

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 March 25, 2020  
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62  
10 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held via videoconference  
11 and at State Office Bldg., 333 Willoughby Ave., 9<sup>th</sup> Fl, Conference Room B, March 25, 2020.  
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 Jennifer Lombardo, Chair at  
16 8:01 a.m. Members present were:  
17

18 **Item 1. Roll Call**

19  
20 **Board Members Present, constituting a Quorum:**

21  
22 Jennifer Lombardo, Industry License, Tattooist, Chairperson  
23 Michelle McMullin, Nail Technician  
24 Terriann Shell, Public Member  
25 Z. Blake Thomas, Tattooist/Body Piercer/Permanent Cosmetic Colorist  
26 Vershawn Idom (Shawn), Barber  
27 Cheryl Brantley, Hairdresser  
28 VACANT, Hairdresser/Esthetician  
29

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

31  
32 Cynthia Spencer, Acting Records & Licensing Supervisor  
33 Wanda Whitcomb, Licensing Examiner  
34 Sharon Walsh, Deputy Director  
35 Sher Zinn, Regulation Specialist  
36

37 Board Chair, Jennifer Lombardo welcomed new board members, Cheryl Brantley and Z. Blake Thomas.  
38

39 **Item 2. Review/Amend Agenda**

40  
41 Ms. Lombardo requested the board review the agenda and provide any amendments. Hearing none,  
42 the agenda was approved.  
43

44 **Item 3. Ethics Disclosure**

45  
46 The Board reviewed provided ethics information. There were no ethics matters reported.  
47

48 Sher Zinn, Regulation Specialist, joined the meeting.

**Item 4. Regulation Projects: Approval for Public Notice**

- 12 AAC 09.173, Out of State Training in Body Piercing, Tattooing, and Permanent Cosmetic Coloring
- Practical Examination: 12 AAC 09.002, 09.005, 09.020, 09.025, 09.030, 09.035, 09.038, 09.056, 09.060, 09.065, 09.070, 09.075, 09.095, 09.105, 09.106, 09.170, 09.900, 09.930

Ms. Lombardo gave a brief background of 12 AAC 09.173; applicants with out of state training must be approved by the board prior to examination scheduling and/or licensure.

Ms. Lombardo asked if the board or Sher Zinn, Regulation Specialist had any comments or wanted to discuss.

Ms. Zinn stated that she had spoken with Cynthia Spencer about these regulations and is proposing to remove the verbiage in each of the regulations which states, "licensed in .... In the state or jurisdiction where the training is performed" as there are still many states that do not license these aspects. Ms. Zinn went on to state that Ms. Spencer agreed that keeping "knowledgeable in the applicable techniques" and removing "licensed in .... State..." is heading in the right direction.

Ms. Lombardo asked Ms. Spencer if she receives applications which are affected by this regulation. Ms. Spencer stated many applications are received from applicants which fall under 12 AAC 09.173.

Ms. Spencer stated, requirements are very varied from state to state, counties, and cities; obtaining required license/permit verifications is very difficult and that if sticking with "must be licensed" causing difficulties for applicants who are coming from states, counties, etc., that may only license shops or only issue permits to individuals, or that don't license/permit at all.

Ms. Lombardo asked if the board could keep both statements, "licensed in .... In the state or jurisdiction..." and "knowledgeable in the applicable techniques"? Ms. Zinn stated the board could keep both or re-word to add verbiage addressing permits, possibly adding a section for those with licenses to provide that license number.

Blake Thomas asked if dealing with people who are from states that do not issue license/permit could we check work experience; concern is if influx of people who received little or no training trying to get licensed quickly with no check/balance.

Ms. Spencer responded, applicants from out of state must meet minimum training requirements for license being applied for; we verify this using training forms and other documentation required through the application process so there are verifications of training. Ms. Spencer also stated that most of these applicants are required to take/pass either the State Board Tattoo/Permanent Cosmetic Colorist or the NIC Body Piercer written examinations to complete the licensure process.

Ms. Lombardo asked if there were any other comments or discussion. There were none.

Ms., Lombardo stated based on information provided by Ms. Zinn and Ms. Spencer; keep "knowledgeable in the applicable techniques" and remove "licensed in .... in the state or jurisdiction where the training is performed". Ms. Lombardo asked staff to verify, if an applicant did hold a license, they would still need to provide that information. Ms. Spencer stated applicants still would be required to disclose licensure or permit information and provide required license verification when applicable.

Ms. Lombardo clarified; these proposed changes would allow staff to review applications, schedule examination, and issue licenses for applications that were clear, concise, and provided all required

102 documentation. Ms. Lombardo asked for confirmation from staff, applications that staff were unable to  
103 verify training would continue to be submitted to the board for consideration.

104

105 Ms. Spencer stated applications that staff couldn't verify training, would be submitted to the board for  
106 consideration. Ms. Spencer stated that if the board preferred, questionable applications could be  
107 submitted to the industry representative board member for review. Ms. Spencer clarified, if staff had a  
108 question about a course title or where to apply specific training, they would reach out to the  
109 appropriate board member for clarification, however, applications with training that couldn't be  
110 processed with a quick question to the appropriate board member would be presented to the board for  
111 consideration.

112

113 Ms. Lombardo stated that with both proposed regulation projects she would like to see the board move  
114 forward, however, in light of the COVID-19 pandemic, issued mandates, in the effort to remain  
115 absolutely transparent, and to allow for the public ample opportunity for public comment, this may not  
116 be the time to public notice a regulation project; however, the board should move forward with  
117 approval but hold off on the public notice process until a later date.

118

119 Ms. Zinn informed the board that approving the project but not moving forward with public noticing at  
120 this time is ok if proposed changes are not imperative. Ms. Zinn informed the board she could hold an  
121 approved project for 30-days then the board could re-access; Ms. Zinn went on to state that the board  
122 should include oral testimony specifically for the practical examination changes as this is hot button  
123 topic.

124

125 The board briefly discussed public noticing, oral and written testimony. The board decided to move  
126 forward with approving the project and would revisit public noticing during its May 11 – 12, 2020  
127 meeting.

128

129 Mr. Idom asked if applicants would be made aware of current practical exam changes. Ms. Spencer  
130 responded that applicants, schools, and instructors had been notified of practical and written exam  
131 suspensions due to COVID-19 mandates. Ms. Spencer informed the board that candidates who had  
132 been scheduled to test in April had been moved to the May exam date and if there were any further  
133 examination cancellations due to the pandemic, candidates would be notified in advance and rolled into  
134 the next exam date. Ms. Spencer also stated that prescheduling and scheduling correspondences had  
135 been updated with verbiage addressing possible exam cancellations.

136

137 **On a motion duly made by Blake Thomas, seconded by Terriann Shell, and approved by**  
138 **roll call vote, it was**

139

140 **RESOLVED to approve the drafted regulation project of 12 AAC 09.173; adding**  
141 **“knowledgeable in the applicable techniques” back into the regulation, but not to**  
142 **move forward with the public noticing process until re-accessed during the May 11-**  
143 **12, 2020 meeting.**

144

145 Ms. Lombardo asked the Board if they would like any further discussion; hearing none, Ms. Lombardo  
146 requested a roll call vote.

147

148 **Roll Call Vote**

149

150	NAME	YES	NO	ABSTAIN	Not in attendance
151	Terriann Shell	X			
152	Shawn Idom	X			
153	Jennifer Lombardo	X			
154	Blake Thomas	X			

155 Cheryl Brantley X  
156 Michelle McMullin X

157  
158 **THE MOTION PASSED BY A MAJORITY.**  
159

160 The board reviewed the proposed changes to the practical examination regulations and reviewed the  
161 mocked-up regulation booklet provided by Ms. Zinn which reflects regulations that would need to be  
162 updated.

163  
164 Ms. McMullin asked if statute 08.13.090 would prohibit removing practical exam requirements. The  
165 board discussed the statute. Ms. Zinn stated that to change the statute would require legislation,  
166 however since the statute, 08.13.090(c) states “the board may by regulation...”; if later the board wants  
167 to reinstate a practical examination, only a regulation project would be needed.

168  
169 Ms. Lombardo asked how could they already not be using the practical exam when regulation has not  
170 been changed. Ms. Spencer responded that the board during the January 2020 meeting, following  
171 08.13.090 (c), the board stated practical exams would end by May 1, 2020 which is why this regulation  
172 project had moved forward.

173  
174 Ms. Zinn informed the board that she had consulted with Director Sara Chambers regarding stopping the  
175 practical examination prior to new regulations; Director Chambers had stated that as long as the board  
176 made a motion on the record, they could but regulations would need to be drafted and go through the  
177 public notice process. Ms. Zinn also stated that in light of the COVID-19 pandemic and the need to  
178 cancel April and May examinations, she would endeavor to get this regulation project going as quickly as  
179 possible.

180  
181 Ms. Zinn relayed she found seven states do not administer a practical exam, several of those states  
182 require the schools to administer a practical exam and provide proof prior to licensure. Ms. Zinn  
183 informed the board that she had reviewed several months of practical exam score sheets and found  
184 99.9% of estheticians passed their practical exam, about 100% of barbers passed their practical exam,  
185 95% of hairdresser passed their practical exam, most hairdresser candidates failing the exam failed in  
186 the hairstyle or the haircut portions. Ms. Zinn also stated that most failed sections of the practical exam  
187 had nothing to do with sanitation. Ms. Zinn stated that if the board would like more research to have on  
188 hand as a useful tool, to let her know.

189  
190 Mr. Idom asked for additional research for their upcoming town hall meeting.

191  
192 Ms. Spencer informed the board that the written examinations also cover safety and sanitation. Ms.  
193 Spencer also stated that the practical examination administration is so subjective, if a proctor has a bad  
194 day or is tired their score may reflect that; there have also been candidates who test in Anchorage  
195 several times and fail, change their test location to Fairbanks or Juneau and pass.

196  
197 Ms. McMullin informed the board that she did have concerns regarding reciprocity with other states and  
198 information she found reflects most states don't even look at an exam as they want work experience  
199 and training. Ms. McMullin suggested more research to verify this was accurate.

200  
201 Ms. Spencer stated that most states require reciprocity applicants to meet or exceed their licensing  
202 requirements as does Alaska and many states would allow work experience or additional training to  
203 qualify for that states license.

204  
205 Mr. Thomas stated, when tattooing and body piercing started to be regulated a practical examination  
206 had been discussed, the outcome from the board, was the board does not have the authority to  
207 regulate the quality of a service or work being provided. Mr. Thomas went on to state, based on the

208 board's authority, not having a practical examination requirement makes sense.

209

210 Ms. Lombardo asked for clarification, based on the regulation process reviewed at the February 2020  
211 meeting in which the board learned it could take up to 150 days, how is the practical examination  
212 requirement already removed without this regulation project being completed. Ms. Lombardo stated  
213 that social media, etc., posts reflected removing the practical exam an issue.

214

215 Ms. Zinn stated that as she stated, you are a board and have authority under statute in 08.13.090(c) as it  
216 states "may" the board has authority to stop the practical exam process as long as there is a regulation  
217 project in process; however, if the verbiage read "shall", the board would not have authority to stop the  
218 practical exam and would need to seek legislation changes to stop practical exam requirements. Ms.  
219 Zinn also pointed out that due to the COVID-19 pandemic there is a little grace period/elbow room to  
220 complete a regulation project. Ms. Zinn also stated that she has received many emails asking if/when  
221 this maybe public noticed and if there would be a time for comments; she as assured folks that the  
222 board is working on a project and there will be ample opportunity for commenting. Ms. Zinn informed  
223 the board that they could change their statement and begin requiring a practical examination again until  
224 the regulation project goes through.

225

226 Ms. Lombardo thanked Ms. Zinn and asked if anyone had questions or wanted discussion.

227

228 Mr. Idom stated that he appreciated Ms. Lombardo's question regarding canceling the practical  
229 examination as the questions Ms. Lombardo asked and received were questions, he was getting;  
230 individuals were feeling they had no voice in this change. Mr. Idom also stated that he did not want to  
231 restart the practical examination.

232

233 Ms. Zinn gave board random date of 6/2020 no longer practical exam previous board chair, Kevin  
234 McKinley made the motion and later in that meeting made another motion rescinding the first with the  
235 verbiage no later than May 1, 2020 even at that time, there was no way the regulation could have gone  
236 through by May 1; the board did discuss and with my suggested as verified with Director chambers and  
237 with notification to the public the practical exam was postponed. Ms. Zinn elaborated that if the board  
238 didn't have a regulation in place then the board couldn't require something more stringent that what  
239 was currently in place without an accompanying regulation. Can make motion to postpone practical  
240 exam until regulation changes went into effect.

241

242 Mr. Idom stated he does not think the board should go back on anything. Ms. Lombardo agreed with  
243 Mr. Idom, thanked Ms. Zinn for clarifying as considering the backlash from the community it felt like the  
244 board wasn't being transparent.

245

246 Cheryl Brantley asked how the board felt about instructor applicants only taking a written examination.  
247 Mr. Idom responded that from information provided, the instructor examination was the most  
248 subjective practical examinations being administered.

249

250 Ms. Brantley stated she felt instructors should be required to take a practical examination as instructors  
251 are required to teach in front of a class and the practical exam is the applicant teaching a subject. Ms.  
252 Spencer stated that since she began working this program the instructor practical exam was the most  
253 subjective, frequently failed examination, and reflected a large score discrepancy between three exam  
254 proctors.

255

256 Mr. Idom sated that he understood Ms. Brantley's concerns but with so many discrepancies this exam is  
257 too subjective and not fair to candidates.

258

259 The board briefly discussed the instructor practical examination specifically safety and sanitation  
260 requirements. The board agreed that safety and sanitation were not covered in the practical exam but

261 covered in the written exam along with practical teaching questions.

262

263 Ms. Lombardo asked if Ms. Brantley had any other questions or concerns. Ms. Brantley stated she didn't  
264 and thanked the board for the discussion.

265

266 Ms. Spencer informed the board that many states have practical examination requirements though  
267 schools and passing was a requirement to move onto licensure and written examination, however those  
268 states did not allow for apprenticeship programs. Ms. Spencer went on to state that the board may  
269 want to consider an in school practical exam option but would need to be sure to add something for  
270 apprenticeship programs. Ms. Lombardo stated that in an apprenticeship program, the instructor could  
271 administer a practical exam.

272

273 The board discussed a school and apprentice program practical exam.

274

275 Ms. Lombardo asked Ms. Zinn to confirm, that during the public noticing process, if the board found the  
276 need to amend the project based on submitted comments, they could make changes. Ms. Zinn  
277 informed the board that they still had the opportunity to make changes before a project was finalized.

278

279 Ms. Lombardo asked if the board would like any further discussion; hearing none, Ms. Lombardo asked  
280 the board to begin making motions which should include verbiage to postpone public noticing until  
281 pandemic issues cooled and to allow for oral comments.

282

283 **On a motion duly made by Terriann Shell, seconded by Michelle McMullin, and**  
284 **approved by roll call vote, it was**

285

286 **RESOLVED to approve the drafted regulation projects for 12 AAC 09.002, 09.005,**  
287 **09.020, 09.025, 09.030, 09.035, 09.038, 09.056, 09.060, 09.065, 09.070, 09.075,**  
288 **09.095, 09.105, 09.106, 09.170, 09.900, 09.930, to allow for written and oral**  
289 **comments, but not to move forward with the public noticing process until re-**  
290 **accessed during the May 11- 12, 2020 meeting.**

291

292 Ms. Lombardo asked the Board if they would like any further discussion; hearing none, Ms. Lombardo  
293 requested a roll call vote.

294

295 **Roll Call Vote**

296

297	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>Not in attendance</b>
298	<b>Terriann Shell</b>	<b>X</b>			
299	<b>Shawn Idom</b>	<b>X</b>			
300	<b>Cheryl Brantley</b>	<b>X</b>			
301	<b>Michelle McMullin</b>	<b>X</b>			
302	<b>Blake Thomas</b>	<b>X</b>			
303	<b>Jennifer Lombardo</b>	<b>X</b>			

304

305 **THE MOTION PASSED BY A MAJORITY.**

306

307 **Item 5. COVID-19 Discussion**

308

309 Ms. Lombardo provided an update on Governor Dunleavy's mandate 9.1 which effective closed all  
310 shops/salons until this mandate is rescinded or amended and mandate 009. The board reviewed the  
311 guidance letter drafted by Ms. Lombardo and discussed mandates.

312 Mr. Idom pointed out an error in the last sentence. Ms. Spencer and Ms. Lombardo thanked Mr. Idom  
313 for finding this error.

314

315 Ms. Lombardo stated she would like this letter mailed, emailed to licensees, and posted to the web; the  
316 board agreed. Ms. Spencer stated the letter would be posted to the web; however, if the board wanted  
317 the notice mailed and/or emailed, she would. The board decided the letter should be posted and  
318 emailed to licensees.

319

320 Ms. Spencer asked if the board would agree to change the closing to be from the board. The board  
321 agreed.

322

323 The board continued to discuss the letter made the following change and asked to include a copy of  
324 mandate 9.1:

325

- 326 • 5<sup>th</sup> paragraph add final sentence to read: Please help keep each other and your community safe.
- 327
- 328 • Change closing to be from board.
- 329

329

330 **On a motion duly made by Terriann Shell, seconded by Michelle McMullin, and**  
331 **approved by roll call vote, it was**

332

333 **RESOLVED to accept the informational letter with changes, include a copy of**  
334 **mandate 9.1, post to the web and email to all licensees.**

335

336 Ms. Lombardo asked the Board if they would like any further discussion; hearing none, Ms. Lombardo  
337 requested a roll call vote.

338

#### Roll Call Vote

339

340	NAME	YES	NO	ABSTAIN	Not in attendance
341	Cheryl Brantley	X			
342	Blake Thomas	X			
343	Michelle McMullin	X			
344	Jennifer Lombardo	X			
345	Shawn Idom	X			
346	Terriann Shell	X			

347

348 **THE MOTION PASSED BY A MAJORITY.**

349

350 Ms. Lombardo asked the board if they wanted any further discussion.

351

352 Mr. Thomas stated he was looking through regulations and noted that distance learning is allowed;  
353 would the board entertain allowing more distance training.

354

355 Mr. Idom stated that postsecondary education had already made additional allowances for schools,  
356 during this time, to provide more distance education.

357

358 Ms. Spencer informed the board that she has been in contact with several school in Anchorage who  
359 have closed; these schools have emailed closure dates and will update if there are any changes, note of  
360 the closures are made in these school files; we don't expect student/apprentice training forms to be  
361 submitted in a timely fashion; several schools have Milady or Pivot Point distance learning programs in  
362 place; we are just playing everything by ear and make accommodations if we can.

363 Ms. Lombardo asked if apprentices are at home reading books and other theory training, this would be  
364 accepted? Ms. Spencer stated this theory training is allowed. Ms. Lombardo asked if the apprentice and  
365 instructor keeps track of this at home reading, etc., that time would be accepted. Ms. Spencer stated  
366 that training would be accepted. The board discussed distance/on-line training programs, time keeping  
367 tools/trackers and resources for school's vs apprenticeship programs. The board agreed that if an  
368 apprentice is at home reading their textbook, this time would be accepted under the 25% theory  
369 training curriculum regulations.

370  
371 The board discussed possibly extending student/apprentice permit expiration dates for those who may  
372 not be able to complete training due to closure mandates. Ms. Spencer stated the board does have the  
373 authority to extend permit expiration dates upon a written request from the student/apprentice or  
374 school/instructor.

375  
376 Ms. Spencer asked the board if they would consider amending their previous motion regarding their  
377 information letter to include verbiage addressing distance learning. The board agreed, discussed, and  
378 make the following changes:

- 379
- 380 • 1<sup>st</sup> paragraph – greeting add: instructors, students, and apprentices.
  - 381
  - 382 • Add new 4<sup>th</sup> paragraph to read: Apprentices, student, and Instructors, please be aware that 25%  
383 of theory training may be done in a distance education setting. Please refer to your specific  
384 curriculum for more information

385  
386 **On a motion duly made by Terriann Shell, seconded by Michelle McMullin, and**  
387 **approved by roll call vote, it was**

388  
389 **RESOLVED to amend the previous motion to add the following additional changes to**  
390 **the COVID-19 informational letter; 1<sup>st</sup> paragraph – greeting add: “instructors,**  
391 **students, and apprentices”;** new 4<sup>th</sup> paragraph to read: **“Apprentices, student, and**  
392 **Instructors, please be aware that 25% of theory training may be done in a distance**  
393 **education setting. Please refer to your specific curriculum for more information.”**  
394

395 Ms. Lombardo asked the Board if they would like any further discussion; hearing none, Ms. Lombardo  
396 requested a roll call vote.

397 **Roll Call Vote**

398					
399	<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>Not in attendance</b>
400	<b>Jennifer Lombardo</b>	<b>X</b>			
401	<b>Terriann Shell</b>	<b>X</b>			
402	<b>Shawn Idom</b>	<b>X</b>			
403	<b>Michelle McMullin</b>	<b>X</b>			
404	<b>Blake Thomas</b>	<b>X</b>			
405	<b>Cheryl Brantley</b>	<b>X</b>			

406  
407 **THE MOTION PASSED BY A MAJORITY.**

408  
409 Ms. Lombardo asked the Board if they would like any further discussion. Hearing none, Ms. Lombardo  
410 reminded the board that they may need to pull together another quick meeting(s) in response to Senate  
411 Bill 271 and future mandates. Ms. Lombardo thanked the board for their time and hard work.

412  
413 *The Board adjourned at 9:49 a.m.*

