

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 October 5 - 6, 2020
8

9 THESE MINUTES MAY NOT REFLECT THE LATEST GUIDANCE ON MANDATE 16. PLEASE CHECK THE
10 BOARD'S WEB SITE FOR THE LATEST GUIDANCE ON COVID-19-19 REOPENING REQUIREMENTS.
11

12 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62
13 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held via teleconference and
14 videoconference and at State Office Bldg., 8th Floor, Conference Room B, April 24, 2020.
15

16 **Item 1. Call to Order/Roll Call**
17

18 The meeting of the Board of Barbers and Hairdressers was called to order by Jennifer Lombardo, Chair at
19 9:04 a.m. Members present were:
20

21 **Item 1. Roll call**
22

23 **Board Members Present, constituting a Quorum:**
24

25 Jennifer Lombardo, Industry License, Tattooist, Chairperson
26 Michelle McMullin, Nail Technician
27 Terriann Shell, Public Member
28 Vershawn Idom (Shawn), Barber
29 Blake Thomas, Body Piercer
30 VACANT, Hairdresser/Esthetician
31

32 **Excused from attending**
33

34 Cheryl Brantley, Hairdresser
35

36 **Present from the Division of Corporations, Business and Professional Licensing were:**
37

38 Cynthia Spencer, Records & Licensing Supervisor
39 Wanda Whitcomb, Licensing Examiner
40 Sher Zinn, Regulation Specialist
41

42 **Members of the Public Present:**
43

44 David Evans, Non-Chemical Barber Student
45 Kevin McKinley, Tattooist
46

47 **Item 2. Review/Amend agenda**
48

49 Wanda Whitcomb informed the board that Item #6, Division and Financial Update, will be off the
50 agenda as quarterly budget reports are not currently available. Ms. Whitcomb informed the board that

51 there are no COVID-19 updates. If the board approves, item 7 could be moved on the agenda up to 1:00
52 pm and skip item 6.

53

54 Board Chair, Jennifer Lombardo stated that item 7-B is something that is on the agenda for the next
55 morning and that we will not discuss this today. Chair Lombardo stated that otherwise the agenda
56 looked good.

57

58 Terriann Shell asked if a motion to approve the agenda was needed; Ms. Whitcomb requested a motion
59 to approve the agenda.

60

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

63

64 **Resolved to approve the minutes with amendments for the October 5 – 6 meeting**

65

66 Ms. Lombardo polled the Board, hearing no disagreement the date was approved.

67

68 **Item 3. Ethics Disclosure**

69

70 No ethics disclosures.

71

72 **Item 4. Public Comment for Proposed Regulations Only**

73

74 Prior to this public comment period, there were no members of the public in attendance for regulation
75 comments. David Evans, member of the public, was interested in exam scheduling for December and
76 not the proposed regulations changes. Shawn Idom stated that normally there is no testing in
77 December. Cynthia Spencer agreed that normally there is no testing in December, but with the
78 suspension of testing earlier in the year of two written exam sessions due to COVID-19, she asked the
79 board to consider a December test date. Ms. Spencer further stated that currently Anchorage testing
80 takes place in the Atwood building, and that there are currently issues with spacing of candidates due to
81 current social distancing concerns. If we do allow a test date in December, this may eliminate the huge
82 40 to 50 candidate groups that usually happen in January.

83

84 Ms. Shell asked, since proctors are no longer administering practical exams; are the proctors for the
85 written exam members of the industry?

86

87 Ms. Spencer stated that currently in Anchorage and Juneau staff administer the exams, but in Fairbanks
88 a member of the industry still administers the exams as there are no state offices in Fairbanks. Ms. Shell
89 stated that she would rather see a person not in the industry to administer the exams.

90 Ms. Spencer continued that it is a possibility to have someone outside the industry to proctor the exams
91 in Fairbanks should the board decided to eliminate the practical exam. Ms. Spencer informed the board
92 that the proctor would still need to be paid, space rented; at this time, we do not pay for the space in
93 Fairbanks, just for the proctor's time.

94

95 Ms. Shell asked if the board needed a motion to add on a written exam date in December. Ms. Spencer
96 suggested the board do a roll call vote to approve the added exam date in December.

97

98 Due to holidays in December, the board suggested December 7. This would give three weeks between
99 November and December test dates.

100 **On a motion duly made by Terriann Shell, seconded by Blake Thomas, and approved**
101 **unanimously it was**

102
103 **Resolved to approve the December 7, 2020 exam date.**
104

105 Ms. Lombardo polled the Board, hearing no disagreement the date was approved.
106

107 Chair Lombardo made a statement to clarify the public comment section of the meeting. She stated
108 that the board would open the public comment section, but that this section allows for public comments
109 pertaining to the regulation changes only. The board will not interact with the public during this
110 meeting.
111

112 At this point no one is online, but should anyone show up they would be allowed to speak. Chair
113 Lombardo explained that at 9:20 a.m. tomorrow, the public comment section would allow anyone from
114 the public to comment on anything but the regulation change.
115

116 At 9:18 a.m., due to there being no members of the public wanting to make comments on regulations;
117 the board moved forward to item 7 with the direction that if anyone from the public signed into the
118 meeting for regulation comments, they would be allowed to speak.
119

120 **Item 6. Division and Financial Update**

121
122 This item put on hold for a later date as reports were not available.
123

124 **Item 7. Old Business**

125 **A. Legislative prep: Five statute changes from last year.**

126
127
128 Chair Lombardo explained the ability to practice and teach hair braiding for barbers was never intended
129 to be left out of SB4, and that is was unintentionally added to the hairdresser license but not to the
130 barber license; statute should be modified to include barbers.
131

132 Second was to remove micro-needling from the definition of tattooing; legal advice was that this is not a
133 tattoo procedure and is something that should be performed by someone in the medical profession.
134

135 The third legislative item is to modify apprenticeship hours. Apprenticeship hours that are in statutes
136 require creating a bill and making sure it gets picked up so that it can go through legislation. Removing
137 statutory language would make it easier to modify training according to industry standards and would
138 be in line with the Governor's Right Touch regulations. This would move all the apprenticeship
139 requirements into regulation.
140

141 Michelle McMullin stated that esthetics should be changed from six months to three months as was
142 discussed in a previous meeting. Ms. McMullin shared classes are finished in less than 12 weeks. Ms.
143 McMullin emailed an example of California esthetics curriculum which will be discussed in Tuesday's
144 meeting. Chair Lombardo stated that changes were made to the esthetics training time so that it stated
145 that training must be completed in one year, but there is nothing stating it must be at least a certain
146 amount of time.
147

148 The fourth item, updating the temporary shop license in statute. There was no need to go to the legal

149 department since the wording was contradictory. Should be modified to show that anyone in the field
150 can receive a temporary shop license for demonstrations etc. This was cleaned up to include all other
151 professions to hold events such as convention, workshop, demonstration, but is only to demonstrate to
152 other practitioners.

153

154 The fifth item was to add the word “current” to the display of license in statute.

155

156 Ms. McMullin explained the process of getting something through legislation; she stated that mostly
157 contacting representatives, getting in touch with their offices, and getting the word out to them as much
158 as possible was great. Ms. Spencer stated that the board should start making phone calls to
159 representatives and senators to let them know that legislation proposals are important and possibly set
160 up Zoom meetings. Ms. Spencer informed the board the first chance to have live meetings, we will push
161 to make this happen. Chair Lombardo stated that everyone on the board needs to reach out and try to
162 make this happen and how important it is to reach out to as many people as possible with the
163 information licensed tattoo artists can perform micro-needling.

164

165 The board continued to discuss ways to reach out to legislators and how to stress the importance of this
166 packet. Board should notify Ms. Whitcomb if contact is made with a legislator. Chair Lombardo will send
167 out a statement to go along with the packet so that everyone on the board has a concise package to
168 refer to.

169

170 B. NIC Tattoo/PCC exam – Item moved to Tuesday’s agenda.

171

172 C. Face Painting Letter

173

174 Chair Lombardo stated that the face painting and crazy hair items have been on the agenda for the last
175 year. Ms. Shell had drafted a caution letter concerning face painting and asked if the letter concerning
176 crazy hair concerns had been posted to the board’s website. Ms. Spencer stated that she is still working
177 to have it added to the website. Ms. Shell discussed the medical concerns for face painting done by
178 someone with no professional license or training.

179

180 Chair Lombardo suggested making a motion to include this on the website along with the crazy hair
181 statement.

182

183 **On a motion duly made by Blake Thomas, seconded by Shawn Idom, and approved by**
184 **unanimously it was**

185

186 **Resolved to approve adding the crazy hair caution letter to the board’s website.**

187

188 Ms. Lombardo polled the Board, hearing no disagreement the motion passed.

189

190 D. COVID-19-19 Follow Up

191

192 Chair Lombardo asked the board on how things are going with COVID-19 conditions and mandates.

193

194 Mr. Idom stated that his clients and staff are used to the requirements and that things are going
195 smoothly. He further stated the he requires clients sign mitigation forms each time they come in. Mr.
196 Idom said that sending reminders out to everyone might help keep requirements in mind, but didn’t
197 know how to do that so it would be cost effective.

198

199 Blake Thomas stated that there wasn’t much environmentally to change and most of the practices were

200 in place. He commented that his shop is little less busy due to scheduling time, but is starting to balance
201 out.

202
203 Chair Lombardo asked if he was still not providing services under the mask as her shop is also not
204 providing services under the mask. Mr. Thomas stated that even without mandates, they would not
205 work under the mask right now, and this has a limited effect to business. Not providing services under
206 the mask increased the likelihood of remaining healthy, but has not really hurt anything business
207 related.

208
209 The board continued to discuss the effects of the mandates on their businesses and how some clients
210 have stopped wanting certain services.

211
212 Ms. McMullin stated her biggest concern was a spike in COVID-19 cases. Chair Lombardo stated that her
213 shop has been busy and that they have been following the governor's mandates, municipality of
214 Anchorage mandates and other precautions. Chair Lombardo stated her shop has decided to continue
215 with the precautions even after the mandates are lifted or rescinded.

216
217 Chair Lombardo stated her shop has also slowed down due to the process of keeping the environment
218 disinfected. Chair Lombardo stated with only two artists working at one time to minimize contact with
219 others has also resulted in slower shop business. 90% to 95% of the shop's clients appreciate the going
220 above and beyond. There are a few that do not appreciate having their temperature taken or to wear a
221 mask.

222
223 Chair Lombardo stated feedback from the community is from estheticians about facials. Several people
224 have reached out to her asking when they can do facials. Chair Lombardo explained mandates set up in
225 the municipality of Anchorage do not allow for the removal of the masks for facials, and estheticians
226 who work outside of the municipality do not have to follow these mandates and that there are folks
227 inside Anchorage who are also doing facials, but it is a big safety issue. This is a huge drag because there
228 are so many estheticians who do mainly facials and rely on that for their business. The concern is
229 respiratory droplets that may spread the virus.

230
231 Ms. McMullin stated her clientele is very to the letter and understand the risks coming to her for
232 services because she doesn't get to social distance, even though as an esthetician she does not do
233 facials. Ms. McMullin explained professionals put themselves at a higher risk by not wearing a mask or if
234 the client has their mask off. The issue is to protect yourself and protect your client. Ms. McMullin
235 explained how difficult it is on esthetic professionals who offer just facials since many do not offer other
236 services.

237
238 Chair Lombardo added she feels the same way when someone calls her, and she has to tell them that
239 she is so sorry, but not only is it the mandate, but it is for everyone's safety and best interest.

240
241 Ms. Spencer and the board discussed the most recent Emergency Order from Mayor Berkowitz. The
242 board discussed where to locate it on the municipality's webpage. Ms. McMullin stated that it is in
243 Phase Openings, and states as businesses, we are to wear masks. The latest information is from June 1,
244 2020.

245
246 Mr. Idom stated that he was torn with a lot of this and felt like this has been a very, very long year, and
247 has found it hard to continue to make decisions on people's livelihood. Some of the effects are
248 permanent and businesses may not bounce back as it is uncertain when the mandates will be lifted. Mr.
249 Idom pointed out people are still being told not to work with little or no assistance out there. It's
250 unprecedented, and it's tough. We've all experienced not being able to do certain things like beards.

251 However, people are in the situation where that's all they do and can't work right now. This could be
252 their primary income. Mr. Idom continued with the conditions in a shop that limit social distancing and
253 other challenges.

254
255 Chair Lombardo acknowledges the challenges of how this affects certain people in the industry. As the
256 board did not make the decisions or mandates. Those were made by the governor and mayor.
257 Chair Lombardo expressed appreciation for the board's discussion on the effects of the current
258 conditions on their businesses.

259
260 Ms. Whitcomb stated that most of the calls received in the office were asking about what services are
261 allowed according to mandates. Ms. Whitcomb continued staff are advising that everyone be aware of
262 any local mandates as the Governor's mandates are no longer in affect and only has a list of
263 advisements for this industry. Ms. Whitcomb continued staff reminds callers to use their best
264 judgement as to what is best for themselves and for their clients.

265
266 No advisements have been received from Fairbanks or other sites. The last advisement was Emergency
267 Order 15 from Anchorage on May 22, 2020 that just expired August 2020.

268
269 Ms. McMullin discussed working with clients that are known to her in a room set up for esthetics. How
270 to provide facial services to clients, and if it were possible to provide facials in a closed room. Ms. Shell
271 provided health care issues that go along with removal of masks for five minutes, ventilation issues, and
272 that how people who are not showing symptoms but are shedding the virus to others. What does it
273 mean to test negative because tomorrow they may test positive? There are lots of differing opinions in
274 what is your point of doing it and what is safe.

275
276 The board continued to discuss types of masks that would offer the ability to wear a mask and to still
277 work on the face. They continued with how the proximity of provider and client for the services to be
278 given makes it very difficult to do so to keep both safe. People have to make the decisions for
279 themselves on how to stay safe and stay in business. More people are taking risks because they have to
280 eat and to pay bills. Anchorage has moved into the red state with over 50 percent of the beds taken.
281 To continually tell people to not work, to see people struggle, and to set mandates without any support
282 to people who are not able to work is this telling people they will need to find something else to do?

283
284 Ms. Spencer stated that in Juneau, estheticians are doing full facials, but on top of wearing their masks
285 but also full-face shields, a lot of them have started wearing scrubs. As they do the sanitation after the
286 service, the scrubs are in the garbage or in for washing. Then redo for the next person.

287
288 Ms. Spencer continued with a commendation to the board and to the providers in the industry on their
289 response to the outbreak, their attention to protecting themselves and clients, and to keeping the
290 infection rates to zero reported cases in the industry. She thanked the board and providers for the great
291 job they have done and continue to do.

292
293 The board continued to discuss the impact of the current conditions on people's livelihood, mandates
294 and how to address licensees who are not following the mandates. They discussed how to involve
295 investigations and municipalities, how plans had changed for business because of the pandemic, and
296 what is important and the challenge of trying to move forward.

297
298 *Recess The Board recessed at 10:51 for a short break; reconvened at 11:02 am.*

299
300 Ms. Lombardo requested a roll call to verify board member attendance. All were in attendance with the
301 exception of Cheryl Brantley.

302 E. Post-Secondary Education

303
304 Shawn Idom stated he had no new information available to discuss pertaining to post-secondary
305 education at this point. Chair Lombardo stated that Mr. Idom, the board appointed liaison, have better
306 communication with post-secondary education.

307
308 Ms. Shell stated that she wanted to throw it out there to think about is that one issue that was brought
309 up by a vocational school that mentioned that students are not allowed to go out into a shop without
310 having their instructor there. In the future she would love to see where we allow some kind of practical
311 experience where they can go out into a shop where they are shampooing or assisting and be able to
312 count those hours; maybe a set number. Maybe naming another instructor or practitioner to oversee
313 them.

314
315 Ms. Spencer add that this board has had this discussion a couple of times before and this would require
316 a statutory change. The problem is the checks and balances. The board continued to discuss schools
317 have a training area and have a fully functional shop as well. They continued discussing the experiences
318 that happen in a shop that are not real-life experiences that take place in a shop.

319 Ms. Spencer that this would be another statute project to work through. Mr. Idom state that there are
320 schools that provide that type of training and schools that don't. The nature of an apprenticeship is
321 exactly what's being talked about. He continued to explain that in his school, students are running the
322 front desk, the phone the cash register and everything. He mentioned his school experience where he
323 did similar tasks that, at some point, they jumped from bookwork to providing services and not using
324 mannequins. The board continued to discuss the practices and experiences taking place in school
325 training.

326
327 Ms. Shell stated that the experience of seeing how other practitioners operate, talk with customers, and
328 run the shop is different than a school setting and is real world.

329 The board discussed the difficulties in allowing students enrolled in a high school program to observe in
330 a real shop. This was a request from a shop, but this was shot down because for a student to be allowed
331 to operate in a shop, they would need to be terminated from the school. This would be a separate,
332 hybrid type of apprentice permit. There is no such thing

333 In the discussion, the board discussed the pros and cons of the details of allowing real-life shop
334 experiences, job shadowing, and possibly a full encompassed program to students. Chair Lombardo
335 thanked the board for bringing this up for discussion.

336
337 F. How to Best Correspond with Licensees

338
339 Chair Lombardo opened the discussion on the best ways of getting information out to licensees about
340 program updates and COVID-19 information. There have been discussions on how to best contact
341 licensees. Are there programs that we can use to help get information out? The board had discussed
342 testing vs mailing vs emailing, and how would be the best way. The issues with contacting licensees is
343 that mailing addresses change often, that phone numbers and email addresses are no longer valid, and
344 that postage to mail out letters is expensive and many usually do not reach the licensee because of old
345 mailing addresses. Ms. Shell stated that when you go on MyLicense to renew your license that you can
346 update your mailing or email address. That mailing things out is time consuming and expensive. Mailing
347 things out in Alaska also takes a lot of time. Ms. Spencer that she recently received approval to get a
348 ListServe option set up for the barbers and hairdressers website. This would give us another way to stay
349 in contact with licensees. It is the responsibility of the licensee to keep their information current.

350
351 With ListServe licensees can register with their email address and receive notifications either from the
352 board or through the division through a mass email. This way it would be opening up to licensees who
353 have opted in for email communication and members of the public. People can sign up for email

354 notifications through their MyLicense account and still receive mailings. Regulation information and
355 some license information will always be mailed out. Many people do not want to get mass emailed
356 information for any reason, but they do but not locking themselves in through their license file. This
357 way if they do kind of want to receive some email notification, they could sign up through ListServe.
358 This would be another layer of information.

359
360 Chair Lombardo stated that it's unfortunate that some people are not keeping their contact information
361 up to date to ensure that they do receive notifications. Then they complain about not receiving
362 notifications. Ms. Spencer stated lot of people in all professions do not update their mailing information
363 but every two years when they are required renew their license.

364
365 Ms. McMullin asked about having multiple licenses and would this cause her to receive multiple email
366 notifications? The discussion continued that this ListServe would be just to send out mass email
367 notifications to everyone signed up. You would have the power to take yourself off the email
368 notification.

369 G. APP Membership (Alliance of Professional Piercers)

370
371
372 Chair Lombardo asked if we were to sign up for it. Blake Thomas was asked to find out more about it.
373 Mr. Thomas was supposed to touch bases with them to find out more about it. Mr. Thomas agreed to
374 look into it further, and that there are a few membership options. They will try to work with
375 organizations like ours. He continued to describe the different options of signing up.

376
377 Some of the options will cost a fee some with annual renewal dues, and some a one-time fee. He will be
378 pursuing a membership. They are not taking any applications until late October. When they do their
379 annual conference, they do allow people from state health boards and investigators free of charge. If we
380 could get people from DEC or investigators, who are interested in attending the conference, there is a
381 wealth of knowledge. Chair Lombardo asked him to investigate signing up and share with Cynthia so we
382 can discuss at our next board meeting. Ms. Whitcomb asked Mr. Thomas to send her or to include her
383 in the email.

384 385 H. Proficiency Exam Discussion

386
387 Chair Lombardo asked for a continuation of previous discussions. After clarification for Ms. Spencer that
388 tomorrow's public comment period would be on anything but on the proposed changes to the practical
389 exam. She stated that regulation specialist, Sher Zinn, would be available during tomorrow's discussion,
390 and that it would be good to have an outline to share with Ms. Zinn tomorrow.

391 One written comment was received with suggestions. Chair Lombardo proposed that since we had no
392 one show up for the public comment period of this meeting that we should continue with this old
393 business item on the proficiency exam and then adjourn for the day.

394
395 Mr. Thomas interjected that he had received a response from APP about government bodies being
396 members of their association; he stated there was not an option for membership for government
397 bodies, but APP is willing to work with us for any regulatory project, and that they may have more
398 options for membership at a later date as they update. Chair Lombardo asked that Mr. Thomas stay in
399 contact with this organization and that any useful information regarding the body piercing industry
400 would be very helpful. She asked Mr. Thomas to relay new information to Ms. Whitcomb and Ms.
401 Spencer and they will relay it to the board.

402
403 The board moved to proficiency exam discussion. The board reviewed the one written comment
404 submitted concerning the changes to regulation for practical exam and proficiency exam.

405 Chair Lombardo ask for comments from the board and any new information. The board discussed the
406 basic knowledge that everyone needs to have in today's industry and what is most important upon
407 completing training. They can go on to expand on what they like to do, but what are the core things they
408 need to have. In some programs there is a lot of time to focus on special or favorite techniques and
409 skills, but the industry is changing so much that we will never be able to stay up to date. Just making the
410 practical in-house is a big step in being a little more flexible and making a coursework or curriculum that
411 makes sense to the students you're serving.

412
413 Ms. McMullin stated that they would spend ten to twenty hours just prepping for practical exams
414 because the practical exams were so strict and outdated. Now they can use those hours for continuing
415 education and bring in other instructors to show them new skill sets to bring out into the world. Once
416 you finish your course work, you are out in the world and must be prepared to work. The skill set you
417 leave with is what will get you hired at a job.

418
419 Ms. Spencer stated that several years ago there was a rash of people who took an online course for lash
420 extensions and received a certificate. They came out of the course thinking they were licensed. As a
421 board, you need to be cognizant of when you say certificate and license. People need to be aware of
422 the difference in going to class and receiving a certificate and receiving a license. Receiving a certificate
423 for completion of a class does not give you a license of any sort in the state of Alaska.

424 Ms. McMullin stated that this is an added certificate within your license where you work with certain
425 companies to be certified to work with their products. You must have your license, but certified through
426 these companies. She works four different companies to be certified to work with their higher end
427 products.

428
429 Chair Lombardo read from her notes from the July meeting the options how the practical exams should
430 look and who will create the exam. The board discussed the of keeping the old exam or using the
431 curriculum and showing proficiency at the school level.

432 Shawn discussed what is required by the state before a student can be considered complete in their
433 training. There are requirements still in place in the statutes that all students must complete to show
434 their training is complete.

435
436 The board discussed using the curriculum that is in place with the state and having instructors and
437 schools documenting that the student has completed each. They discussed have a pass/fail box beside
438 each of the requirements. It's on the accountability of the instructor to state that the student has
439 reached proficiency for each requirement on the completion form even if they need more hours than
440 are required. Once they reach proficiency they can be marked off.

441 The board went on to discuss that some areas of the industry a student that is being trained with the
442 goal to work with the apprentice shop where they were trained. However, when an apprentice fails out
443 they are terminated because they cannot move on in their training. The board discussed the training
444 differences between a student experience and apprentice experience.

445 The board decided that the discuss will be saved for tomorrow's vote when regulations specials Sher
446 Zinn is present.

447
448 Ms. Spencer informed the board that there may be an additional school opening in Juneau, and
449 considering the current COVID-19 issues, would the board consider having someone other than a board
450 member to conduct the inspection?

451
452 Mr. Idom offered a suggestion he do the inspection with a staff member via Zoom. He will work with
453 the staff member to be sure that the inspection is conducted properly and that the staff member knows
454 what they are looking at.

455 Chair Lombardo asked about CPR classes and online classes. Ms. Spencer stated that the board decided
456 that CPR courses can be done online and will be accepted. This came up in a prior meeting before the
457 last renewal. Chair Lombardo asked for this information to be emailed to her.

458

459 Mr. Thomas stated that probloodborne.com offers online classes and will send the CPR dummy.

460

461 *Recess The board recessed at 12:18 p.m. until October 6, 2020 at 9:00 a.m.*

462

463 **Item 9. Call to Order/Roll Call**

464

465 The October 6, 2020 meeting of the Board of Barbers and Hairdressers were called to order by Jennifer
466 Lombardo, Chair at 9:00 a.m.

467

468 **Board Members Present, constituting a Quorum:**

469

470 Jennifer Lombardo, Industry License, Tattooist, Chairperson

471 Michelle McMullin, Nail Technician

472 Terriann Shell, Public Member

473 Vershawn Idom (Shawn), Barber

474 Blake Thomas, Body Piercer

475 VACANT, Hairdresser/Esthetician

476

477 **Excused from attending:**

478

479 Cheryl Brantley, Hairdresser

480

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

482

483 Cynthia Spencer, Acting Records & Licensing Supervisor

484 Wanda Whitcomb, Licensing Examiner

485 Sher Zinn, Regulation Specialist

486

487 **Members of the Public Present:**

488

489 David Evans, Non-chemical Barber Student

490 Debra Norton, National Interstate Council of State Boards of Cosmetology (NIC)

491 Angie Printz, Schroeder Measurement Technologies/Prometric

492 Jillian Nelson, Schroeder Measurement Technologies/Prometric

493 Darla Northway, Schroeder Measurement Technologies/Prometric

494 Katrina Albrecht, Schroeder Measurement Technologies/Prometric

495 Tami Stokes, Executive Board President NIC

496

497 **Item 10. NIC/SMT Tattoo and Micropigmentation Written Examination Review/Consideration**

498

499 Due to notarized non-disclosure requirements by NIC, the board was not able to review exam details for
500 tattoo and micropigmentation written exams. The board worked with the NIC and Prometric
501 representatives to reschedule the review of the exam for October 22, 2020 at 9:00 am.

502

503 **Item 11. Public Comment (Public Comment/Oral Testimony on Regulations Not Accepted)**

504

505 David Evans asked the board to approve an additional exam date in December.

506 The board stated they approved this during the previous day's meeting. The December 7, 2020 exam
507 information will be added to the website shortly.

508

509 Mr. Evans expressed his appreciate for the board adding the extra test date.

510

511 *While the board waited for further public comments, they moved on to item 15 on the agenda.*

512

513 **Item 15. New Business**

514

515 A. Right-Touch Regulation

516

517 Chair Lombardo informed the board this was proposed by the governor to encourage the board to think
518 about things in new and modern ways; think outside the box.

519

520 Chair Lombardo asked that this be added to next board meeting.

521

522 B. Esthetics Curriculum

523

524 The board reviewed the email from board member Ms. McMullin. The email contained a curriculum
525 from California. Ms. McMullin stated the lack of training with the limited number of hours required in
526 the current statues; she went on to point out technical hours and practical hours included in this
527 example of an esthetics curriculum with 600 hours.

528

529 The board was reminded that the 350 hours of training is a statue and not a regulation. The board
530 continued with discussion of statutes mentioning 350 esthetic hours, and how this came up in previous
531 board discussions. This statue and a few others were put in statutes but should have been put in
532 regulations. Chair Lombardo stated that this project, among others, is part of the regulation project the
533 board will be working on in the coming months. This project is in the works to have specific curriculums
534 taken out of statues and moved to regulation so that the board can make changes to hours as they see
535 fit.

536

537 Ms. Spencer pointed out that this is part of the Right Touch regulation as well since it would allow the
538 board to make changes and to meet industry standards as necessary. The board expressed the hope to
539 have this changed soon.

540

541 *Public Comment period ended; board moved to Item 12 at this time.*

542

543 **Item 12. Adopt Regulations** 12 AAC 09.002, 09.005, 09.020, 09.025, 09.030, 09.035, 09.038, 09.056,
544 09.060, 09.065, 09.070, 09.075, 09.095, 09.105, 09.106, 09.170, 09.900, 09.930, 09.050, 09.130,
545 09.160, 09.161, 09.163, 09.190, 09.990

546

547 Sher Zinn, regulations specialist, joined the meeting.

548

549 The board reviewed the one written comment for the regulation changes to the practical exam. There
550 were no oral comments during the oral public comment period.

551

552 Ms. Zinn presented a few minor clarifying changes to the wording in the proposed regulation changes.

553

554 Upon review and discussion of what form the proficiency exam may take, the board decided that
555 checkbox would be included on final paperwork showing that the student passed all areas under 12 AAC
556 09 in each of the subject areas listed. Ms. Zinn stated if the board wants more than this a new regulation

557 would need to be added. Ms. Zinn stated the exam would be pass or fail as per the definition of
558 “passing” in the regulation packet.

559

560 The board having considered the written comment given and that no oral comments were given has
561 decided to adopt the regulations project.

562

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

565

566 **RESOLVED to adopt the public noticed regulations with amendments to 12 AAC 09.050**
567 **taking into consideration submitted written and oral comments and costs to the public**
568 **and licensees.**

569

570 **Item 13. Investigations**

571

572 A. Investigative Report

573

574 Michael Bowles presented the investigative report showing the number of current, open and closed
575 cases.

576

577 B. Investigative Memo

578

579 Discussed in Executive Session

580

581 C. Probation Report

582

583 Amber Whaley presented the number of licensees on probation and the number that have been
584 released with specific conditions.

585

586 **On a motion duly made by Michelle McMullin, seconded by Blake Thomas, and approved**
587 **unanimously, it was**

588

589 **Resolved to enter Executive Session under the authority of AS 44.62.310 (c) for the**
590 **purpose of discussing subjects that tend to prejudice the reputation and character of any**
591 **person, provided the person may request a public discussion.**

592

593 Ms. Lombardo polled the Board. Hearing no disagreements, the board entered executive session.

594

595 The Board entered executive session at 10:23 a.m., and returned from executive session at 11:17 a.m.

596

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

599

600 **Resolved to accept the consent agreement for case #2019-001304 for Isidoro Martinez.**

601

602 **On a motion duly made by Terriann Shell, seconded by Shawn Idom, and approved by a**
603 **majority roll call vote, it was**

604

605 **Resolved to accept the consent agreement for case #2017-001227 for Elijah Young with**
606 **modifications to allow an additional 180 days for the payment plan.**

607

608 *Recess*

The Board recessed for lunch at 11:22 a.m.; reconvened at 12:23 p.m.

609 Chair Lombardo requested a roll call to verify board members in attendance. Cheryl Brantley was
610 excused from attending.

611

612

Item 15. New Business (Continued)

613

614 A. Esthetics (continued)

615

616 Ms. McMullin stated where the changes are, what sort of changes do we want to while we're waiting on
617 regulations.

618

619 B. Investigative Staff Increase

620

621 Chair Lombardo wanted to inform the board that this is something they can do. Mr. Thomas stated that
622 as he understands it there was a chunk of money left in the budget and due to the surplus, would we be
623 able to take on a new investigator and retain them later? He had no objections if the surplus remains.
624 Chair Lombardo stated that the budget reports were not available. She continued to open the dialog for
625 discussion for other board members. Ms. Shell stated that the process of mailing forms back and forth
626 between investigations and board members is not affective. Discussion continued with comments on
627 updating the process in some way to be more efficient. Chair Lombardo encouraged the board to
628 continue this discussion in future meetings due to the increasing number of licensees.

629

630 Chair Lombardo asked for this to be added to the next board meeting.

631

632 C. Board Chair Elections

633

634 Ms. Spencer spoke to the board about board elections and appointing a board chair. Chair Lombardo
635 announced that her term was up at the end of February and that she thought this was a good time to
636 pass the torch.

637

638 Ms. Spencer explained the options of nominating and voting in a new board chair.

639

640 Chair Lombardo nominated Ms. McMullin to be the next board chair and commended her on her service
641 to the board.

642

643 **Hearing no objections or other nominations, Chair Lombardo polled the Board. Ms. McMullin**
644 **was approved as board chair effective at the conclusion of this meeting.**

645

646

Item 16. Administrative Business

647

648 A. December 2020 Exam Date – This item was discussed during yesterday's session. December 7
649 has been added to the exam schedule.

650

651 B. Review and Edit Minutes – February and March minutes are not available.

652

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

655

656 **RESOLVED to adopt the May 11 – 12, 2020 meeting minutes with minor amendments.**

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Roll Call Vote

NAME	YES	NO	ABSTAIN	Not in attendance
Terriann Shell	X			
Shawn Idom	X			
Jennifer Lombardo	X			
Michelle McMullin	X			
Blake Thomas	X			
Cheryl Brantley				X

THE MOTION PASSED BY A VOTE OF THE MEMBERS PRESENT.

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

RESOLVED to adopt the July 15, 2020 meeting minutes with minor amendments.

Roll Call Vote

NAME	YES	NO	ABSTAIN	Not in attendance
Terriann Shell	X			
Shawn Idom	X			
Jennifer Lombardo	X			
Michelle McMullin	X			
Blake Thomas	X			
Cheryl Brantley				X

THE MOTION PASSED BY A VOTE OF THE MEMBERS PRESENT.

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

RESOLVED to adopt the August 13, 2020 meeting minutes with minor amendments.

Roll Call Vote

NAME	YES	NO	ABSTAIN	Not in attendance
Terriann Shell	X			
Shawn Idom	X			
Jennifer Lombardo	X			
Michelle McMullin	X			
Blake Thomas	X			
Cheryl Brantley				X

THE MOTION PASSED BY A VOTE OF THE MEMBERS PRESENT.

C. Document Signing

Chair Lombardo discussed documents that need signing and worked with Ms. Spencer on finalizing the documents to be signed.

709 D. Correspondence

710
711 Ms. Whitcomb explained a correspondence from an application seeking to transfer his license to Alaska
712 from Colorado. The applicant does not have a transcript from his training instructor as the instructor
713 has since passed away. The school he attended is not responding to his emails or attempts to contact
714 them. This leaves him coming with no transcript or license. He's owned a shop and practiced for many
715 years, but everything that is required to transfer a license to Alaska, he does not have a way to have the
716 certifying agency send those directly to us. He has copies of his own certificates, but we cannot get
717 these from any agency or instructor. So far, he has an application file for tattoo, but not for body
718 piercing since no certified documentation has been receive.

719
720 Ms. Spencer stated that this has happened before where applicants coming from out of state are just
721 unable to prove their training. By statute, they must. We should get either an official transcript for you
722 guys to review or the affidavit of training completed outside of Alaska for tattooing, permanent
723 cosmetic coloring and body piercing. We require the form to be completed by an instructor, school
724 official or someone involved in the training. Since we are not presenting his application, so there's no
725 denial of his application. What we are looking for is feedback from the board based on your statutory
726 authority giving him an official direction that's coming from above licensing examiner and supervisory
727 staff.

728
729 The board, with the previous applications, sticking with their statutes said unfortunately, if you can't
730 present documentation that you meet or exceed the training requirements, you will have to do the
731 training again. The only other wiggle room that has been accepted before was if the applicant had
732 official transcripts in a sealed envelope from the school. However, this applicant doesn't seem to have
733 that either.

734
735 Ms. Whitcomb stated the applicant stated he had mailed letters of recommendation from people who
736 had direct knowledge of his work experience. However, those have not been received. He has also
737 submitted a certification of completion from the Denver School of Body Arts.

738
739 The board discussed the offering of the school that is listed online and the limited number of hours of
740 training offered through their coursework. The board discussed the options of exceptions to the statues
741 and the difficulties of setting a new precedent. Without documentation of hours of training, the board
742 advised sticking with the statues.

743
744 The board reviewed page 6 of the statutes and the option of courtesy licenses. Ms. Lombardo stated
745 that this may be something that the board wants to address in the future for folks wanting to come to
746 Alaska. She stated that the board would probably want to stick to the statutes and how disheartening it
747 is to have years of experience, but not be able to practice his craft.

748
749 If he is able to provide some sort of curriculum or other information or documentation, he could get a
750 temporary license while waiting to take the exam. Ms. Spencer clarified that if he holds a current
751 license or certificate from any other state, he can apply for the six-month temporary permit that would
752 allow him to work in a shop and wouldn't need supervision. He could work for six months while waiting
753 to complete his application. His license expired in 2011.

754
755 After further discussion, review of documentation, and requirements for licensure in Colorado, the
756 board resolved to advise the applicant contact his school, certifying board, or licensing board, and if
757 unable to acquire documentation, he has the option of obtaining hours of training by enrolling as an
758 apprentice with a local shop in Alaska to obtain the hours of training needed to be eligible to sit for the
759 written exam.

760 **Task: Chair Lombardo requested that the applicant be sent the audio recording of the meeting.**

761
762 Chair Lombardo recapped the two days of meetings and reminded the board to move forward with
763 contacting legislators and reaching out to Ms. Whitcomb if they do make contact. Chair Lombardo
764 stated that the board should be very familiar with regulation changes that have been approved so they
765 can speak to the details. This way the board can move forward with cleaning up statues and regulations
766 regarding training hours.

767
768 Ms. Spencer informed the board if they need more help than staff can offer regarding legislation, that
769 she and Ms. Whitcomb will immediately reach out to Division Director, Sara Chambers. Chair Lombardo
770 stated that Kevin McKinley has made himself available as well.

771
772 Chair Lombardo stated she felt very proud of all the work they've done and appreciated all of the
773 discussion that was had over the two days.

774
775 *The Board adjourned at 1:30 p.m.*

776
777 Respectfully submitted:

778
779 _____ /s/
780 Wanda Whitcomb, Licensing Examiner

781
782 Approved:
783
784 _____ /s/
785 Michelle McMullin, Chairperson
786 Board of Barbers and Hairdressers

787
788 Date: 01/25/2021