

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

MINUTES OF MEETING

April 11, 2005

By authority of AS 08.13.040, and in compliance with AS 44.62, Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held April 11, 2005.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 9:10 a.m.

Members present were:

Debra Long, Hairdresser
Charlette Lushin, Barber
Alice Massie, Hairdresser/Esthetician
Larry Allen Ungerecht, Tattooist

Staff present were:

Cindy Evans, Licensing Examiner
Phil Petrie, Investigator

Agenda Item 2 Accept Nominations for Chairperson

Cindy Evans asked for nominations for chairperson.

Charlette Lushin nominated Debra Long for Chairperson.

Cindy Evans asked if there were any other nominations. There were no other nominations for the chair position, hearing none.

On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED that Debra Long be the Chairperson.

Agenda Item 3 Review and Approve August 30, 2004 Board Minutes

The board agreed to accept the minutes as presented.

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On a motion duly made by Ungerecht, seconded by Lushin and carried unanimously, it was

RESOLVED to accept the minutes as presented.

Agenda Item 4 Memorandum of Agreement #0407-01-003 and 0407-03-001

On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED to go into executive session according to AS 44.62.310.

Off the record at 9:20 a.m.

Back on the record at 9:30 a.m.

On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED to accept memorandum of Agreement case number 0407-01.003 and 0407-03-001.

Agenda Item 5 Investigative Report

Phil informed the board he currently has more closed cases than he has open cases.

When individuals call regarding a complaint they are not always willing to file a complaint.

Phil polled the board regarding issuing a ceased and desist letter for the following cases.

0431.04.002 – yes by Lushin, Long, Ungerecht and Massie

0405.02.002 – yes by Lushin, Long, Ungerecht and Massie

0401.05.001 – yes by Lushin, Long, Ungerecht and Massie

0405.04.006 – yes by Lushin, Long, Ungerecht and Massie

Phil will be issuing ceased and desist letters regarding the above cases.

The board discussed moving to agenda item 7 as the board was ahead of schedule and agenda item 6 was public comment.

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On a motion duly made by Lushin, seconded by Ungerecht carried and unanimously, it was

RESOLVED to review agenda item 7.

Agenda Item 7 Review Drafted Proposed Regulations Changes

The board reviewed the proposed changes for regulation 12 AAC 09.056(a)(2)(E) and agreed not to accept the proposed changes and agreed to repeal the change to the current regulation.

On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED not to change our regulation (12 AAC 09.056(a)(2)(E).

The board reviewed the proposed changes for regulation 12 AAC 09.060(a)(2)(E) and agreed not to change the current regulation.

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was

RESOLVED no change to regulation 12 AAC 09.060(a)(2)(E).

The board reviewed the proposed regulation for 12 AAC 09.065(a)(2) and agreed to the current regulation and to repeal the proposed regulation.

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was

RESOLVED no change to the current regulation and repeal the proposed regulation.

The board reviewed the proposed changes for regulation 12 AAC 09.160(a) and agreed not to approve the change.

On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED to keep the current regulation (12 AAC 09.160(a) and do not change the regulation.

The board discussed moving to agenda item 6.

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Off the record at 10:40 a.m.
Back on the record at 10:45 a.m.

Cindy Evans reminded the board if anyone from the public comes to the meeting before 11:30 a.m. the individual will be allowed to make comments to the board.

Agenda Item 6 Public Comment

The board accepted public comment from the audience.

Diana Vivlamore had several questions which pertained to health inspections, Ms. Vivlamore was instructed to contact the Department of Environmental Conservation.

Phil Petrie, Investigator instructed her to also contact him, as a violation with the Department of Environmental Conservation is also a violation with the Board of Barbers and Hairdressers.

She also asked since the University Of Alaska Fairbanks is a school how would the university be able to teach the theory and the salons teach the practical.

Cindy Evans explained that students cannot receive training through a school and the apprenticeship program at the same time. However, if the University was approved and two or three salons were approved as satellite schools they possible may be able to teach through the university.

Diana Vivlamore indicated that there are many salons operating in Fairbanks illegally and when a complaint is submitted it appears that no one investigates the complaint.

Phil Petrie explained to Ms. Vivlamore that he is the only investigator and he handles nine boards & commissions. He stated he understands Ms. Vivlamore's frustrations with complaints and instructed Ms. Vivlamore to write a letter to the Board of Barbers and Hairdressers and to the Director of the Division of Occupational Licensing.

Starla Ferguson stated she took the esthetician exam but would like to see electrolysis regulated.

Cindy Evans instructed Ms. Ferguson to write her legislator regarding electrolysis as the board would need a statute to regulate electrolysis.

Dennis Millhouse would like the board to consider the schools and sponsors of apprenticeships to provided the practical examination. He would also like the

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written examination to be available at the DMV office, Dennis believes that turning the exam over to the schools and sponsors of apprenticeships will save the board money.

Dennis would like the ratio of apprentices to instructor to be changed to two apprentices for each instructor in the shop. Dennis would also like the board to hold more meetings.

Debra Long stated when she was an instructor in Oregon the written exam was at DMV and the practical exam was through the school.

Agenda Item 8 **Discuss Board Approved Textbooks (12 AAC 09.155(3)(b))**

The board discussed the Pivot Point textbook and agreed that the Pivot Point textbook is a system which the schools would have to buy into.

On a motion duly made by Long, seconded by Ungerecht and carried unanimously, it was

RESOLVED not to adopt the Pivot Point textbook as a suggested textbook for the board.

Agenda Item 10 **Possible Changes to Score Sheets**

Procedures For the Practical Examination

The board discussed changing number one from “one-half hour” to “15 minutes”

Alice and Larry would like to see number three changed from neatly to professionally dressed and well groomed.

Charlette did not see a difference between neatly dressed and professionally dressed.

On a motion duly made by Massie, seconded by Ungerecht and carried unanimously, it was

RESOLVED to change “one-half hour” to “15 minutes” and also the examiners should be professionally dressed.

Practical Examination Score Sheet for Hairdresser

The board discussed changing the haircut portion of the practical exam to the following.

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On a motion duly made by Massie, seconded by Ungerecht and carried unanimously, it was

RESOLVED change the haircut portion of the practical exam “One Inch of Hair Throughout” will change from 10 points to 20 points. “Evenness of Perimeter” will change from 20 points to 10 points. “Blending” will change from 20 points to 10 points. Add “Following Directions” for 10 points.

Practical Examination Score Sheet for Barber

The board reviewed the Practical Examination Score Sheet for Barber and did not have any changes to the Barber Practical Score Sheet.

Practical Examination Score Sheet for Esthetician

The board reviewed the Practical Examination Score Sheet for Esthetician. The board agreed to change the Esthetician Practical Score Sheet for Estheticians.

On a motion duly made by Massie, seconded by Ungerecht and carried unanimously, it was

RESOLVED under “Facial Massage” change “Handling of Instruments” from 20 points to 10 points and add “Following Directions” of 10 points to each column.

Barber, Hairdresser, and Esthetician Instructor Practical Instructions Score Sheet.

Alice Massie mentioned that students who are taking the instructor examination do not always provide a “Lesson Plan Outline”. The board discussed sending a copy of an outline to the students, however, were concerned that the student may think that they are to bring the “Lesson Plan Outline” provided by the division. The board agreed not to change the Instructor Practical Score Sheet.

Examination Instructions for Barber Hairdresser Esthetician

The board reviewed the “Examination Instructions for Barber Hairdresser Esthetician and agreed not to make changes to the Examination Instructions for Barber Hairdresser Esthetician.

The board reviewed the Hairdresser, Barber and Esthetician Examinations Instruction cards the candidates use during the practical exam. The board agreed

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not to make any changes to the instruction cards for hairdressing, barbering and esthetics.

Practical Rating Chart

The board reviewed the practical Rating Chart and did not have any changes to make to the Practical Rating Chart.

On a motion duly made by Ungerecht, seconded by Lushin and carried unanimously, it was

RESOLVE to take a sixty-minute lunch break.

Agenda Item 7 **Possible Changes to Score Sheets (Continued)**

Cindy Evans provided copies to the board members of previous completed score sheets showing problems that the division has seen with completing the score sheets.

Agenda Item 11 **Instructor to Apprentice Ratio**

The board discussed the number of apprentices to instructor ratio.

Charlette feels that the board could change the number of apprentices to instructors and the number of practitioners should not be a part of the calculation regarding the number of apprentices to instructors.

The board discussed allowing two apprentices for one instructor and removing the number of practitioners currently required.

Larry would like the regulation changed to be the same as the tattooing and body piercing regulation; he would like to see two apprentices for each instructor.

On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED delete the number of practitioners and allow two apprentices for each instructor.

The board discussed placing a cap on the number of apprentices a salon could have at one time.

The board agreed that each apprentice must have their own station.

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On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED that each apprentice has their own station regarding one instructor to two apprentices.

Agenda Item 12 Discuss Hair Braiding & Extensions

Cindy Evans informed the board that the director is asking the legislature to write a statute to allow individuals to perform braiding without a hairdresser or barber license.

The board is concerned with sanitation and with individuals providing hair-braiding services in their home.

Debra stated that the when hair is braided some individuals wash the hair first then braids the hair wet, when the hair dries it pulls on the head and can pull the hair out.

Debra also stated that chemicals and gluing agents are used and removal of the braids is dangerous if the individual does not know what they are doing.

The board agreed that individuals should hold a current hairdresser or barber license.

On a motion duly made by Lushin, seconded by Massie and carried unanimously, it was

RESOLVED that we disapprove this suggestion of adopting hair braiding without a license.

Agenda Item 13 Schools and Sponsors of Apprenticeships Administering the Practical Exam

Cindy Evans informed the board that the Director of Occupational Licensing is requesting the legislature to write a statute, which will allow schools and sponsors of apprentices to provide the practical exam.

Debra feels that schools may be able to administer the practical exam but she is not in favor of allowing the sponsors of apprenticeship to administer the practical exam.

Alice feels that neither schools nor sponsors of apprentices should administer the practical exam. Some schools are sending students to the exams that are not prepared for the practical exam.

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On a motion duly made by Lushin, seconded by Ungerecht and carried unanimously, it was

RESOLVED for the board to write him (Rick Urion) a letter and let him know of the board's concerns, we do not have enough schools and there are too many apprentice programs.

Debra Long asked Alice Massie if she was willing to write the letter to the director, Alice will write the letter to the Director.

Agenda Item 14 Who can perform Eyelash and Eyebrow Tinting or Dying

The board discussed who can perform eyelash and eyebrow tinting and/or dying.

The board agreed that hairdressers and estheticians can perform eyebrow tinting and/or dying.

On a motion duly made by Massie, seconded by Ungerecht and carried unanimously, it was

RESOLVED that eyebrow and eyelash dying and tinting can be performed by hairdressers and estheticians as it reads in the statute at this time.

Agenda Item 15 Discuss memo of March 1, 2005 from the Director Rick Urion (Electrolysis, Laser Hair Removal, Botox and Dermabrasion/Microdermabrasion)

The board discussed that most estheticians are required to have training on the equipment before they can purchase the equipment.

Phil Petrie stated that not all individuals providing these types of services receive training on the equipment they purchase.

Phil Petrie stated he would like the board to write a regulation regarding who can perform laser hair removal, botox injections, dermabrasion and chemical peels.

The board discussed that only estheticians would be allowed to perform Microdermabrasion, Dermabrasion not below the dermal layer, Chemical Peels not below the dermal layer and "cold" Laser Hair removal.

On a motion duly made Massie, seconded by Ungerecht and carried unanimously, it was

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RESOLVED that esthetician are the only licensed people allowed to do these four procedures.

Off the record at 2:25 p.m.

Back on the record at 2:30 p.m.

The board continued discussing that Laser Hair Removal, Botox Injections, Dermabrasion and Chemical Peels can be performed by physicians or individuals under the physician's supervision.

On a motion duly made by Massie, seconded by Ungerecht and carried unanimously, it was

RESOLVED that estheticians, barbers and hairdressers may not do Laser Hair Removal, Botox Injections, Dermabrasion or Chemical Peels below the dermal layer.

Agenda Item 16 Correspondence

Keith Laurie

The board discussed Mr. Laurie's letter, who has a diabetic child. Mr. Laurie would like to have his 12-year old son tattooed with MedicAlert tattoo which would indicate he is a diabetic. Mr. Laurie was asking the board if Alaska Statute (AS) 08.13.220(13) which allows indelible marks, figures, or decorative designs for nonmedical purposes.

The question to the board would a MedicAlert tattoo be a medical reason to allow the tattoo on a minor.

Larry stated that there are risks for individuals with diabetes, individuals with diabetes do not heal the as quickly as the average person. Larry stated he would not tattoo this person, as he is a diabetic. Also Larry stated that if a child receives a tattoo as the child grows the tattoo becomes blurred.

The board agreed that being a diabetic is not a medical reason for the minor to receive a tattoo, as there are other options.

The board recommended that Mr. Laurie contact his legislator to have the statute changed.

On a motion duly made by Ungerecht, seconded by Lushin and carried unanimously, it was

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RESOLVED that we do not honor this (Mr. Laurie) request and that the gentlemen and his son write the legislature and try to get a statute change.

Phil stated that since the letter was written to him he would write the letter to Mr. Laurie regarding the board's decision.

12 AAC 09.130 and 12 AAC 09.180

The board reviewed and discussed 12 AAC 09.130 (School Records) and 12 AAC 09.180 (Student Permits).

The division received an Student Enrollment Application form from a student who had hours from a previous school, however, when the student enrolled in another school the new school did not submit the re-enrollment application in a timely matter. The student was in the new school for more than 300 hours before the division received the re-enrollment application.

Cindy and Phil would like the regulation regarding students that re-enroll in the same school or another school.

Cindy feels that each time a student enrolls in a licensed school they would receive 300 hours without a student permit.

The board agreed that each time a student enrolls in school the student will be receive 300 hours without a student permit.

On a motion duly made by Long, seconded by Ungerecht and carried unanimously, it was

RESOLVED that they must comply with a-k for re-enrollment for transfer students.

Phil asked the board to review Alaska Statute (AS) 08.13.120 as in the past he has inspected shops where the shop owner owns more than one shop.

When a shop owner has two different shops, is the shop owner required to have a manager for the shop they are not presently working or managing?

The board agreed that there must be either a licensed owner or licensed manager in the salon.

On a motion duly made by Massie, seconded by Ungerecht and carried unanimously, it was

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RESOLVED that on 12 AAC 09.110 shop owner license in the absence of the actual licensee of the salon that they appoint a manager to conduct the business of the establishment in their absence.

NIC Annual Conference

Cindy Evans informed the board that in the past the board one year sent a board member to attend the NIC Annual Conference and the next year a different board member was approved to attend the Barber Annual Conference.

The board reviewed the agenda for the NIC Annual Conference and agreed not to send a board member to the NIC Annual Conference.

The division had not received an agenda for the Barber Annual Conference to review.

Agenda Item 17 Administrative Items

Annual Report

The board reviewed the 2004 Annual Report

Travel Budget

The board did not have any questions regarding the travel budget.

Goals and Objectives

Debra read the goals and objectives for FY 06.

On a motion duly made by Long, seconded by Ungerecht and carried unanimously, it was

RESOVLED to accept the Goals and Objectives for Fiscal Year 2006.

Legislative Recommendations for FY 06

The board reviewed the Legislative Recommendations for FY 06 and agreed not to make any changes.

On a motion duly made by Long, seconded by Ungerecht and carried unanimously, it was

RESOLVED to accept the Legislative Recommendation for Fiscal Year 06

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Cindy Evans requested the board to review regulation 12 AAC 09.135. If a student that was enrolled in a school in the lower 48 transfers to another school in the lower 48 and it was more than 2 years since their last date of attendance and the new school in the lower 48 accepted the transferred hours, how does this effect regulation 12 AAC 09.135.

The board agreed that if the second school accepted the previous hours then Alaska should also accept the hours.

The board agreed that if a school in another state approves hours from another school the board will accept the hours if more than two years have not lapsed from the last date of attendance.

On a motion duly made by Massie, seconded Ungerecht and carried unanimously, it was

RESOLVED that in a situation of a student transferring from another state that we are in acceptance with the documented hours from that certified training, if more than two years has not lapsed.

Agenda Item 18 Confirm September 8-9, 2005 Meeting Start Time

The board discussed the starting time being 9:00 a.m. but discussed changing the meeting date.

Off the record at 3:45 p.m.

Back on the record at 3:55 p.m.

The board discussed changing the meeting from a Thursday and Friday to a Monday and Tuesday. The board agreed to change the September 8-9, 2005 meeting to September 19-20, 2005.

On a motion duly made by Long, seconded by Ungerecht and carried unanimously, it was

RESOLVED it has been agreed upon the September meeting will be Monday the 19th and Tuesday the 20th and the starting time will be 9:00 a.m.

On a motion duly made by Ungerecht, seconded by Long and carried unanimously, it was

RESOLVED one day meeting if possible.

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Cindy Evans asked the board members if they have any possible ethics violations to report.

None of the Board Members had any possible ethics violations to report.

Agenda Item 20 Review Ethics Video

The board members in attendance reviewed the 2004 Ethics Video.

Off the record at 4:10 p.m.

Back on the record at 4:38 p.m.

Agenda Item 21 Adjourn

At 4:40 p.m. on a motion duly made by Massie, seconded by Ungerecht and carried unanimously, it was

RESOLVED that we adjourn the meeting.

Adjourned at 4:40 p.m.

Respectfully Submitted:

Cindy Evans, Licensing Examiner
Board of Barbers and Hairdressers

Approved:

Debra Long, Chair
Board of Barbers and Hairdressers

Date: _____