

**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 18, 2006**

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 18, 2006.

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

The meeting was called to order at 9:00 a.m.

Members present were:

Larry Allen Ungerecht, Tattooist  
Alice Massie, Hairdresser/Esthetician  
Charlette Lushin, Barber  
Carol Hernley, Barber  
Cody Downs, Public Member  
Debra Long, Hairdresser, Chairperson

Staff present were:

Sue Karlslyst, Licensing Examiner  
John Clark, Investigator

**Agenda Item 2      Review and Approve Agenda**

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

**RESOLVED that the agenda was approved as read.**

**Agenda Item 3      Review and Approve Minutes of April 3, 2006**

Debra asked if there were any changes or corrections to the minutes.

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

**RESOLVED to approve the minutes as read.**

Due to being ahead of schedule the board decided to move to agenda item 10.

**Agenda Item 10      Practical Exam in Juneau**

On June 15, 2006 a letter was sent to previous proctors in the Juneau area. The response indicated there were 2 possible exam sites, 1 lead proctor and 4 additional proctors. Board member Charlette Lushin would lead the first exam and all Juneau proctors would attend for training purposes. The practical exam would be offered 3 times a year.

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

**RESOLVED to approve Charlette Lushin to travel to Juneau in February 2007 to proctor the practical exam that would be offered 3 times in 2007.**

Alice Massie had talked with proctor Glenda Ledford in Wasilla regarding acting as Lead Proctor in the Anchorage area.

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

**RESOLVED to approve Glenda Ledford to act as Lead Proctor in the Anchorage area when a board member is not available.**

**Agenda Item 4      Shop Owner License Discussion**

Robert Gregg, Department of Labor & Workforce Development (DOL), addressed the board. Robert summarized the letter of July 19, 2006 that was sent to all shop owners. The letter states that the DOL believes that if someone is renting a chair in a salon and they don't have their own shop owner license, that person is dependent upon the license of the shop owner and therefore, in DOL's view they would be employees of the shop and not independent contractors. Mr. Gregg stated that his job is not to advise the industry on how to avoid this issue. It is DOL's job to promote payment of unemployment insurance benefits, not find ways to avoid it.

Board member Alice Massie asked if the shop owner license would be in lieu of the booth rental license that people already have.

Sue Karlslyst responded by stating that the Board of Barbers and Hairdressers does not have a booth/chair rental license. It is an Alaska State Business License that may or may not indicate booth/chair rental on it. We want the industry to become familiar with the term Independent Contractor (not booth/chair renter). There are 3 types of licenses that are currently required of Independent Contractors: 1) Alaska State Business License, 2) Shop Owner license, 3) Practitioner license.

Debra Long stated that the State of Oregon has an Independent Contractor application and provides information on how they separate shop owners and independent contractors. She stated that this might be one way to address the problem. Alice Massie stated that Ohio is similar to Oregon.

Kimberly Stryker, Environmental Program Manager I, of the Department of Environmental Conservation (DEC) spoke regarding shop owner licensing and unemployment insurance taxes. DEC regulates 9300 establishments regarding sanitation issues. A budgeted RSA allows for yearly inspection of Tattooing & Permanent Cosmetic Coloring and Body Piercing facilities. Due to the low risk to public health, hairdressing and barbering establishments are the lowest priority for inspections. Therefore, they are inspected on a complaint only basis. Alaska Statute 08.13.030 gives DEC the authority to do inspections. DEC issues "approval" based solely on an application and plan review without conducting an onsite inspection of the premises. Under the authority of DEC, the Municipality of Anchorage will physically inspect shops in Anchorage, Eagle River and Girdwood. The shop owner application requires this inspection or approve from DEC or the Municipality to comply with regulation for licensing. Under the Department of Labor, Alaska Statute 23.20.525 (a) (10) (A, B, C) regarding unemployment insurance taxes, requires independent contractors (booth/chair rentals) to hold their own shop owner license. DEC does not have the resources to conduct inspections or issue approval on this increase of shop owner applications. Kimberly suggests looking at other states and what they have done to accommodate this situation.

The board discussed regulation 12 AAC 09.110 (7) regarding DEC and shop inspections.

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

**RESOLVED to amend regulation 12 AAC 09.110 so that shop inspections would not be a requirement (except for Tattooing & Permanent Cosmetic coloring and Body Piercing) of the shop owner license.**

The board asked Mr. Gregg how the DOL was going to enforce independent contractors to have a shop owner license. He stated that the department does not have the resources to enforce this issue by doing onsite inspections and they will not be going out auditing hair salons. If someone files a complaint DOL is required to investigate. There was numerous letters (from the industry) complaining that DOL was not doing their job enforcing this issue. The pressure that DOL received to get this letter out will keep coming and there is going to be a push for DOL to act.

Board member Debra Long stated that she has contacted her legislative representative in the Fairbanks area to draft language to exempt barbers and hairdressers under the Department of Labor Statutes.

**Agenda Item 5      Public Comment**

There were about 33 people present for public comment time. Comments centered on the issue with the DOL and independent contractors being required to have a shop owner license. Everyone speaking opposed the issue.

One shop owner stated that there is a lot of unlicensed activity in Fairbanks regarding Tattooing & Permanent Cosmetic Coloring and Body Piercing.

There was comment supporting the proposed regulation regarding the Tanana Valley Campus Cosmetology Pilot Program in Fairbanks.

There was comment on the lack of inspections of nail salons in the state.

**Agenda Item 6      Regulations**

Jun Maiquis, Regulations Specialist II and Gayle Horeski Assistant Attorney General, joined the meeting telephonically.

Horeski stated that there was some new language added to 12 AAC 09.125 (a) to allow for the creation of the new draft regulation of 12 AAC 09.127 for college or universities. She asked the board if they wanted to include any or all of 12 AAC 09.125 within 12 AAC 09.127. The board discussed adding, "school premises are subject to inspection and approval by at least one board member." Lushin asked the question about adding a geographic radius to the regulation. Horeski stated that you cannot include this type of exclusion.

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

**RESOLVED to approve for public notice the addition of 12 AAC 09.127 with a subsection added to include, "school premises are subject to inspection and approval by at least one board member."**

The board took a 5 minute break.

Off the record at 11:10 a.m.  
On the record at 11:15 a.m.

Referring back to the April 3, 2006 minutes, the board discussed 12 AAC 09.002 regarding the requirement that out-of-state applicants by examination meet the same number of “practical operations” as required for someone trained in Alaska. The board had requested that the division draft language to amend 12 AAC 09.002 (b)(2)(B) to reflect those instances where out-of –state schools use hours and not practical operations the board will allow those students to take the written and practical examination if they have the minimum hours of training required. Because of the adoption of 12 AAC 09.002 (d)(2)(B) and 12 AAC 09.002 (d)(2)(D) (requiring practical operations) this has become moot. Therefore, the board will review these out of state applications on a case by case basis.

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

**RESOLVED to approve out of state applications on a case by case bases where a state does not track practical operations.**

Discussion continued regarding instructor licensing by waiver of examination.

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

**RESOLVED to change the language in 12 AAC 09.106(d)(3) to “verification equivalent to that described in (c1) of this section; and...” so as to reflect the checklist regulation 12 AAC 09.002(j)(2).**

The equipment list for Barbers or Hairdressing Schools was discussed. Since hairdressing includes manicuring and limited esthetics under AS 08.13.130(f), the equipment list for Barbers and Hairdressers should also include manicuring and esthetics supplies.

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

**RESOLVED to add the language, “manicuring materials; wax materials; tweezers” to 12 AAC 09.155 c.**

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

**RESOLVED to approve the changes to 12 AAC 09.106(d)(3) and 12 AAC 09.155(c) and submit for public notice.**

The board discussed the changes to the checklist regulation for esthetics and requiring time clocks for apprenticeships.

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

**RESOLVED to adopt 12 AAC 09.002(f)(3), 12 AAC 09.185(b), and 12 AAC 09.190(e) as noticed.**

**Agenda Item 7**      **Investigative Report**

John Clark, Investigator, introduced himself to the board. John has been reviewing and trying to close out old cases from 2003-2004. His report is listed by case number rather than by date order. Before closing a case John will call a board member. When a violation of licensing is found a file is opened, interviews are conducted and licenses are checked. An MOA is not a statutory requirement and the board can agree on the sanctions.

John asked the board if an individual who is polishing and removing polish needs to be a licensed manicurist. The board agreed that an individual performing this activity needs to be licensed.

Debra Long indicated that she has received complaints regarding a school in the Anchorage area. By the statistics in the Annual Report this school has had a low "pass" rates on the examinations. John indicated that he only deals with licensing issues. Debra wanted to know if not being supervised in training is an area of concern. John indicated that he would check into this issue. Sue Karlslyst indicated that this same school had sanitation complaints earlier in the spring and DEC did the follow up on that complaint.

According to 12 AAC 09.110(d) Debra Long and Charlette Lushin did a random check of shops in Fairbanks and found several unlicensed individuals. The list of names was give to John Clark. John indicated that a complaint had been filed regarding these random checks. He stated that the problem with 12 AAC 09.110(d) is that it does not define what it means to do an inspection.

**Agenda Item 8**      **Recess for Lunch**

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

**RESOLVED to recess for lunch.**

Off the record at 11:55 a.m.

Back on the record at 12:55 p.m.

**Agenda Item #7**      **Investigative Report**

The board had given Ungerecht the information regarding the complaint. Since Ungerecht will be out of state for 30 days the information was passed to Massie to do the follow up interviews.

**Agenda Item #6**      **Regulations**

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

**RESOLVED to amend the motion of 12 AAC 09.002(f)(3), 12 AAC 09.185(b) and 12 AAC 09.190(e) by stating there is no cost to the public.**

**Agenda Item 9**      **Application Review**

Mr. Toole submitted his Tattooing and Permanent Cosmetic Coloring application with training received in the state of Mississippi. Mississippi requires a Certification of Registration for Tattoo Shops and Trainers. Mississippi was unable to verify a Certificate of Registration for the trainer or shop where Mr. Toole received his training.

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

**RESOLVED to deny the Tattooing and Permanent Cosmetic Coloring application of Mr. Toole under AS 08.13.082(d)(1)(B) and 12 AAC 09.115(2)(3).**

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

**RESOLVED to amend the "Verification of Training for Tattooing and Permanent Cosmetic Coloring" form to include a question asking for the shops or trainers license registration if applicable.**

The Esthetician application for Ms. Dykes was reviewed. Ms. Dykes received a total of 2700 hours of training at the Medical and Aesthetic Cosmetology School in Colombia. Her training was completed in August 2001. Colombia does not issue a license. The diploma allows them to work.

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

**RESOLVED to approve the training received by Ms. Dykes and allow her to be scheduled for the Esthetician practical and written examination.**

The School Application for MetrOasis Advanced Training Center was reviewed.

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

**RESOLVED to approve the addition of an Esthetician Program to the curriculum of MetrOasis Advanced Training Center.**

Sue presented the board with a list of pending shop owner applications. The list included New Shops as well as Independent Contractors (aka chair rentals) whose applications were incomplete because they did not have an inspection by DEC.

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

**RESOLVED to approve all pending and future applications for shop owner licenses where applicants are converting from an Independent Contractor (aka Chair Rental) to a Shop Owner License based on a previous inspection of the shop. All New Shops will still be required to have approval by DEC or an inspection by the Municipality of Anchorage.**

The Tattooing and Permanent Cosmetic Coloring Application of Danette Proszek was discussed. Washington State does not have licensing for this profession.

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

**RESOLVED to approve the application of Ms. Proszek and allow her to be scheduled for the written examination.**

**Agenda 11**

**Clarification of recording Practical Operations on monthly reports for Barbers and Hairdressers**

There was discussion between the board members and one school owner regarding how operations are recorded. There is the main service (i.e. hair cutting for wet or dry hair) and then there is the categories below (i.e. hair analysis, razor, scissors, electric, thinning shears) If a student is doing a hair cut for example, they would get one operation under hair cut and possibly one operation under wet hair styling and drying for doing a shampoo, and one operation under thermal for doing a blow dry. Therefore, receiving a total of 3 operations. So for doing one service it is possible to receive several operations.

The board entered into Executive Session.

Off the record at 1:40 p.m.

On the record at 2:00 p.m.

**Agenda Item 12**

**Old Business**

No comments or change to the updated version of the Scoring Guidelines.

Manicuring requirements were discussed. There is no difference in the scope of practice for an individual who hold a manicuring license, hairdresser license or and advanced manicuring endorsement. It is the board's opinion that a 12-hour course is not sufficient for training in this field. The board is aware that it would take a legislative change to require additional hours or training. They discussed this as one of their goals in the future.

Debra report that when she searched the internet for Glymend products she could not find any information regarding the "percentage" used in the industry. She will continue to do research and look into the difference between what an Esthetician can use versus what a dermatologist can do.

**Agenda Item 13**

**Administrative Business**

The board reviewed the Annual report and did not have any questions.

There was no discussion on the correspondence from the National Accrediting Commission of Cosmetology Arts & Sciences regarding their State Licensure Study.

**Agenda Item 14      Set 2007 Board Meeting Dates**

The board discussed next years meeting dates.

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

**RESOLVED to hold the Board of Barbers and Hairdressers meeting on April 2, 2007 and September 24, 2007. The start time will be 9:00 a.m. in Anchorage.**

The board agreed to the following practical and written exam dates for Anchorage.

January 21-22, 2007	July 22-23, 2007
February 25-26, 2007	August 26-27, 2007
March 25-26, 2007	September 30-October 1, 2007
April 22-23, 2007	October 28-29, 2007
May 20-21, 2007	November 25-26, 2007
June 24-25, 2006	December 16-17, 2007

The board agreed to the following exams dates for Fairbanks. Every other month in Fairbanks will be the written exam.

January 21-22, 2007	July 22-23, 2007
February 26, 2007	August 27, 2007
March 25-26, 2007	September 30-October 1, 2007
April 23, 2007	October 29, 2007
May 20-21, 2007	November 25-26, 2007
June 25, 2007	December 17, 2007

The board agreed to the following practical and written exam dates for Juneau.

February 25-26, 2007  
June 24-25, 2007  
October 28-29, 2007

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

**RESOLVED to set the exam dates as stated.**

**Agenda Item 15      Ethics Video**

The ethics video was viewed on line at  
[www.law.state.ak.us/doclibrary/ethics.html](http://www.law.state.ak.us/doclibrary/ethics.html)

By roll call, it was determined that ALL board members viewed the video prior to the meeting.

**Other Business**

The board discussed the shop owner issue stating that they should do some research before the next meeting regarding how other states handle this issue. The "liability" issue that the shop owner has with having independent contractors in the shop is high.

Charlette thought there should be some terminology clarification in regulation addressing Business Licenses and Chair Rentals.

Charlette stated that there should be something in regulation or statute regarding the use of the "Barber Pole". She feels that only facilities that have a licensed barber on board should use be able to use the barber pole.

**Agenda Item 16**

**Adjourn**

**At 4:00 p.m. on a motion duly made by Ungerecht, seconded by Downs and carried unanimously, it was**

**RESOLVED that we adjourned the meeting.**

**Adjourned at 4:00 p.m.**

Respectfully Submitted:

\_\_\_\_\_  
Sue Karlslyst, Licensing Examiner  
Board of Barbers and Hairdressers

Approved:

\_\_\_\_\_  
Debra Long, Chair  
Board of Barbers and Hairdressers

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