

**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**BOARD TELECONFERENCE MEETING**

**MINUTES OF APRIL 26, 2021**

**BOARD MEMBERS PRESENT**

Dr. Kari Williams, Vice President  
Jacquelyn Crabtree  
Andrew Drabkin  
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

**BOARD MEMBERS ABSENT**

Derick Matos

**[Note: Agenda Item 11 was taken out of order. These minutes reflect these Agenda Items as listed on the agenda and not as taken in chronological order.]**

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

Dr. Kari Williams, Board Vice President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

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

Dr. Williams thanked the Executive Officer and staff for their hard work during this time and Board Member Steve Weeks for attending the Sunset Hearing with the Executive Officer.

**3. Agenda Item #3, ANNUAL ELECTION OF OFFICERS**

Dr. Williams asked for nominations for President of the Board for 2021.

Ms. Crabtree nominated Steve Weeks for President of the Board for 2021.

Dr. Williams seconded.

**Public Comment**

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), spoke in strong support of the nomination of Steve Weeks as Board President for 2021.

Wendy Cochran, Founder, California Aesthetic Alliance, spoke on behalf of estheticians and cosmetologists practicing skin care across the state of California in support of the nomination of Steve Weeks as Board President for 2021.

**MOTION:** Ms. Crabtree made a motion, seconded by Dr. Williams, to elect Steve Weeks as President of the Board for 2021. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

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

Dr. Williams asked for nominations for Vice President of the Board for 2021.

Ms. Crabtree nominated Calimay Pham for Vice President of the Board for 2021.

Dr. Williams seconded.

### **Public Comment**

Wendy Cochran stated, although it would be interesting to have an industry member as part of the leadership of the Board, the speaker spoke in support of the nomination of Calimay Pham as Board Vice President for 2021.

**MOTION:** Ms. Crabtree made a motion, seconded by Dr. Williams, to elect Calimay Pham as Vice President of the Board for 2021. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

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

## **4. Agenda Item #4, BOARD MEMBER REMARKS**

Mr. Weeks thanked everyone for electing him as Board President for this year. He especially thanked Lisa Thong and Dr. Kari Williams for their strong leadership over the past few years. He stated the strength of the Board is that all Board Members are involved and committed. Last year was a tragedy for licensees due to the COVID-19 pandemic, but this year will be a recovery year and will present the Board with more challenges than has been seen in many years, but this Board is up to meeting those challenges.

## **5. Agenda Item #5, DISCUSSION AND POSSIBLE APPROVAL OF JANUARY 25, 2021, BOARD MEETING MINUTES**

**MOTION:** Ms. Crabtree moved to approve the January 25, 2021, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Mr. Weeks seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

## 6. Agenda Item #6, EXECUTIVE OFFICER'S REPORT

- **Licensing Statistics**
- **Examination Statistics**
- **Disciplinary Review Committee Statistics**
- **Enforcement Statistics**
- **Budget Updates**
- **Outreach Updates**
- **Practice Status Survey Results**
- **COVID-19 Update and Impact of Board Operations**

Kristy Underwood, Executive Officer, provided a brief update:

- The Sunset Review went well. Nothing unexpected came out in the report, which will be discussed later today.
- Exam sites were closed during the COVID-19 pandemic, which has caused a significant backlog of students waiting to be tested. All backlogged candidates have been scheduled to take the exam. Exam sites are now working at full capacity and should be caught up around July.
- Ms. Underwood has been asked to be a part of a national committee that has been formed to work with the Council of State Governments on a two-year project to look at compact licensing for this industry.

Ms. Underwood reviewed the statistics and update reports, which were included in the meeting packet. Board Members asked clarifying questions.

### **Public Comment**

Wendy Cochran stated they recently posted a question to the over 6,500 estheticians and students in California that are a part of their group and learned that the average waiting period for the exam is seven months. Their members are concerned about passing the exam due to lack of practice during the COVID-19 shutdowns and, if they fail, waiting another seven months for a retake. A temporary license for candidates who pass the written exam or a suspension of the practical exam is a solution. Also, licensed estheticians who moved to California from other states are waiting in the same seven-month queue.

## 7. Agenda Item #7, DISCUSSION, REVIEW, AND POSSIBLE APPROVAL OF THE BOARD'S FINAL RESPONSES TO THE SUNSET REVIEW BACKGROUND PAPER ISSUES

Ms. Underwood summarized the Sunset Review Background Paper and Issues (Background Paper) from the Sunset Review Committee, which was included in the meeting packet. The packet also included responses to the 18 issues contained in the Background Paper for Board review, but noted that some of the 18 issues were recommended by staff. She asked for a motion to approve the responses.

### Questions and Discussion

Mr. Weeks highlighted areas that Committee members focused on during the Sunset Review Hearing:

- The relationship between the cost of education compared to average earnings after education. He stated the Board has no control over what schools charge for education or what licensees charge for their services. The Committee quoted statistics that licensees make approximately \$600 per week. He noted that 30 percent of licensees self-identify as being parttime only. This topic was a precursor to the next area of focus - the hours of training and the examination, which are viewed as barriers to entry.
- Mandating too many hours of training and education. The Board's response was that the number of hours has to do with consumer protection and health and safety. He stated the need to prepare for pushback in this area.
- The possible elimination of the practical exam. He stated the Committee seemed to want to see some sort of tiering of licenses. He stated the Board addressed this area last year by approving the hairdressing license, caused a tiering effect and an effect on the number of hours of education.

Mr. Weeks stated the need for open communication with the Committee. The Background Paper responses are a good start.

Dr. Williams stated the responses are detailed, especially when it comes to deregulating the license and the importance of keeping the Act in place and being open to discussions, knowing that the industry is constantly evolving, in order to protect the health and safety of the public. She spoke in support of the staff responses.

Mr. Drabkin asked about the arguments being made by the Legislature to eliminate the practical exam.

Ms. Underwood stated there is concern about practical exams in general. The thought is that practical exams for Boards, including this industry, may not be as relevant as they once were.

Ms. Pham agreed with the response to the Legislature's question about considering removing certain practices from the definition of barbering and cosmetology. She asked about complications this would cause for inspections and enforcement.

Ms. Underwood stated the entire inspections program would need to be updated if this were to go through to ensure consumer safety.

Ms. Pham agreed with the Legislature's recommendation that the Board should be increased to represent all licensee categories. More perspectives to draw upon would be a benefit. She asked about the timeline for implementation.

Ms. Underwood stated recommendations are typically implemented on January 1<sup>st</sup> of the following year but implementation considerations may be added to this recommendation.

Dr. Williams moved to approve the Board's Final Responses to the Sunset Review Background Paper Issues.

Ms. Crabtree seconded.

## Public Comment

Wendy Cochran cautioned the Board against using the word “master” when discussing this topic. Master indicates that licensees have gone through an additional 600 hours, depending on license type, and an additional exam and licensure.

Wendy Cochran stated most estheticians do not work for someone unless they work for a larger corporation.

Wendy Cochran stated hair stylist or manicurist licenses are not part of a tiered structure but are smaller in scope and are independent licenses. Tiers are under the masters’ structure.

Fred Jones stated there is a high degree of ignorance about what schooling and the industry are all about. This is a dexterity, hands-on industry of creative artists. If student hours were cut so students had less opportunity to work on patrons on the clinic floor and if the practical exam was removed, there would be students fixated on computers and focused on theory so they could pass a truncated licensing exam that has no hands-on competencies but is a computer-based written exam.

**MOTION:** Dr. Williams made a motion, seconded by Ms. Crabtree, that the Board approves the Final Responses to the Sunset Review Background Paper Issues. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

## 8. **Agenda Item #8, UPDATE ON THE FEBRUARY 18, 2021, APPRENTICESHIP TASK FORCE MEETING**

### **a. Discussion and Possible Action Regarding Recommended Amendments to Title 16, California Code of Regulations (CCR), Article 3, Apprenticeships, sections 913-926**

Ms. Underwood reviewed the Staff Memo on the February 18, 2021, Apprenticeship Task Force Meeting and summarized the Task Force’s recommended changes to Title 16, CCR, Article 3, Apprenticeships, sections 913-926, which were included in the meeting packet. She stated the proposed changes are meant to help strengthen the Apprenticeship Program and improve the apprenticeship exam pass rates.

Staff recommendations:

- The Board approves the proposed text for a 45-day public comment period.
- The Board 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, with all established procedures and processes in doing so.

- The Board delegates to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

### Comments and Discussion

Mr. Weeks asked about the Board changes made to the Apprenticeship Program at the December Board meeting.

Ms. Underwood stated the Board recommendations were accepted by the Apprenticeship Task Force. She referred to 919(a)(6) and stated the Division of Apprenticeship Standards (DAS) does not allow establishment owners to be apprentices since the Apprenticeship Program is intended for an employer/employee relationship. This was a difficult area for the Task Force. More discussion is required.

Ms. Crabtree stated the need for more clarity on this based on what is seen in the Disciplinary Review Committee (DRC) hearings and apprenticeships working without their supervisors.

Ms. Underwood stated staff's recommended language for 919(a)(6) is "the apprentice many not hold ownership in the establishment where they are seeking approval for," based on DAS guidance, although the Task Force Members were not in full agreement on this language. She recommended the proposed language. An apprentice should not work for themselves. It is a conflict of interest.

Board Members agreed.

Mr. Drabkin asked about putting an establishment under their spouse's name or into a trust while the owner is working on their apprenticeship.

Ms. Underwood stated staff will look into this but it seems that changing the structure of ownership into a corporation or under another person's name could allow owners to be considered an apprentice.

Mr. Weeks stated a blind trust would not work because the individual would still have ownership. He agreed that putting ownership under the spouse's name may work.

Dr. Williams moved the staff recommendations.

Mr. Drabkin seconded.

### **Public Comment**

Jaime Schrabek, Ph.D., Owner, Precision Nails, asked about actions the Board would take, based on the poor performance of students in the Apprenticeship Program, if the Apprenticeship Program represented one school.

**MOTION:** Dr. Williams moved to approve proposed text for a 45 day public comment period and delegate 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 also delegate to the Executive Officer the authority to make any technical and non-

substantive changes that may be required in completing the ruling making file. Mr. Drabkin seconded.

Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

**9. Agenda Item #9, UPDATE ON THE APRIL 19, 2021, HEALTH AND SAFETY ADVISORY COMMITTEE MEETING**

**a. Discussion and Possible Action Regarding Recommended Amendments to Title 16, CCR, Article 12, Health and Safety, sections 977-995**

Ms. Underwood stated the Health and Safety Advisory Committee met on April 19<sup>th</sup> but requires further discussion prior to presenting their recommendations to the Board.

**10. Agenda Item #10, LEGISLATIVE UPDATE, DISCUSSION, AND POSSIBLE ACTION ON PROPOSED BILLS:**

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

**a. AB 29 (Cooper) – State bodies: meetings**

The Board agreed with the staff recommendation to continue to watch this bill.

**b. AB 54 (Kiley) - COVID-19 emergency order violation: license revocation**

Mr. Drabkin moved that the Board take an oppose position on this bill.

Ms. Crabtree seconded.

**Public Comment**

Wendy Cochran spoke in support of the Board's motion to take an oppose position on this bill.

**MOTION:** Mr. Drabkin moved that the Board take an oppose position on Assembly Bill 54. Ms. Crabtree seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

**c. AB 107 (Salas) – Licensure: veterans and military spouses**

The Board agreed with the staff recommendation to continue to watch this bill.

**Public Comment**

Wendy Cochran spoke in support of AB 107.

**d. AB 225 (Gray, Gallagher, and Patterson) – DCA boards: veterans and military spouses licenses**

The Board agreed with the staff recommendation to continue to watch this bill.

**e. AB 231 (Nguyen) – Worker classification: licensed manicurists**

Mr. Weeks moved that the Board take a support position on this bill.

Mr. Drabkin seconded.

**Public Comment**

Fred Jones spoke in support of the Board's motion to take a support position on this bill.

Wendy Cochran spoke in support of the Board's motion to take a support position on this bill.

Dr. Schrage spoke in support of the Board's motion to take a support position on this bill.

**MOTION:** Mr. Weeks moved that the Board take a support position on Assembly Bill 231. Mr. Drabkin seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

**f. AB 339 (Lee and Garcia) – State and local government: open meetings**

The Board agreed with the staff recommendation to continue to watch this bill.

**g. AB 492 (Patterson) – Cosmetology students: externships**

Ms. Crabtree moved that the Board take an oppose position on this bill.

Mr. Weeks seconded.

Mr. Drabkin asked if the Board could take a support unless amended position.

Ms. Knight stated the Board could take an oppose unless amended position, a support if amended, or direct staff to contact the author's office to discuss possible amendments to protect consumers.

**Public Comment**

Fred Jones spoke in opposition of the Board's motion to take an oppose position on this bill. The speaker stated the PBFC is the sponsor of AB 492. This is not a piecemeal bill; it amends an existing law that was established in the mid-1990s. The intent is to address the barriers to entry concern that most of the members of the Sunset Review Committee expressed during the Sunset Review Hearing. The speaker clarified externship requirements that will be put into place as part of this bill.

Wendy Cochran spoke in support of the Board's motion to take an oppose position on this bill.

**MOTION:** Ms. Crabtree moved that the Board take an oppose position on Assembly Bill 492. Mr. Weeks seconded. Motion carried 4 yes, 1 no, and 1 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Pham, Weeks, and Williams.



The following Board Member voted “No”: Tran.

The following Board Member abstained: Drabkin

**h. SB 49 (Umberg) – Income taxes: credits: California Fair Fees Tax Credit**

The Board agreed with the staff recommendation to continue to watch this bill.

**i. SB 102 (Melendez) – COVID-19 emergency order violation: license revocation**

Mr. Drabkin moved that the Board take an oppose position on this bill.

Dr. Williams seconded.

**Public Comment**

Wendy Cochran spoke in support of the Board’s motion to take an oppose position on this bill.

Fred Jones expressed frustration on behalf of the over 500,000 licensees and 50,000 licensed establishment owners for the three unjustified lockdowns of this industry over the past 13 months. Save the health care sector, this industry is the among the safest sector of the economy as the data proves.

**MOTION:** Mr. Drabkin moved that the Board take an oppose position on Senate Bill 102. Dr. Williams seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

**j. SB 772 (Ochoa Bogh) – Professions and vocations: citations: minor violations**

The Board agreed with the staff recommendation to continue to watch this bill.

**k. SB 803 (Roth) – Barbering and Cosmetology**

The Board agreed with the staff recommendation to continue to watch this bill.

**[Note: Agenda Item 11 was taken out of order and was heard after Agenda Item 12.]**

**11. Agenda Item #11, DISCUSSION AND POSSIBLE ACTION REGARDING COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD REGARDING RULEMAKING PROPOSAL TO ADD TITLE 16, CCR SECTION 985.2 (PERSONAL SERVICE PERMIT)**

Discussion on this agenda item was included in Agenda Item 12.

## 12. Agenda Item #12, REGULATION STATUS UPDATE

- a. Rulemaking Proposal to Amend Title 16, CCR sections 970 and 971 (Substantial Relationship Criteria, Criteria for Rehabilitation)
- b. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
- c. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)
- d. Rulemaking Proposal to Amend Title 16, CCR, section 950.10 (Transfer of Credit or Training)
- e. Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)
- f. Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)
- g. Rulemaking Proposal to Amend Title 16, CCR sections 965.2 (Personal Service Permit)

Ms. Underwood reviewed the Staff Memo on the regulation updates for the above rulemaking packages, which was included in the meeting packet. She stated no action is required for the above regulatory packages (a) through (f).

Ms. Underwood stated, regarding regulatory package (g), one public comment was received during the 15-day public comment period for the Personal Service Permit.

Staff recommendations for regulatory package (g):

- The Board directs staff to reject the public comment received during the 15-day public comment period.
- The Board delegates to the Executive Officer the authority to provide the response to the comment as directed in the meeting materials.
- The Board delegates to the Executive Officer the authority to complete the regulatory process, with all established procedures and processes in doing so.
- The Board delegates to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

**MOTION:** Dr. Williams moved to direct staff to reject the public comment received during the 15-day public comment period, delegate to the Executive Officer the authority to provide the response to the comment as directed in the meeting materials, delegate to the Executive Officer the authority to complete the regulatory process, with all established procedures and processes in doing so, and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

**13. Agenda Item #13, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

No members of the public addressed the Board.

**14. Agenda Item #14, SUGGESTIONS FOR FUTURE AGENDA ITEMS**

Ms. Crabtree asked for an update on hiring new inspectors.

Ms. Underwood stated five inspectors were hired to cover Northern California and two inspectors were hired to cover Southern California. Additional vacancies will soon be filled.

**15. Agenda Item #15, ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 11:30 a.m.