

**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  
September 12, 2011**

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 on September 12, 2011, at 550 W. 7<sup>th</sup> Ave., Anchorage, Alaska.

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

The meeting was called to order at 9:02 a.m.

Members present were:

Debra Long, Hairdresser, Chairperson  
Glenda Ledford, Barber  
Brittany Hartmann, Public Member  
Lorenda Moore, Tattoo & Permanent Cosmetic Color

Absent members were:

Michael Bolivar  
Jynal Radziukinas

The board chair noted the absent board members were excused.

Staff present was:

Melinda Butler, Licensing Examiner  
Susan Winton, Senior Investigator  
Jasmin Bautista, Investigator

Public present were:

Charlette Lushin	Valerie Frye
Candice Frisby	Liza Sims
Diana Vivlamore	Connie Basham
Charles Watson	Kevin McKinley
Roberta Vittone	

Visitors present:

Brehan Kohl, DEC	Jim Morre, DEC
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Brandi Reinhardt, DEC    Jeff Gard, DEC  
Bruce Gazaway, Municipality of Anchorage

Ms. Long welcomed new board member Brittany Hartmann to the board.

**Agenda Item 2 Review and Approve Agenda**

**On a motion duly made by Ms. Ledford, seconded by Ms. Hartmann and carried unanimously, it was**

**RESOLVED to approve the agenda as read with changes.**

**Agenda Item 3 Review and Approve Minutes of May 2, 2011**

**On a motion duly made by Ms. Moore, seconded by Ms. Ledford and carried unanimously, it was**

**RESOLVED to approve the minutes of the May 2, 2011 meeting.**

Ms. Long decided to move to Agenda item 5 as Ms. Bautista and Ms. Winton were both present.

**Agenda Item 5 Investigative Report**

Ms. Bautista suggested the board go into executive session to discuss case #2011-000773 and case#2011-000787.

**On a motion duly made by Ms. Ledford, seconded by Ms. Moore and carried unanimously, it was**

**RESOLVED to go into Executive Session per AS 44.62.310(c), to discuss case # 2011-000773, and case # 2011-000787.**

Off the record at 9:06am

On the record at 9:21am

**Case # 2011-000773**

**On a motion duly made by Ms. Moore, seconded by Ms. Ledford and carried unanimously, it was**

**RESOLVED to accept the Consent Agreement for case # 2011-000773.**

**Case # 2011-000787**

**On a motion duly made by Ms. Ledford, seconded by Ms. Hartmann and carried unanimously, it was**

**RESOLVED that a cease and desist be issued, and that after passing the exam, a consent agreement will be offered for case # 2011-000787**

Case # 2011-000773 was regarding shop owner Tonya Fedora. Case # 2011-00078 was regarding applicant Andrew Carlson.

**Imposition of Civil Fine**

Susan Winton, Senior Investigator for the State of Alaska Medical Board presented the tool of the imposition of a civil fine. The imposition of a civil fine is provided for in the statutes. It provides for another level of discipline in between the consent agreement, and a warning. It does not pertain to DEC issues, or to tattooing or body piercing on a minor, and will save investigation fees. This can be used for paperwork errors in which a violation occurs and the board recognizes some type of action must be taken. It also helps with repeat offenders. This gives some paper trail history which makes a much stronger case if the person repeats the offence and goes to public hearing. If this tool is used, the fines must be consistent. If a fine is different, it must be stated why the fine is more or less than a normal fine for that particular offense. Susan recommended that if the board decides to adopt this tool, they need to go on the record and say, "we've considered the use of imposition of civil fine without censure or reprimand, and this board is going to consider it in paperwork violations, or violations not having to do with health and safety concerns in future cases." It can't be retro-active. It would be from this point forward.

**On a motion duly made by Ms. Ledford, seconded by Ms. Moore and carried unanimously, it was**

**RESOLVED to adopt the use of the imposition of a civil fine without censure or reprimand. The board will consider it as a paperwork violation, or violation not having to do with health and safety concerns in future cases.**

Ms. Bautista and Ms. Winton left the meeting at 9:45am. Ms. Long went back to agenda item 4.

**Agenda Item 4 Ethics Reporting**

No Ethics violations to report. Ms. Butler asked Ms. Hartmann to watch the ethics video online.

### **Agenda Item 6 Sunset**

Ms. Long explained the reason for the veto on the sunset bill. She said the board may be able to use this to their advantage. She noted the board has been ignored many times in the past by the legislature, and perhaps this is an opportunity to bring things we have been trying to change to the forefront. Her suggestion was that the board needs to construct a letter stating why the board is necessary, and the issues that need legislative action, i.e., manicuring, splitting the tattoo & permanent cosmetic coloring license, getting another board member, reinstating the cosmetology license, etc. The board has been told to take one issue at a time in the past, however, that has not worked, and perhaps this is the time to present all of the issues we recommend need legislative attention. The board needs to get something in writing before the next session. Ms. Ledford stated that the manicuring issue is so dangerous to the public that the legislature doesn't realize the importance of it. Ms. Hartmann volunteered to write the letter with input from the other board members.

Ms. Long stated that because of the sunset, she isn't sure what the procedure will be with the four board seats that expire March 31, 2012. The normal cutoff date for sending a reappointment letter to the board and commissions office is January 31<sup>st</sup>, however, she isn't sure they will have the same procedures until the sunset issue is resolved. She suggested that Michael Bolivar, Brittany Hartmann, and Lorenda Moore send a letter to boards and commissions before the cutoff date, stating they wish to be reappointed.

Ms. Long skipped ahead to public comment as it was 9:55am.

### **Agenda Item 8 Public Comment**

Liza Sims commented that she is concerned with the apparent ease of receiving a tattooing and permanent cosmetic coloring license. She has been a permanent cosmetic colorist for the past 22 years. Ms. Sims is concerned about the board's checks and balances for determining eligibility for licensing in her industry. She believes her industry should be regulated by the medical board. She stated it is too different from hairdressing and really doesn't compare to that industry. She has many recommendations that she will submit by email.

Diana Vivlamore also shared her concern over the apparent lack of training shown by other licensees in the permanent cosmetic color industry in Alaska. Many people are licensed in Alaska, but move around after licensing and can't be reached when a job turns out badly, so she and others like her are left "cleaning up" botched jobs that were done. Ms. Vivlamore also stated that the DEC was very good at being open to learn what the permanent cosmetic coloring industry involves. She was impressed with the involvement they took.

Ms. Long stated that the DEC would be present later in the meeting if any of the public members would like to stay around and be present for that. Ms. Long also shared that she is concerned about regulating the tattoo & permanent cosmetic color industry, and she welcomes public input.

Roberta Vittone had concerns about the esthetics training currently being required. She would like to see more than 350 hours of training for esthetics. She also agreed that tattooing & body piercing should be under the medical board.

Ms. Long stated that it was a goal of the board's to increase the number of training hours for esthetics to 700. It is something the board has been trying to get changed.

Candice Frisby made the comment that she appreciates being under the board of barbers and hairdressers, as opposed to the medical board because the barbers and hairdressers is a smaller board, and more accessible for suggestions and concerns that the licensees have. She felt the medical board would be too large of a board, and their concerns wouldn't get the attention that they get from the smaller board.

Ms. Ledford stated that all of the concerns expressed are valid, however, all statute changes have to go through the legislature, so the licensees need to go to their senators and representatives and let them know their concerns. If they don't lobby, the legislature won't realize the importance of these issues to the general public.

Kevin McKinley from Body Piercing Unlimited pointed out the industry is changing and growing. He is concerned the board may not keep up with the industry. Mr. McKinley stated one area that was rapidly changing is a practice called dermal anchors. He pointed out some of the information the board has received on dermal anchors is incorrect. Dermal punches are considered a class one medical device, which is the same as band aids and gloves. He thinks the state needs to decide if that is an accurate assessment for that tool. He is willing to do a demonstration for the board.

Ms. Moore would like to see Mr. McKinley do a demonstration for the board. She would like to see the instruments, and see how they are used.

### **DEC and Municipality of Anchorage**

Brehan Kohl, and Brandi Reinhardt of the DEC joined the meeting, along with Bruce Gazaway of the Municipality of Anchorage. They presented the DEC and Municipality of Anchorage inspection information for tattooing and permanent cosmetic coloring.

Ms. Kohl shared information about the DEC's practices. The DEC works with new tattoo & permanent color businesses, as well as do yearly rechecks of those shops. They get an application, with a plan or view of the shop. They question water/sewer issues. There are no fees for the inspections. They don't issue permits, but certificates of sanitary standards. The certificates last for one year. They investigate complaints

on facilities, and refer them to Jasmin Bautista, the investigator for barbers and hairdressers. They also get calls on tattoo removal.

Ms. Butler stated the board of barbers and hairdressers does not regulate tattoo removals. That involves lasers which would fall under the medical board, and those calls should be referred to that board.

Ms. Ledford wondered if it was possible to overlay a tattoo. Ms. Sims stated it was not possible. The dyes mix and bleed together.

Mr. Gazaway shared information on the policies of inspections with the municipality. He stated the municipality does not do tattoo and permanent cosmetic color inspections. They are concerned with food and water safety only. They only inspect beauty shops, barber shops, and shops dealing with cosmetology issues. His municipal code does not cover tattoo or piercing shops. In order for the policy to be changed, the licensees could lobby the assembly people and the mayor for changes that need to be made to the code. He can only enforce what is written in his city code. Mr. Gazaway passed out copies of his regulations from the municipality to everyone in the room. The permit the municipality issues is a lifetime permit, after that the inspections are complaint driven.

Valerie Fry, public member, voiced her concern about licensing for body piercers.

Ms. Long thanked the public members that showed up for comment, and assured them the board is listening to them, and appreciates all of their comments and concerns.

Break off the record at 10:56am  
Back on the record at 11:10am

Ms. Moore stated her feeling is the body art professions need their own board. Ms. Butler pointed out that is an issue for the legislature. Ms. Long agreed. Charlette Lushin noted the licensees were asking for tighter regulations. The board agreed. Ms. Lushin suggested the board research other states to see what is going on in the country with body art licensing. She expressed great concern with angle piercing. Ms. Ledford noted the industry is changing so rapidly, the regulations can't keep up.

### **Agenda Item 7 NIC Conference Overview**

Ms. Ledford updated the board on what she learned at the NIC Conference. She attended two classes, fraudulent documents and hybrid learning. "Fraudulent documents" has a website: [www.OSAC.state.or.us/odA/unaccredited.HEml](http://www.OSAC.state.or.us/odA/unaccredited.HEml). She also took a session on modern day slavery.

The hybrid learning class talked about online theory classes. This would give working

people a chance to get theory hours at their convenience. The schools regulate this, so it wouldn't take anything away from them. Ms. Butler pointed out that with so much of the world online today, the board may have to relook at their policies about online training for theory hours. Ms. Lushin asked if the students get a certificate for completing the course. Ms. Ledford said no, that it is regulated by the school. The school is the administrator over the website, so a certificate is not needed.

Ms. Ledford highly recommends that Ms. Butler attend the conference next year, along with a board member.

### **Agenda Item 9 OSHA Formaldehyde Alert**

The board was made aware of the OSHA alert for hair products. Ms. Long pointed out the danger of those products. We do have the alert on our website. Ms. Long also pointed out there was another issue that came up recently about a dental acrylic that is being used for acrylic nails, it eats the nail bed and it won't come off. It is very dangerous. We got a complaint that a nail technician in Ketchikan is using it, however, there is nothing written anywhere in the FDA saying it is illegal. Ms. Moore stated we need to have something in writing saying a person can't use any materials that are outside of their scope of practice. Ms. Long pointed out we need to have a list of prohibited chemicals and tools on our website. She suggested we work with the DEC to come up with this.

### **Agenda Item 10 Manicuring Legislation**

Ms. Ledford has acquired the help of Rep. Bill Stoltze, Vice Chair of Finance, and Sen. Charlie Huggins in getting the manicuring bill through the legislature. A copy of the manicuring bill was passed out to all of the board members. Ms. Long suggested the letter that will be drafted regarding our sunset should go along with this.

Ms. Long stated that Joanne Hayden from post secondary education wants to know if there is a set price for the 12 hour class. Ms. Butler pointed out we don't regulate prices. Ms. Moore and Ms. Ledford agreed that the board cannot regulate industry. Ms. Long will get back to her with the answer.

### **Agenda Item 11 Examinations**

Ms. Butler reminded everyone they were supposed to have their state law questions ready at this meeting for the NIC written exam for Alaska. Ms. Long explained each board member was asked to come up with 5-10 questions that could be put onto a state exam along with the NIC written exam. No one had the questions ready, so it was decided they would be done for the next meeting.

### **Esthetics Exam Cards**

Ms. Butler reminded the board that at the last meeting they decided to amend the esthetics exam cards the students look at during exams, because they don't match the proctor's score sheet. The cards are lumped up into large time frames, nothing is broken out. Ms. Ledford noted the cards don't mention facial treatment or eye massage. The cards were re-written to include the facial treatment and eye care/massage so they would match the score sheets more closely and the students would understand what the proctors are looking for. Ms. Ledford pointed out this exam is very easy. Students fail because they don't come prepared. Their lack of labeling and sanitation is also a big factor in failing. She doesn't think the student should be able to choose day or night time make-up. She thinks the proctor should be able to tell the student which they have to perform. They need to be ready for either. Ms. Long noted that it never takes 60 minutes to complete this exam. Ms. Lushin commented the reason students fail is that the students perform procedures, but not in front of the proctors. At the last exam in Fairbanks where she was proctoring, the student did a great job, however, he did it while the proctors weren't looking, so they didn't see his procedure. The proctor can't score a student if they don't see what they do. The students don't follow directions.

### **Practical Exam Update**

Glenda Ledford updated the board on the practical exams in Anchorage. They are going well since the last meeting, when it was decided to rearrange the times so that smaller groups of students would take the exams at one time. Ms. Butler stated that there have been no complaints since changing the times. Ms. Ledford said it takes a full day, but it was going smoothly.

Ms. Moore announced she would have to leave the meeting by 2:00pm. Ms. Long acknowledged Ms. Moore's early departure.

**Recess for Lunch- off the record at 12:15 p.m.  
On the record at 1:27 p.m.**

### **Roll Call**

Members present-

Debora Long  
Glenda Ledford  
Brittany Hartmann  
Lorenda Moore

Staff present-



Melinda Butler, Licensing Examiner

It was decided because of Ms. Moore leaving at 2:00pm, the instructor examination packet review would be tabled until next meeting.

### **Agenda Item 12 Blood Borne Pathogen & CPR Online Courses**

Ms. Moore spoke about online Blood Borne Pathogens and CPR courses. Her preference is the American Heart Association or the American Red Cross. The CPR courses can't be just online, because of work with the mannequins. Ms. Long and Ms. Ledford agreed. Ms. Moore asked what the board would accept for certifications. How do we verify all of the courses? ASHI looks good as well. Ms. Ledford took the blood borne pathogen course from ASHI and it was very thorough and covered everything. Ms. Moore stated the ASHI blood borne pathogens course is good, and the CPR course is good as long as it isn't online, but in person.

### **Agenda Item 13 Discuss Proposed Changes**

#### **Online Theory Hours**

Ms. Butler has examples of changes that could be made to the regulations to make it clear that online training is not accepted, because currently there is nothing clearly stating that fact. She pointed out that for body piercing the practical applications are broken out and listed in detail, however, the practical operations for tattooing and permanent cosmetic coloring just lists how many hours are required, with no detail or direction. She suggested that perhaps the board would like to break down the practical operations for tattoo and permanent cosmetic coloring in the same way the body piercing applications are broken down. By doing this, the applicant would see online training is not possible for that license. If the board doesn't choose to break the applications down in that manner, then another possibility is 12 AAC 09.169(a) could be changed to add, "...during which the trainer must be physically present in the shop." This option is not quite as clear as specifically stating how the applications must be done, however, it does let the applicant know they must be with a trainer physically present in a shop, which would prohibit online training. Ms. Moore said with body art it wouldn't be possible to split hours of practical applications out. The reason the practical applications weren't split out for T&PCC is because the board was trying to increase the hours to 1000 so they would have the same training hours as body piercers. Ms. Ledford would like to add the changes to (a). Ms. Long didn't have a problem with online theory, however, the student should still be in the shop doing the online training so the trainer can be present to see them doing it. Ms. Ledford pointed out this is where the state test comes in for checks and balances. Ms. Moore stated she doesn't have a problem with the online theory courses, however, our regulations are so far behind, the board really needs to increase hours, and make more changes before online hours are seriously considered. She also pointed out there is no

national company doing online body art courses like Milady does for cosmetology.

**On a motion duly made by Ms. Moore, seconded by Ms. Ledford and carried unanimously, it was**

**RESOLVED to add to the end of 12AAC 09.169(a)  
“...during which the trainer must be physically present in the shop.”**

### **Changing the T&PCC and Body Piercing Applications**

Ms. Butler asked the board if they wanted to add that no online courses would be accepted somewhere on the applications so it is clear for the applicants, and there could be no mistake. Ms. Moore stated she didn't think it was necessary because the applicant should have read the statutes and regulations and they would already know that. Ms. Butler agreed, however, she pointed out that applicants don't always read the regulations first, and this would be a way to have no excuse in the future. Ms. Moore asked if it should just be changed on the website, and not on the application. Ms. Ledford suggested adding the wording “no online courses will be accepted” in bold on the line that asks where training was received on the application.

**On a motion duly made by Ms. Moore, seconded by Ms. Hartmann and approved unanimously, it was**

**RESOLVED to add “No online training will be accepted” in bold on the applications for tattooing and permanent cosmetic coloring, and body piercing, on the line that asks for the name of the establishment where training was received.**

**On a motion duly made by Ms. Ledford, seconded by Ms. Hartmann and approved unanimously, it was**

**RESOLVED at 2:37pm to adjourn the meeting at 3:00pm.**

Ms. Moore handed in her travel receipts and signed her TA. She left the meeting at 2:37pm. Ms. Butler informed the board that no business could be done that required a motion as there was no longer a quorum attending the meeting.

### **Agenda Item 15 Annual Report**

The final annual report was looked at by the board.

### **Agenda item 16 Office Business**

#### **Budget**

Ms. Butler handed out the budget report for the end of FY11. It showed a deficit of \$286,437 as of June 30, 2011. Ms. Butler pointed out that the board has brought in revenue of roughly \$917,000.00 since July 1<sup>st</sup>, so that figure will be different now. There have been expenditures as well, and the deficit has to be subtracted from the revenue amount, however, it should be a much better total amount because of the fees being raised in August. The board was happy to see the improvement, and is anticipating knowing a current total when it becomes available.

### **Meeting and Exam Dates**

The board looked at dates for the board meetings and exam dates for 2012. The dates chosen were:

#### Board Meeting Dates

January 23, 2012  
May 7, 2012  
October 1, 2012

#### Anchorage Exam Dates

January 8-9, 2012	June 24-25, 2012
January 29-30, 2012	July 22-23, 2012
February 26-27, 2012	August 19-20, 2012
March 18-19, 2012	September 23-24, 2012
April 22-23, 2012	October 21-22, 2012
May 20-21, 2012	November 18-19, 2012

#### Fairbanks Exam Dates

January 29-30, 2012  
April 22-23, 2012  
July 22-23, 2012  
October 21-22, 2012

#### Fairbanks Written Exam Only

January 9, 2012	June 25, 2012
February 27, 2012	August 20, 2012
March 19, 2012	September 24, 2012
May 21, 2012	November 19, 2012

#### Juneau Exam Dates

January 29-30, 2012

April 22-23, 2012  
July 22-23, 2012  
October 21-22, 2012

**Adjourn**

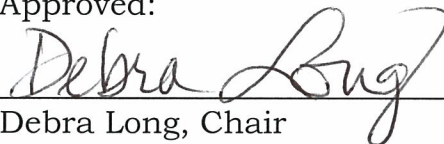
The meeting adjourned at 3:00 p.m.

Respectfully Submitted:



Melinda Butler, Licensing Examiner  
Board of Barbers and Hairdressers

Approved:



Debra Long, Chair  
Board of Barbers and Hairdressers

Date: January 23, 2012