jabaay responded that the discussed threading license was in response to
337 individuals who only want to provide that specific service not full esthetician
338 services and the need to complete the full 350 hours of esthetician training.

339

340 The Board thanked Mr. Harvey for her participation.

341

342 Shalome Cederberg, Boards and Commissions

343 Ms. Cederberg introduced herself to the Board. Ms. Cederberg asked the Board for
344 clarification regarding their new makeup specifically the new Manicurist/Nail
345 Technician seat.

346 Ms. Cederberg asked when reviewing current statutes and regulations they reflect
347 manicurist and nail technician; are these titles interchangeable and can boards and
348 commissions appoint either or licensee to the vacant seat. The Board responded
349 that the person selected to fill the seat must be a licensed nail technician.

350

351 Ms. Cederberg asked the Board to explain the previous three manicurist licenses
352 and the nail technician license. The Board responded that prior to the January 1,

353 2016 legislation changes there was the 12-hour license titled manicurist and with
354 additional training an advanced endorsement could be applied for. However, post
355 January 1, 2016 anyone with the endorsement on their manicurist license had been
356 upgraded to the current nail technician license. Those individuals still holding a
357 manicurist license only completed 12 hours of training and these licenses would no
358 longer exist effective September 1, 2019.

359
360 Ms. Cederberg thanked the Board for their time and information.

361
362 The Board thanked Ms. Cederberg for her participation and assistance filling the
363 vacant Board member seat.

364
365 Jeremy Price, Alaska State Director of Americans for Prosperity (AFP)

- 366 • Against over regulation; this is an issue across all industries.
- 367 • Obama Administration/White House published a report titled “New Steps to
368 Reduce Unnecessary Occupation Licenses that are Limiting Worker Mobility
369 and Reducing Wages”. Mr. Price urged Board members to read the report.
- 370 • Those who are less educated and/or lower income are affected more than
371 others. Licensing requirements must have the bar low enough for these
372 affected individuals to qualify for licensure which may reduce illegal
373 activities.
- 374 • Examples; Emergency Medical Technician (EMT) 1 may administer CPR;
375 EMT 2 may administer intravenous drugs and EMT 3 may use a
376 defibrillator. To qualify for EMT 1 requires 120 hours of training; EMT 2 add
377 an additional 50 hours for 170 hours of training; EMT 3 add an additional 50
378 hours for 220 hours of training. Mr. Price went on to state that it now
379 requires more training to be a nail technician than it does to qualify for an
380 EMT 3 license. Mr. Price urged the Board to consider the fact it takes less
381 training to qualify for a possible life saving license than a nail technician and
382 these facts should be taken into consideration when creating or changing
383 requirements for licenses.
- 384
- 385 • Feel that raising the bar is all about limiting competition in the industry;
386 Board should be protecting public.
- 387 • Braiding license good idea; AFP could be advocate for this type of licensure
388 which would allow individuals to generate an income without incurring large
389 financial debt.

390
391 Mr. Price thanked the Board.

392
393 The Board thanked Mr. Price for his time and participation.

394
395 Kevin Harden, Tattoo/Permanent Cosmetic Colorist, Shop Owner

440 Mr. McKinley informed the Board that he would be recusing himself from reviewing
441 and voting on the applications of Clayton Howell and Jasmine Childe. Mr.
442 McKinley went on to state the Ms. Childe has applied for a job at one of his shops
443 and Mr. Howell had been in contact with him regarding his application process.
444

- 445 • Antonia E. Garcia, Hairdresser by Examination with out of state
446 training
447

448 Ms. Black and Ms. Jabaay reviewed the application of Antonia Garcia and reported
449 to the Board that Ms. Garcia had completed 1600 hours of training and qualified for
450 the California State Board practical and written examinations in 2010; however Ms.
451 Garcia never took examinations in California and was never issued a license by the
452 California Board. Ms. Jabaay informed the Board that documentation of training
453 provided from the State of California did not reflect any practical/hands on
454 operations just the completion of hours. The group informed the Board that the
455 school, James Albert School of Cosmetology, was closed however the California
456 State Board and the Bureau for Private Postsecondary Education (California) had
457 provided proof of 1600 hours. Ms. Jabaay stated that the documentation of
458 training did not reflect the training or examination requirements of 12 AAC 09.160
459 and 12 AAC 09.090 had not been met.
460

461 **On a motion duly made by Mitch Black, seconded by Jeannine**
462 **Jabaay, and approved unanimously, it was**
463

464 **RESOLVED to deny the examination application of Antonia**
465 **E. Garcia as the training requirements of 12 AAC 09.160 had**
466 **not been met. The 1600 hours of training completed in**
467 **California would be accepted, an additional 50 hours of**
468 **school or the apprentice equivalent would need to be**
469 **completed along with all required practical operations. If Ms.**
470 **Garcia could have the California Board or the Bureau for**
471 **Private Postsecondary Education provide official**
472 **documentation of practical/hands on operations licensing**
473 **staff would reevaluate what practical operations would need**
474 **to be completed in accordance with 12 AAC 09.160.**
475

476 The Board thanked Ms. Black and Ms. Jabaay for a thorough review of this
477 application.
478

479 Mr. McKinley asked the Board if they would like further discussion on this motion;
480 hearing none, Mr. McKinley requested a roll call vote.

481 **Roll Call Vote**

482

483	NAME	YES	NO	ABSTAIN
484	Kevin McKinley	X		
485	Jeannine Jabaay	X		
486	Derrick Slaughter	X		
487	Glenda Ledford	X		
488	Mae Canady	X		
489	Mitch Black	X		

490
491 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

- 492
- 493 • Kushtrim Marke, Barber by Examination, out of country training
- 494

495 Ms. Black and Ms. Jabaay reviewed the application of Kushtrim Marke and
496 reported to the Board that Mr. Marke had completed the training required in
497 accordance with 12 AAC 09.160 including practical operations and should be
498 allowed to be scheduled for examinations. They also reported that licensure should
499 be granted once Mr. Marke passed examinations.

500
501 **On a motion duly made by Jeannine Jabaay, seconded by Mitch**
502 **Black, and approved unanimously, it was**

503
504 **RESOLVED to accept the out of country training as meeting**
505 **the requirements of 12 AAC 09.160 and issue a barber license**
506 **after passing the Alaska State Board practical and National**
507 **written examinations for Kushtrim Marke.**

508
509 Mr. McKinley asked the Board if there was further discussion on this motion;
510 hearing none, Mr. McKinley requested a roll call vote.

511
512 **Roll Call Vote**

513

514	NAME	YES	NO	ABSTAIN
515	Derrick Slaughter	X		
516	Jeannine Jabaay	X		
517	Glenda Ledford	X		
518	Kevin McKinley	X		
519	Mae Canady	X		
520	Mitch Black	X		

521
522 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

523

- Justin T. Lee, Tattoo/PC by Examination, out of state license and training

Ms. Black and Ms. Jabaay reviewed the application of Justin T. Lee and reported to the Board that based on the Verification of Training form for training received outside of Alaska, Mr. Lee had completed 325 hours which left him short 55 hours in accordance with 12 AAC 09.169.

The Board discussed the training verification form with Ms. Spencer. Ms. Spencer informed the Board that the form does need updating as it only requests the base curriculum requirements of 12 AAC 09.169 being a minimum of 130 specific theory hours and 150 hours of practical operations but does not provide for the additional 100 hours of training.

The Board requested this form be updated to reflect the additional 100 hours of training which may be practical or theoretical training; once proof of additional training is received, staff will send the application to the Board for review via mail vote.

On a motion duly made by Jeannine Jabaay, seconded by Mitch Black, and approved unanimously, it was

RESOLVED to table the application for a tattoo/permanent cosmetic colorist license by examination of Justin T. Lee until documentation of an additional 55 hours of training, theory or practical, is received. Once documentation is received, this application will be sent for consideration via mail vote.

Mr. McKinley asked the Board if there was further discussion on this motion; hearing none, Mr. McKinley requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Jeannine Jabaay	X		
Glenda Ledford	X		
Mae Canady	X		
Mitch Black	X		
Derrick Slaughter	X		
Kevin McKinley	X		

THE MOTION PASSED BY A UNANIMOUS VOTE.

- Jasmine R. Childe, Tattoo/PC by Examination, out of state training

568 Ms. Ledford and Ms. Canady reviewed the application of Jasmine R. Childe and
569 reported to the Board that based on the Verification of Training form for training
570 received outside of Alaska, Ms. Childe had met the training requirements of 12 AAC
571 09.169, and had submitted a completed application.

572

573 **On a motion duly made by Glenda Ledford, seconded by Mae**
574 **Canady, and approved by a majority, it was**

575

576 **RESOLVED to accept the out of state training as meeting the**
577 **requirements of 12 AAC 09.169 and issue a tattoo/permanent**
578 **cosmetic colorist license after passing the Alaska State Board**
579 **written examination for Jasmine R. Childe.**

580

581 Mr. McKinley asked the Board if there was further discussion on this motion;
582 hearing none, Mr. McKinley requested a roll call vote.

583

584 **Roll Call Vote**

585

586	NAME	YES	NO	ABSTAIN
587	Glenda Ledford	X		
588	Kevin McKinley			X
589	Jeannine Jabaay	X		
590	Mae Canady	X		
591	Derrick Slaughter	X		
592	Mitch Black	X		

593

594 **THE MOTION PASSED BY A MAJORITY VOTE.**

595

596 Mr. McKinley informed the Board that it was now time for Item 8 and the Board
597 would return to Item 11 later.

598

599 **Item 8. Investigative Report**

600

601 Dawn Bundick, Investigator and Jeanette (Nina) Akers, Investigator Probation
602 Monitor greeted the Board.

603

604 Ms. Akers reviewed the Probation Report with the Board.

605

606 The Board asked Ms. Akers to confirm that Jessica Steel and Norene Nelson were
607 going to be released from probation. Ms. Akers confirmed both Ms. Steele and Ms.
608 Nelson had completed their probation period and requirements.

609

610 The Board thanked Ms. Akers for her time.

611 Ms. Bundick reviewed the Investigative and Litigation Reports with the Board and
612 informed them that there are currently 44 open cases and staff had closed 36 cases.

613
614 Ms. Jabaay asked Ms. Bundick to explain what was meant by “unethical” for case
615 2016-00097. Ms. Bundick responded she was not certain but would provide the
616 Board information later in the day.

617
618 Ms. Ledford asked Ms. Bundick to explain what was meant by “incompetence” for
619 case 2016-001030. Ms. Bundick responded that she was certain but would check
620 and report back with this and the “unethical” information.

621
622 Ms. Ledford asked Ms. Bundick in cases where there were supervision issues who
623 was responsible and would receive fines if deemed necessary, supervisor and/or
624 shop. Ms. Bundick responded that fines and other disciplinary actions would be
625 levied against the supervisor not the shop. Ms. Jabaay asked whom the license
626 violation would be applied to. Ms. Bundick stated the supervisor would have the
627 violation.

628
629 **On a motion duly made by Glenda Ledford, seconded by Mitch**
630 **Black, and approved unanimously, it was**

631
632 **RESOLVED to enter into Executive Session under the**
633 **authority of AS 44.62.310(C) to discuss with the investigator**
634 **the investigative report.**

635
636 The Board entered into executive session at 10:42 a.m., and returned from executive
637 session at 11:15 a.m.

638
639 The Board asked Ms. Bundick if they should address the requests from Michele
640 Christensen and Taci Pfingsten at this time. Ms. Bundick informed the Board that
641 the requests would be addressed in order as the Board decided the consent
642 agreements, etc.

643
644 **On a motion duly made by Jeannine Jabaay, seconded by Mitch**
645 **Black, and approved by roll call vote, it was**

646
647 **RESOLVED to adopt the Consent Agreement as written for**
648 **case 2016-000017, Hoa T.V. Tran d/b/a Elegant Nails & Spa.**

649
650 Mr. McKinley asked the Board if they would like any further discussion.

651
652 Ms. Canady informed the Board that she would be abstaining from this case as she
653 had been consulted by Investigative staff.

654

655 Mr. McKinley asked if the Board would like any further discussion; hearing none
656 Mr. McKinley requested a roll call vote.

657

658 **Roll Call Vote**

659

660	NAME	YES	NO	ABSTAIN
661	Mitch Black	X		
662	Jeannine Jabaay	X		
663	Derrick Slaughter	X		
664	Glenda Ledford	X		
665	Mae Canady			X
666	Kevin McKinley	X		

667

668 **THE MOTION PASSED BY A MAJORITY VOTE.**

669

670 **On a motion duly made by Jeannine Jabaay, seconded by Glenda**
671 **Ledford, and approved by roll call vote, it was**

672

673 **RESOLVED to adopt the Imposition of Civil Fine as written**
674 **for case 2016-000442, Tina Tran.**

675

676 Mr. McKinley asked the Board if they would like any further discussion.

677

678 Ms. Canady informed the Board that she would be abstaining from this case as she
679 had been consulted by Investigative staff.

680

681 Mr. McKinley asked if the Board would like any further discussion; hearing none
682 Mr. McKinley requested a roll call vote.

683

684 **Roll Call Vote**

685

686	NAME	YES	NO	ABSTAIN
687	Glenda Ledford	X		
688	Kevin McKinley	X		
689	Jeannine Jabaay	X		
690	Mae Canady			X
691	Derrick Slaughter	X		
692	Mitch Black	X		

693

694 **THE MOTION PASSED BY A MAJORITY VOTE.**

695

696 **On a motion duly made by Jeannine Jabaay, seconded by Glenda**
697 **Ledford, and approved by roll call vote, it was**

698

699 **RESOLVED to adopt the Consent Agreement as written for**
700 **case 2016-000054, Taci Pfungsten d/b/a Hair Matters by Taci.**

701
702 Mr. McKinley asked if the Board would like any further discussion; hearing none
703 Mr. McKinley requested a roll call vote.

704
705 **Roll Call Vote**

706	NAME	YES	NO	ABSTAIN
707	Mitch Black	X		
708	Kevin McKinley	X		
709	Mae Canady	X		
710	Derrick Slaughter	X		
711	Glenda Ledford	X		
712	Jeannine Jabaay	X		
713				

714
715 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

716
717 The Board reviewed the hardship request from Michele Christensen. The Board
718 asked Ms. Bundick if the surrender of Ms. Christensen's hairdresser license was
719 accepted would Ms. Christensen still need to pay any fines. Ms. Bundick responded
720 no additional fine payments would be required.

721
722 **On a motion duly made by Jeannine Jabaay, seconded by Glenda**
723 **Ledford, and approved by roll call vote, it was**

724
725 **RESOLVED to accept the surrender of licensure for case**
726 **2015-001106, Michele Christensen.**

727
728 Mr. McKinley asked if the Board would like any further discussion; hearing none
729 Mr. McKinley requested a roll call vote.

730
731 **Roll Call Vote**

732	NAME	YES	NO	ABSTAIN
733	Derrick Slaughter	X		
734	Kevin McKinley	X		
735	Mae Canady	X		
736	Mitch Black	X		
737	Jeannine Jabaay	X		
738	Glenda Ledford	X		
739				

740
741 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

743 The Board reviewed the hardship request from Taci Pfingsten.

744
745 **On a motion duly made by Jeannine Jabaay, seconded by Mitch**
746 **Black, and approved by roll call vote, it was**

747
748 **RESOLVED to extend the payment due date for case 2016-**
749 **000054, Taci Pfingsten, for an additional 180 days, for a total**
750 **of 360 days.**

751
752 Mr. McKinley asked if the Board would like any further discussion; hearing none
753 Mr. McKinley requested a roll call vote.

754
755 **Roll Call Vote**

756	NAME	YES	NO	ABSTAIN
757	Jeannine Jabaay	X		
758	Derrick Slaughter	X		
759	Kevin McKinley	X		
760	Mae Canady	X		
761	Mitch Black	X		
762	Glenda Ledford	X		

763
764
765 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

766
767 Al Kennedy, Senior Investigator greeted the Board and informed them that he had
768 looked into Investigative staff conducting school inspections. Mr. Kennedy reported
769 that if this was something the Board wanted Investigative staff to do they would
770 need training since Investigative staff are not professionals in the industry and at
771 this time only check for student records, licenses, and time clocks. If this was
772 something the Board would like to pursue, Investigative staff would need training
773 relating to the nuts and bolts of what the Board requires of the schools.

774
775 Ms. Spencer stated that in accordance with 12 AAC 09.125 a Board member
776 inspection of a school is required using provided check sheets. Ms. Spencer went on
777 to state that having the knowledge that Investigative staff can go to a school and
778 check for paperwork was a great relief.

779
780 Ms. Ledford stated that when DEC inspects a school they only require floorplans,
781 footprint, and blueprints and they do not physically inspect the facility. Ms.
782 Ledford went on to state that this process is also how DEC inspects shops. Ms.
783 Ledford asked if schools will now need to submit floorplans, footprint, blueprints,
784 etc., to Ms. Spencer along with their applications.

785

786 Ms. Spencer informed the Board that the current regulation 12 AAC 09.125 only
787 requires an exact description of the floor plan of the facility and with DEC no longer
788 inspecting, schools are allowed to submit the Affidavit of Compliance with 18 AAC
789 23 just like shops, as long as no tattooing/permanent cosmetic coloring or body
790 piercing services are being provided.

791
792 Ms. Spencer also referred the Board to Item 10 to review the proposed regulation
793 addressing DEC no longer inspecting shops and schools and the formal adoption of
794 the Affidavit of Compliance form.

795
796 Ms. Black asked with the Affidavit of Compliance, are the Board and licensing staff
797 taking applicants at their word that they have indeed met the ventilation
798 requirements, sanitation requirements, etc. Ms. Spencer and Mr. Kennedy
799 responded that yes, with the signature and notary requirement verbiage on the
800 Affidavit of Compliance form, the Affidavit is treated as a sworn statement which if
801 applicants are found to have signed fraudulently, license action(s) can be taken.
802 Ms. Spencer assured the Board that the Affidavit of Compliance and regulations do
803 not negate the requirements of the city/municipality requirements in place where a
804 shop is physically located.

805
806 The Board thanked Mr. Kennedy for his time and assistance with this issue.

807
808 *Recess* *The Board recessed at 11:30 a.m.; reconvened at 11:33 a.m.*

809
810 **Item 9. Discussion and possible regulation project addressing**
811 **licensure exemption for Native Cultural artists providing**
812 **services and instruction.**

813
814 Ms. Spencer asked the Board if they had all reviewed and watched the news articles
815 she had emailed regarding Stitching, the art of traditional Inuit tattooing. All
816 Board members except Ms. Canady had reviewed the emailed information.

817
818 Ms. Chambers informed the Board that she was representing Deputy Commissioner
819 Parady as he was unable to attend. Ms. Chambers informed the Board that the
820 Division had been waiting on a formal request to grant an exemption for “cultural”
821 arts; however as of this date, October 10, 2016 no formal request had been received.

822
823 The Board discussed a possible exemption for a possible future request.

824
825 Mr. McKinley stated he felt that if the person who was providing the service wanted
826 to request an exemption the individual should not be flouting and clearly violating
827 statutes and regulations by continuing to provide this service without proper
828 licensing if they wanted to effect changes in licensing requirements or a possible
829 exemption.

830 Ms. Chambers stated she was not sure what the intent of the individual is.
831
832 Mr. McKinley stated what is being reflected in the media reflects poor choices by
833 the persons involved. The Board agreed with Mr. McKinley.
834
835 Ms. Chambers advised the Board that they should continue this discussion and
836 make possible action plan as this topic has strong political and cultural overtones
837 which the Board should be prepared for and that it would be good for the Board to
838 get ahead of this issue.
839
840 Mr. Slaughter asked if the service provider would be using indigenous or modern
841 tools to provide this service. Ms. Spencer responded that information provided via
842 the media reflect metal needles, thread, and modern inks being used.
843
844 Ms. Jabaay stated that Federal law provides protection for indigenous arts so would
845 this issue fall under that law. Ms. Chambers responded that this was a declaration
846 made by the United Nations and is not law.
847
848 Mr. McKinley passed out an informational statement he had written outlining his
849 concerns relating to granting an exemption. The Board read the provided handout.
850
851 Ms. Ledford stated she felt this type of service falls under tattoo licensing and asked
852 for Ms. Chambers opinion. Ms. Chambers responded that the tattooing/permanent
853 cosmetic coloring statutes and regulations reflected that this service does fall under
854 the tattoo/permanent cosmetic coloring license.
855
856 Ms. Black asked if an exemption was given would it only allow indigenous people to
857 have the service and would the service provider be paid for the service. Mr.
858 McKinley asked the Board where they would draw the line, indigenous arts, and
859 indigenous peoples.
860
861 Ms. Chambers stated that at this time with no formal request this is just a
862 theoretical discussion.
863
864 Mr. McKinley stated the typical avenue for this type of exemption would be through
865 Tribal government bodies; Mr. McKinley went on to state that he feels a Tribal
866 government should govern this service as they do their medical/health care, which
867 allows for an individual who holds a medical license in another state to provide
868 services outside of that state on or in tribal lands/facilities without the need to
869 obtain licensure in that other state. Mr. McKinley informed the Board that he felt
870 with the information currently available for this service in this case, the provider
871 wants a blanket exemption which will not provide for public safety/sanitation
872 protections and it is the responsibility of the Board to protect the public.
873

874 The Board agreed. Ms. Jabaay asked Ms. Chambers by what she meant by “getting
875 ahead” of this issue. Ms. Chambers responded that the Board should remain aware
876 of this issue and that continuing this discussion would be beneficial.

877
878 The Board thanked Ms. Chambers for her time and information on this topic and
879 assured her this discussion would continue.

880
881 Ms. Chambers informed the Board that their budget report would be available mid
882 next month and would be distributed for review. Mr. Chambers also stated that the
883 Division had received approval to hire additional licensing examiners so Ms.
884 Spencer may be receiving assistance at some point.

885
886 Ms. Chambers reported that the Division was still working with PSI testing
887 services about this Boards examination administration.

888
889 Ms. Ledford informed Ms. Chambers that PSI had refused to sign a NIC
890 examination agreement; PSI is no longer an approved provider of NIC
891 examinations. Ms. Ledford suggested Prometric testing as another option.

892
893 The Board thanked Ms. Chambers for her time and participation.

894
895 *Recess* *The Board recessed at 12:07 p.m.; reconvened at 1:09 p.m.*

896
897
898 **Item 11. Application Review, continued**

- 899
900 • Stephanie Feris, Tattoo/PC by Examination, out of state license and
901 training

902
903 Ms. Ledford and Ms. Black reviewed the application of Stephanie Feris and
904 reported to the Board that based on the Verification of Training form for training
905 received at Boca-Ta-2 School of Permanent Make Up, Ms. Feris had completed 118
906 hours of training and had not completed the practical operations required by 12
907 AAC 09.169 and does not qualify for examination in accordance with 12 AAC
908 09.086.

909
910 The Board asked Ms. Spencer if there was any other documentation of training.
911 Ms. Spencer informed the Board that there was syllabus/curriculum documentation
912 provided, however she had not been able to find practical operation information.
913 Ms. Spencer also stated that Ms. Feris holds a current tattoo artist license issued by
914 the Florida Dept. of Health and had also been issued a temporary permit for Alaska
915 based on the Florida licensing.

916

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

919
920 **RESOLVED to deny the application of Stephanie N. Feris as**
921 **the minimum training requirements of 12 AAC 09.169 had not**
922 **been met. The 118 hours of training completed in Florida**
923 **would be accepted and applied towards additional training.**
924 **An additional 262 hours of training would need to be**
925 **completed along with all required practical operations of 12**
926 **AAC 09.169. Once required training was completed Ms. Feris**
927 **could be scheduled for the written examination.**

928
929 Mr. McKinley asked the Board if they further discussion on this motion; hearing
930 none, Mr. McKinley requested a roll call vote.

931
932 **Roll Call Vote**

933	NAME	YES	NO	ABSTAIN
934	Mae Canady	X		
935	Kevin McKinley	X		
936	Mitch Black	X		
937	Glenda Ledford	X		
938	Jeannine Jabaay	X		
939	Derrick Slaughter	X		

940
941
942 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

- 943
944 • Clayton Howell, Tattoo/PC by Waiver of Examination, out of state
945 license and training

946
947 Ms. Black and Ms. Ledford reviewed the application of Clayton D. Howell and
948 reported to the Board that based on the Verification of Training form for training
949 received outside of Alaska, Mr. Howell had exceeded the training requirements of
950 12 AAC 09.169, however they asked Ms. Spencer about the September 8, 2016 email
951 from Mr. Howell pertaining to his mentor passing away during 2009; they asked if
952 the trainer is deceased, is it acceptable for another person to complete the
953 Verification of Training form. Ms. Spencer responded that she felt it was acceptable
954 to have another individual complete the form in this case; Ms. Spencer informed the
955 Board that the Division was the keeper of school and apprenticeship paper work,
956 monthly reports, completion and termination documentation, and that if an
957 applicant requested a form like the Verification of Training form be completed she
958 could do that as the records were available.

960 Ms. Black and Ms. Ledford also reported Mr. Howell had taken a written Body Art
961 Sanitation written examination to qualify for his Nevada license. The Board agreed
962 that the Nevada examination was acceptable as it met the requirements of AS
963 08.13.080(d)(2).

964
965 **On a motion duly made by Glenda Ledford, seconded by Mitch**
966 **Black, and approved by roll call vote, it was**

967
968 **RESOLVED to accept the out of state training and Nevada**
969 **written examination as meeting the requirements of 12 AAC**
970 **09.169 and 12 AAC 09.088 and issue a tattoo/permanent**
971 **cosmetic colorist license for Clayton D. Howell.**

972
973 Mr. McKinley asked the Board if they further discussion on this motion; hearing
974 none, Mr. McKinley requested a roll call vote.

975
976 **Roll Call Vote**

977	NAME	YES	NO	ABSTAIN
978	Mitch Black	X		
979	Jeannine Jabaay	X		
980	Derrick Slaughter	X		
981	Glenda Ledford	X		
982	Mae Canady	X		
983	Kevin McKinley			X

984
985
986 **THE MOTION PASSED BY A MAJORITY VOTE.**

987
988 **Item 12. Board Business/Discussion**

989
990 **❖ Set alternate 2017 Meeting Dates**

991
992 Ms. Spencer informed the Board that due to current fiscal and travel issues; the
993 Division had requested alternate meeting dates for 2017.

994
995 The Board agreed to the following alternate meeting dates:

- 996 • January 30, 2017: meeting location first choice to be Juneau, AK, second
997 choice Anchorage, AK. The Board stated if they were able to hold the
998 January 2017 meeting in Juneau it should begin at 8:00 a.m.
- 999 • May 15, 2017 – Anchorage, AK, meeting to begin at 9:00 a.m.
- 1000 • October 2, 2017 – Anchorage, AK, meeting to begin at 9:00 a.m.

1004 **On a motion duly made by Glenda Ledford, seconded by Mae**
1005 **Canady, it was**

1006
1007 **RESOLVED to approve the following alternate Board meeting**
1008 **dates: January 30, 2017: meeting location first choice to be**
1009 **Juneau, AK, second choice Anchorage, AK. The Board stated**
1010 **if they were able to hold the January 2017 meeting in Juneau**
1011 **it should begin at 8:00 a.m.; May 15, 2017 – Anchorage, AK,**
1012 **meeting to begin at 9:00 a.m.; October 2, 2017 – Anchorage,**
1013 **AK, meeting to begin at 9:00 a.m.**

1014
1015 Mr. McKinley asked the Board if they would like any discussion.

1016
1017 The Board stated that the preferred 2017 meeting dates were those published to the
1018 web and set during the May 2, 2016 meeting; they also requested if an agenda
1019 warranted an earlier meeting start time be allowed with proper noticing.

1020
1021 Mr. McKinley asked the Board if they would like any further discussion; hearing
1022 none Mr. McKinley polled the Board. Hearing no disagreements the alternate 2017
1023 meeting dates were approved.

1024
1025 **❖ Amend 2017 Tentative Exam Dates**

1026
1027 Ms. Spencer informed the Board that she had missed two holidays for January and
1028 February 2017 when the examination dates were set during the May 2, 2016
1029 meeting.

1030
1031 The Board reviewed the current tentative examination schedule and updated 2017
1032 calendars.

1033
1034 The Board agreed to change the January 2017 and February 2017 tentative
1035 examination dates to the following:

- 1036 • January 29 & 30, 2017: written and practical examinations to be offered in
1037 Anchorage, Fairbanks, and Juneau.
- 1038
- 1039 • February 26 & 27, 2017; written and practical examinations to be offered
1040 in Anchorage, written examinations offered in Fairbanks and Juneau.

1041
1042 **On a motion duly made by Glenda Ledford, seconded by**
1043 **Jeannine Jabaay, it was**

1044
1045 **RESOLVED to approve the following amended examination**
1046 **dates: January 29 & 30, 2017: written and practical**
1047 **examinations to be offered in Anchorage, Fairbanks, and**

1048 **Juneau AND February 26 & 27, 2017; written and practical**
1049 **examinations to be offered in Anchorage, written**
1050 **examinations offered in Fairbanks and Juneau.**

1051
1052 Mr. McKinley asked the Board if they would like any further discussion; hearing
1053 none Mr. McKinley polled the Board. Hearing no disagreements the amended
1054 tentative 2017 examination dates were approved.

1055
1056 **Item 10. Regulation Update**

1057
1058 The Board reviewed the provided proposed regulation handout reflecting changes to
1059 12 AAC 09.110(a)(7) 09.125(a)(5), 09.130(a), 09.180(a), 09.190(a), and 09.920.

1060
1061 Ms. Spencer informed the Board that changes to 12 AAC 09.130, 180, and 190 had
1062 begun as a house keeping project addressing student and apprentice enrollment
1063 applications. Ms. Spencer stated the proposed change to 12 AAC 09.920 had been
1064 started in response to a request submitted by the Board during its October 5, 2015
1065 meeting addressing services being provided at professional photography studios,
1066 fairs, and other events.

1067
1068 Ms. Spencer informed the Board that 12 AAC 09.110(a)(7) and 509.125(a)(5) were
1069 dealing with DEC no longer inspecting shops.

1070
1071 The Board discussed the wording of 12 AAC 09.110(a)(7) and 09.125(a)(5). Ms.
1072 Jabaay stated she felt the proposed wording was confusing. Mr. McKinley
1073 responded that the provided documentation was draft and the Dept. of Law had not
1074 yet reviewed the proposed language so some might be confusing.

1075
1076 Ms. Spencer stated if the Board would like changes they could make them at this
1077 time.

1078
1079 The Board discussed removing “municipality” wording from 12 AAC 09.110(a)(7)
1080 since all shops except those that provide tattooing/permanent cosmetic coloring and
1081 body piercing now only need to submit the Certification of Compliance form and
1082 that this Board cannot enforce another agencies requirements.

1083
1084 Ms. Bundick informed the Board that she does receive notifications from the
1085 Municipality of Anchorage regarding shops that are not in compliance.

1086
1087 The Board decided to have Ms. Spencer check with Jun Maiquis, Regulation
1088 Specialist, regarding the removal of “municipality” wording from 12 AAC
1089 09.110(a)(7) before making changes to this proposed regulation project.

1090

1091 Ms. Jabaay asked why the DEC requirements were still being left in the proposed
1092 changes to 12 AAC 09.125(a)(5). The Board agreed this may have been a typo and
1093 requested it be removed,

1094
1095 The Board reviewed 12 AAC 09.130(a) and 09.180(a) ; the Board agreed the
1096 proposed changes were good as they will assist licensing staff processing student
1097 and apprentice applications.

1098
1099 The Board reviewed 12 AAC 09.920. Ms. Jabaay requested the addition of “such as”
1100 on line three (3) following ...”or hairstyling, “; on line four (4) following “...,
1101 carnivals,” “and hairstyling and makeup services at...”

1102
1103 The Board agreed with the changes proposed by Ms. Jabaay.

1104
1105 **On a motion duly made by Jeannine Jabaay, seconded by Mitch**
1106 **Black, and approved unanimously, it was**

1107
1108 **RESOLVED to approve the draft regulations 12 AAC**
1109 **09.110(a)(7), 12 AAC 09.130(a), 12 AAC 09.180(a), 12 AAC**
1110 **09.190(a), 12 AAC 09.125(a)(5), and 12 AAC 09.920 for public**
1111 **notice with the following amendments, with edits/revisions**
1112 **made by the Regulation Specialist and the Department of**
1113 **Law as needed; allowing for written comments only:**
1114 **12 AAC 09.125(a)(5) is amended to read: except for a school**
1115 **that is not providing body piercing or tattooing and**
1116 **permanent cosmetic coloring must submit a completed**
1117 **certification of compliance form provided by the**
1118 **department reflecting that the requirements of this**
1119 **section have been met. [EVIDENCE OF A SATISFACTORY**
1120 **SANITARY HEALTH INSPECTION CONDUCTED BY THE**
1121 **ALASKA DEPARTMENT OF ENVIRONMENTAL**
1122 **CONSERVATION, OR ITS DESIGNEE, THAT WAS**
1123 **CONDUCTED WITHIN THE 90 DAYS BEFORE THE DATE**
1124 **THAT THE APPLICATION WAS SUBMITTED TO THE**
1125 **DEPARTMENT; AND]**

1126
1127 12 AAC 09.920 new subsection (d) is amended to read: A licensed
1128 esthetician, hairdresser, or barber may provide services for make-
1129 up or hair styling for on-site or location photo sessions with a
1130 photographer or for entertainment purposes such as but not
1131 limited to face painting or hairstyling, **such as** temporary hair
1132 colors at fairs, markets, carnivals, **and hairstyling and makeup**
1133 **services at** weddings, receptions, and other such events. This
1134 does not allow for any invasive or permanent services such as but

1135 not limited to haircutting, perming, permanent hair coloring, and
1136 shaving.

1137
1138 Mr. McKinley asked if the Board would like any further discussion on this motion;
1139 hearing none, Mr. McKinley polled the Board. Hearing no disagreements, the
1140 motion passed.

1141
1142 Ms. Jabaay informed that she had received a call from Boards and Commissions
1143 regarding the current vacant nail technician seat due to the use of the “manicuring”
1144 title. Ms. Jabaay informed the Board that during the manicuring legislation
1145 process there had been an error at the last minute and not all appropriate use of
1146 “manicuring” had been updated to reflect “nail technician” so Boards and
1147 Commissions have been unable to fill the vacant seat; so would it be better to leave
1148 the “manicuring” title in current regulations or remove it. The Board responded
1149 that regulations should be updated to reflect current law and “nail technician” was
1150 the proper title. Ms. Jabaay responded that they may have to go back to request
1151 new/updated legislation.

1152
1153 Ms. Spencer informed the Board that the new legislation eliminated the issuance of
1154 new manicurist licenses and would effectively eliminate all manicurist licenses
1155 effective August 31, 2019.

1156
1157 The Board discussed adding a definition in regulations to address this concern. Ms.
1158 Jabaay stated this addition would simplify this problem. Ms. Spencer referred the
1159 Board to page 34, 12 AAC 09.990(7), Definitions.

1160
1161 Ms. Spencer requested the Board consider a change to 12 AAC 09.075(h) by
1162 removing (h)(2) “advanced endorsement” to be replaced by “nail technician”. The
1163 Board reviewed the current June 2016 statute and regulation booklet.

1164
1165 The Board discussed amending to “nail technician” and removing (2) entirely and
1166 adding “nail technician” to (1).

1167
1168 **On a motion duly made by Jeannine Jabaay, seconded by Glenda**
1169 **Ledford, it was**

1170
1171 **RESOLVED to amend 12 AAC 09.075 by repealing (h)(2) and**
1172 **amending (h)(1) by adding “nail technician” .**

1173
1174 Mr. McKinley asked if the Board would like any further discussion on this motion;
1175 hearing none, Mr. McKinley polled the Board. Hearing no disagreements, the
1176 motion passed.

1177

1178 Ms. Ledford requested the Board consider accepting 25% of required theory training
1179 for all disciplines licensed by this Board to be completed on-line.

1180
1181 The Board agreed with Ms. Ledford and referenced their January 2016 and May
1182 2016 meeting discussions. Ms. Spencer suggested that when requesting a
1183 regulation project or making any final adoption to consider making changes that
1184 would allow for multiple on-line providers. The Board asked for guidance; Ms.
1185 Spencer suggested similar wording to regulation requirements for body piercer and
1186 tattoo/permanent cosmetic colorists regarding on-line blood borne pathogen courses,
1187 by using the verbiage “approved by the Board”. Ms. Spencer went on to state that
1188 the use of this verbiage would allow the Board to verify providers and course
1189 content.

1190
1191 The Board discussed the proper course of submission of completion paperwork. The
1192 Board agreed based on current regulations, completion of this training must be
1193 submitted by the school or instructor.

1194
1195 **On a motion duly made by Glenda Ledford, seconded by Mitch**
1196 **Black, and approved unanimously, it was**

1197
1198 **RESOLVED to begin a new regulation project which would**
1199 **reference all statutes and regulations pertaining to all**
1200 **discipline curriculums, 12 AAC 09.148, 09.160, 09.163, 09.165,**
1201 **09.167, and 09.169; which would read: “A student or**
1202 **apprentice who has successfully enrolled in a school or**
1203 **apprenticeship program may complete up to 25% of the**
1204 **required theory hours in accordance with 2 AAC 09.148,**
1205 **09.160, 09.163, 09.165, 09.167, and 09.169, may be obtained via**
1206 **distance education through courses on line provided by**
1207 **Milady, PivotPoint, or a similar organization approved by the**
1208 **Board. Verification of successful completion of this training**
1209 **must be submitted by the school or instructor.”**

1210
1211 Mr. McKinley asked the Board if they would like any further discussion on this
1212 motion; hearing none, Mr. McKinley requested a roll call vote.

1213
1214 **Roll Call Vote**

1215	NAME	YES	NO	ABSTAIN
1216				
1217	Derrick Slaughter	X		
1218	Jeannine Jabaay	X		
1219	Glenda Ledford	X		
1220	Kevin McKinley	X		
1221	Mae Canady	X		

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1264

Mitch Black X

THE MOTION PASSED BY A UNANIMOUS VOTE.

Item 12. Board Business/Discussion

- ❖ NIC National Theory Pass/Fail Report (Jan. 1, 2015-Dec. 31, 2015)

The Board reviewed the report provided by NIC. The Board noted that the report only reflected three nail technician examinations. Ms. Spencer stated that those numbers should increase due to the new nail technician requirements.

Ms. Spencer informed the Board that they had all been provided a copy of the transitional regulation pertaining to the new nail technician requirements, 12 AAC 09.006, that includes a cliff note version of the language and a copy of the Verification of Manicuring Work Experience form.

Ms. Canady asked for confirmation from Ms. Spencer regarding the nail technician written examination. Ms. Canady asked; everyone who holds a manicurist license, no matter work experience, must take and pass the nail technician written examination by August 31, 2017.

Ms. Spencer stated Ms. Canady was correct; anyone seeking to renew for the 2017-2019 cycle must submit verification of 250 hours of work experience which will qualify them for the written exam and they must pass the written examination in order to renew their manicurist license for an additional two years, through August 31, 2019. Ms. Spencer went on to state that she felt many licensees would wait until the last moment to qualify for and take the examination and that maybe the Division would implement a requirement, similar to the January 1, 2016 manicurist license renewal requirements, that would have a must pass by date in order to facilitate the 2017-2019 renewal process. Ms. Spencer informed the Board that this regulation informational sheet and Verification of Work Experience form had been mailed to all current manicurists and hairdressers.

The Board briefly discussed the upcoming renewal process and if any additional nail technician training would be needed.

Ms. Spencer informed the Board that the work experience and examination would only renew a 12-hour manicurist license through August 31, 2019; if licensees wanted to provide manicuring services after August 31, 2019 they would need to complete the 250 or 300 hours of training and submit an application for the nail technician license.

1265 Ms. Jabaay stated that the 250 hours of work experience qualifies 12-hour
1266 manicurist for the exam and nail technician license. Ms. Spencer responded that
1267 there are no avenues for “grandfathering” written into the legislation or regulations.
1268 Ms. Jabaay and the Board responded that this was not the intention of the Board
1269 and allowances for “grandfathering” had been in the legislation. Ms. Spencer
1270 informed the Board that lack of “grandfathering” allowances had been brought to
1271 the Boards attention multiple times by Ms. Chambers, Director Janey Hovenden,
1272 Supervisor Sher Zinn, and herself. Ms. Jabaay responded that “grandfathering”
1273 had been included in the first draft of the bill which was the only draft the Board
1274 saw; “grandfathering” had been discussed with the Governor’s office and other
1275 legislators. Ms. Jabaay asked to see the final draft of the bill and asked how the
1276 Board could correct this. Ms. Spencer responded that she thought it would need
1277 statutory change via legislation.

1278
1279 The Board asked if they can change 12 AAC 09.006 to allow for “grandfathering”.
1280 Ms. Spencer responded that the regulation was written from statutes resulting from
1281 the legislation. The Board asked that a lawyer be present at the January 2017
1282 meeting to discuss this problem and possible corrections.

1283
1284 The Board requested Ms. Spencer contact Jun Maiquis, regulation specialist. Ms.
1285 Spencer called Mr. Maiquis at 3:00 p.m. and left a message requesting a call back.

1286
1287 The Board went back to Item 12 while waiting to hear back from Mr. Maiquis.

1288
1289 **Item 12. Board Business/Discussion, continued**

1290
1291 ❖ Alaska State Law Question for National Written Examinations (All
1292 Board Members)

1293
1294 The Board decided to table this discussion until the January 2017 meeting and
1295 asked Ms. Spencer for directions regarding writing questions.

1296
1297 Ms. Spencer informed the Board that they should at least write five to ten questions
1298 per Board member; questions must be pulled from their statute and regulation
1299 booklet, specifically statutes and they typically apply to all license types and must
1300 apply to all license types as there will not be state law questions specific to each
1301 individual license type. Ms. Spencer stated that the pool of questions would be
1302 submitted to NIC; NIC would put the questions in a pool and create several
1303 different versions of an Alaska specific State Law examination; this additional sheet
1304 of paper would be distributed to all written examination candidates during written
1305 examinations.

1306
1307 *Recess The Board recessed at 3:13 p.m. for a break; reconvened at 3:24 p.m.*

1308

1309 The Board asked if Ms. Spencer had received a call back from Mr. Maiquis. Ms.
1310 Spencer stated she had not.

1311
1312 Ms. Jabaay asked if the Board could discuss another regulation project that had
1313 been brought to her attention by Ms. Bundick regarding the display of licenses. Ms.
1314 Jabaay informed the Board that Ms. Bundick had inspected a shop, the displayed
1315 license was expired and when asked to view the current license the shop owner had
1316 asked Ms. Bundick where in regulation was it required to have a current shop
1317 owner license on display. Ms. Jabaay asked the Board to add “current license” to
1318 AS 08.13.130. Ms. Spencer pointed out this was a statute change and would require
1319 legislation. The Board agreed to add this project to their legislation change wish
1320 list. Ms. Jabaay stated she would continue looking through the regulations for a
1321 current license posted reference.

1322
1323 Ms. Ledford asked the Board for time to discuss AEQUO International or another
1324 agency that can verify and translate licenses when applicants come in from out of
1325 country.

1326
1327 Mr. McKinley asked who was providing this service now. Ms. Spencer responded
1328 that the current requirement for foreign transcripts, certificates, licenses, etc., ask
1329 for a “certified translator” to translate the documentation into English. Ms. Spencer
1330 went on to state that this allows applicants cost savings as they aren’t required to
1331 go through a credentialing agency like World Education Services (WES).

1332
1333 The Board asked Ms. Ledford if she knew how much it would cost applicants to use
1334 AQUO. Ms. Ledford responded that it would cost about \$150.00; however the use of
1335 this or a similar service would cut back on fraudulent licensing.

1336
1337 Mr. McKinley asked if this would be a regulation change. Ms. Spencer responded
1338 that she was not sure, however if the Board gave her direction to research this she
1339 could report back at the next meeting. Ms. Spencer asked the Board to keep in
1340 mind additional costs that this may add to an out of country applicant who is
1341 seeking licensure so they are able to earn a living.

1342
1343 Ms. Ledford informed the Board that the effect of human trafficking has on
1344 professions and having this extra check may be beneficial.

1345
1346 Ms. Jabaay reported that she had been unable to locate any regulation which
1347 required a “current” license to be posted and that she would email Ms. Bundick with
1348 this information.

1349
1350 ❖ Tattoo & Body Piercer Curriculum

1351

1352 The Board decided to table this discussion until the January 2017 meeting. The
1353 Board stated that they were hopeful the Dept. of Law would find that the Board
1354 could split this license into two separate licenses which would allow separate
1355 curriculums to address each aspect.

1356

1357 ❖ Update service & practices of estheticians

1358

1359 The Board decided to table this discussion until the January 2017 meeting. The
1360 Board stated that they were hopeful the Dept. of Law would be able to provide
1361 information regarding endorsements or certificates and splitting the
1362 tattoo/permanent cosmetic colorist license might allow a more aspect specific
1363 curriculum.

1364

1365 Since no call from Mr. Maiquis had been received, Ms. Spencer called Mr. Maiquis
1366 at 3:40 p.m.

1367

1368 Ms. Spencer asked Mr. Maiquis if he could review 12 AAC 09.006 with the Board
1369 specifically why no grandfathering language had been included.

1370

1371 Ms. Ledford stated that when the legislation had been written the Board was under
1372 the assumption that manicurist could by August 31, 2017 either submit 250 hours
1373 of work experience OR completed training then passed the written examination
1374 these manicurists would be issued the current nail technician license. Ms. Ledford
1375 went on to state that based on the regulation and Verification of Work Experience
1376 form that manicurist must submit work experience and pass exams just to renew
1377 through 2017 and then the additional training must be completed and the nail
1378 technician license applied for.

1379

1380 Mr. Maiquis responded that he didn't have the full bill package at hand and was
1381 unable to provide a quick answer. Mr. Maiquis asked the Board for time so he could
1382 research and contact Dept. of Law; then he would email information to Ms. Spencer
1383 for distribution to the Board. Mr. Maiquis stated that if it was not the intent of the
1384 Board to require the additional training for currently licensed manicurist he would
1385 address this with Law.

1386

1387 The Board agreed that it was not their intent to require additional training from
1388 manicurists who could provide the 250 hours of work experience and pass the
1389 written examination. Ms. Jabaay asked if the Board was able to amend the
1390 regulation or if this type of change would require a statutory change. Ms. Jabaay
1391 went on to state that throughout the entire legislation process it was always the
1392 Boards intent to allow for grandfathering by allowing work experience and passing
1393 the written examination to be able to issue manicurists a nail technician license.

1394

1395 Mr. Maiquis stated that if it was an error in the regulation then the Board could
1396 amend it; Mr. Maiquis suggested the Board submit a regulation project to change
1397 the current 12 AAC 09.006 and he would review the change; if Dept. of Law
1398 responded that it would require a statutory change then Mr. Maiquis would inform
1399 the Board, however if the change could be done through regulation then he would
1400 add the amendment to the Boards current regulation project.

1401
1402 **On a motion duly made by Jeannie Jabaay, seconded by Glenda**
1403 **Ledford, and approved unanimously, it was**

1404
1405 **RESOLVED to amend 12 AAC 09.006(b) to read: (b) A person**
1406 **who is eligible to engage in the practice of manicuring under**
1407 **(a) of this section may [, FOR ONE RENEWAL PERIOD,**
1408 **RENEW] obtain the person's license to practice manicuring if,**
1409 **before August 31, 2017, the person's license to practice**
1410 **manicuring if, before August 31, 2017, the person...**

1411
1412 Mr. McKinley asked the Board if they would like any further discussion on this
1413 motion; hearing none, Mr. McKinley polled the Board, hearing no disagreement the
1414 motion passed.

1415
1416 *The Board adjourned at 348 p.m.*

1417
1418 Respectfully submitted:

1419
1420 _____
1421 /s/ Jan. 23, 2017
1422 Cynthia Spencer, Licensing Examiner

1423 Approved:

1424
1425 _____
1426 /s/
1427 Kevin McKinley, Chairperson
1428 Board of Barbers and Hairdressers

1429 Date: 1/23/2017

1430