

**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC  
DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BOARD OF BARBERS AND HAIRDRESSERS**

**MINUTES OF MEETING  
May 2, 2016**

By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held May 2, 2016 in Anchorage, Alaska, Robert B. Atwood Bldg., Room 102.

**Monday, May 2, 2016**

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

The meeting of the Board of Barbers and Hairdressers was called to order by Glenda Ledford, Chair at 9:04 a.m. Members present were:

Glenda Ledford, Barber, Chair  
Jeannine Jabaay, Public Member  
Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist  
Mae Canady, Hairdresser  
Mitch Black, Hairdresser/Esthetician  
Derrick Slaughter, Barber

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

Cynthia Spencer, Licensing Examiner  
Dawn Bundick, Investigator  
Nina Akers, Investigator Probation Monitor  
Al Kennedy, Senior Investigator  
Sara Chambers, Operations Manager

Present from the public were:

Debra Long, Instructor  
Charlette Lushin, Barber  
Kevin Harden, Tattoo/Permanent Cosmetic Colorist, Shop Owner

Carolyn Easton, Hairdresser, Shop Owner  
Heidi Rivera, Manicurist  
Yvonne Poblano, Manicurist  
Dorca D. Perez-Solis, Manicurist  
Marisa Sison, Manicurist, Shop Owner  
Ana Pennybaker, Manicurist  
Ly Duong, Manicurist  
Shana Johnson, Manicurist  
Sandra Hyter, Manicurist  
Matthew Wasdyke, Tattoo/Permanent Cosmetic Colorist  
Shalome Cederberg, Boards & Commissions  
Deb Yarin, Tattoo/Permanent Cosmetic Colorist  
Kierke Kussart, Program Coordinator, Postsecondary Education

### **Item 2. Review/amend agenda**

Glenda Ledford asked Board members and staff if there were any changes to the agenda.

Cynthia Spencer stated each Board member had been given an updated agenda, which reflects minor edits by adding chairperson elections and scheduling 2017 meeting and examination dates; additions to the board packet include tattoo/permanent cosmetic coloring curriculum, 3<sup>rd</sup> quarter budget report, probation report.

Ms. Ledford asked the Board if they would be agreeable to having an “open agenda” which would allow the Board to move around the agenda without keeping to a specific order in order to conduct a smooth flowing meeting.

**On a motion duly made by, Kevin McKinley, seconded by Mitch Black, and approved unanimously, it was**

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

Ms. Ledford asked the Board if they would like any further discussion regarding the agenda; hearing no further additions, Ms. Ledford polled the Board. Hearing no disagreements, the agenda was approved.

### **Item 3. Ethics Disclosure**

The Board reviewed ethics disclosure forms in the meeting packet.

The Board had no ethics violations to report.

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

**January 25, 2016 and February 29, 2016**

The Board reviewed the draft January 25 and February 29, 2016 minutes. Ms. Ledford asked the Board if there were any edits/corrections needed.

Ms. Spencer stated Investigator Dawn Bundick had requested the following change to the January 25, 2016 meeting minutes; Page 6 last paragraph; change “The Board revoked these applications...” to “The Board revoked these licenses...”.

Ms. Ledford asked if there were any other edits/corrections; hearing none Ms. Ledford asked for a motion.

**On a motion duly made by Derrick Slaughter, seconded by Kevin McKinley, and approved unanimously, it was**

**RESOLVED to adopt the January 25 and February 29, 2016 meeting minutes with edits.**

Ms. Ledford polled the Board, hearing no disagreement the minutes were approved.

Ms. Ledford stated that the Board was ahead of schedule and would move on to another agenda item until Public Comment, Item 5 at 9:30 a.m.

**Item 11. Board Business/Discussion**

❖ **Schedule Practical and Written Examination Dates**

Ms. Spencer informed the Board that due to changes with budgeting and fiscal issues the Division requested the Board set 2017 examination dates. Ms. Spencer also informed the Board that an audit of the last years of January examination dates reflected only one testing date for that month was necessary. The Board agreed only one exam for the month of January was necessary.

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

**Anchorage:**

January 15 & 16, 2017  
February 19 & 20, 2017  
March 19 & 20 2017  
April 23 & 24, 2017  
May 21 & 22, 2017  
June 25 & 26, 2017  
July 23 & 24, 2017

August 20 & 21, 2017  
September 17 & 18, 2017  
October 15 & 16, 2017  
November 19 & 20, 2017

**Fairbanks:**

January 15 & 16, 2017  
April 23 & 24, 2017  
July 23 & 24, 2017  
October 15 & 16, 2017

**Juneau:**

January 15 & 16, 2017  
April 23 & 24, 2017  
July 23 & 24, 2017  
October 15 & 16, 2017

Ms. Ledford stated she had been remiss on addressing the new Board members. Ms. Ledford stated Mae Canady had been in attendance during the Board's February teleconference; but this was the first face to face meeting and for Michelle "Mitch" Black, this was her first meeting. Ms. Ledford requested Ms. Canady and Ms. Black introduce themselves.

Ms. Canady greeted the Board and gave brief background. The Board welcomed Ms. Canady.

Ms. Black the Board and gave brief background. The Board welcomed Ms. Black.

**Item 8. Re-Adopt Regulations 12 AAC 09.002, 09.003, 09.005, 09.006, 09.060, 09.066, 09.090, 09.106, 09.108, 09.109, 09.110, 09.115, 09.125, 09.144, 09.146, 09.148, 09.155, 09.160, 09.180, 09.190, 09.990.**

The Board compared the re-keyed version of the draft regulations to the regulation project adopted by the Board during its December 22, 2015 teleconference.

**On a motion duly made by Kevin McKinley, seconded by Mitch Black, it was**

**RESOLVED to adopt Regulation project JU2015200951; the re-keyed version made by the Department of Law in its entirety.**

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none.

Jeannine Jabaay requested a few minutes to read through the rekeyed version.

Ms. Jabaay stated she had a conversation with the American Heart Association regarding a “paint your nails pink” cancer fundraising event in Sitka; Ms. Jabaay relayed the Association had been told they could not hold the event as it would not be in a shop or school and monetary donations were being accepted. Ms. Jabaay asked if this was correct even though no nail cutting or trimming would be done, just nail painting, and individuals were donating their time to the event.

Ms. Spencer reviewed Statute 08.13.160(e) with the Board; Ms. Spencer read the person must be licensed but could provide services outside a school or shop for participation in charitable events.

Ms. Jabaay asked if the individual painting nails was not licensed and was not accepting any fees could they still participate and paint nails. Ms. Ledford asked Ms. Bundick for assistance with the question. Ms. Bundick responded that if an individual was not licensed the Board had no jurisdiction; Ms. Ledford concurred.

Ms. Ledford asked if the regulation project to amend 12 AAC 09.990 which allows for non-permanent services to be provided was included in this current regulation project. Ms. Spencer reviewed the project and stated it was not included in the project the Board was reviewing during this meeting.

The Board discussed fee versus donation. The Board suggested that Ms. Spencer research this and provide accurate information before Ms. Jabaay responds to the Association.

Ms. Ledford asked the Board if there was any further discussion on the regulations and motion that had been made to adopt; hearing none Ms. Ledford asked for a roll call vote.

#### **Roll Call Vote**

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

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

Ms. Ledford asked Kevin McKinley if he was ready to present his proposed tattoo/permanent cosmetic coloring curriculum update. Mr. McKinley responded that he was. Ms. Ledford stated that they would review the curriculum after public comment.

## Item 5. Public Comment

Ms. Ledford stated that there was 30 minutes allotted for public comment; due the number of individuals who had signed up to speak, comments would be limited to five minutes and she requested Ms. Black be time keeper.

Kevin Harden, Tattoo/Permanent Cosmetic Colorist, Shop Owner

- Formed Alaska Tattoo Guild due to no Board representation; by contacting 35 out of 40 shops have the following requests and suggestions:
- Separate tattoo and permanent cosmetic colorist license into two separate licenses.
- Increase training from 380 hours to 2000 hours.
- Increase time an individual must be licensed prior to taking apprentices from one year to 10 years licensed in the State of Alaska.
- Mirror barber school/apprentice time frame for training; make tattoo/permanent cosmetic colorist apprentice time/permit from one year to two years; complete training in no less than 12 months no more than two years.
- Implement a practical examination.

Ms. Jabaay asked what brought about forming a guild. Mr. Harden responded that there has been no communication from the Board and with the school and instructor licensing topics being discussed by the Board he felt that the community needed representation so he had contacted 35 out of 40 shops in Alaska; at this time the guild has met once. Ms. Jabaay and Mr. Harden briefly discussed how to form a guild.

Ms. Ledford asked that Mr. Harden email Ms. Spencer all of his suggestions for dissemination to the Board so they may review and respond. Ms. Ledford also suggested that Mr. Harden contact his legislators with his request to split the tattoo/permanent cosmetic colorist license as this would be a statutory change.

The Board thanked Mr. Harden for participating.

Carolyn Easton, Hairdresser, Shop Owner

- Request regulating microblading under another license other than tattoo/permanent cosmetic coloring. As required now, must get tattoo/permanent cosmetic coloring license to provide a service that is usually covered under an esthetician license.

Ms. Jabaay asked what microblading is. Ms. Easton responded that it is essentially tattooing eyebrows but ink is not deposited as deeply as tattooing; the service is specifically for eyebrows so a provider wouldn't be providing tattooing/permanent cosmetic coloring services to lips or eyes. Ms. Easton went on to State that in the lower 48 this service was covered under a hairdresser or esthetician license after receiving certification to provide microblading services.

Ms. Ledford asked how many layers of skin microblading penetrates. Ms. Easton responded that she was not sure as her training/certification course did not begin until August.

Ms. Jabaay asked if there was a current regulation in place addressing skin penetration. Mr. McKinley responded that tattooing penetrates the epidermis and referred Ms. Jabaay to their discussion about microblading which occurred during the January 25, 2016 meeting.

The Board briefly discussed microblading and tattoo/permanent cosmetic coloring services.

Mr. McKinley asked Ms. Easton if she was proposing microblading have its own separate license or to put the service under a different license. Ms. Easton responded that she was not certain as this was new to her and that she felt speaking to the Board was the first step. Ms. Easton clarified that the training required for microblading was similar to tattooing but not as in-depth.

Mr. McKinley asked if a Statute change would be required to add microblading to esthetics. The Board responded that it would be since Statute 08.13.220(5) did not allow for injecting dyes into the skin.

Ms. Ledford stated that as a permanent cosmetic colorist you can provide the same service, feathering of the eyebrow, with the permanent cosmetic tools; either way, microblading is cutting the skin and injecting dye which requires the tattoo/permanent cosmetic coloring license. Microblading services could cause serious harm to clients the same as tattooing/permanent cosmetic coloring and this Board is about protecting the public. Ms. Easton agreed with Ms. Ledford's statement; however since the certification is typically 40 hours she feels that she shouldn't have to obtain a tattoo/permanent cosmetic colorist license and that the service should be allowed under the esthetician license.

The Board briefly reviewed other States licenses for advanced or individual aspect services. Ms. Ledford state that she strongly felt since the microblading services physically opened the skin and introduced dyes into the open skin, 40 hours of training was not enough. Ms. Easton clarified that she agreed after only 40 hours of training a person shouldn't be cutting into the skin, but she felt there should be some sort of regulating specific to the service not in combination with the tattoo/permanent cosmetic coloring license. Ms. Easton suggested microblading be covered under a permanent cosmetic colorist license if the license could be split from tattooing and specific permanent cosmetic coloring training was required.

Mr. McKinley stated the Board had tried to split the tattoo/permanent cosmetic colorist license into two separate licenses during 2011 however the legislation had never been introduced due to the lack of interest.

The Board agreed that to provide microblading at this time requires the service provider to hold a tattoo/permanent cosmetic colorist license.

The Board thanked Ms. Easton for participating.

Marisa Sison, Manicurist, Shop Owner

Ms. Sison asked what was needed to renew manicurist licenses for 2017-19; 250 hours?

Ms. Ledford states that if a licensee could prove 250 hours of work experience and have taken the written examination. Ms. Sison asked how to apply for the examination. Ms. Ledford responded that she would need to submit an application to the Juneau office; once the exam was passed Ms. Sison would be able to renew.

Ms. Sison asked if she would have to go to a school for the 250 hour course and why the examination already taken by manicurists didn't count.

Ms. Spencer apologized to the Board and attendees for the delay in finalizing regulations which would clarify training, examination, and renewal requirements. Ms. Spencer stated that the Board would be re-adopting regulations addressing this issue which would be submitted for the final process upon her return to Juneau. Ms. Spencer assured the Board and attendees that once the regulations had been finalized and put into effect instructions, information, and forms would be published. Ms. Spencer also stated that the open book examination required with the 12-hour safety and sanitation course required prior to January 1, 2016 to qualify for a manicurist license was not acceptable at this time and not the same as the National Nail Technician written examination; Ms. Spencer urged attendees to visit the Boards website for written examination information, study guides, links to the National testing agency.

Ms. Sison asked why the Board made changes to manicuring requirements when there are no schools offering the course in Anchorage and no one willing to teach. Ms. Sison went on to state it is making getting a license very hard. Ms. Sison also stated that the changes the Board made were not right.

The Board discussed licensed schools with Ms. Sison. Ms. Spencer stated that at the beginning of the legislation process, Postsecondary Education had contacted all schools licensed by this Board with information regarding the requirements to add nail technician training of 250 hours to their facilities. Ms. Spencer also stated that the Board had written the legislation and regulations so that the nail technician training could be done in a school or apprenticeship program.

Ms. Sison asked how to get an instructor license. The Board reviewed the requirements; application and suggested Ms. Sison go to the Board's website where this information is provided.

Ms. Sison stated that the Board should not have made these changes without having schools in Anchorage or asking for input from the licensees.

The Board stated that historically when Anchorage was the only place to go to school, people made the commute from Palmer/Wasilla daily to attend school; the Board also

reiterated that Postsecondary Education and this Board had reached out to the public during the legislative process in an effort to provide information. Ms. Spencer stated that during the legislative process and regulation process the Board through the Division had sent numerous written notifications to schools and manicurists; Ms. Spencer added that the Division had included manicurists whose licenses had expired August 2013.

The Board stressed that they cannot require a school to offer a specific course of training; school are privately owned and it is up to the school regarding what courses they choose to offer.

The Board suggested Ms. Sison obtain an instructors license.

The Board thanked Ms. Sison for her participation.

### **Item 6. Budget Report**

Sara Chambers, Operations Manager called into the meeting at 10:00 a.m.

Ms. Chambers greeted the Board; Ms. Chambers informed the Board that Martha Hewlett was unable to attend so if there were any questions she was unable to answer they would be passed along to Ms. Hewlett for review and response. Ms. Chambers reviewed the Fiscal Year (FY) 2016 3<sup>rd</sup> Quarter report and Expenditure areas of the report.

Ms. Jabaay asked if the travel information included the January 2016 meeting. Ms. Chambers responded that if the travel was closed out, all receipts submitted, then that meeting should be reflected in the costs. Ms. Ledford stated that numbers seemed off since there were five Board members that had to fly into Juneau. Ms. Chambers stated she would verify information with Ms. Hewlett and provide information to Ms. Spencer for dissemination to the Board. Ms. Chambers also informed the Board that if the State had purchased airline tickets those numbers were separate and are provided in the “Non-Employee” sections of the report; Ms. Chambers informed the Board that the “Non-Employee” information were not reimbursable since the State made the purchase directly.

Ms. Chambers informed the Board that if they preferred, the State could book/pay travel expenses if members didn't want out of pocket costs. Ms. Chambers went on to state that members would still accumulate mileage if they provided their individual mileage information and sometimes the State is able to obtain reduced rates for airline tickets, hotels, and car rentals.

Ms. Ledford asked if the Board was still paying the Dept. of Environmental Conservation (DEC) for shop inspections. Ms. Chambers responded that the fees then and now being paid to DEC were only for the tattoo and body piercing shops. Ms. Chambers informed the Board that their current fees being paid to DEC, which include increases over the last few years is about \$15,000.00. Ms. Chambers assured the Board that at the end of the Fiscal Year, a detailed report would be submitted by DEC which would detail services; once submitted Ms. Chambers assured the Board they would be provided a copy.

The Board asked if fees collected from fines, etc., would be allocated to a fund the Board could utilize for costs. Ms. Chambers replied that the legislation which would allow the use of these funds had not been passed at this time.

Ms. Chambers informed the Board that the Division was looking into utilizing PSI Services LLC as a test administrator for the Board's examinations. Ms. Chambers informed the Board that PSI would be able to administer the National written examinations and their State Board practical. Ms. Chambers also informed the Board that this would be a cost saving for the Board as PSI would not be writing or creating examinations since the Board already had exams in place. Ms. Chambers went on to state that PSI would recoup costs directly from the examination candidates.

The Board asked if they would still collect examination fees and what the applicant process would be. Ms. Spencer responded that applicants would still need to submit applications by examination deadlines with application fees; the applications would be processed then information would be entered into a database which would alert PSI and the applicant that qualifications had been met; the candidate would then contact PSI to pay for and schedule exams.

The Board asked what their current exam fees are and if they are making money off exam fees. Ms. Spencer responded that both exams cost \$60.00 each and to grade the written exam cost \$18.00 per booklet. Ms. Spencer also stated that examination proctors must also be paid; an average practical examination in Anchorage cost around \$300.00 per proctor at a minimum of three proctors and the written examination averaged about \$175.00 per proctor and typically two proctors.

Ms. Jabaay asked if the Board would still schedule examinations. Ms. Chambers stated that PSI would be responsible for administering the examinations based on the Board's requirements. Ms. Chambers stated she anticipates PSI would replicate the current examination administration as set by the Board. Ms. Chambers went on to state that PSI would be able to administer the written examination almost anywhere however they would follow the practical examination proctor requirements set by the Board. Ms. Chambers also stated that PSI would handle the proctor contracts and pay the proctors.

Ms. Spencer informed the Board that this would be a good time to move to the National Practical exam. Ms. Jabaay asked why the Board would want to give up that type of control over the examinations. Ms. Ledford responded that as a member of NIC she is involved with development of the practical examination; Ms. Ledford went on to state that the National Practical examination is much more in line with current practices and standards than the current Alaska State Board Practical examination; the National Practical exam does allow for individual State Board requirements as well. Ms. Ledford also stated that she feels the National Practical is more clean cut and provides more impartiality for the candidates.

Ms. Chambers informed the Board that the Division would not enter into a contract with PSI until Board needs and wants were clearly addressed. Ms. Chambers stated that it would be more streamlined if the Board had the practical exam they would prefer in place prior to contracting with PSI.

Ms. Spencer asked Ms. Chambers if the Board wanted to discuss the practical examination further if they could call her later this afternoon. Ms. Chambers responded that she was free most of the afternoon. Ms. Spencer stated that if needed she would text or call Ms. Chambers at least 30 minutes prior to verifying availability.

The Board thanked Ms. Chambers for her time and assistance.

### **Item 7. Investigative Report**

Dawn Bundick, Investigator greeted the Board and introduced Jeanette (Nina) Akers, Investigator Probation Monitor for non-medical Boards.

Ms. Akers reviewed the Probation Report with the Board.

Ms. Akers reported that there were two new additions; payments were being made, and there was no new information from the last meeting. Ms. Akers informed the Board that the last few individuals listed on page two were individuals the Division had been unable to locate.

Ms. Bundick informed the Board that investigations had begun a new project geared towards cleaning up all probation issues by locating and contacting individuals who still have outstanding fines.

Ms. Akers pointed out that an individual was still in compliance even if no fees were being paid until the end of their set probation period. Once the individual reached the end of their set probationary period, the full fine amount, including any suspended fine, would go into effect.

Ms. Jabaay asked for an update on Lana De’Rossett. Ms. Bundick informed the Board that Ms. De’Rossett had been in the office and stated she was unemployed; Ms. De’Rossett had signed over her 2016 Permanent Fund Dividend check but had made no other payments.

Ms. Ledford asked if someone surrendered their license would all fines be voided. Ms. Bundick responded that this was correct and the information and option to surrender licenses had been provided to Ms. De’Rossett.

Ms. Black informed Ms. Bundick that she had been informed that within the last six months Ms. De’Rossett had sold her shop and/or school and was working full time at the new shop. Ms. Spencer stated that she could not recall receiving an initial shop owner

application which reflected the same physical address or business name as Ms. De’Rossett’s shop or school. Ms. Bundick requested verification of this be emailed to her.

The Board asked for an update regarding Jeff Staha, Robert Watson, Sugako Fisk, and Claire Bartek. Ms. Akers responded Mr. Staha was almost complete, they have been unable to locate Mr. Watson, Ms. Fisk has been making monthly payments, Ms. Bartek is not currently in State and has been offered the option to surrender her license.

Ms. Bundick reviewed the Investigative Report for the period December 28, 2015 through April 8, 2016. Ms. Bundick stated that the Division has opened 18 matters and closed 80 matters; the Division conducted 13 compliance inspections.

Ms. Bundick informed the Board that she has been receiving an increased number of telephone calls regarding safety and sanitation questions and issues. Ms. Bundick informed the Board that those calls are being routed to the Dept. of Environmental Conservation and the Municipality of Anchorage, however callers being sent to Environmental Conservation were being sent back to this office.

The Board stated they would be addressing DEC issues later this afternoon.

*Recess                      The Board recessed at 11:05 a.m.; reconvened at 11:19 a.m.*

**On a motion duly made by Mitch Black, seconded by Derrick Slaughter, and approved unanimously, it was**

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

The Board entered into executive session at 11:20 a.m., and returned from executive session at 11:36 a.m.

**On a motion duly made by Derrick Slaughter, seconded by Kevin McKinley, it was**

**RESOLVED to accept the Imposition of Civil Fine for case 2015-001076 as written for Hung Truong.**

Ms. Ledford asked the Board if they would like any further discussion on this motion.

Ms. Jabaay asked Ms. Bundick if the Imposition of Civil Fine had been signed by Hung Truong. Ms. Bundick responded that the Civil Fine had been signed.

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none, Ms. Ledford asked for a roll call vote.

## Roll Call Vote

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

### THE MOTION PASSED BY A UNANIMOUS VOTE.

Ms. Ledford informed Ms. Bundick that the Board appreciates her time and hard work. The Board thanked Ms. Bundick for her time and participation.

#### Item 11. Board Business/Discussion

##### ❖ Set 2017 Meeting Dates

Ms. Spencer informed the Board that due to the fiscal environment of the State; it had been requested from the Division to set tentative meeting dates for 2017.

The Board set the following meeting dates with all meetings to begin at 9:00 a.m. due to the drive time needed between Hope, AK, Wasilla, AK and Anchorage, AK. The Board stated they would like to meet again in Juneau during January if they were able to get any legislation submitted.

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

- January 23, 2017: meeting location first choice to be Juneau, AK, second choice Anchorage, AK. The Board stated if they were able to hold the January 2017 meeting in Juneau it should begin at 8:00 a.m.
- May 8, 2017 – Anchorage, AK
- October 9, 2017 – Anchorage, AK

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford polled the Board. Hearing no disagreements the 2017 meeting dates were approved.

##### ❖ Tattoo & Body Piercer Curriculum

The Board asked if a statute change would be required to change the curriculum. Ms. Spencer stated that in accordance with statute 08.13. 082(d) the Board has the authority to set the curriculum in regulation.

Mr. McKinley reviewed the current training requirements and informed the Board that AS 08.13.082(d) reads now, the apprenticeship shall be completed in not more than 12 months from the date of commencement; if the curriculum was changed, as suggested by Mr. Harden to a 2000 hour minimum requirement, this would require a statute change. Mr. McKinley stated that his idea to meet at a middle ground with increasing the current training was to change the minimum hour requirement from 380 to 1,000.

The Board asked if one year would be enough to complete the training. Mr. McKinley responded that it should be enough time as this proposed change would mirror body piercing which is also a one year apprentice permit.

Ms. Jabaay asked if tattoo apprentices were paid. Mr. McKinley and Ms. Ledford both responded that these apprentices were not paid. Ms. Jabaay asked if the Board would expect these apprentices to work/train for one year without being able to earn a living for that time. Mr. McKinley responded that the apprenticeship language would clearly state the training needed to be completed in not more than one year. Mr. McKinley elaborated that most body piercing apprenticeships were completed in an average of six months.

Mr. McKinley reviewed his submitted curriculum change proposal with the Board. Mr. McKinley stated that the proposed curriculum had been manipulated to closely mirror the current body piercing curriculum; Mr. Mc Kinley informed the Board that be increasing the required training hours to 1,000 allowed the change to be done through regulations without a statutory change. Mr. McKinley informed the Board that he proposed increasing the theory and practical operation requirements. Mr. McKinley also stated that he felt many of the complaints the Board was getting regarding the tattoo training, were due to the few hours currently required didn't allow for more theory and practical training. Mr. McKinley also stated that he respected Mr. Harden's suggestion to raise the training requirements to 2,000 hours and felt that the proposed 1,000 hours was a good middle ground which would allow the Board to increase the training requirements without statutory changes. Mr. McKinley informed the Board that he felt Mr. Harden should absolutely try to get the legislation changes, however, he also felt that due to the fiscal climate even if a legislator felt the change was good, if there were any monetary costs the idea would just be shut down.

The Board discussed statute changes and agreed that due to the current economic environment, making changes allowed through regulation was the optimal choice.

Ms. Canady asked if permanent cosmetic coloring had always been attached to the tattoo license. Mr. McKinley and Ms. Ledford reviewed the history of this license and stated that at the time of the inception of the tattoo license, 2008, there was one person in the State providing permanent cosmetics; when the license type was formed the State decided that two separate license types were not warranted so permanent cosmetics was attached to the tattoo license. The Board stated that to remove permanent cosmetics from the tattoo license would require statutory changes and they would support legislation to separate tattooing and permanent cosmetics.

Mr. McKinley went on to state that he felt bad for Ms. Easton as she would need to complete 1,000 hours instead of the 380 just to provide microblading. The Board pointed out that even a regulation change could take quite a while so if Ms. Easton began training now, she would be under the 380 hour requirement.

Ms. Spencer suggested the Board revisit the esthetician training to maybe bring it current with National standards and practices; Ms. Spencer pointed out that this Board still only allows for “hot” and “cold” lasers which are outdated, and still stay “may not penetrate below the dermal layer” which with current devices is outmoded as many devices do go below the dermal layer of skin but do not pierce. Ms. Ledford and Mr. McKinley agreed with Ms. Spencer. Mr. McKinley stated that if the tattoo/permanent cosmetic coloring license didn’t encompass these services there would be no regulating the service.

Ms. Ledford stated that she felt the response to Mr. Harden’s request to raise the training to 2,000 hours should be that with an increase to 1,000 the Board has done all that it can without statutory changes; so now it would be up to Mr. Harden and his guild to move on the statutory changes to increase hours and splitting the tattoo/permanent cosmetic colorist license through their senators and representatives.

Ms. Jabaay expressed her concern that she felt if the Board moved forward with the 1,000 hour requirement that it would be a step in the opposite direction of what Ms. Easton has stated; by requiring 380 hours of training to preform microbladig, now the Board was saying she would have to complete 1,000 hours of training and obtain a tattoo license. The Board stated that it would take quite some time to change the regulation even if they began the regulation process today. Mr. McKinley interjected that this was why he felt the Board should table this for now in order to give Mr. Harden time to form his guild and move forward with legislation. Mr. McKinley went on to state that he would be ok voting on the 1,000 hours today or waiting to see what Mr. Harden could accomplish.

Ms. Ledford stated she felt the reception to proposed legislation for a 2,000 hour training requirement would be better received if the Board adopted the 1,000 training which would show the Board had done all it could through regulations and now it rested on legislation. Mr. McKinley requested that they also state that the Board would do what it could through regulation to add microblading, dermaplane, etc., to the esthetician license. The Board agreed.

Mr. Slaughter asked Ms. Spencer if Mr. Harden had previously submitted anything in writing requesting the training be raised to 2,000 hours. Ms. Spencer responded that Mr. Harden had not submitted anything to her, but submission had been requested by Ms. Ledford during Mr. Harden’s testimony.

Mr. McKinley stated that Mr. Harden’s testimony reflected he felt the tattooing industry had no representation by this Board. Mr. McKinley went on to state was doing a very good job and was looking at the long term effects of the industry.

Mr. McKinley informed the Board that he felt raising the requirements to be a tattoo/permanent cosmetic trainer from one year to ten years; was an attempt by the guild

to control the economy of tattooing and was an attempt to keep people out of the industry. Ms. Jabaay stated that was what guilds do; they attempt to control an industry. Mr. McKinley went on to state that he felt the guild/industry was up in arms regarding the possibility of creating a school for tattooing and suggesting trainers be licensed for ten years was counterproductive from what Mr. Harden was trying to accomplish.

Mr. McKinley addressed Mr. Harden's request to have a practical examination to qualify for licensure; Mr. McKinley stated he thought it would be a good idea, but thought going to the National written exam would be a good first step then down the line looking into a practical exam. The Board agreed with Mr. McKinley and stated they had reviewed and liked the National tattoo written exam but it would require statutory changes to statute 08.13.080. Mr. McKinley agreed and stated that he didn't feel it would be cost neutral for the Board to move forward with statutory changes to allow for the National written and practical examination at this time. Mr. McKinley informed the Board that during yearly inspection by the Dept. of Environmental Conservation (DEC); DEC would ask questions and request to be shown a station set up and break down, the correct temperature of the autoclave and other similar questions which could be constituted as a practical exam.

Ms. Jabaay stated she didn't see value in raising the training hours to 1,000 as she didn't see any problems with the current 380 hours. Mr. McKinley responded that if you look at the current curriculum, 380 hours is not enough time to cover topics and provide complete training; Mr. McKinley likened the 380 hours to the 12 hour manicuring curriculum and stated that the current 380 hours just isn't enough time and that as the curriculum is now, it does pose health/safety/sanitation issues as it typically takes 2-3 months to get a person up to speed and competent in cross contamination training. Mr. Ledford and Ms. Black agreed with Mr. McKinley. Mr. McKinley stated that it was surprising how many little things that are required to avoid cross contamination and other safety issues are not done by artists.

The Board briefly discussed the benefits of raising the training to 1,000 hours. Mr. McKinley informed the Board that the majority of individuals he had spoken with all agreed the training hours needed to be increased, however the majority felt 2,000 hours was more than necessary.

Ms. Ledford informed the Board that they were running short on time and that this discussion should be tabled for later this afternoon. The Board agreed.

*Recess                    The Board recessed for lunch at 12:22 p.m.; reconvened at 1:01 p.m.*

**Item 10.     MindTap Presentation (Milady), Gerard McAvey**

Ms. Ledford introduced Gerard McAvey, Senior Director of Sales and Marketing Milady.

Mr. McAvey greeted the Board and gave a brief overview of Milady's cosmetology/beauty programs; Mr. McAvey informed the Board that Milady is part of Cengage Learning who has been providing online educational services for 20 years for a variety of professions. Mr. McAvey stated that most States that allow for the theory portion of training to be

done through an on-line service typically allow for 25% of the training to be done on-line with the rest done at a brick and mortar facility. Mr. McAvey stated that the Mindtap program came with premade lesson plans and allowed for individualization by schools and instructors to meet specific needs by adding, removing, or amending the premade plans. Mr. McAvey assured the Board that the on-line program allows for verification of a student's participation and completion of assignments.

Mr. McAvey provided a presentation to the Board.

The Board thanked Mr. McAvey for his time and participation.

*Recess        The Board recessed at 3:12p.m.; reconvened at 3:32p.m.*

### **Item 11.     Board Business/Discussion**

#### **❖ Tattoo Curriculum**

The Board briefly reviewed their previous discussion and decided to table the tattoo/permanent cosmetic colorist curriculum change to the October 3, 2016 face to face meeting. The Board agreed this would allow time for members to review the curriculum submitted by Mr. McKinley for their January 2016 meeting for comparison and would allow Mr. Harden and his guild time for input.

Ms. Spencer asked if this item could be included for a teleconference. The Board stated they want this item at a face to face meeting as it would allow Mr. Harden and the guild the opportunity to comment.

#### **❖ Alaska State Law Questions for National Written Examinations**

The Board decided to table this agenda item to the October 3, 2016 face to face meeting. Ms. Ledford requested all Board members write five questions and answers for the October meeting. Ms. Ledford reminded the Board that the questions must be general questions and be for all license types and pulled directly for the Boards statutes and regulations.

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

#### **❖ Chairperson Election**

Ms. Ledford asked the Board for nominations.

Mr. Slaughter nominated Mr. McKinley; Ms. Jabaay nominated Ms. Ledford.

The Board wrote ballots which were tallied by Ms. Spencer which reflected four ballots for Mr. McKinley and two ballots for Ms. Ledford.

The Board congratulated Mr. McKinley; Mr. McKinley thanked the Board. Mr. McKinley requested Ms. Ledford complete this meeting as Chair; Ms. Ledford agreed.

❖ Department of Environmental Conservation (DEC) Shop Inspections,  
Certification of Compliance with 18 AAC 23

Ms. Ledford stated Investigator Al Kennedy had done some research. Ms. Spencer informed the Board that Ms. Bundick had been working with Mr. Kennedy and had information and check sheets used by DEC and the Municipality of Anchorage (MOA). However, Ms. Bundick had also pointed out that during the January 2016 meeting the Board had stated a subcommittee would be formed to work with Investigative staff; however no subcommittee had been formed.

The Board revisited the January meeting minutes and apologized for not following through. Mr. McKinley informed the Board that he had called and spoken with DEC; Mr. McKinley reported that DEC had absolutely no intention to begin inspecting any shops except those providing body piercing or tattoo/permanent cosmetic coloring services. Mr. McKinley also stated that DEC is complaint driven so any health/safety violations that are reported to DEC would be investigated. Ms. Jabaay asked if DEC was inspecting shops with health/safety violations. Mr. McKinley responded that DEC was supposed to inspect those shops where a health/safety complaint was filed, however, he was unable to get a definitive answer from the individual he had spoken with whether or not this was fact.

Mr. McKinley asked if the Board would accept plan review/floor plan as part of the shop owner application. Ms. Spencer cautioned the Board on taking on the responsibilities of inspecting shops for initial licensure as it would be a huge fiscal cost and may cause the issuance of shop owner license to slow drastically. Ms. Spencer also stated that individual city and municipality requirements would still have to be met by the individual shop owner(s) across the State.

Ms. Jabaay proposed that the Board have a formal statute and follow up regulation change in place and go directly to the Governor's office to request some sort of executive action to remove DEC from statute without having to go through the entire legislative process; specifically as this clean-up is resulting directly from changes made by DEC; said changes in inspections is having a direct effect on this Board being able to issue shop owner licenses and provide protection to the public. Ms. Jabaay went on to state that due to budget cuts by the Governor, DEC is unable to provide the inspection service which may also assist in getting an executive order passed. Ms. Jabaay went on to inform the Board that she felt using the current Certification of Compliance with 18 AAC 23 which allows shop owner applicants to self-certify they have met the DEC shop requirements was illegal and to continue extending the use of the Certification may be putting the Board at risk for lawsuits, etc., all due to DEC not doing their job.

The Board asked Ms. Spencer how many pending shop owner applications were waiting to be processed. Ms. Spencer responded that there were several waiting on processing. However, using the Certification allowed her to issue a license if the application was

complete; continuing to extend the use of the Certification had to stop at some time and the Board would need to address this issue by a statute or regulation change.

The Board discussed the merits of not issuing shop owner licenses, continuing the use of the Certification and options for statute and/or regulation changes. Ms. Spencer requested the Board extend the use of the Certification until at least the October 2016 meeting due to office absences, and current workload. By extending the use of the Certification until the October meeting it would allow the Board time to have solid language drafted for statute and/or regulation changes. Ms. Ledford agreed, that this would give the Board time to get official wording submitted to the legislature if the Governor decided an executive order was needed.

Ms. Ledford suggested the Board take a break and pick up this discussion under the Annual Report.

*Recess        The Board recessed at 4:06p.m. for a break; reconvened at 4:21p.m.*

❖ FY 2016 Annual Report

The Board reviewed the Fiscal Year (FY) 2015 Annual Report. Ms. Spencer reviewed the annual report process, Board responsibilities for the report, and deadlines. Ms. Spencer also informed the Board that the deadline for report submission is now being strictly enforced by the Division and failure to submit Board required portions would result in those sections not being submitted.

To facilitate the drafting of the FY 16 Annual report the Board broke into working groups.

Ms. Spencer reviewed changes to Regulation 12 AAC 09.130, 09.180, and 09.190 by amending the regulations to read “ a complete application”.

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

- Narrative statement

Ms. Ledford submitted an updated narrative statement to Ms. Spencer for the annual report.

- Recommended Proposed Legislation

The Board requested the following proposed legislation that had been submitted in the FY15 annual report be kept for the FY16:

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

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

AS 08.13.220(5) clarifying language defining superfluous hair

AS 08.13.070(4) license required

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

AS 08.13.070(a) reword to provide clarification

- Budget recommendations

Ms. Spencer reviewed the FY15 budget recommendations with the Board to confirm information that will be provided in the FY16 report; adding January meeting in Juneau to coincide with the first week of Session. Ms. Spencer asked the Board if they wanted to add attendance to a National Barber Association meeting; the Board agreed. Ms. Spencer informed the Board that she would add this and NIC meetings to the report however, the Board must remain aware that due to the budget deficit these trips may or may not be approved. The Board requested Ms. Ledford continue to be the nominated Board member to attend the NIC meetings.

- Goals and Objectives

Ms. Canady submitted updated goals and objectives for FY16, the Board reviewed the updated goals and objectives.

- Regulation recommendations

The Board agreed that statement regarding anticipated regulations provided in their FY15 annual report should be carried over to the FY16 report.

The Board reviewed proposed changes to Regulations 12 AAC 09.130, 09.180, 09.190, by amending the regulations to include or only reflect a complete application.

**On a motion duly made by Derick Slaughter, seconded by Mitch Black, and approved unanimously, it was**

**RESOLVED to amend 12 AAC 09.130 by repealing (a)(1) – (4), to be replaced by “a complete application”; amend 12 AAC 09.180 by repealing (a) (2)(A)(B)(C) to be replaced by “a complete application”; amend 12 AAC 09.190 by repealing (a)(1) or adding a new subsection to be read “a complete application”.**

Ms. Ledford asked the Board if they would like any further discussion on this motion.

Ms. Spencer informed the Board that this clean up would allow for better processing of student and apprentice applications as now the regulations do not specify needing dates of birth or social security number information and staff is having to process the enrollment applications without the information. The Board asked if the missing information is requested. Ms. Spencer responded that it is being requested after the student/apprentice permit is issued OR if there is another deficiency on the application, the information is requested at that time.

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none, Ms. Ledford requested a roll call vote.

**Roll Call Vote**

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

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

Ms. Jabaay informed the Board that she had spoken with Ms. Chambers regarding DEC inspections. The information, received via email reflects the Board can make changes to shop inspections through regulation without a statutory change. Ms. Jabaay stated that the current statutes 08.13.030 and 08.13.120 reflect the DEC inspection requirement only for shops providing body piercing and/or tattoo/permanent cosmetic coloring services.

Ms. Jabaay proposed that the regulation changes would reflect the allowance of self certification for shops and schools; these businesses will need to state under oath by a notary they meet the standards outlined in current DEC statutes and regulations. Ms. Jabaay went on to state the self-certification form would need to be created by the Division, signed and notarized, and submitted with the school or shop application. Ms. Jabaay also stated that the Board would need to extend the current use of the Certification of Compliance until at least the October 2016 meeting to allow time for the regulation process.

**On a motion duly made by Jeannine Jabaay, seconded by Kevin McKinley, and approved unanimously, it was**

**RESOLVED to amend 12 AAC 09.110(a)(7), 12 AAC 09.110(g) and 12 AAC 09.125(a)(5) to reflect “a shop or school that is not providing body piercing or tattoo/permanent cosmetic coloring must submit a self-certification form/statement reflecting that the statutes and regulations addressing of DEC, 18 AAC 23, have been met”.**

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none, Ms. Ledford requested a roll call vote.

**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>Mae Canady</b>	<b>X</b>		
<b>Kevin McKinley</b>	<b>X</b>		

<b>Mitch Black</b>	<b>X</b>
<b>Glenda Ledford</b>	<b>X</b>
<b>Jeannine Jabaay</b>	<b>X</b>
<b>Derrick Slaughter</b>	<b>X</b>

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

**On a motion duly made by Jeannine Jabaay, seconded by Kevin McKinley, it was**

**RESOLVED that the Board of Barbers and Hairdressers will continue through October 3, 2016 to accept the Certification of Compliance with 18 AAC 23, form 08-4191, form for shop owner and school applications in lieu of the DEC or municipal certification required in 12 AAC 09.110(a)(7).**

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none, Ms. Ledford requested a roll call vote.

**Roll Call Vote**

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

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

**Item 12. Application Review**

Ms. Spencer reviewed two applications for the Board to consider. The Board broke into two groups to review the application of Jerry Dourney and Aaron Hill.

- Aaron T. Hill, Tattoo/PC by Waiver of Examination, out of state license and training

Ms. Ledford, Ms. Jabaay and Mr. Slaughter reviewed the application of Aaron Hill. Mr. Slaughter stated that the group found Mr. Hill had completed training that exceeded the requirements of 12 AAC 09.088, 12 AAC 09.169 and had completed an examination that met requirements of 12 AAC 09.068.

**On a motion duly made by Derrick Slaughter, seconded by Mitch Black, and approved unanimously, it was**

**RESOLVED to approve the application for a tattoo/permanent cosmetic colorist license by waiver of examination for Aaron T. Hill.**

**Roll Call Vote**

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

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

- Jerry W. Dourney, Tattoo/PC by Waiver of Examination, out of state license and training

Mr. McKinley, Ms. Canady, and Ms. Black reviewed the application of Jerry Dourney. Mr. McKinley stated that the group found Mr. Dourney's training to not meet the requirements of 12 AAC 09.169. Specifically the training documentation, Verification of Training form, transcripts, and statement from the Arkansas Dept. of Health all provided conflicting total number of hours. Mr. McKinley went on to state that the examination completed by Mr. Dourney does meet the requirements of 12 AAC 09.068

**On a motion duly made by Kevin McKinley, seconded by Mitch Black, and approved unanimously, it was**

**RESOLVED to deny the application for a tattoo/permanent cosmetic colorist license by waiver of examination of Jerry W. Dourney as training does not meet the requirements of 12 AAC 09.169.**

Ms. Ledford asked the Board if they would like any further discussion.

Ms. Spencer requested Mr. McKinley withdraw the denial motion in favor of possibly tabling the application pending more information. Ms. Spencer reminded the Board of the possible consequences in denying an application.

The Board requested Ms. Spencer review the application with the assigned group. Mr. McKinley pointed out the conflicting total number of hours and missing information on the transcripts for practical operations. Ms. Spencer informed the Board that at their direction she could contact Katie Wirges, Environmental Health Specialist from Arkansas to request clarification and information. The Board agreed.

**On a motion duly made by Kevin McKinley, seconded by Mitch Black, and approved unanimously, it was**

**RESOLVED to withdraw the motion to deny the application for a tattoo/permanent cosmetic colorist license by waiver of examination of Jerry W. Dourney.**

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none, Ms. Ledford polled the Board, hearing no disagreement the motion passed.

**On a motion duly made by Kevin McKinley, seconded by Mitch Black, and approved unanimously, it was**

**RESOLVED to table the application for a tattoo/permanent cosmetic colorist license by waiver of examination of Jerry W. Dourney until Ms. Spencer obtained clarification from the Arkansas Dept. of Health regarding the total number of training hours Mr. Dourney completed and the total number of completed practical operations.**

Ms. Spencer asked the Board if they would object to another Mail Vote on this application once information was received. The Board stated that once the information was received a Mail Vote would be expected.

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none, Ms. Ledford requested a roll call vote.

**Roll Call Vote**

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

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

- ❖ Collect travel receipts and FY15 Annual Report Board Submissions.

*The Board adjourned at 5:53 p.m.*

Respectfully submitted:

\_\_\_\_\_  
/s/ 10 October 2016  
Cynthia Spencer, Licensing Examiner

Approved:

\_\_\_\_\_/s/ 10 October 2016  
Kevin McKinley, Chairperson  
Board of Barbers and Hairdressers

Date: \_\_\_\_\_