

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

5
6 MINUTES OF MEETING
7 May 8, 2017
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of
10 AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held May
11 8, 2017 in Anchorage, Alaska, Robert B. Atwood Bldg., Room 1270.
12

13 **Item 1. Call to Order/Roll Call**
14

15 The meeting of the Board of Barbers and Hairdressers was called to order by Kevin McKinley,
16 Chair at 8:04 a.m. Members present were:
17

18 Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist, Chair
19 Terriann Shell, Public Member
20 Michelle "Mitch" Black, Hairdresser
21 Glenda Ledford, Barber
22 Mae Canady, Hairdresser/Esthetician
23 Michelle McMullin, Nail Technician
24 Jennifer Lombardo, Industry License, Tattooist/Permanent Cosmetic Colorist
25

26 Present from the Division of Corporations, Business and Professional Licensing were:
27

28 Cynthia Spencer, Licensing Examiner – Video conference from Juneau
29 Jun Maiquis, Regulation Specialist – Video conference from Juneau
30 Sher Zinn, Records & Licensing Supervisor – Video conference from Juneau
31 Sara Chambers, Operations Manager – Video conference from Juneau
32 Dawn Bundick, Investigator
33 Amber Whaley, Probation Monitor
34 Greg Francois, Senior Investigator
35 Harriett Milks, Attorney, Department of Law – Video conference from Juneau
36

37 Present from the public in person and telephonically were:
38

39 Debby Long, Instructor
40 Charlette Lushin, Barber
41 Charlie Watson, Body Piercer
42 Dawn Conatser, Manicurist
43 Sara Perman, Legislative Admin Assistant with Rep. Claman's Office
44 Carolyn Laurion, Manicurist

45 Shannon O’Neal, Hairdresser
46 Jeannine Jabaay, Public, Previous Public Board Member
47 Supamit Khuntavichai, Manicurist
48 Dao Tran, Manicurist
49 Jonathan Phu, Self/Public
50 Chi Kim Nguyen, Manicurist & Shop Owner
51 Judy Chanhtaseng, Manicurist
52 Benjamin Nguyen, Manicurist & Shop Owner
53 Jennifer Nguyen, Manicurist
54 Mari Phu, Manicurist
55 Rich Van Phu, Manicurist
56 Jennifer Phu, Manicurist
57 Kieu Phu, Manicurist expired license
58 Julian Phu, Manicurist

59 **FROM PUBLIC COMMENT SHEET**

60 Bev Harper, Clinical Social Worker
61 Rachel Laussen
62 Mapansa Lisifn (SP??)¹
63 Marry Huynh, Manicurist & Shop Owner
64 Jimmy Huynh, Manicurist & Shop Owner
65 Hien Nguyen Moore, Manicurist
66 Hoang Nguyen, Manicurist
67 Hanh Nguyen, Manicurist
68 Hanh Nguyen, Manicurist (??)²
69 Ly Duong, Manicurist
70 Haong Mai, Manicurist
71 Nho La Kim, (SP??)³
72 Diep Le, Manicurist
73 Thao Le, (??)⁴
74 Thuy Bui, (??)⁵
75 Nguyet Vo, Manicurist
76 Oanh Vuong, Manicurist
77 Yen Nguyen, Nail Technician
78 Belin Le, Esthetician & Manicurist
79 Ed Lopez, General Manager Regal Nail Spa
80 Shan Trestar, (??)⁶
81 Lat Sammy, (??)⁷

¹ Unable to read handwriting on sign in sheet

² Multiple licensees with same name – unable to verify license type

³ Unable to read handwriting on sign in sheet

⁴ Multiple licensees with same name – unable to verify license type

⁵ Multiple licensees with same name – unable to verify license type

⁶ Multiple licensees with same name – unable to verify license type

⁷ Multiple licensees with same name – unable to verify license type

82 Tereu Chin Dalone, (SP??) ⁸
83 Duangduau Tharm, (SP??) ⁹
84 Nita Luangaphay, Manicurist
85 Buakheua Sansee, Manicurist
86 Khuong Tran, Manicurist
87 Trang Le, Manicurist
88 Tao Le, Manicurist
89 Kim Lan Steward, (??)¹⁰
90 Chien Nguyen, Manicurist
91 Thanh T. Huynh, Manicurist & Shop Owner
92 My Lina Huynh, (SP??) ¹¹
93 Dat T. Nguyen, Manicurist
94 Toan T. Nguyen, Manicurist
95 Ngan Le Velsie, (??)¹²
96 Viet Ta, Manicurist
97 Ngoc Pham, (SP??) ¹³
98 Phat Rasavong, Manicurist
99 Phim Rasavong, Manicurist
100 Gnonhthong Soundara, Manicurist
101 Ha Nguyen, Manicurist
102 Unong Cihcuydabror (SP??) ¹⁴
103 Yuphin Dusunita, Manicurist
104 Ruth Halverson, Manicurist & Shop Owner
105 Misty Bylsma (SP??) ¹⁵
106 Sonny (No Last Name Provided)
107 Amy (No Last Name Provided)
108 Soudeechanh (No Last Name Provided SP??) ¹⁶
109 Outhai Silasombat, Manicurist
110 Hevay Chanthaboualy, Manicurist
111 Debbie Vannavong (SP??) ¹⁷
112 Jason McLenithan (SP??)
113 Joy (Thanh Tuyen Le) Kienh, Manicurist
114 Johnathan Kiehn, (??)¹⁸
115 Le Thi Lan, (??)¹⁹

⁸ Unable to read handwriting on sign in sheet

⁹ Unable to read handwriting on sign in sheet

¹⁰ Multiple licensees with same name – unable to verify license type

¹¹ Unable to read handwriting on sign in sheet

¹² Multiple licensees with same name – unable to verify license type

¹³ Unable to read handwriting on sign in sheet

¹⁴ Unable to read handwriting on sign in sheet

¹⁵ Unable to read handwriting on sign in sheet

¹⁶ Unable to read handwriting on sign in sheet

¹⁷ Unable to read handwriting on sign in sheet

¹⁸ Multiple licensees with same name – unable to verify license type

¹⁹ Multiple licensees with same name – unable to verify license type

116
117 The Board welcomed new Board members Jennifer Lombardo, Tattoo/Permanent Cosmetic
118 Colorist, Michelle McMullin, Nail Technician, and Terriann Shell, Public Member.

119
120 Each new Board member introduced themselves and gave a brief background.

121
122 **Item 2. Review/amend agenda**

123
124 Kevin McKinley asked Board members and staff if there were any changes to the agenda. Mr.
125 McKinley asked the Board to consider an “open agenda” which would allow the Board to move
126 around the agenda without keeping to a specific order in order to conduct a smooth flowing
127 meeting. Hearing no changes Mr. McKinley requested a motion.

128
129 **On a motion duly made by Glenda Ledford, seconded by Mitch Black, and**
130 **approved unanimously, it was**

131
132 **RESOLVED to approve the tentative meeting agenda as an open agenda**
133 **allowing the board to move around and add items.**

134
135 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
136 none Mr. McKinley polled the Board. Hearing no disagreements, the motion passed.

137
138 **Item 3. Ethics Report**

139
140 The Board reviewed the provided ethics information.

141
142 Ms. Ledford stated she is Vice President of the National-Interstate Council of State Boards of
143 Cosmetology (NIC). Ms. Ledford went on to state she would disclose this at all meetings.

144
145 The board had no ethic violations to report.

146
147 **Item 4. Approve/Amend Meeting Minutes**

148
149 The Board reviewed the draft January 23, 2017 meeting minutes.

150
151 Mr. McKinley asked the Board if there were any edits for the draft minutes. Hearing no
152 changes; Mr. McKinley requested a motion.

153
154 **On a motion duly made by Glenda Ledford, seconded by Mitch Black, and**
155 **approved unanimously, it was**

156
157 **RESOLVED to adopt the January 23, 2017 meeting minutes as written.**

158
159 Mr. McKinley polled the Board, hearing no disagreement the minutes were approved.

160
161 **Item 5. Regulation Projects**
162

163 Board reviewed the draft regulation packet.
164

165 Cynthia Spencer asked the Board if they would consider updating the current nail technician
166 curriculum of 12 AAC 09.148 to match the standard set up as the curriculums for barbering,
167 hairdressing, and esthetics. Ms. Spencer stated that the current nail technician curriculum does
168 not reflect any practical/hands on training requirements and for the purposes of allowing
169 online theoretical training which is included in this current regulation project.
170

171 Ms. Ledford stated that changes to nail technician regulations is a moot point as the legislative
172 body is seeking to roll back statutes to pre-2016 requirements by reinstating the 12 hour
173 manicurist license and the advanced endorsement.
174

175 Board decided to pull draft changes to 12 AAC 09.148, allowing 25% of theoretic training to be
176 done online from the regulation project and table this change until they knew for certain what
177 was going on with current nail technician legislation (House Bill 222). The board stated that if
178 House Bill 131 is repealed this regulation change would be a moot point.
179

180 The Board also tabled the discussion to update amending the curriculum of 12 AAC 09.148 to
181 match all other curriculum formats until they knew the result of current legislation.
182

183 **On a motion duly made by Glenda Ledford, seconded by Michelle McMullin, and**
184 **approved unanimously, it was**
185

186 **RESOLVED to pull and table proposed regulation change to 12 AAC 09.148,**
187 **allowing 25% of theoretical training to be done online, from the current**
188 **regulation project pending the result of current legislation.**
189

190 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
191 none Mr. McKinley polled the Board. Hearing no disagreements, the motion passed.
192

193 Ms. Spencer also requested the Board remove 12 AAC 09.165 from this agenda item as she had
194 found the information she was looking for.
195

196 Board decided to table discussion about a new regulation project for 12 AAC 09.940, education
197 information and aftercare instructions until the next meeting.

198 Ms. Spencer asked the Board if they would consider a regulation change to allow foreign
199 language translator(s) for the written examinations. The Board and Ms. Spencer reviewed the
200 National Interstate Council of State Boards of Cosmetology (NIC) examination administration
201 manual, specifically the “NIC policy on the use of readers, translators, and foreign language
202 dictionaries” provided under agenda item 9 in their meeting packets.
203

204 Mitch Black and Mae Canady both agreed that this topic needed to be addressed. Ms. Black
205 and Ms. Canady informed the Board that due to language barriers, the instructional portion of
206 the examination was taking twice as long. Ms. Black stated that when she recently tested, it
207 would have helped if the examination proctor had a bit more patience and took the time to
208 circulate through the room to assist candidates during the instructional portion. Ms. Canady
209 stated that at the last exam she had been an assistant proctor, taking the time to circulate
210 through the room during the instructional portion seemed to help those candidates; also having
211 two proctors was an asset as well.
212

213 Jun Maiquis, Regulation Specialist joined the Board at 8:25am. Mr. Maiquis introduced himself
214 to the Board.

215 Ms. Spencer agreed with Ms. Black and Ms. Canady and stated that the written examinations
216 she had administered taking time to circulate and assist candidates seemed to make the entire
217 exam process much easier. Ms. Spencer also informed the Board that during one of the
218 Atwood Building location examinations and the April 2017 Juneau examination; there
219 happened to be Vietnamese speakers dropping off exam candidates who offered to assist
220 during the instructional portion. Ms. Spencer went on to state that just having this type of
221 assistance really helped the Vietnamese speaking candidates.
222

223 Ms. Spencer informed the Board that if the Board allowed the use of foreign language
224 translators, all of the NIC requirements would be followed and these individuals would be
225 trained and paid just as the other examination proctors would be. Ms. Spencer also stated that
226 the foreign language translator would only be used for the written examination.
227

228 Sher Zinn, Records and Licensing Supervisor joined the Board at 8:28 am.
229

230 Ms. Ledford informed the Board that based on her personal experience with the NIC exam
231 writers; NIC hires multiple translators in Spanish, Korean, and Vietnamese to translate written
232 exams from English. Ms. Ledford expressed concerns about costs to the Board for this
233 additional service and expressed concerns regarding the additional cost to licensees; would an
234 additional written exam fee be charged to all exam candidates or would an additional fee only
235 be applied to those candidates who requested this additional service.
236

237 The Board discussed verbal written examinations; a verbal exam is only offered in English and
238 typically consists of one candidate and one proctor who reads the questions and answer
239 selection to the candidate; the candidate then chooses their answer to the question and
240 bubbles the appropriate alpha designation on the answer sheet. Ms. Spencer informed the

241 Board that this verbal examination is not granted any additional time and remains at 90
242 minutes.

243
244 For clarification, Mr. McKinley stated that this Board wouldn't need a translator to translate an
245 examination into different languages including dialects; the Board would utilize a "reader"; a
246 person fluent in Spanish, Vietnamese, or Korean to read the already translated examination
247 booklet to exam candidates.

248
249 Mr. McKinley requested in an effort to keep to their time schedule that staff research costs and
250 availability of using a "reader" for the written examinations and provide this information to the
251 Board during its next meeting which would allow the Board to make a more informed decision
252 on this matter.

253
254 Mr. Maiquis asked the Board if they had any questions regarding their proposed regulation
255 packet. The Board responded that they are pulling 12 AAC 09.148 from the packet due to
256 legislation issues. Mr. Maiquis reviewed the regulation process for the Board.

257
258 Mr. Maiquis asked the Board if they thought there would be any additional costs to licensees to
259 let Ms. Spencer know; also who does the Board want to include in this mail out and what type
260 of comment submission would the board prefer. Mr. Maiquis went on to state that written
261 comments are a requirement, however if the Board felt a regulation project was controversial
262 oral testimony was recommended as well.

263
264 The Board briefly discussed their options and decided that they would prefer only written
265 testimony and to have the project mailed to all licensees, shops, and schools.

266
267 **On a motion duly made by Mitch Black, seconded by Terriann Shell, and**
268 **approved unanimously, it was**

269
270 **RESOLVED to adopted the draft regulations 12 AAC 09.075(h), 09.086(1),**
271 **09.088(4), 09.125(a)(5), 09.130(a), 09.160, 09.163, 09.165, 09.167, 09.169,**
272 **09.173(b), 09.180(a), 09.185(a), 09.190(a), and removing 12 AAC 09.148; for**
273 **public notice allowing amendments/edits/revisions made by the Regulation**
274 **Specialist and the Department of Law as needed; allowing for written**
275 **comments only, and mailing to all active/current licensees, shops, and**
276 **schools.**

277
278 Mr. McKinley asked the Board if they would like any further discussion on this motion. Hearing
279 none, Mr. McKinley requested a roll call vote.

280 **Roll Call Vote**

281

282	NAME	YES	NO ABSTAIN
283	Mitch Black	X	
284	Terriann Shell	X	
285	Michelle McMullin	X	
286	Jennifer Lombardo	X	
287	Glenda Ledford	X	
288	Mae Canady	X	
289	Kevin McKinley	X	

290

291 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

292

293 **Item 6. Public Comment**

294

295 Mr. McKinley greeted attendees and informed them; due to the number of individuals that had
296 signed up for public comment, comment time would be limited to three minutes per person
297 and the Board would not be verbally responding to all questions. Mr. McKinley requested that
298 those who do have questions, please email them to license@alaska.gov.

299

300 The Following individuals spoke:

- 301 Bev Harper, Clinical Social Worker
 - 302 Rachel Laussen
 - 303 Dawn Conatser, Manicurist
 - 304 Ed Lopez, General Manager Regal Nail Spa
 - 305 Joy (Thanh Tuyen Le) Kienh, Manicurist
 - 306 Jason McLenithan (SP??)
 - 307 Johnathan Kiehn, (??)
- 308

309 Three other individuals spoke during Public Comment; however these names were
310 indecipherable on the recording of the meeting.

311

312 All speakers addressed January 2016 legislation changes removing the 12 hour manicurist
313 license and requirements currently in place to renew 12 hour manicurist licenses for the 2017-
314 2019 biennial cycle, and the requirements for a nail technician license.

315

316 Following are concerns and grievances aired:

- 317 ■ Undue financial hardship for additional training
- 318 ■ Unfair to require passing a written examination
- 319 ■ Written examination only provided in Spanish, Vietnamese, Korean, and English
- 320 ■ Very poorly translated written examinations
- 321 ■ Board aims to put Asian women out of work
- 322 ■ Board member conflict of interest
- 323 ■ Lack of legislation change notification(s) from Board

367 Ms. Spencer informed the Board that they should never take upon themselves to conduct an
368 inspection without prior authorization or request from staff. Ms. Spencer also stated that
369 Board members only had the authority to check for student/apprentice paperwork and
370 licenses. Ms. Spencer went on to state that in the event of a requested inspection a Board
371 member noted any safety/sanitation issues, those issues should be immediately reported to
372 Investigator Bundick.

373
374 Ms. Ledford pointed out that Alaska Postsecondary Education (ACPE) does not “accredit”
375 schools licensed by this Board; ACPE “approves” school facilities.

376
377 Ms. Black asked how social media advertising was being investigated. Ms. Black went on to
378 state that there are many individuals who are not licensed advertising services regulated by this
379 Board. Ms. Bundick responded that complaints would need to be filed.

380
381 Ms. Whaley reviewed the probation report with the Board. Ms. Whaley reported that three (3)
382 individuals had been released from probation in response to their fines being paid in full.

383
384 Ms. Whaley reported Sugako Fisk and Jennifer Germer were still on probation due to their fines
385 not being paid in full. Ms. Whaley informed the Board that even though both individuals on the
386 report reflected a 2015 and 2016, respectively, release from probation dates, until fines were
387 paid in full, probation requirements remain. Ms. Whaley reported both individuals were
388 making payments.

389
390 Ms. Whaley reported that the probation for Norene Nelson was on hold until Ms. Nelson
391 renewed her licenses; once licenses are renewed, the probation requirements go back into
392 effect.

393
394 Ms. Whaley reported that Loretta Overway’s probation time was extended and Ms. Overway
395 had agreed to have her Permanent Fund Dividend (PFD) garnished for fine payment.

396
397 Ms. Whaley reviewed the hardship request from Taci Pfingsten with the Board; Ms. Pfingsten is
398 requesting a fine reduction.

399
400 The Board asked if Ms. Pfingsten had made payments towards her fine. Ms. Whaley responded
401 that as of today, May 8, 2017 no fine payments had been received.

402 The Board asked if Ms. Whaley had been in contact with Ms. Pfingsten to discuss any type of
403 payment option(s). Ms. Whaley stated she had been in contact with Ms. Pfingsten and had
404 provided information on signing over her PFD and urged Ms. Pfingsten to at least make a small
405 monthly payment.

406
407 The Board reviewed the request and discussed the original fine reduction of \$2000.00 and that
408 since the case had been approved by the Board October 2016 and signed by Ms. Pfingsten, no
409 payments had been submitted. The Board agreed that with not even an attempt by Ms.

410 Pfingsten to submit at least a minimum (\$20) monthly payment, they did not feel a hardship
411 request should be approved.

412
413 The Board asked Ms. Whaley to contact Ms. Pfingsten and provide her with payment options
414 including garnishment of her PFD.

415
416 **On a motion duly made by Mae Canady, seconded by Michelle McMullin, and**
417 **failed by roll call vote, it was**

418
419 **RESOLVED to accept the hardship request for fine reduction from Taci**
420 **Pfingsten, case 2016-001319.**

421
422 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
423 McKinley requested a roll call vote.

424
425 **Roll Call Vote**

426	NAME	YES	NO ABSTAIN
427	Kevin McKinley		X
428	Terriann Shell		X
429	Michelle McMullin		X
430	Jennifer Lombardo		X
431	Glenda Ledford		X
432	Mae Canady		X
433	Mitch Black		X

434
435
436 **THE MOTION FAILED BY A MAJORITY VOTE.**

437
438 **On a motion duly made by Mitch Black, seconded by Terriann Shell, and**
439 **approved unanimously**

440
441 **RESOLVED to request Amber Whaley, Probation Monitor contact Taci**
442 **Pfingsten to set up a reasonable payment plan for the outstanding \$2500 fine**
443 **for case 2016-001319.**

444
445 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
446 none Mr. McKinley polled the Board. Hearing no disagreements, the motion passed.

447
448 **On a motion duly made by Glenda Ledford, seconded by Jennifer Lombardo, and**
449 **approved unanimously, it was**

450
451 **RESOLVED to enter into Executive Session under the authority of AS**
452 **44.62.310(C) to discuss with the investigator the investigative report.**

453

454 The Board entered into executive session at 11:08 a.m., and returned from executive session at
455 11:19 a.m.

456
457 **On a motion duly made by Glenda Ledford, seconded by Jennifer Lombardo, and**
458 **approved by roll call vote, it was**

459
460 **RESOLVED to accept the Consent Agreement as written for case 2016-**
461 **001392.**

462
463 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
464 McKinley requested a roll call vote.

465
466 **Roll Call Vote**

467	NAME	YES	NO ABSTAIN
468	Terriann Shell	X	
469	Glenda Ledford	X	
470	Mae Canady	X	
471	Mitch Black	X	
472	Jennifer Lombardo	X	
473	Kevin McKinley	X	
474	Jeannine Jabaay	X	
475	Michelle McMullin	X	

476
477
478 **THE MOTION PASSED UNANIMOUSLY FOR CASE 2016-001392, MINNESOTA REGIS CORP.**
479 **D/B/A SMART STYLE #1948.**

480
481 **On a motion duly made by Glenda Ledford, seconded by Michelle McMullin, and**
482 **approved by roll call vote, it was**

483
484 **RESOLVED to accept the Revocation by Default as written for case 2014-**
485 **002057.**

486
487 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
488 McKinley requested a roll call vote.

489
490 **Roll Call Vote**

491	NAME	YES	NO ABSTAIN
492	Mae Canady	X	
493	Kevin McKinley	X	
494	Mitch Black	X	
495	Michelle McMullin	X	
496	Glenda Ledford	X	

498 Terriann Shell X
499 Jennifer Lombardo X

500
501 **THE MOTION PASSED UNANIMOUSLY FOR CASE 2014-002057, ROBERT P. WATSON.**

502
503 **On a motion duly made by Glenda Ledford, seconded by Jennifer Lombardo, and**
504 **approved by roll call vote, it was**

505
506 **RESOLVED to accept the Revocation by Default as written for case 2013-**
507 **002015.**

508
509 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
510 McKinley requested a roll call vote.

511
512 **Roll Call Vote**

513	514 NAME	515 YES	516 NO ABSTAIN
517	Jennifer Lombardo	X	
518	Terriann Shell	X	
519	Glenda Ledford	X	
520	Kevin McKinley	X	
521	Mae Canady	X	
522	Mitch Black	X	
523	Michelle McMullin	X	

524
525 **THE MOTION PASSED UNANIMOUSLY FOR CASE 2013-002015, BRITTANY R. DOLECHEK.**

526 The Board asked Ms. Whaley if they needed to address the hardship request from Jessica
527 Steele. Ms. Whaley responded that Ms. Steele had paid off her fine so the request did not need
528 to be addressed.

529 The Board thanked Ms. Bundick and Ms. Whaley for their time.

530
531 **Item 9. Board Business/Discussion**

532
533 ❖ **Correspondence**

534
535 The Board reviewed the letter from Rachel B. Lauesen, Associate with Fortier & Mikko
536 Attorneys at Law and the response from Harriet Dinegar Milks, Assistant Attorney General with
537 the Department of Law.

538
539 Ms. Milks reported to the Board that the letters main focus was legislation and the lack of
540 grandfathering for 12-hour manicurists.

542 Ms. Chambers stated that her observance of the letter and House Finance committee hearing
543 sessions, quite a few of the assertions made were incorrect and several of the issues have been
544 cleared through legislative hearings and addressed in writing.

545

546 Jeannine Jabaay, previous public member and legislative lead for nail technician legislation
547 joined the Board. Ms. Jabaay stated that it was never the intent of the Board to leave out
548 grandfathering options from the original legislation (HB131).

549

550 Ms. Spencer requested the Board move to the “current legislation” discussion under Item 9 in
551 respect to Ms. Chambers and Ms. Jabaay’s time. Ms. Spencer assured the Board they would
552 continue correspondence discussion.

553

554 ❖ Current Legislation (SB4 & HB222)

555

556 Ms. Chambers reviewed current House Bill (HB) 222 with the Board and reported if the bill is
557 approved by the legislative body as currently written it would roll manicuring licensing back to
558 the 12 hour license and advanced endorsement. Ms. Chambers reported that on Wednesday
559 May 10, 2017 there is a scheduled 9:00am Senate Finance hearing; Ms. Chambers went on to
560 state that if available Board members should call in or email comments/testimony. Ms.
561 Chambers also requested that if Board members were available to testify if they could please
562 email Ms. Spencer.

563

564 Ms. Jabaay reported she had spoken with HB222 sponsor regarding possible amending Senate
565 Bill (SB) 51; the HB222 sponsor would not entertain amendments leaving HB222 as the only
566 vehicle available to add grandfathering and extend the examination deadline.

567

568 Mr. McKinley requested Ms. Jabaay give an overview of HB131 and current legislation to assist
569 new Board members.

570

571 Ms. Jabaay complied with the request beginning with HB 131 and the Boards attempt to correct
572 the mistake of leaving out grandfathering which was missed not only by the Board but by the
573 Legislative body as well. Ms. Jabaay reported that after conversations with Representative
574 Matt Claman; Rep. Claman had stated that the original HB 131 was imperfect but correctable;
575 however HB 222 will completely void the original HB 131.

576

577 The Board asked if HB222 passed and rolled back to the 12 hour license, would hairdressers
578 again be able to provide mani/pedi services. Ms. Jabaay responded she was not certain, but
579 Rep. Claman told her he would not allow amendments to HB222.

580

581 Mr. McMKinley stated HB131 should have been written with language which would allow the
582 Board to regulate manicuring/nail technician through regulation which would have allowed to
583 the Board to write regulations addressing grandfathering and other issues that have popped up.
584 The Board agreed.

585

586 Ms. Jabaay informed the Board that Legislators have questions regarding the industry and had
587 suggested the Board create a committee which could liase with Legislators, provide education
588 to legislators and keep the Board informed of legislation.

589

590 Mr. McKinley asked if the committee should consist of Board members and licensees. Ms.
591 Jabaay stated a mix would be good so both sides of coin would be covered.

592

593 Ms. Chambers asked if Rep. Claman had asked for this advisory group. Ms. Jabaay responded
594 the Rep. Claman had made the suggestions which would provide advice to legislators and the
595 Board. Ms. Chambers responded that if Rep. Claman wants an advisory committee he can
596 create his own committee/council. Ms. Chambers informed the Board that they could appoint
597 a committee or subcommittee, however the Open Meetings Act must be observed at all times;
598 meetings would need to be scheduled and public noticed.

599

600 Ms. Jabaay asked Ms. Chamber if there was a roll back to the 12-hour license would it allow
601 hairdressers to provide mani/pedi services. Ms. Chambers responded she would check on this
602 and get back to the Board. Ms. Black also request Ms. Chambers check if schools would also
603 need to add manicuring back to hairdresser training.

604

605 Ms. Jabaay informed the Board that SB 4, non-chemical barbering and braiding seemed to be
606 moving along. Ms. Jabaay stated that the braiding license would reflect 35 hours of training.

607

608 The Board discussed training requirements for braiders and stated that they would prefer the
609 legislation not dictate training requirements but would allow the Board to address training
610 through regulations. The Board stated that allowing them the ability to regulate this through
611 regulations would allow them to avoid issues which HB131 ended up causing.

612

613 Ms. Jabaay suggested the Board possibly entertain a shampoo person/hair washer license.

614

615 The Board thanked Ms. Milks, Ms. Chambers, and Ms. Jabaay for their time and assistance.

616

617 *Recess* *The Board recessed at 12:22 p.m.; reconvened at 12:46 p.m.*

618

619 Ms. Bundick re-joined the Board to discuss the application for Thien Van Dinh. Ms. Spencer
620 informed Ms. Bundick there was no application for this individual. Ms. Bundick responded the
621 application was listed on the meeting agenda. Ms. Spencer stated that no, the only mention of
622 this individual was in the investigative report in the form of a confidential memo to Sher Zinn,
623 Records and Licensing Supervisor informing her of the individuals request to withdraw the
624 application and that if another application was submitted by this individual, the application
625 would need to be reviewed by investigative staff.

626

627 The Board returned to correspondence.

628

629 ❖ Correspondence, Cont.

630 The Board reviewed the email from Kimberly Savland asking about externships for students.

631
632 The Board discussed job shadowing, the difference between answering a question and
633 instructing; the Board expressed concerns with putting a non-instructor in the position of
634 literally instructing a student; who would be responsible for the student, would the authorized
635 instruction be present during this “externship”, how would this time be credited to the student
636 and who would enforce/verify no actual instructing would be happening. The Board stated
637 they felt this seemed a little like deregulation in the sense that a student would end up being
638 taught by a person not licensed to instruct.

639
640 **On a motion duly made by Mitch Black, seconded by Mae Canady, and approved**
641 **unanimously, it was**

642
643 **RESOLVED to deny the request from Kimberly Savland requesting approval**
644 **for student externships.**

645
646 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
647 none Mr. McKinley polled the Board. Hearing no disagreements, the motion passed.

648
649 ❖ Regulation Project & Discussion: 12 AAC 09.056(e), 09.060(e), 09.065(d),
650 **09.066(c)**, 09.070(e) – allow foreign language translator(s) for written exam.

651
652 The Board reviewed the National Interstate Council of State Boards of Cosmetology’s
653 examination administration manual specifically the sections related to the NIC policy on the use
654 of readers, translators, and foreign language dictionaries.

655
656 Ms. Spencer informed the Board that at a recent exam she administered there had been an
657 individual who spoke fluent Vietnamese who dropped off a candidate and stayed to assist with
658 the instructional portion of the examination. Ms. Spencer went on to state that just having this
659 person assist with the instructional portion was a great asset; Ms. Spencer also stated that a
660 fluent Vietnamese speaking individual also provided assistance at an Anchorage testing site
661 with great results.

662
663 The Board briefly discussed the allowable exceptions and decided that due to current legislative
664 issues, this topic would be tabled until further notice. The Board stated that if legislation went
665 through keeping the current nail technician license in place, they would immediately pick up
666 this issue.

667
668 ❖ Set meeting and examination dates

669
670 Ms. Spencer informed the Board that due to changes with budgeting and fiscal issues the
671 Division requested the Board provide two meeting dates for their preferred meeting months.

672

673 Ms. Spencer asked the Board if they were still comfortable with only one examination for the
674 month of January. The Board asked Ms. Spencer about attendance at the January 29 & 30,
675 2017 exams. Ms. Spencer stated that the Fairbanks and Juneau exams had less than six
676 candidates as usual and the Anchorage exam had a few more candidates than normal; however
677 with all the no-show and postponements, the Anchorage exam size was average.

678

679 ▪ Set 2018 Meeting Dates

680

681 The Board set the following meeting dates with all meetings to begin at 9:00 a.m.

682 The Board stated they would like to hold the January 2018 meeting in Juneau to assist with any
683 legislative issues that may need to address. The Board also requested their May 2018 meeting
684 be a face to face meeting in Anchorage in order to assist the Board with required Annual Report
685 submissions and if the nail technician/manicuring was still a hot topic, having staff physically
686 present to assist with Annual Report submissions and public comment would be beneficial.

687

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

689

690 • January 22, 2018: meeting location first choice to be Juneau, AK, second choice
691 Anchorage, AK. The Board stated if they were able to hold the January 2018 meeting in
692 Juneau it should begin at 8:00 a.m.

693

694 • May 7, 2018 in Anchorage, is the first choice

695 • May 21, 2018 in Anchorage, is the second choice

696

697 • October 1, 2018 in Anchorage, is the first choice

698 • October 22, 2018 in Anchorage, is the second choice

699

700 **On a motion duly made by Glenda Ledford, seconded by Michelle McMullin, and**
701 **approved unanimously, it was**

702

703 **RESOLVED to approve the 2018 meeting dates and locations.**

704

705 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
706 McKinley polled the Board. Hearing no disagreements the 2018 meeting dates were approved.

707

708 ▪ Set 2018 Examination Dates

709

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

712

713 **Anchorage:**

714 January 7 & 8, 2018

715 February 25 & 26, 2018

716 March 25 & 26, 2018

717 April 22 & 23, 2018
718 May 20 & 21, 2018
719 June 24 & 25, 2018
720 July 29 & 30, 2018
721 August 26 & 27, 2018
722 September 23 & 24, 2018
723 October 28 & 29, 2018
724 November 25 & 26, 2018

725
726 **Fairbanks:**

727 January 7 & 8, 2018
728 April 22 & 23, 2018
729 July 29 & 30, 2018
730 October 25 & 26, 2018

731
732 **Juneau:**

733 January 7 & 8, 2018
734 April 22 & 23, 2018
735 July 29 & 30, 2018
736 October 28 & 29, 2018

737
738 **On a motion duly made by Jennifer Lombardo, seconded by Mitch Black, and**
739 **approved unanimously, it was**

740
741 **RESOLVED to approve the 2018 tentative examination dates for Anchorage,**
742 **Fairbanks, and Juneau**

743
744 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
745 McKinley polled the Board. Hearing no disagreements the 2018 tentative examination dates
746 were approved.

747
748 The Board decided to move onto Item 10, Application Review before beginning work on the
749 FY17 Annual Report.

750
751 **Item 10. Board Business/Discussion, Cont.**

752
753 ❖ **Application Review**

754
755 Ms. Spencer reviewed the application list with the Board. Ms. Spencer stated that the
756 application for Nancy Couture had been originally sent as a mail vote but had been tabled for
757 face to face discussion. Ms. Spencer suggested the Board review the applications as a group to
758 assist the new Board member with the process.

- 759
760
 - Nancy Couture, Hairdresser by Examination with Out of Country Training

761 The Board reviewed the application and documentation for Ms. Couture. The Board was
762 concerned that there were no official transcripts/proof of training which reflected practical
763 operations. The Board asked Ms. Spencer if she had any suggestions. Ms. Spencer reminded
764 the Board of the application review conducted during its October 2016 meeting, Antonia
765 Garcia; Ms. Garcia had a very similar application which the Board decided to table and request
766 more documentation.

767
768 The Board discussed needed documentation to reflect the requirements of 12 AAC 09.160 and
769 tabling.

770
771 **On a motion duly made by Glenda Ledford, seconded by Mitch Black and**
772 **approved unanimously, it was**

773
774 **RESOLVED to table the application of Nancy Couture and request**
775 **transcripts/proof of training be submitted from Ms. Couture reflecting she**
776 **had met the training requirements of 12 AAC 09.160.**

777
778 Mr. McKinley asked the Board if they would like further discussion on this motion; hearing
779 none, Mr. McKinley requested a roll call vote.

780
781 **Roll Call Vote**

782	783	784	785
	NAME	YES	NO ABSTAIN
784	Kevin McKinley	X	
785	Terriann Shell	X	
786	Jennifer Lombardo	X	
787	Glenda Ledford	X	
788	Mae Canady	X	
789	Mitch Black	X	
790	Michelle McMullin	X	

791
792 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

- 793
794
 - Hani Sad, Barber by Examination, out of country training

795
796 The Board reviewed the application and documentation of Hani Sad. The Board asked if the
797 translated documentation was valid. Ms. Spencer informed the Board that Mr. Sad had
798 submitted this documentation to the North Carolina Board; the NC Board had approved the
799 translated training, which had been done by the NC African Services Coalition, Inc., and had
800 issued Mr. Sad a Permission to Work Agreement.

801
802 The Board agreed that Mr. Sad had met the training requirements of 12 AAC 09.160 including
803 practical operations and should be allowed to be scheduled for examinations. They also
804 reported that licensure should be granted once Mr. Sad passed examinations.

805 **On a motion duly made by Michelle McMullin, seconded by Mitch Black, and**
806 **approved unanimously, it was**

807
808 **RESOLVED to accept the out of country training as meeting the requirements**
809 **of 12 AAC 09.160 and issue a barber license after passing the Alaska State**
810 **Board practical and National Barber written examinations for Hani M. Sad**
811

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

814
815 **Roll Call Vote**

816	817 NAME	817 YES	817 NO ABSTAIN
818	Glenda Ledford		Stepped out of room
819	Kevin McKinley	X	
820	Terriann Shell	X	
821	Mae Canady	X	
822	Jennifer Lombardo	X	
823	Michelle McMullin	X	
824	Mitch Black	X	

825
826 **THE MOTION PASSED BY A UNANIMOUS VOTE.**

827
828 **Item 10. Board Business/Discussion, continued**

- 829
830 ❖ Update Services and Practices of estheticians

831
832 The Board decided to table this discussion until the October 2017 meeting.

- 833
834 ❖ Alaska State Law Questions for National Written Examinations

835
836 The Board decided to table this discussion until the October 2017 meeting and asked Ms.
837 Spencer to email directions regarding writing questions.

- 838
839 ❖ National Association of Barber Boards of America (NABBA) Annual Membership

840
841 Ms. Spencer asked the Board if continual membership with the National Association of Barber
842 Boards of America (NABBA) was something the Board would like. Ms. Spencer reported that
843 since becoming a member of NABBA, no Board member had been approved through State
844 processes to attend any of their meetings; this has been based on meeting/conference agendas
845 provided by NABBA. Ms. Spencer went on to state that she rarely has ever been able to reach a
846 NABBA member via phone or email.

848 The Board briefly discussed NABBA membership and decided that continual membership was
849 not needed at this time. Ms. Spencer assured the Board that if at a later date they wanted to
850 re-up membership, the topic could be discussed.

851

852 **On a motion duly made by Mitch Black, seconded by Michelle McMullin, and**
853 **approved unanimously, it was**

854

855 **RESOLVED to stop membership with National Association of Barber Boards of**
856 **America.**

857

858 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
859 none Mr. McKinley polled the Board. Hearing no disagreements, the motion passed.

860

861 **Item 9. Board Business/Discussion**

862

863 ❖ FY 2017 Annual Report

864

865 The Board reviewed the Fiscal Year (FY) 2016 Annual Report. Ms. Spencer reviewed the annual
866 report process, Board responsibilities for the report, and deadlines. Ms. Spencer also informed
867 the Board that the deadline for report submission is now being strictly enforced by the Division
868 and failure to submit Board required portions would result in those sections not being
869 submitted.

870

871 The Board read the letter from Ms. Chambers and reviewed the blank FY 17 report comparing
872 layout differences.

873

874 To facilitate the drafting of the FY 17 Annual report the Board broke into working groups.

875

876 ■ Narrative statement

877

878 The Board drafted and submitted an updated narrative statement to Ms. Spencer for the
879 annual report.

880

881 ■ Recommended Proposed Legislation

882

883 The Board requested the following proposed legislation that had been submitted in the FY16
884 annual report be kept for the FY17:

885 AS 08.13.160(d)(2)(5), clarifying language

886 AS 08.13.070, 08.13.082 and 08.13.220(13), separate tattooing and permanent cosmetic
887 coloring into two separate license types

888 AS 08.13.220(5) clarifying language defining superfluous hair

889 AS 08.13.070(4) license required

890 AS 08.13.070(8) license required, reword to reflect assist to obtain...

891 AS 08.13.070(a) reword to provide clarification

892 ▪ Budget recommendations

893
894 Ms. Spencer reviewed the FY16 budget recommendations with the Board to confirm
895 information that will be provided in the FY17 report; adding January meeting in Juneau to
896 coincide with the first week of Session. Ms. Spencer verified NIC meetings with the Board and
897 added them to the report. Ms. Spencer reminded the Board that due to the budget deficit
898 these trips may or may not be approved. The Board requested Ms. Ledford continue to be the
899 nominated Board member to attend the NIC meetings.

900
901 ▪ Goals and Objectives

902
903 The Board updated goals and objectives for FY17, the Board reviewed the updated goals and
904 objectives.

905
906 ▪ Regulation recommendations

907
908 The Board agreed the statement, “The Board will be drafting regulations to address industry
909 needs and possible legislative changes”, should be used for this section of the report.

910
911 Ms. Spencer assured the Board that they would be emailed drafts of their submissions for
912 review and edits prior to being submitted for the final annual report.

913
914 *The Board adjourned at 3:52 p.m.*

915
916 Respectfully submitted:
917
918 _____/S/_____
919 Cynthia Spencer, Licensing Examiner

920
921 Approved:
922
923 _____/S/_____
924 Kevin McKinley, Chairperson
925 Board of Barbers and Hairdressers

926
927 Date: 10/9/17
928