

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

MINUTES OF MEETING

September 19, 2005

Draft

THESE DRAFT MINUTES WERE PREPARED BY DIVISION STAFF. THEY HAVE NOT BEEN REVIEWED OR APPROVED THE BOARD.

By authority of AS 08.13.040, and in compliance with AS 44.62, article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held on September 19, 2005.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 9:04 a.m.

Members present were:

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

Staff present were:

Cindy Evans, Licensing Examiner
Sue Karlslyst, Licensing Examiner
Phil Petrie, Investigator

Agenda Item 2 Review and Approve Agenda

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

RESOLVED that the agenda was approved as read.

Agenda Item 3 Review and Approve Minutes of April 11, 2005

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

Debra also asked if the letter was written by Alice to Rick Urion regarding the practical exam being administered by the schools and sponsors of apprentices. Alice feels there should be more research before the letter is sent to Mr. Urion the Director of the division.

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

RESOLVED to approve as read.

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

RESOLVED to move to agenda item 6.

Agenda Item 6 Approve Drafted Regulation Changes for Advertising

The board reviewed and approved regulations 12 AAC 09.002(d)(2)(B), 12 AAC 09.002.(d)(2)(D), 12 AAC 09.110(j), 12 AAC 09.130(i), 12 AAC 09.180(f) and 12 AAC 09.190(b).

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

RESOLVED accept the amended changes.

The board agreed that there is no cost to the general public regarding these changes.

Agenda Item 4 Investigative Report

Phil informed the board that he has 49 open cases and 5 closed cases. Phil made a trip to Fairbanks and is working with individuals and shops that he found not in compliance. The board did not have any questions for Phil regarding the investigative report.

Phil asked the board if massage therapist who perform facials should be allowed to perform facials without an esthetician license.

Debra feels that massage therapist cannot perform facials.

Debra stated that the esthetician course is 350 hours. That would be

about 1 ½ months in a licensed school or six months in an apprenticeship program.

The board agreed that massage therapists performing facials must have an esthetician license.

Phil has one more item for the board to review, which he left in his office in error. The board agreed to move to the next agenda item to give Phil time to get the information.

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

RESOLVE to move to agenda item 7.

Agenda Item 7

Board Policy regarding Individuals Observing the Practical Exam

Cindy Evans informed the board that the division receives letters from time to time from individuals requesting to observe the practical exam. Currently the licensing examiner sends a mail ballot to the board requesting they approve the individuals to observe the practical exam. Does the board want a policy which would allow one individual to observe the practical exam when the division receives a request?

The board agreed that one individual can observe the practical exam. The individual observing the practical exam must be licensed by the board and cannot be a student that will be taking the exam at a later date.

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

RESOLVED that we accept an instructor or licensed person to view the practical exam and not allow a student to review the practical exam.

Cindy informed the board that when she does get a request like this, she will notify the lead proctor and give them the name of the individual observing the exam.

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

RESOLVE to move to agenda number 8.

Agenda Item 8 Time Clocks to Track Apprenticeship Hours

Cindy informed the board that this has been brought up again. It is not in the regulations that apprenticeship programs have a time clock.. However, it is in the regulation for schools.

The board discussed not requiring time clocks for the apprenticeship program.

Phil would like the board to reconsider requiring sponsors of apprentices to have time clocks. When Phil does an investigation and if the shop owner does not have a time clock, it is hard to prove hours that a student states they have when the instructor states a different number of hours.

The board agreed that both schools and instructors teaching the apprenticeship program must have a time clock.

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

RESOLVE to make it mandatory to have time clocks in schools and apprenticeship programs.

Phil brought pictures for the board to review regarding a facial (chemical peel) that was performed on a client by an esthetician.

The individual had a facial in Anchorage. The chemicals used by the licensed esthetician burned the client. The chemicals in the product used have 7 percent glycolic acid and more than 25 percent in total acids.

Phil is asking the board for direction regarding this procedure or product being used.

Debra feels there should be some type of regulation regarding the percentage of acid being used. Can this product be purchased by an esthetician or can it only be purchased by a physician?

The board discussed if The Department of Environmental Conservation or the Municipality of Anchorage might have a regulation regarding the product that was used.

Phil will be check with the inspector with the Municipality of Anchorage to see if they have a regulation regarding products with a high amount of acid.

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

RESOLVE to add to the agenda for the next meeting to investigate the ingredients that can be used by esthetician verses services a medical physician can perform, regarding the Glymed Plus RX product.

Agenda Item 5 Public Comment

Tammy Boynten spoke to the board regarding her business "Light House Healing Massage Spa".

Ms. Boynten performs a 1 ½ - 2-hour facial where she focuses on the massage not on the cleansing procedure.

Ms. Boynten is licensed with the Municipality of Anchorage as a massage therapist. She wishes that massage therapy was regulated.

Debra read statue 08.13.220(5) which is the definition for estheticians. Debra informed Ms. Boynten she would need an esthetician license to perform facial massages.

Phil read a portion of Ms. Boynten brochure regarding the service she performs. Phil agreed that since the services Ms. Boynten was performing included cleansing and manipulations, Phil believes Ms. Boynten needs an esthetician license.

Graime Pincott started to speak to the board regarding booth/chair rentals and would like to come back and speak to the board after the board has heard from Mr. Pat Shier from the Department of Labor.

The board agreed to allow Mr. Pincott to come back and speak to the board after Mr. Shier has spoken to the board regarding booth rentals.

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

RESOLVE to take a five minute break.

**Off the record at 10:23 a.m.
Back on the record at 10:33 a.m.**

Agenda Item 9 **Discuss Possible Changes to Instructor Practical Exam**

The board discussed changing the instructor practical exam.

Currently candidates are allowed 30 minutes to write out an outline and prepare for the practical exam.

The board agreed that the candidate should come to the exam ready for any subject they may pick. The board felt that 15 minutes to setup and be prepared for the exam should be enough time. The board agreed to change the time allowed from 30 minutes to 15 minutes.

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

RESOLVE to change the 30 minutes for preparation time to 15 minutes.

Charlette stated when an instructor candidate brings a model to the practical exam it causes the candidate to take more time than is allowed. The question was asked, could the board require the instructor candidate to bring a mannequin to the practical exam? The board discussed that not all individuals that have been out of school for three or more years may not have a mannequin.

The board agreed that the lead proctor will tell the instructor candidate that they have 30 minutes to teach the class.

Cindy reminded the board that the candidate score sheets and proctor billing forms are not to be totaled by the proctors. Please allow the examiner to complete this task.

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

RESOLVE move to agenda item 11.

Agenda 11 **Discuss Possible Changes to the Exam Guidelines**

Charlette does not believe that a reverse backhand stroke should be in the barber exam. She would like to research the different strokes and bring her findings to the next board meeting.

The board reviewed the remainder of the Scoring Guidelines and exam instructions. The board did not have any changes.

Agenda Item 12 Appoint Lead proctors for Practical Exam in Anchorage, when a Board member is not available

Cindy informed the board that she currently has three proctors that had been previously appointed by the prior board to be a lead proctor when a board member is not available.

Debra asked if Larry could administer the exam. Alice stated that the division would still be required to hire three proctors to proctor the exam and having Larry administer the exam would be an extra cost to the board.

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

RESOLVED to allow Cindy to pick lead proctors for the Greater Anchorage area.

The board discussed trying to fill the current vacant board positions that are on the Board of Barbers and Hairdressers.

Phil asked the board if they would like him to try to find a barber and public members for the board.

The board would like Phil and any board member to inform individuals of the board vacancies.

Debra stated that any issues for committee would be handled as follows: Debra will handle hairdressers, Alice will handle estheticians, Charlette will handle barbers and Larry will handle tattooing and body piercing.

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

RESOLVED to recess for lunch.

Off the record at 11:30 a.m.

Back on the record at 12:30 p.m.

Agenda Item 14 Correspondence

Galena School

The board reviewed an e-mail from Galena School regarding students that received theory hours without a student permit. Cindy was informed that these students took an introductory course last school year. The student was enrolled in the high school but not in the hairdressing or esthetician program. There are about four students that received less than 200 hours of theory.

The board agreed that this appears to be a rare situation and would like to see the student receive the hours. However, in the future, if a student does not enroll in the program they will not be allowed the hours they may have earned.

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

RESOLVED to accept these hours from the school. The school must submit the monthly reports regarding the theory hours and this is a one time exception and will not be allowed any further.

Glorida Ramirez

The board reviewed the training and work experience from Ms. Ramirez.

The board agreed that Ms. Ramirez does have the required training and work experience. However, she must submit the front page of the application.

Larry asked what languages does the testing company provide the exam.

Cindy informed the board that the testing company does provide the written exam in Spanish, Vietnamese and English.

Cindy informed the board that interrupters are not allowed in the exam site. If you have a candidate that is having problems and tries to speak in Spanish and you have a proctor that can interpret for the candidate this is not allowed. Please stop the proctor from interpreting.

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

RESOLVED that she (Ms. Ramirez) is qualified to take the practical and written exam contingent that she completes her application.

Cindy asked the board how they felt about a shop owner, school or instructor that does not renew their licenses on time and have students they are teaching.

The board discussed the matter and agreed students should not be punished or lose hours because the shop, school or instructor did not renew their license on time. The board agreed that a letter should be sent to the licensee allowing them 30 days to come in compliance with licensing. A copy of the letter will be sent to the investigator and the student.

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

RESOLVED to allow 30 days of a lapsed license of a school, shop or instructor in order for the student not to lose any hours of training.

Agenda Item 15 **Annual Report**

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

Travel Budget

The board reviewed the budget and did not have any comments.

Goals and Objectives

The board reviewed the Goals and Objectives and did not have any changes to the Goals and Objectives.

Legislative Recommendations

The board reviewed the Legislative Recommendations and did not have any changes.

Legislative Audit Report

The board reviewed the Legislative Audit Report and did not have any questions.

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

Draft

RESOLVED to accept the audit report.

**Agenda Item 16 Set 2006 Board meeting dates, Start Times and Location
(Anchorage or Juneau)**

The board discussed next years meeting dates.

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

RESOLVED to hold the meeting on March 20, 2006 and September 18-19, 2006. The start time will be 9:00 a.m. in Anchorage.

Cindy asked the board to also set the exam dates for 2006

The board agreed to the following exam dates for Anchorage.

January 22-23, 2006	July 23-24, 2006
February 26-27, 2006	August 20-21, 2006
March 19-20, 2006	September 24-25, 2006
April 16-17, 2006	October 22-23, 2006
May 21-22, 2006	November 12-13, 2006
June 25-26, 2006	December 10-11, 2006

The board agreed to the following exams dates for Fairbanks.

January 22-23, 2006	July 23-24, 2006
February 27, 2006	August 21, 2006
March 19-20, 2006	September 24-25, 2006
April 17, 2006	October 23, 2006
May 21-22, 2006	November 12-13, 2006
June 26, 2006	December 11, 2006

Every other month in Fairbanks will be the written exam only.

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

RESOLVE to change the March 20, 2006 meeting to April 10, 2006.

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

RESOLVE to set the exam dates as stated.

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

RESOLVE to take a five-minute break.

Off the record at 1:40 p.m.

Back on the record at 1:50 p.m.

Agenda Item 13 **Department of Labor concerns regarding Chair Rental and Shop Owner Arrangements**

Pat Shier is the Acting Deputy Director for the Employment Security Section under the Department of Workforce Development. This division handles the job centers and unemployment Security.

Who is an employee and who is not an employee when an individual files unemployment security tax?

Mr. Shier stated that the Division of Occupational Licensing requires practitioners to operate in a licensed shop. When a chair/booth renter rents a chair from a shop owner the shop owner must hold a current shop and business license.

The absence of a shop license means the practitioner renting a chair/booth in that shop could not rent a chair/booth without the owner of the shop holding a current shop owner license. Chair/booth renters have a economic dependency on the shop owner as the shop owner is required to have a current shop license. Mr. Shier referenced Alaska Statute (AS) 23.20.525(a) (10)(a)(b)(c).

Mr. Shier also stated that a similar situation applies to Master Guides and Assistant Guides, the Assistant Guide cannot operate without the presence of the Master Guide.

If the business can not stand-alone there is economic dependency of the owner of the shop, the chair/booth renter (practitioner) must operator independently.

Mr. Shier stated that the Department of Labor will be sending a letter to shop owners and chair/booth renters that they may not be able to pass the "abc" test and for them to contact their local Department of Labor tax office.

Alice asked Mr. Shier what needed to be done to get the practitioners to come in compliance.

**BOARD OF BARBERS AND HAIRDRESSERS
MINUTES OF MEETING**

September 19, 2005

PAGE 12

Draft

Mr. Shier informed the board that if the chair/booth renter has their own shop owner's license they then may not have economic dependency. He does not know what other problems this may cause with other departments.

Phil stated he is the investigator for the Board of Barbers and Hairdressers. He has found that most shop owners do not have a contract with the chair/booth renter. Phil also mentioned, years ago the word "chair rental/booth rental" was not placed on the business license. Phil does not believe that the list that Mr. Shier has may not be complete.

Alice asked Mr. Shier, after the letter is sent out, what are your intentions and what will happen next?

Pat expects to register a number of new employers which the Department of Labor was unaware of.

Pat stated under the current regulations he does not see a way around chair/booth rentals.

Several years ago The Department of Labor audited in the Anchorage, Fairbanks and Juneau areas. They found in most cases the chair rental does not have their own phone, their own insurance and had economic dependency.

Quarterly reports that were submitted were not always including accurate tips being reported.

Phil stated that when he inspects shops he asks if the chair/booth renter and shop owner have a contract.

Pat Shier provided an 888 number that will ring in the closest tax office. The telephone number is 888-448-2937. This telephone number is to report individuals renting a chair illegally. They would like to receive as detailed information as possible.

Alice asked if all booth/chair renters are working illegally.

Pat stated that his office feels that they have economic dependency.

Starla, a member of the general public, is concerned. She rents space to individuals. She only supplies the shop for them to work as a chair/booth renter.

Pat again stated that there is economic dependency, as she is required to have the shop license. If there was some change in the requirement then there may or may not be economic dependency.

**BOARD OF BARBERS AND HAIRDRESSERS
MINUTES OF MEETING**

September 19, 2005

PAGE 13

Draft

Phil Petrie stated that when a location has several shop licenses it requires each individual to have a health inspection. Phil asked if he inspects a shop and finds problems with the shop, who is responsible for the problems found? Would each individual be required to have workers compensation?

Pat stated to have individuals contact him at (907) 465-5912 if they have questions.

Please contact the 888 number regarding any "what if" questions as well.

Phil stated from the enforcement perspective he is not sure who would receive the fines.

Mr. Gream Pincott spoke to the board. He had a 2 ½ year hearing the with the Department of Labor. Mr. Pincott would like to have an even playing field.

Mr. Pincott is concerned with having 6-7 shop owners in one location. He hopes the board does not require all booth/chair renters to have a shop owner license. He feels that the shop owner is responsible for appropriate taxes on workers and all income through the salon.

Mr. Pincott stated that New Hampshire use to have a chair/booth renter license. However, they no longer have these types of licenses.

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

RESOLVED that we follow up and identify with other states who have this same problem.

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

RESOLVE to take a five minute break.

Off the record at 2:50 p.m.

Back on the record at 3:00 p.m.

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

RESOLVED that at this point in time we ask the division to research this matter concerning chair rentals.

Draft

The board presented Sue with a bouquet of yellow roses and welcomed her as the new licensing examiner to the Board of Barbers and Hairdressers.

The board presented Cindy with a plaque, clock and a lovely cake thanking her for the years of services with the board.

Agenda Item 20

Adjourn

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

**RESOLVED that we adjourned the meeting.
Adjourned at 4:00 p.m.**

Respectfully Submitted:

Sue Karlslyst, Licensing Examiner
Board of Barbers and Hairdressers

Approved:

Debra Long, Chair
Board of Barbers and Hairdressers

Date: _____