

1 State of Alaska
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING
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5 ALASKA BOARD OF BARBERS AND HAIRDRESSERS
6 Minutes of the meeting on Monday, July 9th, 2018
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8 By the authority of AA 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS
9 44.62, Article 6, a scheduled meeting of the Alaska Board of Barbers and Hairdressers was held via
10 videoconference on Monday, July 9th 2018.

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12 **These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and**
13 **Professional Licensing. These minutes have not been reviewed or approved by the Board.**
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15 **Written meeting minutes only reflects a brief overview of the business conducted during the boards**
16 **meeting. For a more detailed account, please request a copy of the meeting recording.**
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18 The Chair brought the meeting to order at 8:32 am

19 **Board Members Present via videoconference, constituting a Quorum:**
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21 Michelle Black (Mitch)
22 Willie Canady (Mae)
23 Jennifer Lombardo
24 Michelle McMullin
25 Terriann Shell
26 Kevin McKinley
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28 **Board Members Present via ZOOM:**

29 Vershawn Idom (Shawn) (8:39 am-12:25 pm)
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31 **Staff Members present:**
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33 Dawn Hannasch- Occupational Licensing Examiner
34 Sara Chambers-Deputy Director (8:00 am-11:15 am)
35 Dawn Bundick-Investigator (10:00 am-11:30 am)
36 Karina Medina-Probation Monitor (11:13 am-11:30 am)
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38 **Members of the public present:**

39 David Lang- Licensee # HADA16689
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41 **Review Agenda:**
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43 Board Chair, Kevin McKinley asked the board to review the approved agenda. The board would be
44 working from the approved agenda for the duration of their meeting.

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Ethics Disclosure:

There were no ethics disclosed by the board or its members.

Review/Approve Past Meeting Minutes:

At this time, the board reviewed two sets of meeting minutes. One from the June 6th 2018 meeting and the other, an amended version of the May 7th 2018 minutes.

In a motion duly made by Terriann Shell and seconded by Michelle Black, with unanimous consent, it was resolved to approve the June 6th 2018 meeting minutes as written.

In a motion duly made by Terriann Shell and seconded by Michelle Black, with unanimous consent, it was resolved to approve the May 7th 2018 meeting minutes as amended.

Division/Fiscal Update & Board Training:

Mr. McKinley moves the board attention onto the 3rd quarter fiscal report that is in the board packet. Mr. Chambers was available to answer any questions that the board may have had. At the end of fiscal year 2018 3rd quarter, the board has a surplus of \$840,611. This surplus will need to last through fiscal year 2019, as there will not be a renewal until August 2019. The board had no questions about the information provided by the Division.

The board training has been rescheduled to the October 1st & 2nd 2018 meeting in Anchorage

Regulation Review:

Hearing nothing further, Mr. McKinley requested that the board move into the review of assignments given to each board member in regards to the regulation changes required by Senate Bill 4 (SB4).

Each board member presented their drafted regulations to the board for review. Topics are as follows (all in response to SB4):

- Splitting permanent cosmetic coloring and tattooing
- Non-chemical barbering
- Hair braiding
- Shop inspections

Each member was given the opportunity to ask questions, make suggestions and voice concerns. The consensus was that the board would need an additional videoconference to have drafted regulations completed enough to present to the regulations specialist and the department of law. It was decided that each board member would present their final draft to the board on August 2nd 2018 from 9:00 am – 12:00 pm.

92 Occupational Licensing Examiner, Dawn Hannasch reviewed the regulation process with the board.
93 Stating that after the board has a draft that they are please with, it will go to the Regulation Specialist
94 and Department of Law for extensive review. Those recommendations will come back to the board for
95 review. Once there is a draft that is agreed upon between the board and the DOL, it would go out to the
96 public for 30 days of public comments.
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98 **Break: 10:46 am – 11:13 am**

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100 **Investigative & Probation Review:**

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102 Investigator Dawn Bundick and Probation Monitor Karina Medina presented the board with individual
103 reports. Ms. Medina reported that there are 4 licensees that are not in compliant with their probation.
104 The board will review these issues at a later meeting.
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106 Ms. Bundick reported that she opened 16 new matters and closed nine matters between April 16 and
107 June 15 2018. 33 remain ongoing. Ms. Bundick also reported that she conducted 31 license compliance
108 checks in Fairbanks, North Pole and the surrounding areas in June 2018. These compliance checks may
109 result in the addition of open investigative matters. She informed the board that she will be conducting
110 more compliance checks in the future, but will not make the locations information known to the public.
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112 **Application Review:**

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114 Mr. McKinley moved the board's attention onto the one application that needed the boards review. The
115 applicant received education out of state.
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117 While reviewing the checklist and application, Ms. Lombardo pointed out that there are a few
118 corrections that will need to be made. For example: on form #4464b, on the hours log, the wording
119 "body piercing" needs to be changed to replace the actual application type and the word theory needs
120 to be changed to "practical operation". Staff assured the board that updates on forms and check sheets
121 are on her radar and will be worked on continuously until completed. The board decided to table the
122 application until clarifying information is received by staff.
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124 **Lunch Break: 12:25 pm – 1:00 pm**

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126 **Old Business:**

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- 128 • **Out of state school requirements:**

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130 **12 AAC 09.173. OUT-OF-STATE TRAINING IN BODY PIERCING AND TATTOOING AND**

131 **PERMANENT COSMETIC COLORING.** (a) The board will approve training in body piercing
132 received outside of this state under AS 08.13.082(d)(1)(B) if the board determines that the
133 training is equivalent to the training requirements of 12 AAC 09.167(a) - (c) and provided by a
134 person knowledgeable in the applicable techniques.

135 (b) The board will approve training in tattooing and permanent cosmetic coloring received
136 outside of this state under AS 08.13.082(d)(1)(B) if the board determines that the training is
137 equivalent to that described in 12 AAC 09.169(a) – (c) and provided by a person knowledgeable
138 in the applicable techniques.

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The board stated that they will approve an education from an out of state school as long as the school meets or exceeded the requirements for that profession's education in Alaska. This only becomes an issue when an applicant is coming from a state where their either do not regulate the profession or the individual doesn't have an active license in that state. The board will work on posting guideline's on its website after its October 1st & 2nd 2018 meeting, so that there is no questions as to what the requirements are for each profession.

- **Town Hall Meeting Follow**

At its May 7th 2018 meeting, the board decided to have another town hall meeting. They believe that the lines of communication that the 1st meeting opened, need to be continued. During the May 21st 2018 & the July 9th 2018 meeting's the board reviewed all of the topics brought up at the town hall meeting and started to address these topics and issues.

- **Staff Issues**

1. Electronic receipt of documents-*DONE: if the document has to be notarized, it will have to be mailed into the department, if not it can be emailed to BoardofBarbersHairdressers@Alaska.Gov*
2. Unable to reach examiner- *Cynthia has been the only examiner for a very long time, with help provided here and there. The department has provided a second staff member that will work directly with the Board. Cynthia will still process all applications, exams and misc. documents. The department still plans to hire a second full time examiner.*
3. Processing time is high-*Please see the statement above*

- **Exams**

1. For out of state practicing applicants?-*Discussion pending*
2. Questions and topics need to be updated- *Discussion pending*
3. The Spanish language on the exam doesn't work for applicants from Puerto Rico- *Discussion pending*
4. Is the Proctor permitted to read the exam aloud to a candidate?- *Discussion pending*
5. On line written exams?-*Discussion pending*

- **Nail Techs**

1. Advanced Manicurist ability to supervise students- *Discussion pending*

- **Esthetics**

1. Will the Board consider in the future the addition of a license for micro blading & PCC- *Discussion pending*
2. Standard of lash quality is low, hard to get insurance, is it required- *Discussion pending*

- **Tattoo & Permanent Cosmetic Coloring**

1. Required to take PCC to practice? *Discussion pending*
2. What are the consequences for those already practicing micro-blading? *Discussion pending*

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- 183 3. How will instructors teach PCC when they do not know it? Will the Board Accept
184 out of state training? *Discussion pending*
- 185 • Shampooing requires a license- *Discussion pending*
 - 186 • Board Information
 - 187 1. Board procedures for disciplinary actions- *Discussion pending*
 - 188 2. How does the Board develop regulations?- *Discussion pending*
 - 189 3. How can the public report complaints?- *Discussion pending*
 - 190 4. Board seat for an apprentice- *Discussion pending*
 - 191 • Other items that the board plans to address:
 - 192 1. Exam for foreign speaking candidates
 - 193 2. Cultural tattooing
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195 The date, time and place will be placed onto the board's website once it is determined. Staff
196 will also send a mass email to all licensees with the information.

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- 199 • **Fiscal Year 2018 Annual Report:**

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201 Hearing nothing further in regards to the upcoming town hall meeting, Mr. McKinley directed the board
202 attention to the drafted FY2018 annual report. The board discussed the goals and objectives portion of
203 the report. Once completed, the public will be able to review the report on the legislative website.

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205 **In a motion duly made by Michelle Black and seconded by Jennifer Lombardo, with unanimous**
206 **consent, it was resolved to approve the fiscal year 2018 annual report as written.**

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208 **New Business:**

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210 **Cultural Practices-Tattooing**

211 David Lang joined the meeting at 1:58 pm to present information to the board.

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- 213 • We, the Indigenous Cultural Practitioners of Alaska Native Traditional Tattooing seek
214 exemption of licensure under 8.13.160d
 - 215 • the differences between Cultural Practitioners and street shop tattooing is vast and warrants
216 exemption as the requirements for tattoo license under the commercial/ shop model are not set up to
217 accommodate Cultural Practitioners
 - 218 • exemption would be for Cultural Practitioners recognized by the board and fulfilling state
219 requirements on health and safety and enrollment in the Silver Hand or Tlingit and Haida Certified
220 Tribal Artist program, alleviating the burden of proof of cultural connection and conduct from the
221 state.
 - 222 • Cultural Practitioners would follow the health and safety standards already in place by the state
223 and The DEC
 - 224 • exemption would only apply to traditional methods and technique in a safe and clean
225 environment. Machine tattooing still requires full tattoo license and shop requirements
- 226

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227 Mr. McKinley stated a few concerns such as; when charging a fee, the practice enters into commerce,
228 also, typically when the Alaska Natives believe that there is a need for exemptions, they (multiple tribes
229 and the Corporations) would seek out the changes in the law themselves.

230

231 Ms. Lombardo stated that she would like to pursue this topic with Mr. Lang. She believes that there is a
232 possibility of an exemption and would like time to work with Mr. Lang to explore the topic further. She
233 also recommended that the topic be added to the new town hall meeting agenda.

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235 **Tattooing/cosmetic coloring/body piercing written exam draft:**

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237 OLE Dawn Hannasch presented the board with a draft of an updated written exam for
238 tattooing/cosmetic coloring/body piercing. Ms. Lombardo stated that she also has a draft removing non-
239 relevant information. Board Chair, Kevin McKinley requested that Ms. Hannasch and Ms. Lombardo
240 work together to provide the board with a draft of the updated exam. The pair will work to provide the
241 updated draft to the board by the end of July.

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243 **Administrative Business:**

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245 The week of July 2nd, a complaint was brought to the board attention regarding exam proctor behavior.
246 Board Chair, Kevin McKinley gave Ms. Black the option to enter into executive session to discuss the
247 complaint, she declined. Mr. McKinley reminded the board and all proctors that they are not allowed to
248 engage in conversation about the student, the exam or the outcome of an exam. They are to treat all
249 students as strangers. If asked, the proctor is to inform the individual that they will need to wait to hear
250 from the division with the outcome information. OLE, Dawn Hannasch reminded the board that the
251 standards that a proctor is to hold themselves to is in the proctor handbook that is provided to each
252 proctor.

253

254 Ms. Black informed the board that the complaints are unfounded, that the individuals have a “personal
255 attack” because of a past investigation. Ms. Black stated that she did not do what she is being accused
256 of, although “I may have said at the solon, at the solon, not to a student, maybe to a client or on the
257 phone with my husband, that it was a very poor performance at the board, I was disappointed in the
258 performance. I never said names, I don’t know these people.” “There were two proctors there, I don’t
259 know how the other proctor scored. I can’t say they failed or passed. I have never done that. I have
260 proctored for 20 plus years. I know better.” “We don’t know what school they went to, the only way we
261 know is if they use a particular product during their practical”.

262

263 Mr. McKinley stated “I appreciate you speaking up, I really do, but again, simple stuff like that, we
264 understand how fast this can get.” Mr. McKinley went onto explain how one’s personal opinion or
265 actions can follow you while serving on the board. This can cause a shadow to be cast against the board
266 as a whole. He recommend that the board put in writing, that while an individual serves on the board,
267 they cannot proctor exams or conduct inspections. Doing so can taint investigations. Pulling board
268 members from that pool will help to keep the board above reproach.

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270 Any exam candidate that took the exam in June 2018, can contact OLE Cynthia Spencer to retake the
271 exam at no additional expense.

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273 **Election of Board Chair:**

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Hearing nothing further, Mr. McKinley moved the board onto the election of a new Board Chair. Willie Canady nominated herself and Terriann Shell nominated Jennifer Lombardo. Both candidates accepted the nominations. The board then voted anonymously, resulting in Ms. Lombardo receiving 5 votes and Ms. Canady 1 vote.

Ms Lombardo accepted the position as the Board Chair effective July 9th 2018.

Mr. McKinley adjourned the meeting at 3:36 pm

Respectfully submitted,

Dawn Hannasch, Occupational Licensing Examiner

Date

Jennifer Lombardo, Board Chair

Date