

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**SEPTEMBER 14, 2020  
BOARD MEETING**

**PUBLIC  
TELECONFERENCE**



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**CALIFORNIA BOARD OF  
BARBERING AND  
COSMETOLOGY  
BOARD MEETING NOTICE AND  
AGENDA**

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*Action may be taken on  
any item listed on the  
agenda.*

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**BOARD MEMBERS:**  
Lisa Thong, President  
Dr. Kari Williams,  
Vice President  
Jacquelyn Crabtree  
Andrew Drabkin  
Derick Matos  
Calimay Pham  
Christie Tran  
Steve Weeks

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**PUBLIC TELECONFERENCE  
MEETING**

**September 14, 2020  
9:00am - Until Completion of  
Business**

**NOTE:** Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

**Important Notices to the Public:** The Board of Barbering and Cosmetology will hold a public meeting via a Webex Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e95980f7efacfb75a18f231f9a8e91628>

**INSTRUCTIONS FOR PARTICIPATION:** Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period; members of the public will not be permitted to “yield” their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at <https://thedcapage.wordpress.com/webcasts/>.

## **OPEN SESSION:**

1. Call to Order/ Roll Call/ Establishment of Quorum (**Lisa Thong**)
2. Board President's Opening Remarks (**Lisa Thong**)
3. Board Member Remarks – Informational only
4. Discussion and Possible Approval of June 8, 2020 and August 3, 2020 Board Meeting Minutes
5. Executive Officer's Report (**Kristy Underwood**)
  - Board Overview
  - Licensing Statistics
  - Examination Statistics
  - Disciplinary Review Committee Statistics
  - Enforcement Statistics
  - Budget Updates
  - Outreach Updates
  - Practice Status Survey Results
6. Board Discussion and Update Regarding Impact of COVID-19 on Licensing, Examinations, Outreach and Enforcement
7. Legislative Update:  
Discussion and Possible Action on Proposed Bills:
  - SB 1474 (Committee on Business, Professions and Economic Development) - Sunset
8. Discussion and Possible Action Regarding Rulemaking Proposals:
  - Amend Title 16, California Code of Regulations (CCR), section 950.10 (Transfer of Credit or Training)
  - Amend Title 16, CCR section 961 (Instructional Materials-NIC Guides)
  - Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)
  - Add Title 16, CCR section 965.2 (Personal Service Permit)
  - Amend Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)
  - Amend Title 16, CCR section 972 (Disciplinary Guidelines)
  - Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)
9. Public Comment on Items Not on the Agenda  
*Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))*
10. Suggestions for Future Agenda Items
11. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>.

\*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is being held via Webex Events. The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: [marcene.melliza@dca.ca.gov](mailto:marcene.melliza@dca.ca.gov), or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

# HOW TO – Join – DCA WebEx Event

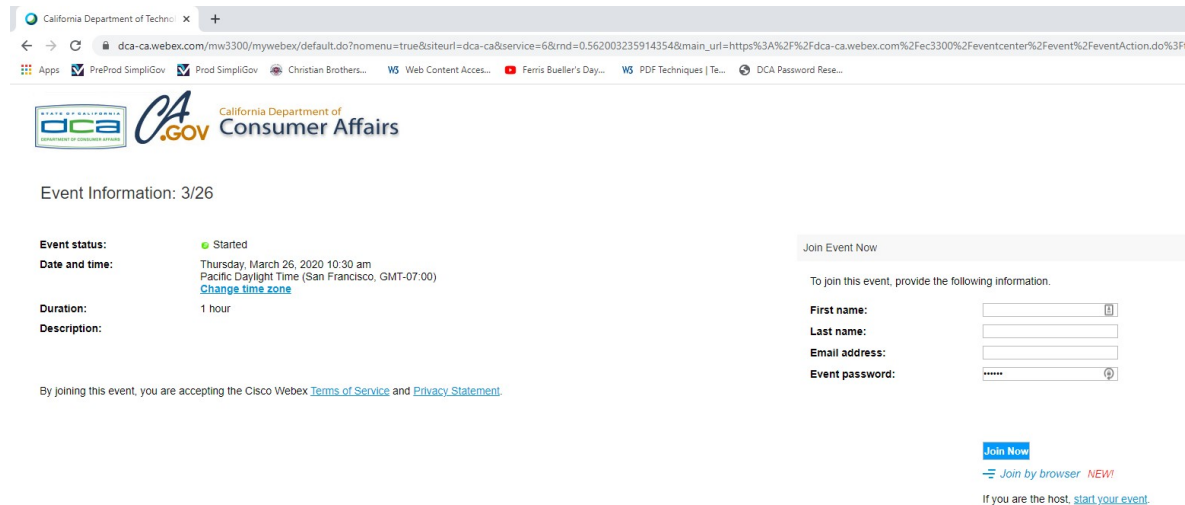
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

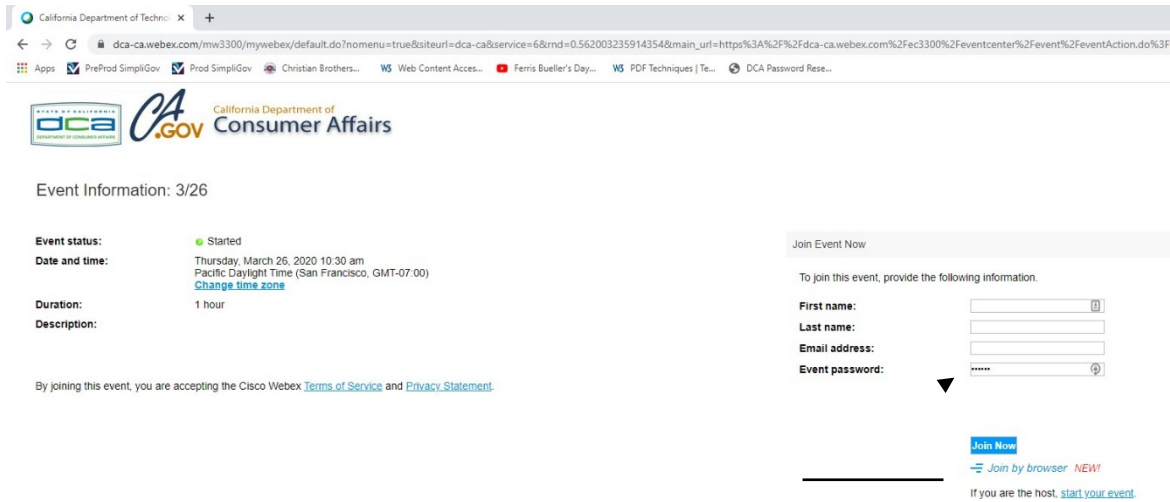
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.  
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

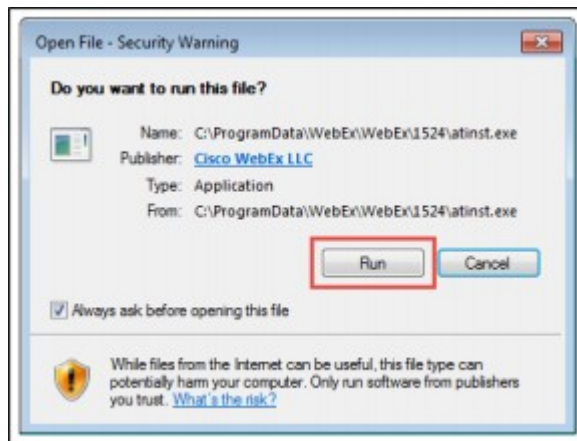
# HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



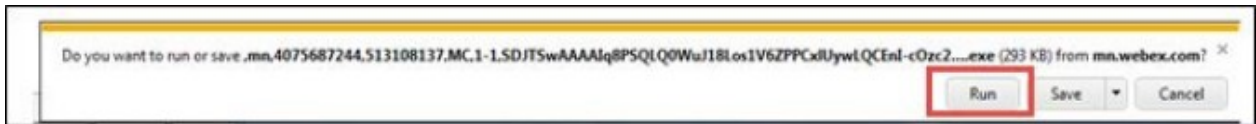
Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

## Starting Webex...



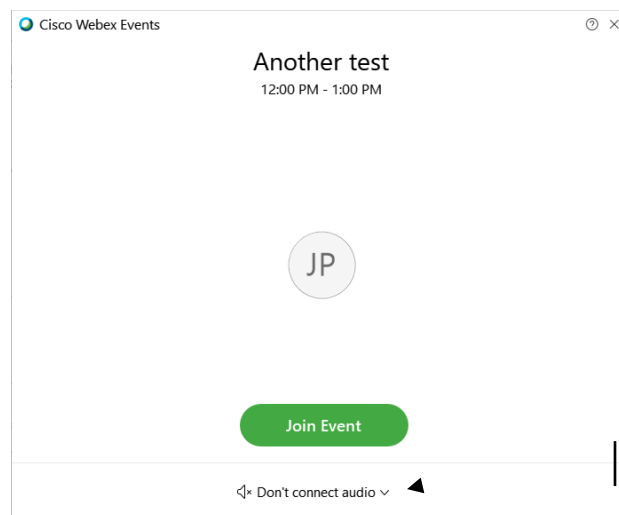
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



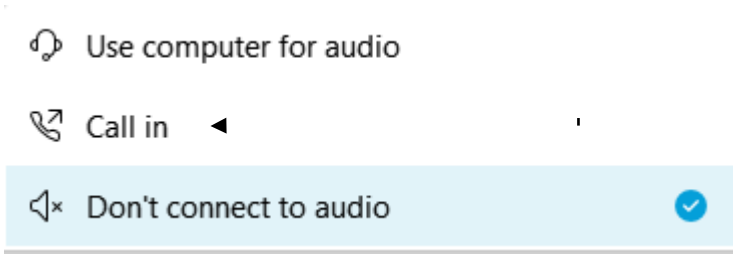
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

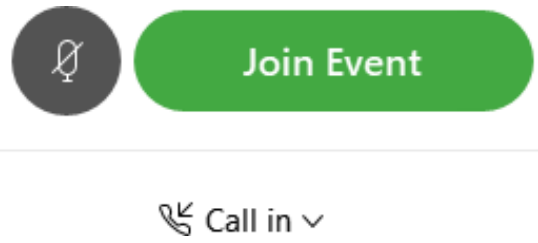


8. When the audio menu appears click 'Call in'.

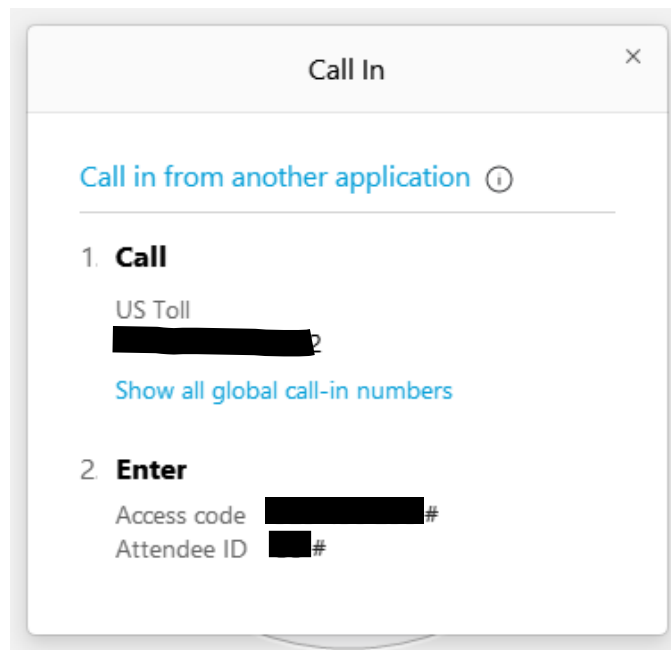
# HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.



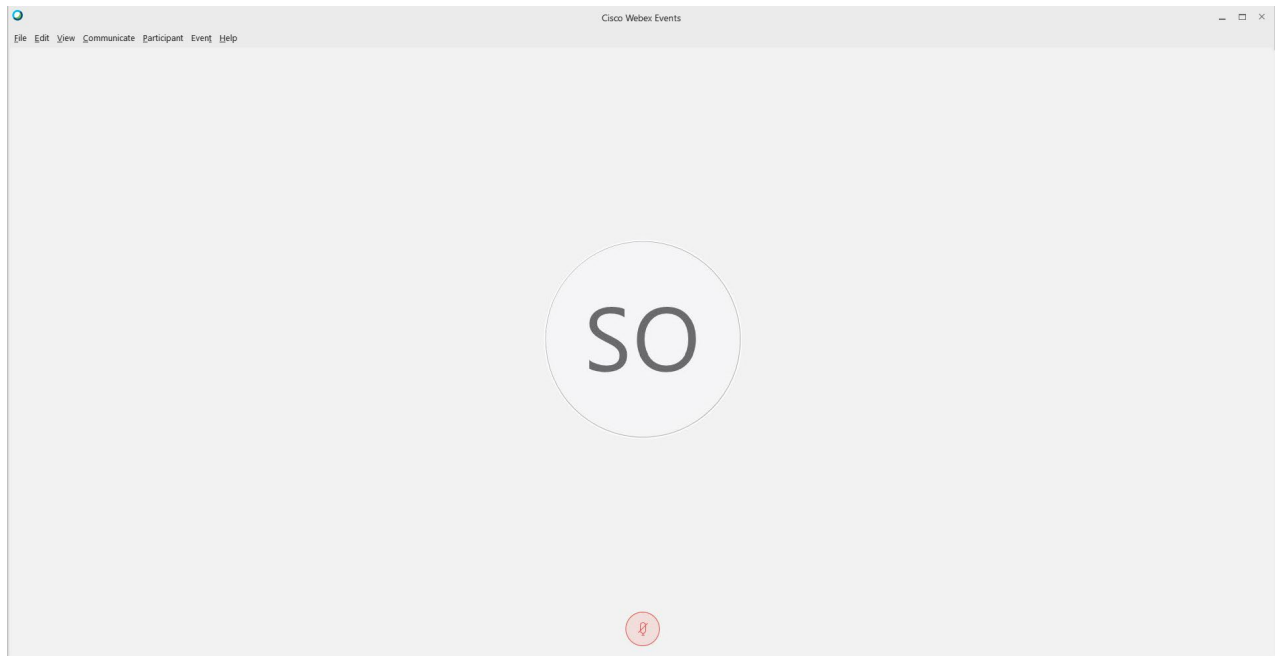
NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.



# HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

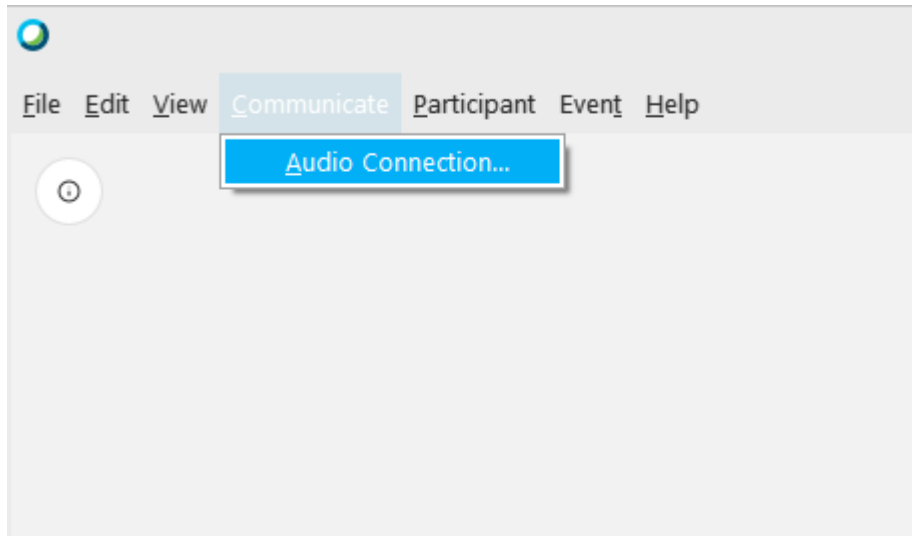


NOTE: Your audio line is muted and can only be unmuted by the event host.

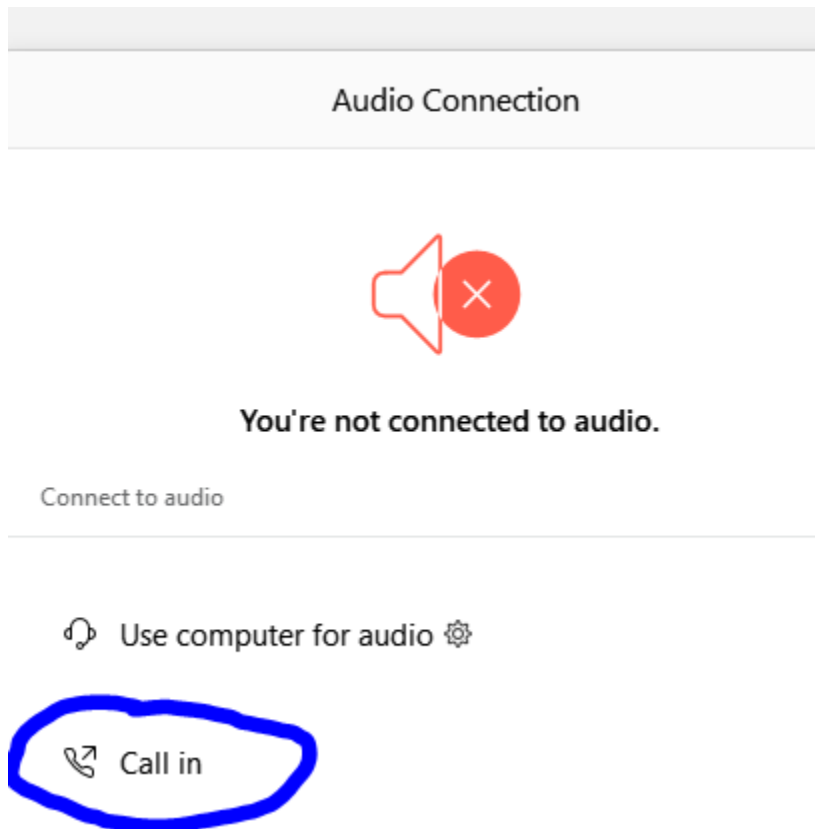
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

# HOW TO – Join – DCA WebEx Event



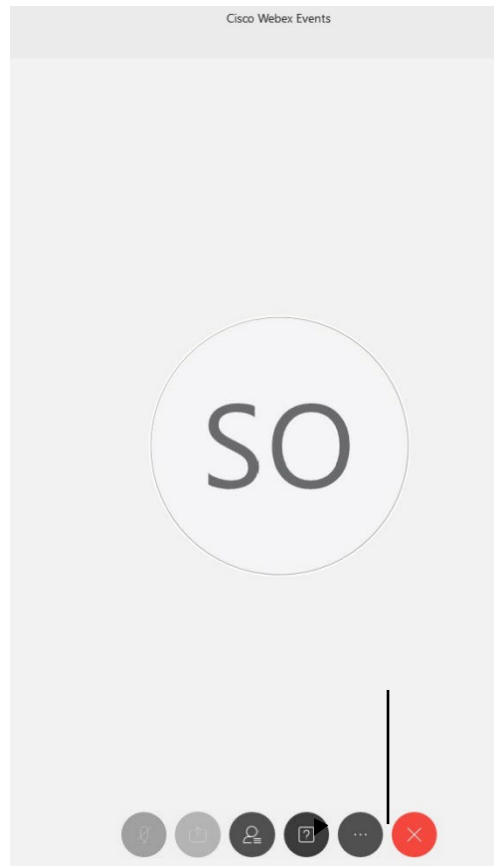
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

## Participating During a Public Comment Period

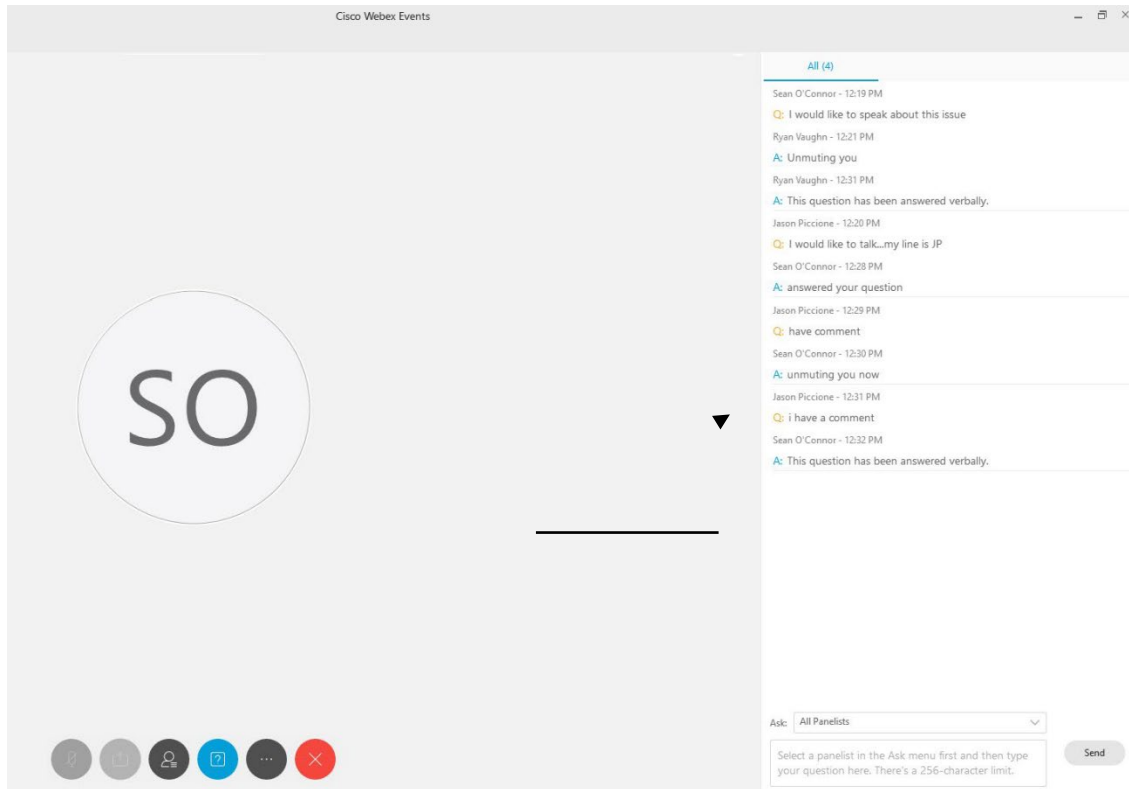
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

# HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

**DRAFT**  
**CALIFORNIA STATE BOARD**  
**OF**  
**BARBERING AND COSMETOLOGY**

**BOARD TELECONFERENCE MEETING**

**MINUTES OF JUNE 8, 2020**

**BOARD MEMBERS PRESENT**

Lisa Thong, President  
Dr. Kari Williams, Vice President  
Jacquelyn Crabtree  
Andrew Drabkin  
Derick Matos  
Calimay Pham  
Christie Tran  
Steve Weeks

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Sabine Knight, Board Legal Representative  
Allison Lee, Board Project Manager  
Marcene Melliza, Board Analyst

**1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF A QUORUM**

Lisa Thong, Board President, called the teleconference meeting to order at 9:10 a.m. and confirmed the presence of a quorum.

**2. Agenda Item #2, BOARD PRESIDENT'S OPENING REMARKS**

Ms. Thong discussed the challenges and uncertainties during these unprecedented times due to the COVID-19 pandemic. She shared details on how the Board has been involved in responding to the COVID-19 pandemic, how it is transitioning to a new normal, and the current emotional state of the communities.

Ms. Thong stated the Board's role during the pandemic has been to maintain consumer protection and consult with local and state entities about the laws and regulations specific to the barbering and cosmetology industry. The information provided by the Board helps guide decisions made by the governor and the California Department of Public Health (CDPH), which are the entities determining the safest way to reopen the state and still reduce the spread of COVID-19.

Ms. Thong stated the CDPH recently published guidelines for hair salons and barber shops. It is important to follow these guidelines that have been laid out by the experts to open slowly and thoughtfully to keep from ending up in a position where the precautions of the last several months are erased. Concerns regarding these guidelines should be directed to the CDPH and will not be discussed during today's meeting. The Board developed a Returning to Work Checklist to help licensees be as safe as possible as they return to work, which is posted on the Board's website.

Ms. Thong acknowledged the nation's political unrest, the racial injustice that is disproportionately impacting communities of color, the pain and heartbreak of the protests, and Black Lives Matter. She stated the trauma and suffering of Black communities should not be ignored. There are ways for everyone to do better, to listen, to empathize, and to look inwards at how to commit to advancing human and civil rights, especially for Black communities and other communities of color, which are disproportionately impacted by injustice, inequity, and the COVID-19 pandemic.

Ms. Thong asked Dr. Williams to say a few words.

Dr. Williams stated, as a Black woman in America, she is conscious of her skin color every time she walks out the door. When she was a child dealing with the unfair treatment, she was led to believe that racism was only demonstrated through the actions of individuals, of personal prejudice. As she has gotten older, she has come to know that racism is not just personal, but it is institutional and is interwoven into the fabric of every institution in this country.

Dr. Williams stated the last couple of weeks have been difficult for her. She has been managing feelings of anger, frustration, and sadness. It is time to act. During this time of reform, excuses can no longer be made about why natural hair and braiding is not an option of study within the cosmetology curriculum. The curriculum in the state of California excludes information about Black hair in its natural state, providing no options for Black women and men or others to learn about the proper ways to care for and style their hair. This is where the systemic racism begins. 1100 hours of training in the current curriculum is dedicated to teaching how to chemically alter, change, and ultimately damage hair. This practice of training also erodes the self-esteem of Black individuals, reinforces Eurocentric standards of beauty, and attempts to erase Black identity.

Dr. Williams stated the Crown Act, a new state law, was recently passed to protect Black individuals from discrimination on how they choose to wear their hair in schools and in the workplace. The fact that there is no current option of education and training on Black hair is unacceptable and this new law now requires that there be educational resources and training. Standardization of Black natural hair care curriculums is necessary and these curriculums need to be created and taught by Black industry leaders.

Dr. Williams stated she has served on this Board for eight years and she has many other points, thoughts, and ideas as the Board moves forward to make these poignant changes in the industry. She stated she looks forward to having more of these conversations with the Board and members of the public as actions are taken towards change. She stated her appreciation for President Thong's words and support. She led everyone in a moment of silence to honor the lives of Breonna Taylor, Ahmaud Arbery, George Floyd, and every Black person who has been wrongly judged, persecuted, and murdered because of how they look. She stated, as everyone shares this moment of silence, know that individuals will no longer be silent in the fight to enact change in the systems that exist.

Ms. Thong thanked Dr. Williams for her thoughts and for sharing her experiences.

Ms. Thong stated she is firmly committed to doing better and firmly stands in support of Dr. Williams and the support she hopes to work towards.

### 3. **Agenda Item #3, BOARD MEMBER REMARKS**

Ms. Tran spoke about the nail industry. She stated everyone in the industry supported Governor Newsom when he first declared a state of emergency in an effort to flatten the curve to prevent hospitals from being overwhelmed by COVID-19 patients. Industry members follow the governor's social distancing directive to protect each other and their clientele.

Ms. Tran stated, as a nail salon owner, a licensed manicurist, and a first-generation immigrant to this great country, she watched other businesses deemed essential remain open throughout the lockdown. Most of the workers in the essential businesses have never received many hours of training like industry licensees have.

Ms. Tran stated the governor recently allowed certain sectors of the industry to open; however, the nail sector was forced to remain closed. She stated, as the first Vietnamese nail salon owner appointed to this Board, she has been getting questions asking why the nail industry is being singled out and why licensees cannot go back to work safely serving their clients as other state-Board-licensed establishments can. She stated she cannot answer their questions because she has not received any information from the governor on this.

Ms. Tran stated this Board approves all schools and textbooks for barbering and cosmetology, which includes the nail sector. The unequal treatment of which sectors can open first is what confuses and frustrates nail salon owners and technicians the most. She stated the need for this Board to treat the nail industry sector fairly and to have the courage to request the same of the governor.

Ms. Thong thanked Ms. Tran for her remarks and for her work with the community in representing the nail salon industry.

### 4. **Agenda Item #4, DISCUSSION AND POSSIBLE APPROVAL OF MARCH 9, 2020, BOARD MEETING MINUTES**

**MOTION:** Mr. Drabkin moved to approve the March 9, 2020, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Ms. Crabtree seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

### 5. **Agenda Item #5, EXECUTIVE OFFICER'S REPORT**

- **Licensing Statistics**
- **Examination Statistics**
- **Disciplinary Review Committee Statistics**
- **Enforcement Statistics**
- **Budget Updates**
- **Outreach Updates**
- **Practice Status Survey Results**

Kristy Underwood, Executive Officer, reviewed the statistics and update reports, which were included in the meeting packet.

### Questions and Discussion

Mr. Weeks asked about the financial impact that the COVID-19 pandemic may have on the operating budget.

Ms. Underwood stated the impacts of COVID-19 on the industry are currently being tracked. She will provide a full report at the next meeting.

## **6. Agenda Item #6, DISCUSSION AND POSSIBLE ACTION REGARDING THE 2020 SUNSET REVIEW**

Ms. Underwood stated sunset review has been delayed another year. The bill that addresses sunset review will be discussed later in the agenda.

## **7. Agenda Item #7, UPDATE REGARDING IMPACT OF COVID-19 ON LICENSING, EXAMINATIONS, AND ENFORCEMENT**

Sabina Knight, Board Legal Counsel stated this agenda item has been put on all Board agendas to ensure Board Members and the public are kept up to date on everything the Board is doing operationally, the effects of the COVID-19 pandemic on the internal operations of the Board, and the impact that COVID-19 and the shelter-in-place order have had on the three items that the Board deals with on a daily basis – licensing, examinations, and enforcement.

Ms. Underwood stated staff has been working from home with the exception of two to three staff members on a weekly rotation. Training materials have been developed for staff specifically inspectors and examiners on personal protection equipment and new plans for when all staff will return to work.

Ms. Underwood stated there has been a significant decrease in applications received. The Licensing Unit is using this time as an opportunity to clean up the database. She stated there are well over 5,000 candidates who are waiting to take the licensing examination.

Ms. Underwood stated the Fairfield testing site plans to open on June 22<sup>nd</sup> and the Glendale testing site on June 29<sup>th</sup>. They will be opened at half-capacity to allow for social distancing. Staff will be trained on new steps to take to restart the examination process. PSI, the entity that monitors the written portion of the licensing examination, opened on June 2<sup>nd</sup> for almost all their testing facilities. Approximately 20 licenses have been issued since June 2<sup>nd</sup>.

Ms. Underwood stated inspectors will be returning to the field this week in an educational-only capacity at this time as businesses reopen to ensure that everyone is following the Board's Returning to Work Checklist.

Ms. Underwood stated the Enforcement Unit has been operating fairly normally while working from home. Over 40 media calls have occurred since March, which are handled by the California Department of Consumer Affairs (DCA). The Board received



approximately 125 emails per day specifically related to the COVID-19 pandemic in addition to other emails that the office receives.

### Questions and Discussion

Mr. Drabkin asked about the amount of time it will take the Fairfield and Glendale testing sites to work through the backlog, while working at half capacity, and the order in which the test takers will be taken.

Ms. Underwood stated examinations have not been given in 13 weeks. Individuals who were in the queue but were canceled due to the COVID-19 pandemic will be rescheduled first, pre-applicants will be next, and then examinations will be scheduled on a first-come first-served basis. The fewer number of applications that have been coming in during this time will help the test taking staff work through the backlog sooner.

Mr. Matos asked if inspectors will be ensuring that the 6-foot social distancing guidelines are met in salons. Ms. Underwood stated this is not within the Board's purview. When inspections resume, they will only be inspecting for industry rules and regulations, unless otherwise directed by the governor or Legislature.

Ms. Crabtree stated concerns about not wearing masks or not complying with the social distancing guidelines can be taken up with the CDPH. Ms. Underwood agreed and added that county public health departments are another resource. She stated local counties will be stricter with enforcement.

## **8. Agenda Item #8, LEGISLATIVE UPDATE**

### **Discussion and Possible Action on Proposed Bills**

**AB 1928 (Kiley and Melendez) – Employment Standards**

**AB 2465 (Gonzalez) – Booth Renter Permit**

**SB 806 (Grove) – Employees: Independent Contractors**

**SB 1474 (Committee on Business, Professions and Economic Development) – Sunset**

Ms. Underwood summarized the Bill Analysis, which was included in the meeting packet, for the following bills:

- **AB 1928 (Kiley and Melendez) – Employment Standards**

Ms. Underwood stated this bill is not moving forward this year.

- **AB 2465 (Gonzalez) – Booth Renter Permit**

Ms. Underwood stated this bill is not moving forward this year.

- **SB 806 (Grove) – Employees: Independent Contractors**

Ms. Underwood stated this bill is not moving forward this year.

- **SB 1474 (Committee on Business, Professions and Economic Development) – Sunset**

Ms. Underwood stated this bill would extend the sunset date of the Board for one year. She suggested that the Board take a position on Senate Bill (SB) 1474 today.

**MOTION:** Mr. Drabkin made a motion to take a support position on Senate Bill 1474. Mr. Weeks seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

**9. Agenda Item #9, DISCUSSION AND POSSIBLE ACTION REGARDING RULEMAKING PROPOSALS**

- **Amend Title 16, California Code of Regulations (CCR), section 950.10 (Transfer of Credit or Training)**
- **Amend Title 16, CCR section 961 (Instructional Materials-NIC Guides)**
- **Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)**
- **Add Title 16, CCR section 965.2 (Personal Service Permit)**
- **Amend Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)**
- **Amend Title 16, CCR section 972 (Disciplinary Guidelines)**
- **Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)**

Ms. Underwood reviewed the Regulation Update Memo, which was included in the meeting packet. She highlighted two items that will require discussion and possible action by the Board:

- **Add Title 16, CCR section 965.2 (Personal Service Permit)**

Ms. Underwood stated the language previously approved by the Board is in the packet as well as the comments received during the 45-day public comment period. Upon Board approval today, the rulemaking package will be filed with the Office of Administrative Law. She noted that a 15-day public comment period is required because the date for the consumer notice needs to be updated.

Questions and Discussion

Ms. Crabtree asked about the amount of time it will take for this section to go into effect and individuals can begin obtaining personal service permits. Ms. Underwood stated the timeline is variable since it will be reviewed by several agencies before going into effect.

Ms. Knight added that the package will be sent out in July. She estimated that it may go into effect at the start of the new year.

Mr. Matos referred to the response to Question 6 on page 3 of the Summary of, and Responses to, Comments Received During the 45-day Comment Period on the Original Language document, which was provided in the meeting packet, where it states “requiring any type of testing after licensure may also put an unfair burden on licensees that do not have access to a computer or internet ... the Board has resources available online for licensees ....” He asked if licensees are made aware of the availability of hardcopy versions of the online resources.

Ms. Underwood stated that information is published on license renewal notices and staff attends trade shows to educate licensees on the resources available on the website.

Ms. Thong referred to Question 3 on page 13 of the responses to public comment document, which asks “will a person that provides services via a PSP need to obtain a business permit/license from the city or county? Is a state business license not required?” She stated the response was “this is outside the scope of this rulemaking proposal.” Ms. Thong suggested including language in the PSP to address this in terms of requiring PSP holders to also adhere to local business operation laws or labor laws. She stated many licensees get confused about the different types of licenses and permits that are required. If that language is not included, licensees may feel that it is not necessary to abide by local business permitting or licensing laws.

Ms. Knight referred to Section 965.2, Personal Service Permit, subsection (h), in the staff memo, which states “a PSP holder shall follow all laws, rules, and regulations applicable to the services rendered.” She suggested adding “including but not limited to local and applicable laws, rules, and regulations” so it would read “a PSP holder shall follow all laws, rules and regulations applicable to the services rendered, including but not limited to any applicable local laws, rules, and regulations.”

Ms. Thong agreed that that would address her question.

Ms. Knight stated there are two potential edits to the language and an edit to the Board’s responses to the comments. She suggested voting on each of these items separately.

Mr. Drabkin moved to approve the potential edits to subsection (h) so it would read “a PSP holder shall follow all laws, rules and regulations applicable to the services rendered, including but not limited to any applicable local laws, rules, and regulations.”

Ms. Crabtree seconded.

### **Public Comment**

Robert stated there are current industry rules and regulations that the Board cannot enforce. He asked how the Board will enforce this motion.

Ann Fisher thanked Dr. Williams for stating the need for African American hair braiding training. She stated the massage industry did a similar PSP license, which would give them mobility. The speaker stated business licenses are different in each city and cause confusion. The speaker spoke in support of putting specific language in for liability. The speaker suggested including a link on the Board website listing the different cities and their requirements to be mobile.

**MOTION:** Mr. Drabkin made a motion to approve the potential edits to subsection (h) so it would read “a PSP holder shall follow all laws, rules and regulations applicable to the services rendered, including but not limited to any applicable local laws, rules, and regulations.” Ms. Crabtree seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

Ms. Knight stated this edited language will be part of the next motion, including the updated date, which is under subsection (i)(1), which changes the date from 2018 to 2020. She asked for a motion to approve taking this modified language, including the new subsection (h), authorize the Board to go out for a 15-day public comment period for the modified text, finish the regulatory packet, and delegate that authority to the Executive Officer.

**MOTION:** Mr. Drabkin moved to approve the proposed modified text for a 15-day public comment period and delegate to the Executive Officer the authority to adopt the proposed regulatory changes and, if there are no adverse comments during the public comment period, to follow established procedures and processes in doing so, and to delegate to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

Ms. Crabtree seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

Ms. Knight stated the next motion for this regulatory language change will be to approve or edit the responses to the comments as provided in the staff memo.

**MOTION:** Ms. Crabtree moved to direct staff to reject the proposed comments, provide the responses to the comments as indicated in the meeting materials, and complete the regulatory process as authorized by previous motions. Mr. Drabkin seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

- **Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)**

Ms. Underwood reviewed the Appeal Processes Memo, which was included in the meeting packet, which provided information regarding appeal processes for DCA divisions as well as other states.

#### Questions and Discussion

Mr. Weeks thanked staff for researching this issue. He stated the involvement of the Board on the DRC appeals level keeps the Board in touch with how the regulations are working on a practical basis with licensees. This is valuable in developing new regulations or modifying the old to better reflect the current needs of the industry. For some Board Members, this is the only opportunity to get direct feedback from licensees.

Mr. Weeks suggested two following additions to the amended DRC language: that each individual DRC Committee meeting should be chaired by the Board Member, and that the Board Member who chaired the DRC report to the full Board at the next scheduled Board meeting a summary of the Committee hearing results and any necessary regulations that may require change, review, or clarification by the Board or appropriate

Board Committee. He stated by making these two additions, an even better system can be made.

Ms. Underwood stated that is a great idea. She suggested creating guidelines for Board Members. She asked legal counsel if these items can be acted on without changes to the regulation.

Mr. Knight stated they could. She suggested having a standing DRC report with statistics as part of the agenda.

Ms. Crabtree agreed with Mr. Weeks' proposed language. It is important that the language include that the Board Member will chair the DRC. She agreed with creating guidelines for new Board Members for consistency in following protocol.

Mr. Drabkin asked if the DRC report could be included in the Executive Officer's Report. The DRC Members are made up of a pool of Board Members. He asked if past Board Members and others could be added to the pool to give flexibility in appointing individuals to hearings.

Ms. Underwood stated chairs usually report back on their Committees. She was unsure that it is necessary to have that in the language but stated it was a good idea to appoint a chair. Staff then works with the chair on issues such as scheduling.

Ms. Underwood stated Board Members have more perspective on what they are seeing at DRC hearings. Also, the Executive Office does not attend all hearings. She suggested that the chair of the DRC report out at the next Board meeting.

Ms. Crabtree spoke in support of the proposed language. The word "may" provides flexibility so that, if there are not enough Board Members available to attend a DRC meeting, other individuals can be appointed.

Ms. Thong spoke in support of Mr. Weeks' suggestions.

Ms. Knight suggested reviewing the Board Member Procedure Manual, which includes information on the Committee makeup.

**MOTION:** Steve Weeks moved approval of the proposed text for a 45-day public comment period and delegates to the Executive Officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period, to follow established procedures and processes in doing so, and to delegate to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

Ms. Crabtree seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

## 10. **Agenda Item #10, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Stacie, salon owner, asked why the governor would state that COVID-19 started in a nail salon and what that has to do with the nail industry's performance. The speaker

stated they believe that it is not the nail industry's work that contributed the number of COVID-19 cases.

Laurie Crete (phonetic), esthetician, spoke on behalf of 350 license holders in the state of California. The speaker thanked Dr. Williams for her heartfelt comments on a sensitive topic. The speaker agreed for the need for increased awareness and education surrounding Black and African American skin care. The speaker stated there has never been a better time to partner to provide safety for the consumer. The speaker stated the need to ensure that estheticians are not forgotten or overlooked during this time of uncertainty.

Michelle Tate (phonetic), a salon esthetics owner and licensed esthetician, echoed the comments of the previous speaker. Estheticians are licensed in sanitation procedures and disinfection. The receipt of an email from the Board on May 5<sup>th</sup> shows a serious lack of communication with licensees, since businesses had been shut down since March. The Board needs to step up and do their job more effectively. If the Board does not advocate for licensees, it should advocate for consumers and consumer safety. Estheticians would love to partner with the Board to help get licensees back to work.

Shana Rose (phonetic), salon owner and licensed esthetician, stated the nail community has been discriminated against due to the governor's comment that the first community contact of COVID-19 in California happened in a nail salon, which was found to be untrue. Nail technicians and lash artists can wear gloves and masks along with their clients – the tip of the glove can easily be cut off. The speaker suggested that the Board use their social media platforms to provide videos and photos of exactly what is required of licensees going forward. The speaker also suggested an online class or seminar that can help schools and salon owners with what is required. This is a learning opportunity. Beauty schools have offered online education since March. While this was a great temporary alternative, students cannot properly learn to process chemicals or cut hair online. These students are paying full price for their education and deserve proper hands-on training.

Robert Torosian, Owner, Laque Nail Bar and Beauty Lounge, stated their disappointment that the Board will not provide responses to public comment today. The speaker stated the Board has been silent for three months. Today is not the time to be silent – the Board needs to speak up. Licensees need action now. The speaker agreed with the previous speaker and stated the governor's comment ostracized nail salons from the personal grooming industry. To date, the Board has been silent on this issue and has provided no information to the public or licensees regarding the alleged incident. Being part of the governor's office, the Board has the duty to the public and to licensees to investigate this matter and provide accurate information to the public and licensees. If no such information exists, the Board should advise the governor to retract his statement publicly. The Board has failed their licensees during the COVID-19 pandemic and the Board's failure to act is destroying businesses. Moreover, the governor and local authorities have divided the personal grooming service into different groups and subgroups.

Mickey Lacha (phonetic), owner of seven LunchboxWax Salons in the Bay Area, all of which have been forced to close since March 16<sup>th</sup>, stated to date they have not seen a

single mention of waxing salons in any of the discriminatory selection and listing of businesses. The speaker echoed Ms. Tran's comments earlier in the meeting. The nail, waxing, and other industries are now being discriminated against within the industry. The speaker asked who will employ the 632,000 licensed estheticians, cosmetologists, and nail technicians when they come back to work. With businesses going under, the industry will be doomed. Targeting personal services to stay closed will put thousands of individuals out of work and will bankrupt small businesses. This is overwhelmingly discriminating against females. The majority of individuals who earn their licenses in the state are women. This must be addressed.

Anne Fisher, owner of Spa Go's, spoke about the racism, protests, the Black Lives Matter movement, and the amount of racism seen in salons. The speaker stated the hope that the Board will do more to eradicate it by ensuring that it is not tolerated.

Ann Fisher spoke about the PSP. Many individuals do not fit into salon brick-and-mortar businesses and need the PSP to move forward quickly. Requiring Live Scan fingerprinting is burdensome and adds an extra expense. The speaker stated there does not need to be as many exclusions as are being written in because the danger exists with the technician and not with the location of services. The speaker asked the Board for audio and show-and-do regulations to help individuals who have difficulty reading and understanding the written form.

Kenya, owner of a skin care studio, stated they have always let clients know that the Board represents them and that they can contact the Board about issues. This has always been a source of pride but the Board is now letting clients down. Clients are frustrated and angry at licensees – they are hurting themselves at home and burning their skin trying to get rid of hair. All the progress made is now gone. The speaker asked the Board to think of the consumers. Licensees have always been a sanctuary for them and now gyms can open before licensees. The Board must do better in representing consumers. Businesses are hurting and clients have been left behind.

Ms. Knight stated she loves teleconference meetings where more members of the public can be reached and more public comment can be heard. She clarified that, if individuals have specific questions about the stay-at-home order issued by the governor, they can contact the governor's office. Guidance is also released by the CDPH. She encouraged the public to reach out to the governor's office and the CDPH with questions or clarifications as they may provide helpful information.

Meagan, esthetician and small business owner, stated they have been out of work since March 13<sup>th</sup> due to the COVID-19 pandemic and have been patiently waiting to return. The speaker stated they have followed the governor's stay-at-home orders and have not taken one client in almost three months, while other estheticians, nail artists, and hair stylists have continued normal business under the radar for months. The speaker has also seen clients travel to Nevada to get their services done. There are posts on local websites and forums on where to go for waxing, lashes, and pedicures against the guidelines. The speaker stated at least half of their clients are still getting services at locations that are not legally allowed to be open. Many of these technicians are taking clients at home or having clients come in the back door with lights off and doors locked. Many technicians do not have a choice as they have been left in the dust with no end in

sight. Local health departments, county supervisors, and the Board have not provided real understanding on what is and is not allowed. There is no consistency in the information that is provided. Licensees look to the Board for guidance when it comes to rules and regulations. The speaker urged the Board to try to push the CDPH and/or the governor in the right direction to fully open the industry following current safety guidelines. The speaker also asked for direction on social media channels. Licensees have spent countless hours in education and deserve the chance to go back to work.

Amy Marong (phonetic), owner of a skin care salon and esthetician, stated their business has been shut down like many others for the past 86 days. The speaker has spent countless hours trying to figure out when salons can open. The speaker stated there does not seem to be anyone representing the skin care services and spas. Licensees are looking to the Board for guidance. Licensed estheticians have had hours of safety and sanitation training and it would be great to partner with the Board to help guide the governor to add guidelines to keep clients and licensees safe. Colleagues in other states have been back to work for over a month. Clients are calling daily asking the speaker to come back to their salon and service them. Clients are being forced to look for individuals who are working underground. The speaker stated the need to get licensees back into their businesses and servicing their clients.

Lorene Gibbs (phonetic), manicurist, stated their understanding that there will be inspectors in the field starting next week to help guide barbers and hair stylists through the Board's Returning to Work Checklist. The speaker suggested that the Board take a stronger stance and strongly recommend wearing masks and gloves because COVID-19 is much more harmful than it seems to the public. A lax stance on that will be dangerous to public health.

Lynelle Lynch, owner of Bellus Academy, thanked the Board for the work they are doing. It was exciting to hear that examination sites will be reopening soon. The speaker stated they received notification this morning that there are four states that are doing something innovative to help students who have graduated and are waiting for the test. Alabama, Arizona, Delaware, and Vermont are issuing temporary work permits to cosmetology students. They are valid for six months so students can work while waiting to take the examination. Also, CIDESCO, an international spa certification association, recently converted to virtual testing for all of their certifications. Schools have converted to distance education for both theory and practical. The speaker asked if something can be done to help students take their examinations.

Holly, esthetician, spoke on behalf of individuals in rural counties. The speaker stated it is difficult that other licensees ignored the lockdown orders. The only thing controlling the speaker to not reopen is the Board. It is infuriating when clients can literally walk down the street to another esthetician who is open in Nevada. Not only is the speaker's business suffering now, but there is the potential for it to suffer for a long time if their clients establish services with someone literally next door.

Holly stated clients have been calling them with third-degree burns, chemical burns, and staph infections because they have been unable to get services from their professional. Individuals are hurting themselves.



Anna Avenel (phonetic), cosmetologist, asked why it was differentiated that barbers and hair stylists can go back to work while estheticians and nail technicians cannot. A salon is a salon. The speaker asked why salon owners and licensees pay money to the Board if the Board does not advocate for them. The speaker contacted the county health department. Their response was, even though the speaker has a business license in the city that they work in, the county health department is not responsible for that. If the Board is advocating for the consumer, it does not seem that the Board is doing a very good job of it. It seems that the lines have been blurred for the Board so that it does not do anything for licensees besides take money for licensing fees and do inspections with possible fines. The speaker asked why the Board is here if it does not help licensees.

Jaime Schrabek, Ph.D., owner of Precision Nails, stated deregulation is not on today's agenda but it could be for every Board meeting. The speaker spoke against the PSP and referred the Board back to their previously-submitted comments on that issue. Dr. Schrabek suggested the removal of the language from the PSP responses that supports the deregulation of beauty professionals. Dr. Schrabek suggested, in light of the postponement of sunset review, using this time to have more substantive discussions about the direction of the Board and its ability to facilitate a more equitable, just, and inclusive beauty industry. The speaker suggested working with the Legislature to reprioritize issues and solutions presented in the Sunset Review Report.

Kimber Bell, Manicurist, stated gyms and bars will open this week as part of the phased reopening of California due to the COVID-19 pandemic. The speaker asked if there are rules, regulations, or updates that prevent nail technicians, estheticians, tattoo parlors, and masseuses from reopening. The speaker asked why stylists and barbers are allowed to return to work while other licensed beauty professionals are not. The speaker stated the nail industry is being left out of the reopening, yet licensees have training and experience in sanitation, disinfection, and sterilization. The speaker asked if the Board has made the governor aware that not all nail technicians work in nail salons. The speaker stated they work in a private suite and serve four to six clients per day, one customer at a time. The ability to maintain disinfection and sterilization is much safer than most places that have reopened.

Kimber Bell stated, when a reporter asked Governor Newsom on Friday, June 5<sup>th</sup> specifically about when nail salons would reopen, he responded that guidelines would be posted on Friday. This did not happen. The speaker begged the Board for clarification and asked the Board to post the response to licensees. The Board represents licensees and the public. Licensees deserve answers.

Michelle Sweetman, salon owner and nail technician, stated, as an owner of two full-service salons, they are frustrated, especially when learning that hair stylists and barbers could reopen and nail technicians and estheticians cannot. The guidelines are unclear. The speaker reached out to the county, health board, the state of California, and the Board and found that the responses do not coincide. It is important for salon owners to know what they should be doing in their position and what regulations they need to enforce. Board regulations conflict with the CDC guidelines for reopening. The speaker stated they feel like the nail industry and estheticians have been left out and have been blacklisted by the governor. It is difficult to stay positive and focused on what needs to be done to reopen when there is no end in sight. The speaker stated the need

to work together to come up with guidelines that coincide to move forward as an industry.

Jennifer Roman (phonetic), American Beauty College, stated, even though the Board has allowed schools to continue educating through distance learning, it is not enough to fully function. As a result, many students have chosen not to participate. The speaker recently polled their students and stated most of them expressed interest in returning if schools would be allowed to reopen with smaller class sizes and safety protocols in place. If practical classes can be done in person and theory can continue to be done online and safety protocols are implemented, schools should be allowed to reopen along with salons and barber shops. The speaker stated the hope that a new type of hybrid education could allow schools to reopen in such a way that students can again meet their educational goals.

Stephanie Vinson, salon owner, stated their disappointment as they just opened their business in December. There has been no help from the government and meanwhile the rent and bills are still due. Clients call every day. It is frustrating. 70 percent of education to become licensed is on health and safety and sanitation. Licensees know what to do and should be allowed to reopen.

Kelly Wolcott (phonetic), esthetician, stated the purpose of the Board is to advocate for and ensure consumer safety. This includes setting standards for education and training. 600 hours are required for esthetic training of which 200 curriculum hours are required to focus on health and safety for the protection of the public. Licensees have been tested on their understanding of those 200 hours via written and practical examinations in order to obtain a license issued by this Board. The practicing of sanitation standards helps to ensure that consumers receiving services are safe as well as maintaining the health of licensed professionals. Consumers are desiring and seeking out these services now. The speaker receives three calls last week from clients in the health care industry alone asking why services cannot be resumed. The speaker asked why certain groups within the industry are not allowed to return to work while other industries are allowed to reopen with little to no sanitation and health and safety training. The speaker asked the Board to work with governing agencies to allow cosmetology services to resume as soon as possible and to let licensees know how they can help.

Deadre (phonetic), esthetician, stated frustration about the inconsistent information across the different state departments. The speaker asked where the governor gets information about the sanitization that is necessary for licensees to reopen, such as how it was determined that it was safe for hair dressers and barbers to reopen but not safe for other licensees within the beauty industry. The speaker asked if the Board guides them on that determination or if it comes from the CDPH. If the governor had more clarity about the amount of health and safety education licensees receive, he would better understand that licensees have the ability to safely reopen.

Lily Jimenez (phonetic) echoed previous comments and stated Governor Newsom announced that TV and film will be reopening on June 12<sup>th</sup>, which seems to contradict the Phase 3 reopening for estheticians, unless Hollywood would be moving forward within their makeup. The speaker urged everyone to email Governor Newsom, the CDPH, and district representatives to let them know that this is not okay.

Dakota Rhodes (phonetic), barber student, asked why barber schools cannot reopen.

Priscilla Vargas echoed previous comments about being governed by the Board but not getting the support needed. The speaker stated they opened a business in December only to have it close three months later due to the lockdown. The speaker stated the need for more guidance. Licensees just want to get back to work. Licensees have high levels of sanitation and sterilization that is learned at school and implemented in their businesses working with one person at a time. The speaker asked, if the Board does not advocate for licensees, why licensees pay the Board and are governed by the Board. The speaker asked for guidance because licensees are being bounced back and forth between the Board and the CDPH.

Carmen Romo, owner of Letty's Barbering and Cosmetology College and cosmetologist, asked when barber and cosmetology schools will reopen. The speaker asked if schools are in the same category as barber shops and salons due to the fact that schools also perform services to clients or if they fall under the higher education category. Students want to come back to the schools. The speaker asked for assistance in providing guidelines for school reopening and in answering their questions.

Raquel Hernandez, owner of three eyelash studios, spoke on behalf of their 85 employees whose voices are not heard and whose livelihoods are not valued now. Licensees have been stripped of their ability to work and provide for themselves and their families. Every day that the studios are closed brings them one day closer to permanently closing. The rent per location is \$10,000 per month. Business insurance and utilities add another \$10,000 in expenses. These expenses remain with zero revenue for the past three months. It was like a slap in the face to be left out of the list of businesses to reopen on Friday. The speaker asked how it is that the Board, the governor, and the CDPH in other states have been able to get this together and allow estheticians and cosmetologists to go back to work safely. The Amazing Lash Studio franchise has 250 locations across the United States and the majority of them have been open for four weeks, they have performed approximately 111,000 services, and not one employee has tested positive for COVID-19. The speaker asked the Board to push the CDPH to prove that California salons are safe to reopen.

Ms. Underwood stated staff has been working with the governor's office and the CDPH to get new guidelines out to address public personal services, including the remainder of the license types. There is not yet a timeframe for those guidelines.

Michelle Wilson, founder of We are Essential and cosmetologist, stated they were disheartened, frustrated, and angry that the governor and other state officials had deemed the industry as nonessential. We are Essential has grown to 2,448 members and continues to gain new members daily. The speaker stood with the Board in solidarity for victims of racism, prejudice, and discrimination. The speaker pointed out that profound discrimination and injustice continues to be carried out against members of the industry including nail technicians, estheticians, and the Vietnamese culture. For whatever reason, these groups have been singled out. This has denied their right to pursue their livelihood, support themselves and their families, and to save their businesses from collapse.

Michelle Wilson reminded the Board that every area of the industry and every licensee is essential to the care, grooming, and health of the public, and licensees are essential to the Board as well. The speaker stated the understanding that the Board advocates for the protection of the consumer. The speaker reminded that Board that each licensee is also a consumer and without licensees and their licenses, this Board would not exist. The speaker asked the Board to remind the governor that there is an entire industry that will remember his mistreatment of its members. Actions have consequences and words matter.

Grace Gutierrez, owner of a skin care salon and esthetician, stated they have reached out to the governor, the CDPH, the county public health department, and now is reaching out to the Board for help. Estheticians have been discriminated against by not being included in the reopening. Estheticians work with one person at a time. The speaker asked to be allowed to get back to work and to provide for their family. The speaker echoed comments of previous speakers.

Trina Johnson, owner of Beauty Never Expires and esthetician, asked how much longer estheticians and nail technicians will be unable to return to work and reopen their businesses. This has caused a major financial burden as landlords still expect the rent to be paid. The speaker asked how touching a scalp and hair is different from touching skin, nails, or applying lashes. Everyone should be required to wear masks and gloves. Many clients had started treatment but, because of the lockdown, those treatments have been ruined. Clients are calling daily ready to come back to the salon. The speaker echoed comments of previous speakers.

Jody voiced their frustration that the Board did not speak up about including skin care specialists in the reopening. Estheticians are one of the most sanitary of all the license types and can comply with COVID-19 regulations that have been put in place by the CDPH. Estheticians generally work with one client at a time and are more easily able to comply with COVID-19 standards. The speaker spoke in support of deregulation if the Board cannot support licensees in this.

Michelle Erkin (phonetic), owner of multiple spas, stated they have had to close one of their spas to the lack of information provided by the Board. The speaker urged the Board to work with its licensees in order to provide the information required for licensees to communicate to clients, staff, and others who are seeking services. It is apparent that the Board needs to communicate better with licensees. The industry has been required to maintain sanitation prior to the COVID-19 pandemic. The industry can continue to work through COVID-19 with health and sanitation requirements. The speaker urged the Board to take action and work with the beauty community because once the community feels that they are not protected by any entity, the Board will no longer receive individuals who want to work in this industry.

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), stated the role of the Board is to regulate; the role of the PBFC is to advocate. The Board and the PBFC both need to communicate and there has not been enough communication. The PBFC filed a lawsuit on May 12<sup>th</sup> against the governor and against the Board to reopen salons. The PBFC represents every sector of the industry including hair, skin, and nails, beauty colleges, and students. The governor's rushed announcement a little

over a week ago reopening hair salons was a direct result of the lawsuit, but it separated hair and barber shops from the other licensed professionals in the industry. The PBFC is standing up for everyone in the industry to reopen salons safely.

Fred Jones stated the PBFC is disappointed that individuals are being deferred to the CDPH both at the state and county levels. The CDPH has not regulated this industry since 1927, when the state took over licensure and regulation. The PBFC fears this will lead to underground activity, more unlicensed activity, and, eventually, the deregulation of the license entirely. The PBFC is very concerned about the ongoing lockdown for the other segments of the industry.

Baylor Triplett, owner of The Lash Lounge, spoke in support of the comments made by previous salon owners. The Board's purpose to keep the industry safe is being directly undermined by keeping businesses closed and forcing workers in the industry to go underground. The speaker stated the need for the Board to tell the decision makers that the Board's mission and purpose are being harmed by the lockdown. The speaker asked for information on how the pandemic risk was evaluated and why some of the decisions were made.

Jeanette Leahey (phonetic), manicurist, stated their understanding that the Board is working to update the new processes and procedures. The speaker is patiently waiting to open their new business and follow those new guidelines. "Training, sanitation, and disinfection" needs to be updated to "training and sterilization." Sterilization pouches used properly with an autoclave is the only way to 100 percent verify and prove to clients that implements are the cleanest that they can possibly be.

Christine House (phonetic) stated their concern that cosmetologists no longer are required to learn about pedicures and how to do this service. The problem is California does not allow the nail industry to have their own schooling – individuals are required to go through a cosmetology school that has a nail program. This is an issue because when the speaker was opening and creating an online continuing education course, they went through every state to see the options available for nail technicians. The speaker stated they learned that less than 30 percent of cosmetology schools offer a nail program. Individuals who want to do nails sometimes are required to get a cosmetology license because that is the only option. Not being given the option to do basics such as pedicures does a disservice to clients. This is an important issue. The speaker has hired nail technicians right out of school who do not even know what a pumice stone is.

Eunice, a spa and salon owner, stated their frustration at the Board's lack of urgency and transparency with releasing any guidelines for reopening procedures for nail and esthetic licensees. Salon owners and licensees could have taken the past 12 weeks to prepare themselves to operate under the new protocols but the Board has been silent. As a small business owner, the speaker feels that they have been left out during the COVID-19 pandemic. 61 percent of beauty businesses are owned by women who face enormous adversities, and the Board's silence and refusal to advocate for the industry will have a catastrophic impact on many salon owners. If salons cannot open soon, the speaker's only option will be to file for bankruptcy and lose their home and everything they have worked hard for. Salon owners need the Board's help.

Bonnie Horn (phonetic), a member of the nail industry, stated it saddens them to see how uneducated even Board Members are about what is done in schools. The speaker currently works as a nail educator in a school that has been forced to shut down. The school now does distance education at the suffering of both students and educators; however, the BPPE has only extended distance education until June 30<sup>th</sup>. The schools will have to close until the governor, who is also uneducated about the industry, deems schools worthy to open. The misunderstanding is that schools teach infection control, sanitation, disinfection, and sterilization. The speaker stated they do not understand why the governor takes his advice from the Board and the public health community and yet the Board is not allowing all license types to be on the same playing field.

Ivan (phonetic), salon and school owner, asked why the Board has done nothing to protect students and their livelihoods when they have paid so much money to go to school. Technically, students are consumers. If schools and salons do not open soon, individuals will lose their businesses.

Suzy Q, esthetician, echoed the comments of the previous speakers. The speaker stated the need for the Board to speak for licensees. Licensees must go back to work.

Paulie echoed the comments of the previous speakers. Licensees have spent many years elevating these professions as a whole. Licensees have extensive backgrounds in sanitization to safely provide services for clients. It has been difficult to see the industry diminished in its professionalism at the hands of officials who have had no background to understand this industry. The speaker stated the hope that the Board will stand up and not only support consumers but the professionals who keep the Board employed by paying fees and fines.

Kim Hansen (phonetic), cosmetologist and salon industry business coach and consultant, recognized that the Board is a regulatory agency. The speaker works with the PBFC, which advocates for beauty professionals. The speaker echoed the comments made by Fred Jones. The speaker encouraged everyone listening to join the PBFC in advocating. The speaker stated the opportunity here is for communication. With the technology today, there is no reason for a lack of communication from the regulatory agency. That communication should be both to licensees and to the consumer. The speaker stated the assumption that the lack of communication has been because the Board has not gotten that information from the governor and Legislature.

Robert and Marina Torosian, owners of Laque Nail Bar and Beauty Lounge, stated their frustration at the Board's silence. The speaker urged the Board to be compassionate, to share the information the Board has received in their discussions with other agencies, and to let everyone know when they should expect to reopen. The Board is doing what other government agencies are doing by giving establishment owners and licensees the runaround and referring them to other agencies. There has been no response from the governor's office, mayor's office, and state and local representatives.

Robert Torosian stated the only winners in this situation are the salons that remained open during the lockdown, suffered zero consequences, and benefited financially. These salons are jeopardizing the reopening of the other salons that followed the rules by servicing the other salons' clients. There have been no inspection actions during the lockdown against these salons that stayed open. Beauty professionals have wasted four

hours today on this meeting only to receive further silence from the Board other than to hear that the Board is not an advocate for them. The speaker gave the Board public notice that they will reopen their salon.

Olga, esthetician, stated the need to organize, move forward, sue the state of California again, and dismantle the Board. This is discrimination against women. The governor is mistaken if he thinks he can get away with this. The Board has been inefficient and impotent for years. The speaker asked the members of the public why they are coming here and giving their grievances to an organization that is completely impotent. The Board did not communicate with their licensees for three months and licensees are consequently not ready. There are individuals working without face shields. The Board needs to be completely dismantled and start over. The Board is done. Licensees need to use a hashtag of #dismantlebbc to dismantle this organization. The Board is not protecting the health of consumers because many individuals are working underground except for owners of businesses who are following this ridiculous standard, which cannot be known since it is a moving target.

Daniela DeWeese (phonetic), esthetician, pointed out how disheartening it is to not be part of today's agenda. Estheticians have been left to the side and forgotten. It is disheartening to hear the Board say that they only regulate and do not speak up for licensees.

Wendy Cochran, Founder, California Estheticians – Esthetician Advocacy, California Aesthetic Alliance (CAA), and esthetician, thanked everyone who provided their public comment. The speaker encouraged everyone to reach out to their preferred advocacy groups. The speaker stated CAA is an advocacy group of over 6,000 licensed estheticians and cosmetologists providing skin care in the state of California. Information is communicated broadly to the group daily and has been doing so since before the lockdown.

Wendy Cochran stated, as they have always maintained with the Board, equity in license types is important as is clarity in the language that is being released. The speaker encouraged licensees to reach out to state and local representatives and their staff to assist with the personal story that is happening in each business. They have many resources to help businesses.

Maribou Salon thanked Fred Jones and the PBFC for advocating for licensees. The speaker stated they own three salons in Folsom, California, one of which is a salon and spa. The speaker stated California has chosen winners and losers, which is unfair. This is ruining the livelihood of many licensees – it affects the lives of establishment owners and their employees are working underground. This is not safe.

Ms. Thong thanked the licensees who provided public comment. She thanked them for their passion and for being engaged today. She encouraged everyone who took the time to comment today to also share their comments with the governor and the CDPH. Even though the Board has been in touch with those offices, she highly encouraged everyone to also have a direct line of communication with both of those offices.

Ms. Thong stated the Board is not in control of the decision to reopen. The Board is listening to all the frustration and comments and will work to be better about

communication. The Board will continue to work on providing information regarding reopening and when that is possible.

Ms. Underwood added that staff has been in discussion with the governor's office and the CDPH on getting guidelines together for all remaining personal services. There is not yet a date; the Board does not make the date, but it is being worked on and information should be coming out soon. She thanked everyone who participated today.

Ms. Underwood stated it appears that this is a Board that has not been responsive, but she stated she has personally been in many, many discussions talking about this industry with individuals in decision-making roles to ensure that they understand who licensees are, what they do, and why licensees need to get back to work. Unfortunately, it is not within the Board's oversight to make that final decision. She thanked everyone for their comments today.

Ms. Thong stated she knows that staff has been working on these critical issues, although it may not seem that way to many licensees. She thanked staff for their work.

Ms. Crabtree thanked staff for all their hard work. This has been a difficult time dealing with the pandemic. She stated she owns four salons, understands everyone's heartache who spoke today, and knows the Board cares so much and is trying hard to resolve issues.

#### **11. Agenda Item #11, SUGGESTIONS FOR FUTURE AGENDA ITEMS**

Mr. Matos suggested a discussion on ways to communicate, including digital platforms, to keep licensees and the community updated regularly.

Ms. Thong agreed that there are opportunities to be more communicative. She asked staff to look at how to hold more regular teleconferences with licensees to allow for more lines of communication and more opportunities for questions to be asked so that licensees can be provided with answers.

Ms. Thong stated, once new guidelines are released, she would like to see a teleconference in place for licensees. She suggested inviting the CDPH and the governor's office to be a part of that so licensees can have a better understanding of the process that was taken for reopening.

Mr. Drabkin suggested developing guidelines or a contingency plan in case another global pandemic happens so everyone can be better prepared going forward.

#### **12. Agenda Item #12, ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:26 p.m.



**DRAFT**  
**CALIFORNIA STATE BOARD**  
**OF**  
**BARBERING AND COSMETOLOGY**

**BOARD TELECONFERENCE MEETING**

**MINUTES OF AUGUST 3, 2020**

**BOARD MEMBERS PRESENT**

Lisa Thong, President  
Dr. Kari Williams, Vice President  
Jacquelyn Crabtree  
Andrew Drabkin  
Derick Matos  
Calimay Pham  
Christie Tran  
Steve Weeks

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Sabina Knight, Board Legal Representative  
Allison Lee, Board Project Manager  
Marcene Melliza, Board Analyst

**1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF QUORUM**

Lisa Thong, Board President, called the teleconference meeting to order at 9:03 a.m. and confirmed the presence of a quorum.

**2. Agenda Item #2, DISCUSSION AND POSSIBLE ACTION REGARDING RULEMAKING PROPOSALS**

- **Discussion and Possible Action Regarding Comments Received Regarding Title 16, CCR section 965.2 (Personal Service Permit)**

Ms. Thong asked Legal Counsel to introduce this agenda item.

Sabina Knight, Board Legal Representative, stated the Board will review and discuss the comments received during the regulatory process and the staff-drafted proposed responses to those comments, which were included in the meeting packet. She asked to amend the motion to include authority to complete the regulatory process.

Kristy Underwood, Executive Officer, requested Board approval of the staff recommendations as listed in the meeting packet to finalize the regulatory package for final review by the Department of Consumer Affairs and the Office of Administrative Law (OAL) to complete the regulatory process.

Staff Recommendation

- Direct staff to reject the public comments received during the 15-day comment period, provide the responses to the comments as indicated in the meeting materials, and complete the regulatory process.

## Questions and Discussion

Ms. Crabtree moved approval of the staff recommendation as presented.

Mr. Drabkin seconded.

Ms. Thong asked the moderator to facilitate the public comment section for this agenda item.

### **Public Comment**

Joanne Kim Marsden asked how long the regulatory process will take and when individuals can apply for a Personal Service Permit (PSP) after it has been approved.

Ms. Knight stated the length of the regulatory process depends on the OAL workflow. Information will be posted on the website as it becomes available.

Chrystal Bougon asked what the PSP is and if it will apply to electrologists.

Ms. Underwood stated the information can be found in the regulatory section of the website. The PSP does not apply to electrologists.

Jordana (phonetic) asked if chemicals that clients could wash out themselves would be allowed, especially during these difficult times. The speaker stated they provided their public comment to staff last week about allowing house calls.

Ms. Knight stated today's discussion is not about the use of chemicals out of doors. When staff receives the letter, they will direct the writer to the proper place to find that information.

Swati Sharma, California Healthy Nail Salon Collaborative, provided their public comment to staff. The speaker asked if the timeline for the PSP might be moved up in light of the COVID-19 pandemic, if there will be guidance or training provided to licensees on steps they need to take for the PSP, and if these items will be translated into multiple languages.

Rosnell (phonetic) asked, if house calls are approved, whether individuals who operate a single-station salon in a salon suite environment or a retail establishment will be able to operate under the PSP.

Ms. Knight stated a frequently-asked questions document will be posted on the website at the end of the regulatory process.

Roxanne Callahan asked if the PSP would apply to work of individual stylists and independent contractors inside a facility, if all other mandates were met.

Debbie A. asked about the difference between a cosmetology license and the PSP and why a licensed cosmetologist must have a PSP to work 10 feet outside of their establishment.

Ms. Underwood stated the PSP has been moving along the regulatory process for the past four years. Currently, the law states that services must be performed inside a licensed establishment. A PSP would allow licensees to work outside of a licensed salon. There is detailed information posted on the website.

Leona Kim stated concern about working outside, especially in the summer heat in California.

Anastasia asked for a short summary of what a PSP is and how it applies to hair salons.

Jennifer Grace asked if the PSP applies for esthetician services.

Ms. Underwood stated it applies to limited esthetician services. More information is available on the website.

Unica Hair Studio (phonetic) asked if licensees will be required to get a business license from each county where services are done and if licensees can get a PSP and work from home with a permit from the city or county.

Ms. Knight stated those questions will be addressed in the FAQ section of the website after the regulatory process has been completed.

Taylor O'Reilly asked if the PSP applies to hourly-paid employees or independent contractors only.

Linda Sanderson asked if the salon owner's liability will follow through with the PSP.

Tasia (phonetic) asked if the PSP is only for services done outside of the establishment versus mobile services or in-home services.

Giana (phonetic) asked if the PSP will be at cost to the licensee and if a different one will be required for each county where services are performed.

Jessica Gentle asked when the FAQ will be made available.

Andrew T. asked if the PSP will make it legal for hair dressers to do house calls.

Pamela Chow asked if the PSP can pass as emergency services during the COVID-19 pandemic.

Michele stated the PSP is irrelevant during these times. Licensees need answers about COVID-19 and how to move forward.

Jessie asked how the PSP will be enforced.

Tracy referred to the comment in the meeting materials from Anne Fisher about whether the fee would be waived for the PSP due to the COVID-19 pandemic, which was rejected by staff. The speaker asked why the Board feels licensees should pay an additional fee for a permit to do a job that licensees are already licensed for.

Ms. Underwood stated the PSP has been in process long before the COVID-19 pandemic. The Board fee is established based on additional costs incurred for a regulatory package. More information can be found on the Board's website under proposed regulations.

**MOTION:** Ms. Crabtree made a motion, seconded by Mr. Drabkin, that the Board accepts the proposed responses to the comments as indicated in the meeting materials, and delegates to the Executive Officer the

authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

### **3. Agenda Item #3, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Ms. Underwood assured everyone that the Board wants to hear the questions, comments, and concerns raised by the public but stated the Board will be unable to respond to comments and questions given during the public comment period.

Ms. Knight stated, by law, the Board is not allowed to engage, discuss, or take action under this public comment period. She provided the Board’s email address and asked members of the public to send their questions to that address. She stated the Board will post an FAQ section to the website from the questions asked about the PSP in today’s meeting.

**[Note: all names of public speakers have been spelled phonetically.]**

Autumn Aliva suggested, as a way to open businesses faster, testing licensees for COVID-19 every two weeks.

Shana Rose, salon owner, stated their salon has been dismantled due to the closure. The speaker stated they lost half their staff after the first closure and, after opening up for two weeks and three days, they lost the majority of their staff. Booth renters cannot be expected to continue to pay for a booth they cannot use. Asking licensees to work outside in 100-degree heat is inhumane.

Sarah asked the Board to look at their families and consider that the speaker is not able to financially support their children. The speaker stated they have worked hard to ensure the safety of their clients.

Chelsea Jean stated licensees of long standing have worked through pandemics of the past. Salons have never been shut down before. The speaker questioned why salons are being shut down during the COVID-19 pandemic. The speaker asked, if ergonomics, safety, and sanitation are at the forefront of the license, why licensees are now being told to illegally operate out of doors and put licensee and client lives at risk. The speaker asked where the logic is in this and who is making these decisions. The speaker asked why salons are open in other states but not California. The speaker asked why licensees are not being heard.

Tracy Mercal asked why the PSP is taking precedence over the closure of salons due to the COVID-19 pandemic. The next Board meeting is not until September – the speaker asked how that will affect the industry as far as reopening and how licensees will get back to work safely. The speaker asked if September is the earliest date possible for the Board to meet for a solution for an entire industry shut-down.

Stephanie stated the need for the Board to communicate with individual licensees to improve the process of communication so licensees can also advocate. Licensees need the Board to advocate for them since they pay for licensing. Licenses are for consumer

protection but they are also for the protection of licensees. The Board is being paid to regulate – it needs to ensure that licensees have a right to work and are following guidelines and inspections that allow licensees to work. Licensees should not pay license fees if the Board is unable to follow through and say to the state and counties that the license says that licensees have proven that services can be done in salons safely.

Lindsey W. stated there is a huge movement of individuals collecting their own data in the industry. The speaker proposed that the Board take an active hand in that and send out anonymous surveys to licensees and licensed establishments to collect that data so it can be presented in a valid and equitable way to decision makers at the state and county levels. The speaker requested that this be put on a future agenda for discussion.

Katie Novak, esthetician, stated working outside is not the solution. Waxing clients outside increases the risk of infection. The speaker stated they could perform services in a private studio in their doctor's office where it is a clean, safe, controlled environment.

Basil, salon owner, stated they did not understand why the Board is not advocating directly to the governor for salon reopening.

Chrissy Mae, esthetician, stated estheticians need to join in the conversation along with hair stylists.

Carolina S., hair stylist, asked how dentists are able to do their work.

Mike stated licensees spend a lot of money on licenses and fees to support the industry. Without licensees, there would be no Board. The speaker stated their hope that the Board will start advocating for the reopening of salons.

Jillian Ward stated many individuals have spent thousands of dollars to open their salons safely with personal protective equipment (PPE) and new guidelines. The speaker asked if licensees will be reimbursed for those funds while the doors are closed. The speaker asked if the doors will remain closed if the PSP goes into effect. The speaker stated they do not understand how the PSP can be any safer. The speaker asked about regulations that will go into effect to make it safe to go into clients' homes or private spaces and how that is safer than salon spaces.

Brianna, Beauty by Brianna, cosmetologist, barber, and esthetician, stated they have been out of work for months. The speaker stated they cannot work outside in 100-degree heat. The speaker stated they take pride in sanitation and keeping their community safe. Working outside may cause infections and will have huge health risks for licensees and clients.

Yota asked to streamline and modify some of the regulations. Public restrooms do not have hand sanitizer and paper towels in front of the door knob as it is imposed on licensees for washing their hands and washing and keeping everything clean 24/7. It is frustrating and confusing.

Austin, cosmetologist and barber, stated they have spent thousands of hours on client protection, safety, and infection control. It is extremely frustrating to hear the Board not

support and defend licensees this morning. The speaker stated the need for a Board that cares about licensees and makes changes.

Dorrie Bressler asked who thinks it is better for licensees to work outside. The speaker stated homeless individuals have approached and touched them, their equipment, and their clients while the speaker was providing services outside in front of the salon. The speaker asked how that is a safer environment, when ten feet over inside the salon is a clean environment where licensees follow protocols properly. Also, other businesses are open and there have been low, if any, cases of COVID-19. The speaker asked why salons are not open yet and who is not doing their job.

Linda agreed with working outside individually. The speaker stated salons should be available to work if they are operated by a single owner or have one or two people in at the same time, socially distanced. It is important for everyone to be at work. Licensees follow many rules and regulations. The speaker asked the Board to send information on the PSP to all licensees. The speaker stated they have been unable to find the information on the website.

Celia Brennan, salon owner, stated their salon is 700 square feet with three full-time stylists who are able to properly socially distance. Many salons are close together and have no parking lot or patio available for their use to work outside. Clients do not want to pay to have their hair done on the sidewalk in 100-degree weather. The speaker suggested, instead of working outside on the sidewalk or parking lot, limiting the number of stylists inside.

Nica, Unica Hair Studio, suggested more Board inspector visits to ensure salons are following regulations instead of closing all hair salons when licensees are doing what they have been asked to do. The speaker suggested fining salons who are not following the regulations and letting everyone else go back to work.

Dannie Lynn, salon owner, stated this shut-down is causing many hair stylists to go underground or work outside of the salon where it is not sanitary. The speaker agreed with the previous speaker. Board inspectors could see how clean salons are. The speaker asked why it is okay for individuals to buy a box of color and have someone else put it on their hair while licensees are clean and sanitary.

Jillian Ward agreed with the previous speaker. Many unlicensed individuals have cropped up in the area and are offering their services on Facebook and Nextdoor. This is undermining the industry. The Board needs to do better for licensees.

Martha Mink, esthetician, massage therapist, stated they have been working in education at the state Board level in California since 2018 and they are keenly aware of and familiar with the infection control and safety requirements for the industry both in curricular requirements and in practice. The speaker stated all the science to understand COVID-19 completely as well as the potential health risk associated with increased exposure to sanitation and infection chemicals required to uphold the infection control measures during the COVID-19 pandemic is unknown. If that is the concern, the speaker asked why salons are opening at all. The speaker stated, that being said, Board licensees will uphold the infection control and safety measures set forth by the Board with licensing requirements. If that is the case, the speaker asked

why the Board continues to charge for these licenses and for the education considerations, and why licensees are being asked to respect the Board.

Robin, hairstylist, stated they are in a double hairstylist household and have had no income from work done legally for the past five months. The speaker asked who made the decision to close salons and why the Board cannot help licensees to get back to work. Licensees need to be paid. The speaker asked, if scientific evidence is the reason for keeping licensees from work, why the Board cannot advocate for licensees to be paid until it is safe to work. It feels like the Board has not been helping licensees. The speaker asked the Board to please help.

Renee Earl asked the Board to stop what they are doing now and to look at what can be done to keep the industry moving and prevent it from falling apart completely. There are over 600,000 stylists who are losing their businesses. The speaker asked the Board to open salons and regulate stylists. That is what the Board is supposed to do. That is what licensees have paid the Board for. Licensees have gone through everything the Board has asked of them. Let salons open and come and regulate them.

Melissa Bowen, salon suite owner, stated listening to everyone complain and attack the Board makes it embarrassing to be part of this industry right now. This is a frustrating situation for everyone but complaining does not help. Licensees should be thankful to be healthy and be able to fight for their businesses and their lives. Spend time with family. Be thankful there is a job to fight for. Kindness wins.

Myrissa Lopez, esthetician, stated they understand the serious situation. Licensees are licensed in sanitation and disinfection while employees at the local grocery store are not. The speaker asked why grocery employees are allowed to work and yet licensees are not. The speaker stated, due to the personal nature of services, it is impossible to do their work outside. Licensees work in individual closed rooms in their facility. The speaker asked how that is not being safe.

Ivonne Sepulveda, salon owner, asked how the Board can help licensees make it through the COVID-19 pandemic. The speaker asked the Board to create a program that will be helpful for everyone.

Cindy Ramsey, esthetician, has a one-person skincare practice. The speaker stated they were in a meeting last week with the Department of Public Health where Ms. Underwood was also present. The speaker stated everything was contradictory. The representative of the CDPH stated at one point that all outdoor services that licensees have been allowed to perform need to be approved first. The speaker asked the Board to send inspectors out to provide Board approval for salons, so licensees do not have to go outside on the sidewalk.

Katie Novak stated, prior to the second closing, hair stylists and barbers were addressed first and allowed to open, whereas estheticians were left in the dark and it took a while for a protocol to come out for estheticians to open. The speaker stated concern that that may happen again. Estheticians get left out from cosmetologists and barbers. The speaker stated the hope that that changes. Estheticians should not be lumped together with salons because facials are not done in exposed areas.

Teisha asked what the penalties would be for salons that are caught open.

Sunita stated the state Board is the licensees' voice. Licensees are pleading to the Board to fight on their behalf. The Board's number-one priority should be to bring licensees back to work. Students in beauty colleges are looking forward to working in this amazing industry and they are paying thousands of dollars to sit at home after they obtain their licenses. The speaker asked how the Board will expedite this and how students will recover their investment.

Carrie Ann, salon owner, Sola Salon Studios, stated they hoped to bring awareness to the unsanitary conditions of outdoor services. The speaker stated there have been photos of children getting haircuts on rusty bar stools with no sanitary covers on the equipment. The speaker stated some of the individuals who are willing to work outside during this pandemic are the same individuals who do not take sanitation seriously indoors. This needs to be regulated. Also, unlicensed individuals are offering beauty services on social media. The speaker asked the Board, as a way to end this, to fight for licensees to go back to work.

Violet Lewis, beauty school student, asked what the 1,600 hours and \$20,000 of education spent will mean for students. The speaker stated they are watching people in the beauty industry either be forced to go underground and risk their health or not bring in any income.

Leslie Patton, hair stylist, stated it is unrealistic to work outside lining many blocks in downtown areas. It is an unrealistic way to make an income. Sanitation is not proper. Licensees have been trained in disinfection and sanitation and need to get back to work. The speaker stated the hope that the Board will support licensees by speaking up for them.

#### **4. Agenda Item #4, ADJOURNMENT**

Due to loss of quorum, the meeting was adjourned at 10:41 a.m.



CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY  
BOARD OVERVIEW Q & A

Q: What is the purpose of the Board:

A: The primary purpose of any regulatory board is to serve the public by ensuring competent practice within an occupation. Section 7301.1 of the Business and Professions Code states that protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory and disciplinary functions.

Q: Who makes up the membership of the Board:

A: The Board consists of nine members. Of those nine members, the majority (5) are members of the public, meaning they have no financial connection to the industry. The remaining four members are members of the industry. The Board's current industry member include: 1-cosmetologist/salon owner, 1- dual licensed barber/cosmetologist/salon owner, 1-barber/shop owner and 1-manicurist/salon owner.

Q: What does the Executive Officer do:

A: The Board's Executive Officer (EO) is appointed by the Board. The EO oversees all the daily operations of the board including enforcement, examinations, licensing and administrative functions.

Q: How are Board Meetings held:

A: Board meetings are held in accordance with the Bagley-Keene Open Meeting Act. This Act requires that meetings of a public body shall be open to the public. The Act sets many other requirements on how the Board must conduct its public board meetings. For example, the agenda must be published at least 10 calendar days prior to the meeting date; the public must be allowed to make comments on motions made by the Board.

Q: Why are Board members not allowed to respond to questions during the public comment period:

A: The Board can only discuss items that have been specifically posted on the agenda. Any other items that the public brings up cannot be discussed based on the fact that there was no agenda item to notify the public that there would be a discussion on the topic that was brought up by the public.

Q: Why doesn't the Board advocate for the industry:

A: The Board is, by law, a consumer protection agency. It does not have the legal authority to advocate on behalf of the industry. The role of industry advocate falls to the industry associations.

## Quarterly Applications Received Fiscal Year 19/20

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
<b>Establishment</b>	1,999	1,989	2,045	1,426	7,459
<b>Mobile Unit</b>	2	6	3	2	13
<b>Barber</b>					
Pre-App	250	240	250	72	812
Initial Application	431	401	441	114	1,387
Re-Exam	740	692	699	114	2,245
<b>Sub-Total</b>	<b>1,421</b>	<b>1,333</b>	<b>1,290</b>	<b>300</b>	<b>4,444</b>
Reciprocity	46	32	37	33	148
Apprentice	262	264	294	139	959
<b>Cosmetology</b>					
Pre-App	801	816	678	172	2,467
Initial Application	742	915	812	197	2,666
Re-Exam	1,285	1,227	1,352	290	4,154
<b>Sub-Total</b>	<b>2,828</b>	<b>2,958</b>	<b>2,842</b>	<b>659</b>	<b>9,287</b>
Reciprocity	334	296	276	212	1,118
Apprentice	200	240	211	106	757
<b>Electrology</b>					
Pre-App	6	10	8	1	25
Initial Application	2	-	1	3	6
Re-Exam	11	7	3	1	22
<b>Sub-Total</b>	<b>19</b>	<b>17</b>	<b>12</b>	<b>5</b>	<b>53</b>
Reciprocity	--	1	1	--	2
Apprentice	--	--	--	--	
<b>Esthetician</b>					
Pre-App	883	1,112	1,094	124	3,213
Initial Application	529	687	547	257	2,020
Re-Exam	506	515	605	110	1,736
<b>Sub-Total</b>	<b>1,918</b>	<b>2,314</b>	<b>2,246</b>	<b>491</b>	<b>6,969</b>
Reciprocity	103	86	104	66	359
<b>Manicurist</b>					
Pre-App	790	933	790	82	2,595
Initial Application	567	563	517	166	1,813
Re-Exam	790	938	905	106	2,739
<b>Sub-Total</b>	<b>2,147</b>	<b>2,434</b>	<b>2,212</b>	<b>354</b>	<b>7,147</b>
Reciprocity	123	98	108	50	379
<b>Total</b>	<b>11,402</b>	<b>12,068</b>	<b>11,781</b>	<b>3,843</b>	<b>39,094</b>

## Monthly Applications Received Fiscal Years 18-19 and 19-20

	July	Aug.	Sept.	Oct.	Nov.	Dec.
FY 18-19	2,854	3,474	3,027	3,652	3,462	3,323
FY 19-20	4,353	4,281	4,218	5,334	3,602	4,300

	Jan.	Feb.	March	April	May	June	Total
FY 18-19	3,815	3,557	4,545	3,915	4,460	3,660	43,744
FY 19-20	4,581	4,209	4,189	1,191	1,290	2,452	44,000

**Practical Exam Results April 1, 2020 - June 30, 2020**

<b>Administered</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
Barber	38	14	52	73%
Cosmetologist	92	56	148	62%
Electrologist	0	0	0	N/A
Esthetician	90	10	100	90%
Manicurist	66	60	126	52%
<b>Total</b>	<b>286</b>	<b>140</b>	<b>426</b>	<b>67%</b>

**Written Exam Results April 1, 2020 - June 30, 2020**

<b>Barber</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	268	117	385	70%
Korean	0	0	0	N/A
Spanish	46	117	163	28%
Vietnamese	0	2	2	0%
<b>Total</b>	<b>314</b>	<b>236</b>	<b>550</b>	<b>57%</b>

<b>Cosmo</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	416	206	622	67%
Korean	2	1	3	67%
Spanish	241	191	432	56%
Vietnamese	6	9	15	40%
<b>Total</b>	<b>665</b>	<b>407</b>	<b>1,072</b>	<b>62%</b>

<b>Esthetician</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	164	139	303	54%
Korean	1	0	1	100%
Spanish	0	0	0	N/A
Vietnamese	2	0	2	100%
<b>Total</b>	<b>167</b>	<b>139</b>	<b>306</b>	<b>55%</b>

<b>Manicurist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	53	15	68	78%
Korean	0	0	0	N/A
Spanish	0	8	8	0%
Vietnamese	112	40	152	74%
<b>Total</b>	<b>165</b>	<b>63</b>	<b>228</b>	<b>72%</b>

<b>Electrologist</b>	<b>Passed</b>	<b>Failed</b>	<b>Total</b>	<b>Pass Rate</b>
English	0	0	0	N/A
Korean	0	0	0	N/A
Spanish	0	0	0	N/A
Vietnamese	0	0	0	N/A
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>

**Practical Exam Results April 1, 2020 - June 30, 2020  
Comparison of Schools vs. Apprentice Programs**

**Practical Exam Results - Apprentice Program**

License Type	Passed	Failed	Total	Pass Rate
Barber	14	4	18	78%
Cosmetologist	15	10	25	60%
Electrologist	0	0	0	N/A
<b>Total</b>	<b>29</b>	<b>14</b>	<b>43</b>	<b>67%</b>

**Practical Exam Results - School Program**

License Type	Passed	Failed	Total	Pass Rate
Barber	24	10	34	71%
Cosmetologist	77	46	123	63%
Electrologist	0	0	0	N/A
Esthetician	90	10	100	90%
Manicurist	66	60	126	52%
<b>Total</b>	<b>257</b>	<b>126</b>	<b>383</b>	<b>67%</b>

**Written Exam Results - Apprentice Program**

License Type	Passed	Failed	Total	Pass Rate
Barber	109	121	230	47%
Cosmetologist	130	121	251	52%
Electrologist	0	0	0	N/A
<b>Total</b>	<b>239</b>	<b>242</b>	<b>481</b>	<b>50%</b>

**Written Exam Results - School Program**

License Type	Passed	Failed	Total	Pass Rate
Barber	205	115	320	64%
Cosmetologist	535	286	821	65%
Electrologist	0	0	0	N/A
Esthetician	167	139	306	55%
Manicurist	165	63	228	72%
<b>Total</b>	<b>1,072</b>	<b>603</b>	<b>1,675</b>	<b>64%</b>

**Written Exam Results by Language April 1, 2020 - June 30, 2020  
Comparison of Apprentice Programs vs. School Programs**

**Apprentice Programs**

Barber	Passed	Failed	Total	Pass Rate
English	63	20	83	76%
Spanish	46	101	147	31%
Vietnamese	0	0	0	N/A
<b>Total</b>	<b>109</b>	<b>121</b>	<b>230</b>	<b>47%</b>

Cosmo	Passed	Failed	Total	Pass Rate
English	2	2	4	50%
Spanish	128	119	247	52%
Vietnamese	0	0	0	N/A
<b>Total</b>	<b>130</b>	<b>121</b>	<b>251</b>	<b>52%</b>

Electrologist	Passed	Failed	Total	Pass Rate
English	0	0	0	N/A
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>

**School Programs**

Barber	Passed	Failed	Total	Pass Rate
English	205	97	302	68%
Korean	0	0	0	N/A
Spanish	0	16	16	0%
Vietnamese	0	2	2	0%
<b>Total</b>	<b>205</b>	<b>115</b>	<b>320</b>	<b>64%</b>

Cosmo	Passed	Failed	Total	Pass Rate
English	414	204	618	67%
Korean	2	1	3	67%
Spanish	113	72	185	61%
Vietnamese	6	9	15	40%
<b>Total</b>	<b>535</b>	<b>286</b>	<b>821</b>	<b>65%</b>

Electrologist	Passed	Failed	Total	Pass Rate
English	0	0	0	N/A
Korean	0	0	0	N/A
Spanish	0	0	0	N/A
Vietnamese	0	0	0	N/A
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>

Esthetician	Passed	Failed	Total	Pass Rate
English	164	139	303	76%
Korean	1	0	1	96%
Spanish	0	0	0	30%
Vietnamese	2	0	2	87%
<b>Total</b>	<b>167</b>	<b>139</b>	<b>306</b>	<b>77%</b>

Manicurist	Passed	Failed	Total	Pass Rate
English	53	15	68	76%
Korean	0	0	0	62%
Spanish	0	8	8	43%
Vietnamese	112	40	152	75%
<b>Total</b>	<b>165</b>	<b>63</b>	<b>228</b>	<b>75%</b>

## Review of Spanish Language Written Exam Results

### Barber Spanish Written Exams January 1, 2020 - March 31, 2020

	Passed	Failed	Total	Pass Rate
OVERALL	23	55	78	29%

#### Educational Background of All Applicants (from above chart)

Spanish Approved School	29%
Non-Spanish Approved School	28%
Public School	10%
Out of Country	33%

### Cosmetology Spanish Written Exams January 1, 2020 - March 31, 2020

	Passed	Failed	Total	Pass Rate
OVERALL	70	154	224	31%

#### Educational Background of All Candidates (from above chart)

Spanish Approved School	34%
Non-Spanish Approved School	12%
Public School	7%
Out of Country	35%
Closed Schools	12%

### Apprentice Programs

	Passed	Failed	Total	Pass Rate
Barber Spanish Written Exams	9	38	47	19%
Cosmetology Spanish Written Exam	42	81	123	34%

## Review of Spanish Language Written Exam Results

### Barber Spanish Written Exams April 1, 2020 - June 30, 2020

	Passed	Failed	Total	Rate
OVERALL	0	16	16	0%

#### Educational Background of All Applicants (from above chart)

Spanish Approved School	94%
Non-Spanish Approved School	6%

### Cosmetology Spanish Written Exams April 1, 2020 - June 30, 2020

	Passed	Failed	Total	Rate
OVERALL	113	72	185	61%

#### Educational Background of All Candidates (from above chart)

Spanish Approved School	23%
Non-Spanish Approved School	19%
Out of Country	12%
Closed Schools	46%

### Apprentice Programs

	Passed	Failed	Total	Rate
Barber Spanish Written Exams	46	101	147	31%
Cosmetology Spanish Written Exam	128	119	247	52%



### Licenses Issued Fiscal Year 19/20

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	592	561	497	41	1,691
Barber Apprentice	203	227	254	126	810
Cosmetology	1,724	1,611	1,286	189	4,810
Cosmetology Apprentice	179	186	181	96	642
Electrology	7	18	5	-	30
Electrology Apprentice	0	0	0	0	0
Esthetician	937	1,305	1,370	87	3,699
Manicurist	901	1,342	1,126	68	3,437
Establishment	1,934	1,964	1,634	1,405	6,937
Mobile Unit	0	0	0	0	0
<b>Totals</b>	<b>6,477</b>	<b>7,214</b>	<b>6,353</b>	<b>2,012</b>	<b>22,056</b>

### Licenses Issued Last 5 Years

License Type	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20
Barber	1,950	2,189	2,259	1,966	1,691
Barber Apprentice	511	665	885	854	810
Cosmetology	10,813	8,389	7,085	6,468	4,810
Cosmetology Apprentice	650	793	727	842	642
Electrology	35	26	22	31	30
Electrology Apprentice	0	0	1	0	0
Esthetician	4,747	4,818	4,007	4,890	3,699
Manicurist	6,298	6,550	3,787	4,414	3,437
Establishment	6,996	6,875	7,609	7,706	6,937
Mobile Unit	7	7	2	0	0
<b>Totals</b>	<b>32,007</b>	<b>30,312</b>	<b>26,384</b>	<b>27,171</b>	<b>22,056</b>

### License Population

Barber	32,582
Barber Apprentice	1,571
Cosmetology	309,107
Cosmetology Apprentice	1,313
Electrology	1,634
Electrology Apprentice	-
Esthetician	90,769
Manicurist	128,729
Establishment	53,840
Mobile Unit	47
<b>Total</b>	<b>619,592</b>

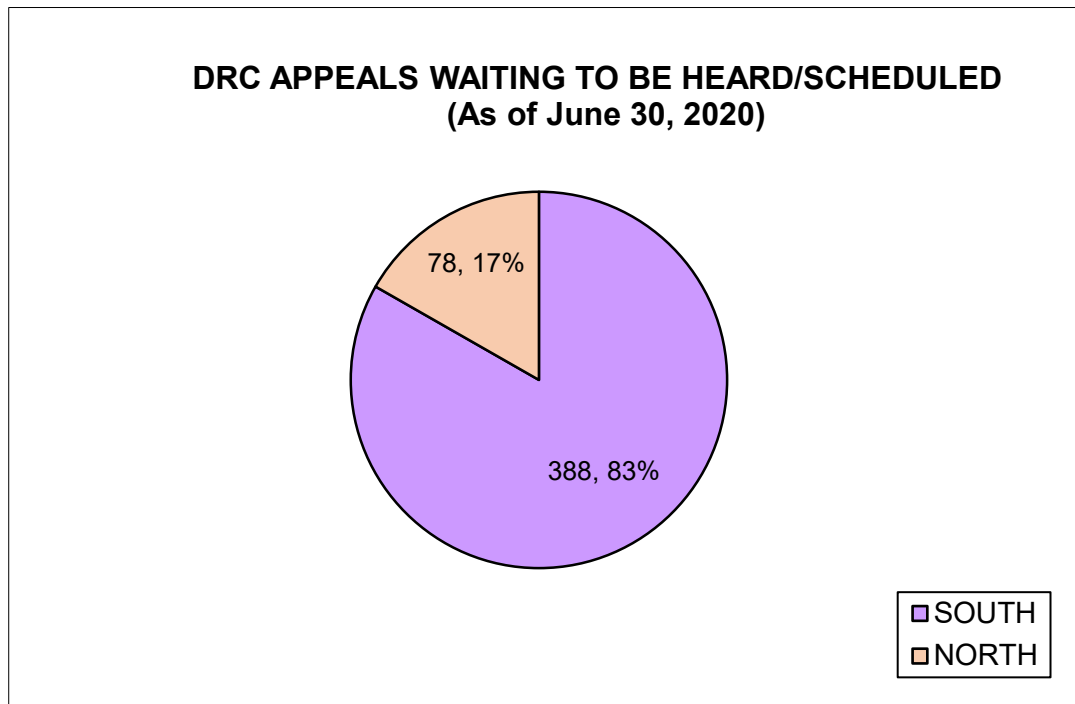
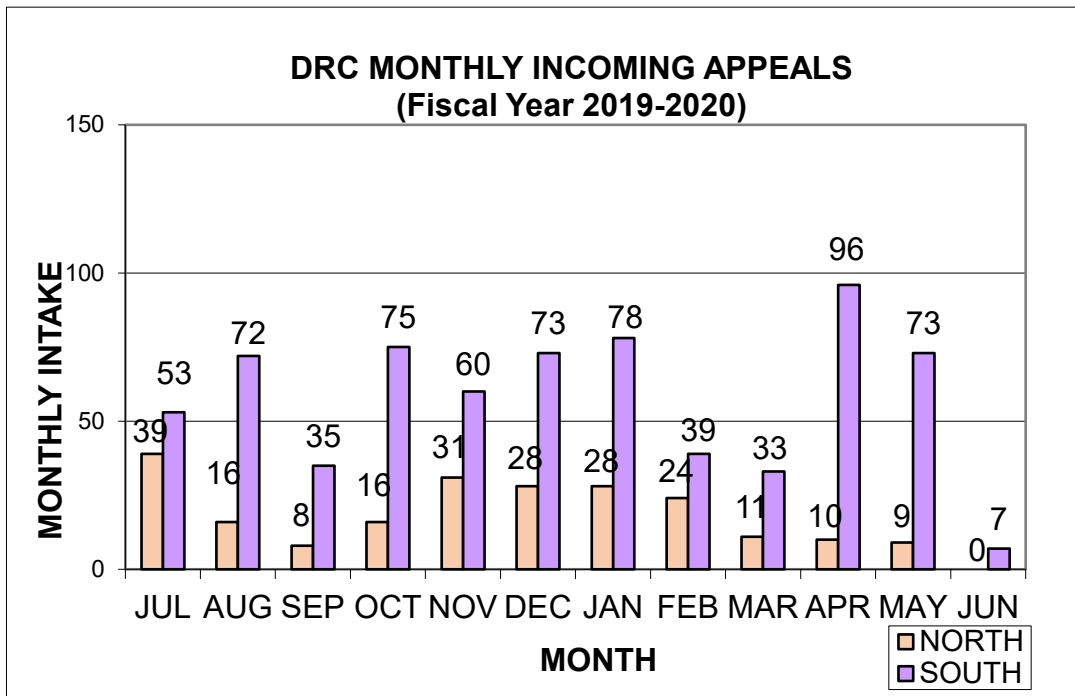
## Disciplinary Review Committee Appeals Fiscal Year 19/20

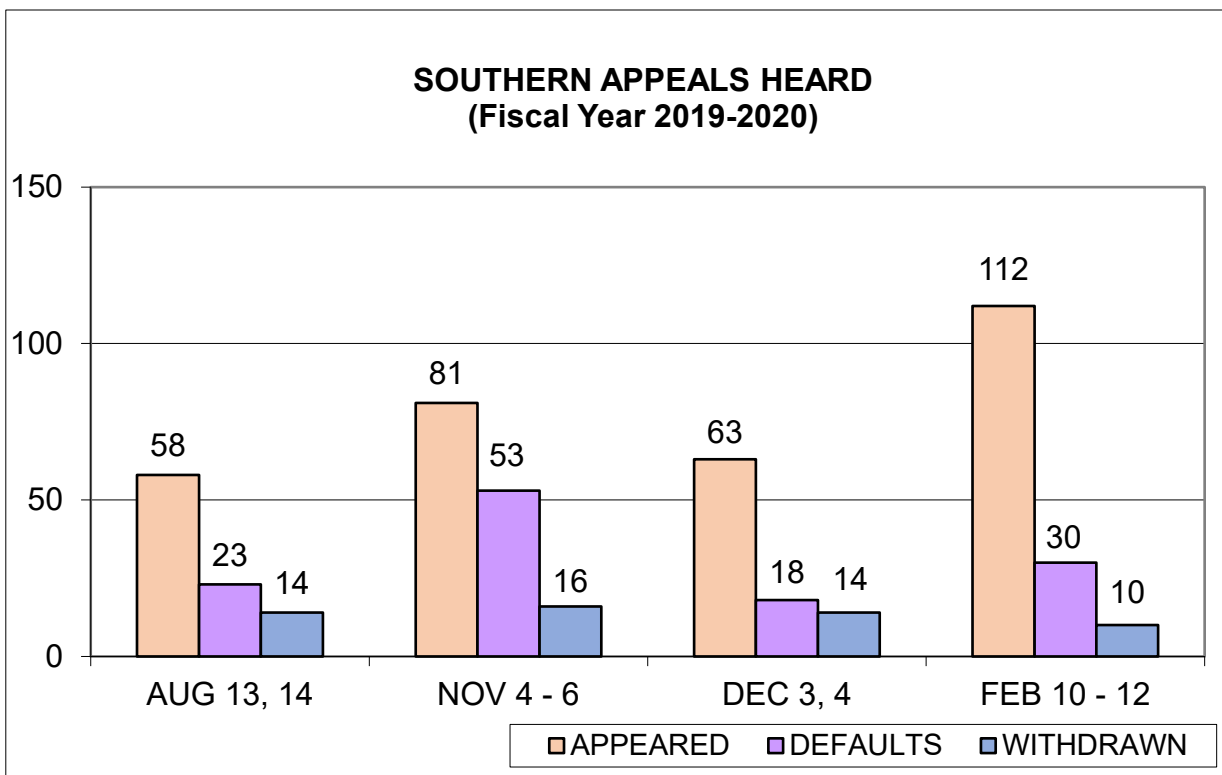
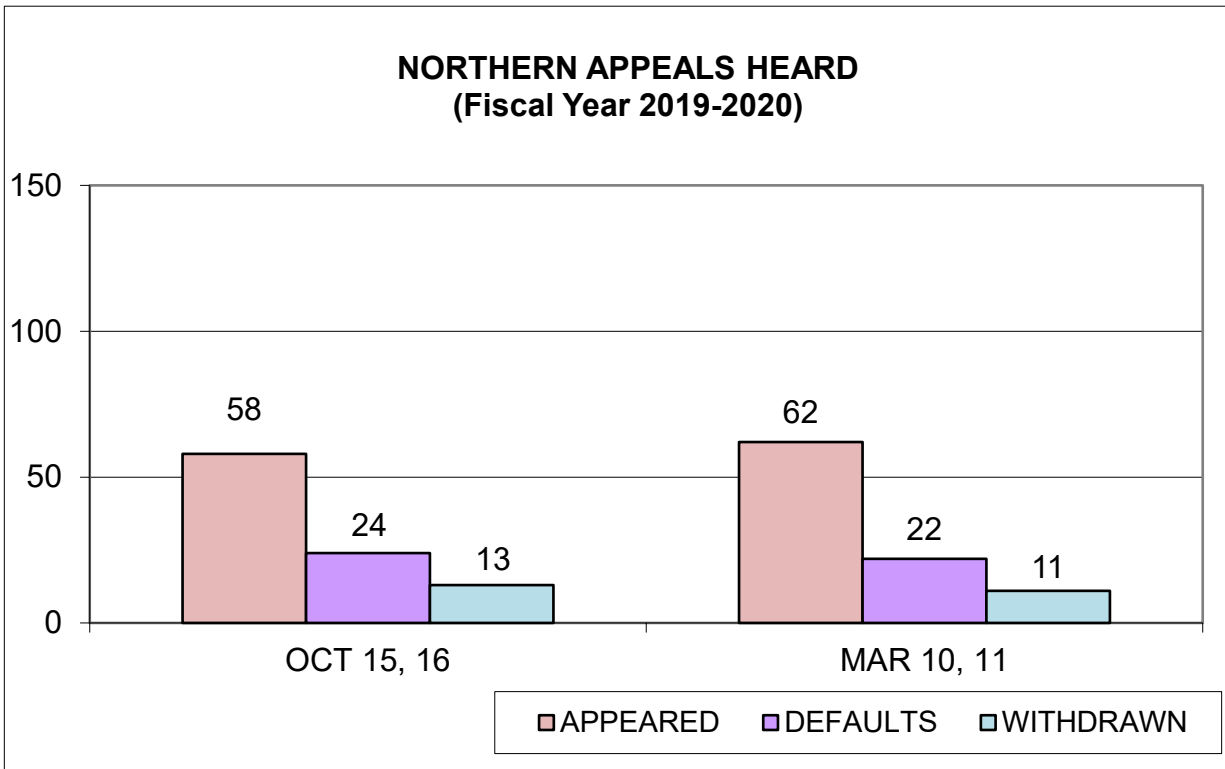
Northern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	0	95	95	0	190
Received	63	75	63	19	201
Pending <sup>1</sup>	111	93	59	78	59 <sup>2</sup>

Southern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	95	245	152	0	492
Received	160	208	150	176	518
Pending <sup>1</sup>	263	218	214	388	214 <sup>2</sup>

<sup>1</sup>Pending refers to the number of appeals received but not yet heard by DRC.

<sup>2</sup>Figure represents number of pending requests as of report date 06/30/2020.





### Quarterly Enforcement Statistics Fiscal Year 19/20

<b>COMPLAINTS</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Complaints Received	1348	1098	1163	2686	6295
Referred to DOI	2	0	0	4	6
Complaints Closed	1059	1077	1448	1963	5547
Total Complaints Pending	1353	1363	1107	1719	1719
Average Days to Close	69	80	105	33	72

<b>APPLICATION INVESTIGATIONS*</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Received	4	1	0	4	9
Pending	0	2	3	3	3
Closed	6	0	1	2	9

<b>ATTORNEY GENERAL</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Referred	13	17	33	12	75
Accusations Filed	21	15	13	20	69
Statement of Issues Filed	0	1	2	0	3
Total Pending	73	70	84	78	78

<b>DISCIPLINARY PROCESS</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Proposed Decisions	1	1	0	1	3
Default Decision	4	4	6	8	22
Stipulation	12	6	4	6	28

<b>DISCIPLINARY OUTCOMES</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Revocation	10	3	6	11	30
Revoke, Stay, Probation	1	0	0	0	1
Revoke, Stay, Suspend/Prob	12	18	8	5	43
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	1	1
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	1	3	0	0	4
Surrender of License	5	2	6	6	19
Public Reprimands	0	0	0	0	0
License Denied	0	0	0	0	0
Other	0	0	0	0	0
<b>Total</b>	<b>29</b>	<b>26</b>	<b>20</b>	<b>23</b>	<b>98</b>

<b>PROBATION</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan- Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Active	134	127	116	117	117

<b>CITATIONS</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan-Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Establishments	1623	1663	1246	153	4685
Barber	173	186	168	27	554
Barber Apprentice	33	31	28	8	100
Cosmetologist	595	633	397	74	1699
Cosmetologist Apprentice	13	15	9	3	40
Electrologist	0	1	0	0	1
Electrologist Apprentice	0	0	0	0	0
Manicurist	480	683	488	72	1723
Esthetician	133	222	143	29	527
Unlicensed Est.	89	94	77	44	304
Unlicensed Individual	122	107	111	25	365
<b>Total</b>	<b>3261</b>	<b>3635</b>	<b>2667</b>	<b>435</b>	<b>9998</b>

<b>INSPECTIONS</b>	<b>Jul-Sept</b>	<b>Oct-Dec</b>	<b>Jan-Mar</b>	<b>Apr-Jun</b>	<b>YTD</b>
Establishments w/ violations	1903	1563	1341	0	4807
Establishments w/o violations	624	485	1793	0	2902
<b>Total</b>	<b>2527</b>	<b>2048</b>	<b>1467</b>	<b>0</b>	<b>6042</b>

### Complaints Received April - June 2020

Complaint Type	Anonymous	Internal	Public	Totals
Fraud	0	1	5	6
Health & Safety	1576	27	443	2046
Non-Jurisdictional	235	2	53	290
Incompetence/Negligence	0	0	6	6
Other	44	0	6	50
Personal Conduct	0	0	0	0
Unlicensed Activity	182	63	38	283
App Investigation	1	4	2	7
<b>Total</b>	<b>2038</b>	<b>97</b>	<b>553</b>	<b>2688</b>

### Complaints Received Last 5 Fiscal Years

Category	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Fraud	82	61	84	86	50
Health & Safety	1310	1616	1604	1637	3462
Non-Jurisdictional	294	284	319	354	643
Incompetence/Negligence	333	270	438	407	258
Other	42	35	19	39	80
Personal Conduct	19	20	6	2	2
Unlicensed Activity	1651	1817	1555	1841	1791
App Investigation	0	0	1061	194	12
<b>Total</b>	<b>3731</b>	<b>4103</b>	<b>5086</b>	<b>4560</b>	<b>6298</b>

### Monthly Complaints Received Fiscal Years 18-19 and 19-20

	July	Aug.	Sept.	Oct.	Nov.	Dec.
FY 18-19	425	748	328	420	392	269
FY 19-20	445	463	449	423	324	375

	Jan.	Feb.	March	April	May	June	Total
FY 18-19	341	351	396	445	387	400	4,902
FY 19-20	360	387	437	475	1,274	802	6,214

**Board of Barbering and Cosmetology**

**Fiscal Year 2019/2020**

**Projected Expenditures Preliminary 06/30/2020**

<b>Personnel Services</b>	<b>ALLOTMENT</b>	<b>BBC Projected Expenditures</b>	<b>Projected Year</b>
Permanent	5,079,000	3,965,084	1,113,916
Statutory-Exempt	104,000	128,652	(24,652)
Temporary	587,000	573,643	13,357
Board Member Commission	0	5,500	(5,500)
Overtime	0	10,256	(10,256)
<b>Total Salary &amp; Wages</b>	<b>5,770,000</b>	<b>4,683,135</b>	<b>1,086,865</b>
<b>Net Salary &amp; Wages</b>	<b>5,770,000</b>	<b>4,683,135</b>	<b>1,086,865</b>
Staff Benefits	3,145,000	2,764,745	380,255
<b>Total of Personnel Services</b>	<b>8,915,000</b>	<b>7,447,880</b>	<b>1,467,120</b>
<b>Operating Expenses &amp; Equipment (OE&amp;E)</b>	<b>Allotment</b>	<b>BBC Projected Expenditures</b>	<b>Projected Year End Balance</b>
General Expense	191,000	93,605	97,395
Printing	275,000	565,302	(290,302)
Communication	41,000	41,286	(286)
Postage	283,000	91,289	191,711
Insurance	4,000	9,691	(5,691)
Travel In State	83,000	58,513	24,487
Travel, Out-of-State	0	2,472	(2,472)
Training	11,000	162,007	(151,007)
Facilities Operations	1,022,000	1,029,120	(7,120)
Consultant & Professional Svcs. - Interdept.	82,000	22,270	59,730
Attorney General	1,371,000	734,331	636,669
Office of Administrative Hearings	219,000	107,183	111,817
Consultant & Professional Svcs. - External	1,790,000	2,218,307	(428,307)
DCA Pro Rata	7,303,000	7,303,000	0
Interagency Services	1,000	37,234	(36,234)
IA w/OPES	0	85,116	(85,116)
Consolidated Data Center	68,000	36,458	31,542
Information Technology	38,000	68,309	(30,309)
Equipment	16,000	77,270	(61,270)
Other Items of Expense & Vehicles	43,000	55,364	(12,364)
			0
<b>Total Operating Expenses &amp; Equipment</b>	<b>12,841,000</b>	<b>12,798,127</b>	<b>42,873</b>
<b>Total Expenses</b>	<b>21,756,000</b>	<b>20,246,007</b>	<b>1,509,993</b>
<b>Schedule Reim. Other</b>	<b>(57,000)</b>	<b>(57,000)</b>	
<b>Net Appropriation</b>	<b>21,699,000</b>	<b>20,189,007</b>	<b>1,509,993</b>

**0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition**  
**(Dollars in Thousands) 2020-21 Budget Act with FM 11 Projections**

	<b>Actual 2018-19</b>	<b>CY 2019-20</b>	<b>BY 2020-21</b>	<b>BY+1 2021-22</b>	<b>BY+2 2022-23</b>
<b>BEGINNING BALANCE</b>	\$20,692	\$21,596	\$45,435	\$22,353	\$23,392
Prior Year Adjustment	\$201	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$20,893	\$21,596	\$45,435	\$22,353	\$23,392
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$1,173	\$1,228	\$1,245	\$1,245	\$1,245
4127400 - Renewal fees	\$12,161	\$12,218	\$12,833	\$12,833	\$12,833
4129200 - Other regulatory fees	\$4,839	\$3,799	\$5,134	\$5,134	\$5,134
4129400 - Other regulatory licenses and permits	\$4,041	\$3,287	\$4,272	\$4,272	\$4,272
4143500 - Miscellaneous Services to the Public	\$40	\$14	\$0	\$0	\$0
4150500 - Interest from interfund loans	\$0	\$3,213	\$0	\$0	\$0
4163000 - Income from surplus money investments	\$521	\$711	\$602	\$346	\$352
4171400 - Escheat of unclaimed checks and warrants	\$75	\$14	\$12	\$12	\$12
4172500 - Miscellaneous revenues	\$10	\$8	\$9	\$9	\$9
Totals, Revenues	\$22,860	\$24,492	\$24,107	\$23,851	\$23,857
Transfers and Other Adjustments	\$0	\$21,000	-\$25,000	\$0	\$0
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$22,860	\$45,492	-\$893	\$23,851	\$23,857
<b>TOTAL RESOURCES</b>	\$43,753	\$67,088	\$44,542	\$46,204	\$47,249
<b>EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>					
Expenditures:					
1111 Program Expenditures (State Operations)	\$20,555	\$ 20,151	\$ 20,758	\$ 21,381	\$ 22,022
8880 Financial Information System for California (State Operations)	\$2	\$ -3	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$134	\$ 316	\$ 316	\$ 316	\$ 316
9900 Statewide Pro Rata	\$1,466	\$ 1,189	\$ 1,115	\$ 1,115	\$ 1,115
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$22,157	\$21,653	\$22,189	\$22,812	\$23,453
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$21,596	\$45,435	\$22,353	\$23,392	\$23,796
Months in Reserve	12.0	24.6	11.8	12.0	11.8

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
 Expenditure growth projected at 3% beginning BY +1.  
 CY revenue and expenditures are projections.





## MEMORANDUM

DATE September 14, 2020  
TO: Members, Board of Barbering and Cosmetology  
FROM: Kristy Underwood, Executive Officer  
SUBJECT: Outreach Update

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### Participated:

May 28, 2020	Senator Thomas J Umberg Virtual Town Hall Attendee: Kristy Underwood
June 4, 2020	Los Angeles Public Health (LADPH) - Telebriefing for Industry. Attendee: Kristy Underwood
June 24, 2020	LADPH Coronavirus Update-Telebriefing for Industry Attendee; Kristy Underwood
July 9, 2020	LADPH Coronavirus Update-Telebriefing for Industry Attendee: Kristy Underwood
July 21, 2020	KSRO Radio Interview with Pat – Industry Update Attendee: Kristy Underwood
July 29, 2020	LADPH Coronavirus Update-Telebriefing the Industry Attendee: Kristy Underwood
July 30, 2020	Orange County Public Health – Developing Partnership Attendee: Kristy Underwood
July 31, 2020	Sacramento Nail Association Industry Webinar Attendee: Kristy Underwood
August 5, 2020	Outgrowth Podcast – Industry Update Attendee: Kristy Underwood
August 6, 2020	Professional Beauty Association Industry Webinar Attendee: Kristy Underwood

August 11, 2020

Barbicide Forum Interview – Industry Update  
Attendee: Kristy Underwood

August 13, 2020

LADPH Coronavirus Update-Telebriefing the Industry  
Attendee: Kristy Underwood

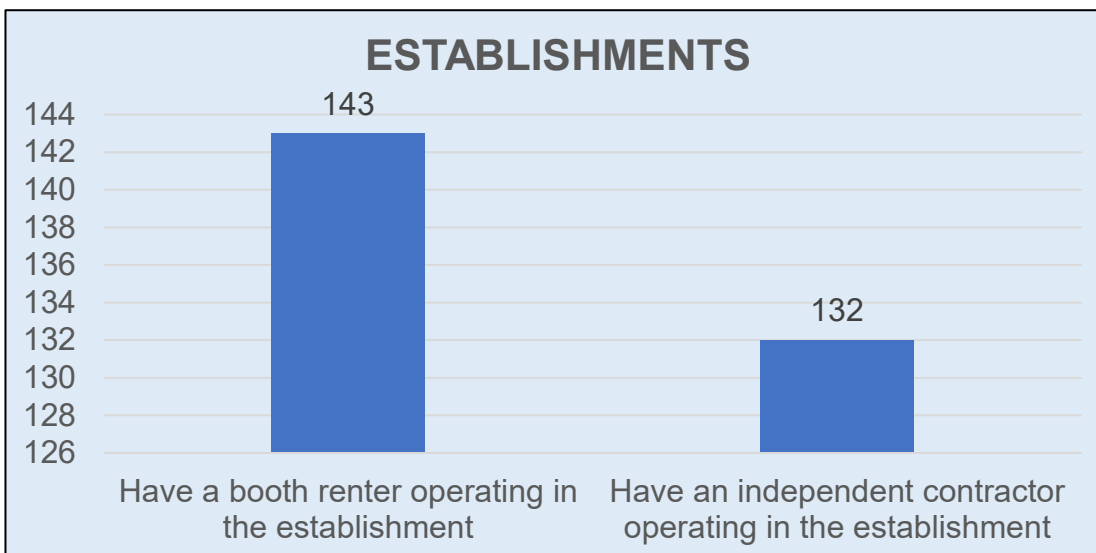
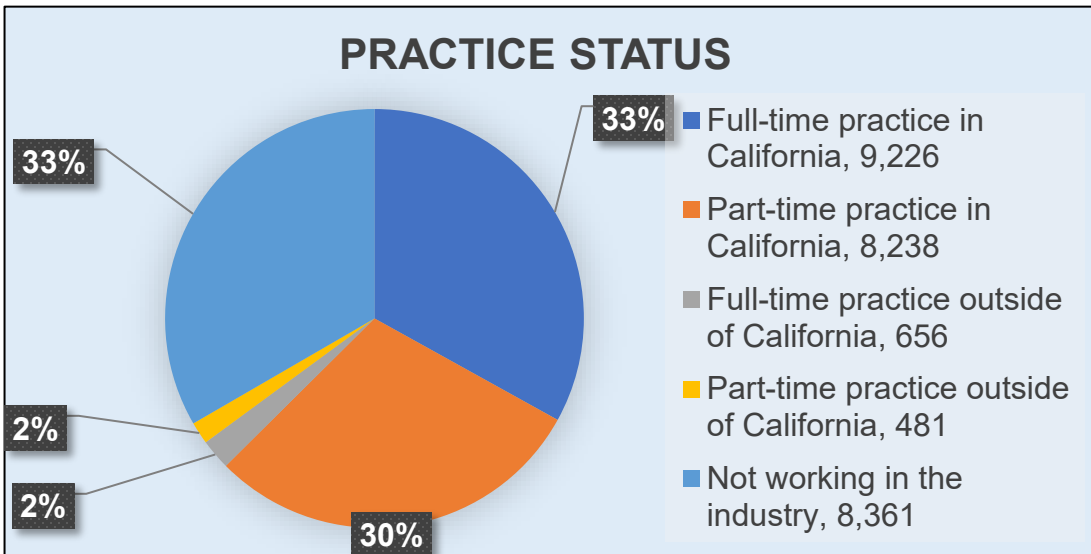
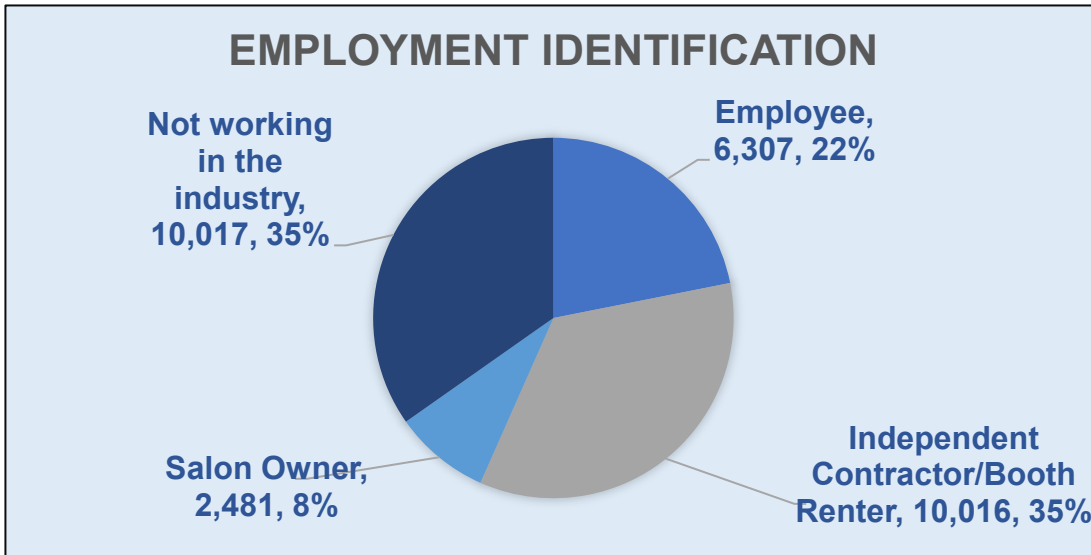
**Upcoming**

September 21, 2020

The Point interview by Viet Nails TV  
Attendee: Kristy Underwood

# Practice Status Survey Results

## April 1 - June 30, 2020





BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY  
P.O. Box 944226, Sacramento, CA 94244-2260  
Phone: (800) 952-5210 Email: [barbercosmo@dca.ca.gov](mailto:barbercosmo@dca.ca.gov)  
Website: [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov)



## BOARD OF BARBERING & COSMETOLOGY

### BILL ANALYSIS

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**Author:** Committee on Business, Professions and Economic Development

**Subject:** Sunset Review

**Bill Number:** SB 1474

**Version:** August 26, 2020

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**Existing Law:**

Existing law provides for the January 1, 2021 repeal of provisions creating the Board of Barbering and Cosmetology.

**This Bill:**

This bill would extend the operation of the Board of Barbering and Cosmetology to January 1, 2022.

**Analysis:**

SB 1474 is the Board's sunset bill. This bill would extend the sunset date of the Board for one year.

**Status:**

This bill is currently in the Senate.

AMENDED IN ASSEMBLY AUGUST 26, 2020

AMENDED IN ASSEMBLY AUGUST 24, 2020

AMENDED IN ASSEMBLY AUGUST 10, 2020

AMENDED IN ASSEMBLY JULY 27, 2020

AMENDED IN SENATE JUNE 18, 2020

AMENDED IN SENATE MAY 14, 2020

**SENATE BILL**

**No. 1474**

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**Introduced by Committee on Business, Professions and Economic  
Development (Senators Glazer (Chair), Archuleta, Chang, Dodd,  
Galgiani, Hill, Leyva, Pan, and Wilk)**

(Principal coauthor: Assembly Member Low)

**(Coauthor: Senator Morrell)**

March 16, 2020

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An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4501, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, and to add Section 7099.9 to, the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.

who meets specified requirements, and also provides for the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are not renewed within 5 years of its expiration.

This bill would also authorize the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are renewed within 5 years of its expiration.

(8) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

This bill would extend the operation of those provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

(9) Existing law provides for the January 1, 2022, repeal of provisions regulating naturopathic medicine and interior design and provisions creating the California Board of Occupational Therapy, the Physical Therapy Board of California, the Respiratory Care Board of California, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

This bill would extend the operation of those provisions to January 1, 2023, and make conforming changes relating to the appointment of an executive officer, as applicable.

(10) Existing law, the Massage Therapy Act, until January 1, 2021, provides for the certification and regulation of massage therapists by the California Massage Therapy Council.

This bill would extend the operation of the Massage Therapy Act to January 1, 2022, and make conforming changes relating to massage therapist certification requirements.

(11) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services. Existing law, until January 1, 2021, authorizes the bureau to issue a private investigator license to a limited liability company. A violation of the act is a crime.

This bill would extend that date to January 1, 2024. By extending the operation of these provisions, the bill would impose a state-mandated local program.

1 (3) The disposition of all complaints received against a solar  
2 contractor.

3 (c) For purposes of this section, “solar energy system” means  
4 a solar energy device to be installed on a residential building that  
5 has the primary purpose of providing for the collection and  
6 distribution of solar energy for the generation of electricity, that  
7 produces at least one kW, and not more than five MW, alternating  
8 current rated peak electricity, and that meets or exceeds the  
9 eligibility criteria established pursuant to Section 25782 of the  
10 Public Resources Code.

11 SEC. 75. Section 7303 of the Business and Professions Code  
12 is amended to read:

13 7303. (a) Notwithstanding Article 8 (commencing with Section  
14 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the  
15 Government Code, there is in the Department of Consumer Affairs  
16 the State Board of Barbering and Cosmetology in which the  
17 administration of this chapter is vested.

18 (b) The board shall consist of nine members. Five members  
19 shall be public members, and four members shall represent the  
20 professions. The Governor shall appoint three of the public  
21 members and the four professional members. The Senate  
22 Committee on Rules and the Speaker of the Assembly shall each  
23 appoint one public member. Members of the board shall be  
24 appointed for a term of four years, except that of the members  
25 appointed by the Governor, two of the public members and two  
26 of the professions members shall be appointed for an initial term  
27 of two years. No board member may serve longer than two  
28 consecutive terms.

29 (c) The board may appoint an executive officer who is exempt  
30 from civil service. The executive officer shall exercise the powers  
31 and perform the duties delegated by the board and vested in the  
32 executive officer by this chapter. The appointment of the executive  
33 officer is subject to the approval of the director. In the event that  
34 a newly authorized board replaces an existing or previous bureau,  
35 the director may appoint an interim executive officer for the board  
36 who shall serve temporarily until the new board appoints a  
37 permanent executive officer.

38 (d) The executive officer shall provide examiners, inspectors,  
39 and other personnel necessary to carry out the provisions of this  
40 chapter.

1 (e) This section shall remain in effect only until January 1, 2022,  
2 and as of that date is repealed. Notwithstanding any other law, the  
3 repeal of this section renders the board subject to review by the  
4 appropriate policy committees of the Legislature.

5 SEC. 76. Section 7512.3 of the Business and Professions Code,  
6 as amended by Section 1 of Chapter 569 of the Statutes of 2017,  
7 is amended to read:

8 7512.3. (a) As used in this chapter, “person” includes any  
9 individual, firm, company, limited liability company, association,  
10 organization, partnership, and corporation.

11 (b) This section shall remain in effect only until January 1, 2024,  
12 and as of that date is repealed.

13 SEC. 77. Section 7512.3 of the Business and Professions Code,  
14 as amended by Section 2 of Chapter 569 of the Statutes of 2017,  
15 is amended to read:

16 7512.3. (a) As used in this chapter, “person” includes any  
17 individual, firm, company, association, organization, partnership,  
18 and corporation.

19 (b) This section shall become operative on January 1, 2024.

20 SEC. 78. Section 7512.14 of the Business and Professions  
21 Code is amended to read:

22 7512.14. (a) As used in this chapter, “member” means an  
23 individual who is a member of a limited liability company as  
24 specified in Section 17704.01 of the Corporations Code.

25 (b) This section shall remain in effect only until January 1, 2024,  
26 and as of that date is repealed.

27 SEC. 79. Section 7512.15 of the Business and Professions  
28 Code is amended to read:

29 7512.15. (a) As used in this chapter, “manager” means an  
30 individual designated under an operating agreement of a  
31 manager-managed limited liability company who is responsible  
32 for performing the management functions for the limited liability  
33 company specified in subdivision (c) of Section 17704.07 of the  
34 Corporations Code.

35 (b) This section shall remain in effect only until January 1, 2024,  
36 and as of that date is repealed.

37 SEC. 80. Section 7520.3 of the Business and Professions Code  
38 is amended to read:

39 7520.3. (a) As a condition of the issuance, reinstatement,  
40 reactivation, or continued valid use of a license under this chapter,





## MEMORANDUM

DATE September 14, 2020  
TO: Members, Board of Barbering and Cosmetology  
FROM: Kristy Underwood, Executive Officer  
SUBJECT: Regulations Update

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### **PERSONAL SERVICE PERMIT (action needed)**

(Title 16, CCR Section 965.2 (Personal Service Permit))

To include information in connection with the adoption and amendment of this rulemaking file, the Board added documents to the rulemaking file (previous board meeting minutes, licensing and examination committee minutes, and the 2017 PSP Report). This required a 15-day comment period, which ended August 27, 2020. The Board received public comments and the comment responses are being submitted to the Board for approval.

**Action Needed:** In order to continue the regulatory process of the Personal Service Permit regulation package, board staff needs a motion to direct staff to reject the comments, provide the responses to the comments as indicated in the meeting materials, and complete the regulatory process.

### **SUBSTANTIAL RELATIONSHIP CRITERIA**

(Title 16, CCR Section 970, 971 (Substantial Relationship Criteria, Criteria for Rehabilitation))

The Final Statement of Reasons is being reviewed by DCA.

**The following regulation packages are under internal review by DCA/Agency:**

- Title 16, CCR Section 950.10 (Transfer of Credit or Training)
- Title 16, CCR Section 972 (Disciplinary Guidelines)
- Title 16, CCR Section 974.1 (Disciplinary Review Committee)
- Title 16, CCR Section 961 (Instructional Materials-NIC Guides)
- Title 16, CCR Sections 962, 962.1 and 962.2 (Externs)

**Summary of, and Responses to, Comments Received After the 15-day Comment Period on the Modified Text and Data Added to File During the Period of June 29, 2020 - July 14, 2020**

Dayna Pattison, Educational Director of Career Academy of Beauty, submitted a written comment to the Board on the proposed rulemaking on July 30, 2020, after the 15-day comment period ended July 14, 2020.

**Comment from Dayna Pattison:** The commenter suggested that the Board not limit the services that can be offered. If a client wants to have a chemical service, that should be allowed. The licensee should be required to show their Personal Service Permit (PSP) to the client, and it should clearly show how a consumer can complain. Or, a specific pamphlet should be left with them explaining the PSP permit, the disinfection process, and how to contact the Board to complain or comment.

**Response:** The Board rejects this comment. The Board has previously addressed comments not to limit services in the Board's responses to Anne Fisher's comments #21 and #23 it received during the 45-day comment period. The proposed language does not require the licensee to show their PSP to the client, but it does require the PSP holder to provide the consumer with a Personal Service Permit Consumer Notice. The PSP holder may, of course, choose to show their PSP and a consumer may request to see it before booking a service. The Board has previously addressed how a customer may complain to the Board in pages 7-8 of the Initial Statement of Reasons and in the Board's responses to Swati Sharmam's comments #1, #2, #7, and #12 it received during the 45-day comment period. The Consumer Notice provides a link to the Board's website, where a client can view the Board's regulations for disinfection, and also provides information on how to contact the Board to file a complaint. The Board makes no substantive changes to the language in response to this comment.

**Summary of, and Responses to, Comments Received During the 15-day Comment Period on the Documents Added to File During the Period of August 12, 2020 – August 27, 2020**

The following 2 individuals submitted written comments to the Board on the proposed rulemaking during the second 15-day comment period, which ended August 27, 2020:

- Anne Fisher (Fisher), Director of Spa-Go's
- Amanda Stevenson, Manicurist

**Comments from Anne Fisher:** Fisher submitted 3 statements. Her comments/questions are synthesized and enumerated below.

Email dated August 13, 2020

1. Fisher asked if "exclusions" for entertainment, elderly, or disabled individuals

would still exist with the PSP regulation. She also asked if the following seven services are allowed with a PSP: dying or coloring hair, hi and lo lites, cutting nails and cuticles, strip waxing, waxing, gel manicures, acrylic manicures.

**Response:** The Board assumes for the sake of this response that when Fisher refers to “exclusions” she is referring to “exceptions” and “exemptions” to the Barbering and Cosmetology Act. The Board already addressed services provided for entertainment, elderly, or disabled individuals in its response to Fisher’s comment #1 and #10 received during the 45-day comment period. This rulemaking does not abridge or amend Business and Professions Code (BPC) sections 7318 or 7319. Section 7318 provides that practice outside of a licensed establishment is permissible when “necessary due to the illness or other physical or mental incapacitation of the recipient of the service, and when performed by a licensee obtained for the purpose from a licensed establishment.” (Bus. & Prof., § 7318.) Section 7319 exempts persons employed to render barbering, cosmetology, or electrolysis services in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production industry. The services allowed with a PSP are stated in proposed section 965.2 subdivisions (c) through (f). Furthermore, the Board already addressed whether services are permitted under this proposal. The Board addressed hair coloring in response to Fisher’s comment #21 received during the 45-day comment period. The Board addressed cutting nails and cuticles in response to Schrabek’s comment #5 received during the 45-day comment period. The Board addressed waxing in response to Fisher’s comment #23 received during the 45-day comment period. The Board addressed gel and acrylic manicures in response to Schrabek’s comment #5 received during the 45-day comment period. The Board makes no substantive changes to the language in response to this comment.

2. Fisher asked if license look ups will include who has a PSP and license.

**Response:** The Board assumes for the sake of this response that Fisher is asking whether one who looks up a licensee’s license will be able to see whether the licensee possesses a PSP. The Board utilizes an online system, BreZE, which allows licensees and the public to search and verify the type of license(s) an individual holds and the status(es). The Board makes no substantive changes to the language in response to this comment.

3. Fisher asked if workers with disabilities will be allowed to have a PSP regardless of years of service.

**Response:** The proposed regulation requires two years of experience for reasons explained on page 2 of the Initial Statement of Reasons. Whether a licensee is disabled is not considered as part of the licensee’s eligibility for the PSP. The Board makes no substantive changes to the language in response to this comment.

4. Fisher states it is “odd” that PSP holders would have a two-year requirement to provide care to children or at parties where no cuticle work is being performed.

**Response:** The Board rejects this comment. Services provided to children or at parties are still services which require a license and a PSP permit (if performed outside of a licensed establishment). The Board also addressed this comment, in part, in its responses to Fisher’s comments #7 and #20 received during the 45-day comment period. The Board makes no substantive changes to the language in response to this comment.

Letter dated August 14, 2020

5. Fisher submitted a letter addressed to Governor Gavin Newsom requesting to enact the PSP rulemaking now.

**Response:** As this letter is directed to Governor Newsom, and not framed as a comment on the underlying proposal, the Board does not respond to statements made in the letter. The Board makes no substantive changes to the language in response to this comment.

Email dated August 15, 2020

6. Fisher states she conducted a poll with contractors in the Los Angeles area and they said they would protest the fact men can have beard trims, but women cannot have anything outside of tweezing, even though waxing can safely remove lip and facial hair.

**Response:** The Board rejects this comment. To protect consumers, the Board limited services to allow only low-risk services to be offered. The Board’s decision not to allow waxing is addressed in its response to Fisher’s comment #23 received during the 45-day comment period. The Board makes no substantive changes to the language in response to this comment.

**Comment from Amanda Stevenson:** The proposed regulation does not allow manicurists to provide gel polish or enhancement services or use electric filing tools. Electric filing tools and gel polish are performed at salons safely. The Board does not fine individuals who provide sample services and sell electric tools at beauty trade shows. The responsibility to provide safe service to clients should carry over to mobile services. If a client is requesting a pedicure, this should be allowed. The only cumbersome issue would be for manicurists to pack all these items.

**Response:** The Board rejects this comment. The Board has already addressed gel polish, electric tools, and pedicure services in its response to Jaime Schrabec’s comment #5 received during the 45-day comment period. The Board also addressed why buffing and filing nails only with non-electrical tools is allowed on page 7 of the Initial Statement of Reasons. The Board does not fine individuals who provide sample

services at beauty trade shows because BPC section 7319 exempts persons engaged in the administration of nail products for the exclusive purpose of recommending, demonstrating, or selling those products from the Board's laws. In addition, the Board's priority is consumer protection, not whether transporting tools is cumbersome for licensees. The Board makes no substantive changes to the language as a result of this comment.