



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

CONDENSED MINUTES OF THE MEETING HELD August 8, 2024

By the authority of AS. 08.01.070(2) and AS08.86.030 and in compliance with the provisions of AS 44.64, Article 6, a scheduled board meeting was held via teleconference/Zoom, August 8, 2024.

August 8, 2024:

Attendance

Members Present: Chair Tenaya Miramontes, Wendy Palin, Kevin McKinley, Willie Mae Canady, Jessica Pestrikoff

Staff Present: Sara Chambers, Boards and Regulations Advisor, Cynthia Spencer & Wanda Whitcomb, Licensing Examiners, Renee Carabjal, Program Coordinator, Investigators Chace Evans and Jacob Daviscourt, Stefanie Davis, Regulation Specialists, Melissa Dumas, Administrative Operations Manager

Public Present via Zoom:

There were 15 members of the public attending via Zoom.

1. Call to Order/Roll Call

The board was called to order at 8:32 a.m.

The board greeted new board members Kevin McKinley, Mae Candy, and Jessica Pestrikoff.

Kevin McKinley, Mae Canady, and Jessica Pestrikoff introduced themselves to the board.

Board members greeted Mr. McKinley, Ms. Canady, and Ms. Pestrikoff.

2. Review Agenda

Renee Carabjal, Program Coordinator greeted the board and reviewed the completed licensing examination reclassification and informed the board Cynthia Spencer is now their point of contact for all board matters.

The board thanked Mrs. Carabjal for the information and continued to review the agenda.

Cynthia Spencer requested the board consider moving Item 11, section C, Officer Elections, to occur before the lunch break on the chance Tenaya Miramontes doesn't make it back on time. The board briefly discussed and agreed to move this item to occur before lunch.

Motion: 1st Willie Mae Canady Ledford – 2nd Kevin McKinley

Approve agenda as amended.

Approved by majority.

3. Ethics Disclosure

The board reviewed the provided Ethics packet.

Board members present stated they had no conflicts to disclose.

4. Regulation Project Review and Adoption 12 AAC 09.002. 09.106, 09.990

Regulation specialist Stephani Davis greeted the board and reviewed the regulation projects. Ms. Davis informed the board that the noticed public comment period ended July 1, 2024.

The board reviewed the submitted written comments and noted that the only regulation noted in the public comments was the proposed “appliance” definition being proposed for 12 AAC 09.990.

Mr. McKinley asked if the board could adopt proposed regulations except for 12 AAC 09.990. Ms. Davis stated the board could adopt the entirety of the proposed changes or approve individual proposed regulation changes reflected in the packet.

Mr. McKinley stated he has issues with the proposed changes 12 AAC 09.002, courtesy license; Mr. McKinley stated the intent of this license was to allow Alaska shops to bring in out of state artists to cover/substitute local artist who were not available to work; changes to the courtesy license requirements have made it very difficult for local shops to bring up substitute artists.

Ms. Spencer and Ms. Davis reviewed this change and informed the board this is a clean-up in response to the November 2023 90-day deadline requirement change in 12 AAC 09.004(b). Ms. Spencer stated an agenda item would be added for the October 10, 2024 meeting to discuss courtesy licenses for local shops.

Action Item: Add to October 10, 2024 agenda - local shop courtesy license discussion.

The board briefly reviewed the proposed changes to 12 AAC 09.106 and stated they had no problems with the clean-up changes.

The board briefly reviewed the proposed definition of “appliances”, 12 AAC 09.990 and discussed submitted public comments. Wendy Palin reviewed modulates and the December 14, 2024 town hall meeting conversation with the board. Sara Chambers informed the board that the Medical Spa Services Work group would be holding their first meeting on Tuesday, August 12, 2024, from Noon to 1PM; meeting information has been public noticed and available on the Medical Spa Services Work Group web page.

The board continued to review this regulation and public comment; the board agreed that more work was needed on this definition, and they would like to have oral comments as well as written on this matter.

Motion: 1st Wendy Palin – 2nd Kevin McKinley

Remove 12 AAC 09.990 from this project and move forward with adopting remaining regulations.

Approved by majority.

The board briefly discussed and requested this definition be readdressed during the October 10, 2024 meeting and with information from the Medical Spa Work Group.

Motion: 1st Kevin McKinley – 2nd Wendy Palin

Adopt the proposed regulations for file number 2024200136 as proposed and publicly noticed with the removal of any changes to 12 AAC 09.990(b).

Approved by majority.

5. Public Comment

Chair Tenaya Miramontes reminded attendees no comments would be accepted regarding the proposed regulation projects.

Rachel Lauesen, Attorney, Lauesen Law Team, representing Skinlife Medspa.

- Board using psychological warfare with mixed messages and confusion regarding esthetics services.
- Gave background of current esthetician service issues and November 2022 Attorney General memo was not immediately shared with the public.
- Position statements and guidance are not regulations.
- Meeting minutes are not complete as they do not provide all information.
- Meeting packets posted to website are incomplete – not legal to add documents without reposting as you are misrepresenting.

- As attorney who went to best law schools; cannot keep up with what is happening with the board so licensees and public cannot keep up either.
- Board does not allow public comment.
- October town hall meeting cancelled due to lack of quorum.
- Meetings cancelled due to lack of quorum and are cancelled at last minute.
- These professionals are some of the hardest working people with least amount of fringe benefits for regulated professionals.
- Board needs to work better on regulation changes.
- Board needs to move legislation changes.
- Board harming estheticians and abandoning them.
- Unaware of Medical Spa Work Group, not reflected online in Alaska Public notice system.
- Board or Division issues, haven't been able to figure out who is responsible. Division is not industry expert.
- Board is violating opens meeting act, conducting business in the dark.

Chair Miramontes thanked Ms. Lauesen.

Teesha Northcott, Esthetician, owner of Skinlife Medspa.

- Thanked board and Sara Chomers for their time and efforts for the industry.
- This meeting very informative compared to other board meetings.
- Member of national Aesthetic collation; members are online for this meeting.
- Licensed since 1998; believe in Alaska and industry; come from plastic surgy background in medical field.
- Would like to see licensees that go out of state for higher education come back into Alaska to provide patients with the right and adequate care they deserve.
- Education is important for licensees as industry changes and grows.
- Public safety concerns must be addressed.
- Alaska esthetician license is a joke in the industry due to educational requirements and allowable services.
- Goal is to have a higher level of esthetics for patients and patient care.
- Skinlife Medspa employs two MDs, nurse practitioner and physician assistant; all employees hold bachelor's degree or higher.
- Due to boards non transparency, hired a lawyer.
- Board needs to create better regulations.
- Board is nonresponsive.
- Board member Wendy Palin is an industry expert and practices in the medical field; very glad she is board member on Medical Spa Workgroup board.
- Create esthetician board.
- Insurance billing problems due to uncertainty what services esthetician's vs medical esthetician can provide.

Chair Miramontes stated that she is excited about the new Medical Spa Work Group and stated it has been very difficult to pull a meeting together due to the different involved boards and board members schedules.

Chair Miramontes thanked Ms. Northcott and Ms. Lausen for coming forward with their comments.

Recess The Board recessed at 10:27 a.m. for a short break; reconvened at 10:37 a.m. Majority of the board confirmed by roll call.

7. Division Update

Melissa Dumas, Administrative Operations Manager, introduced herself to the board.

A. FY24 3rd Quarter Budget Report

Ms. Dumas reviewed the FY24 3rd quarter report with the board.

Mr. McKinley asked with the increase in the number of licensees, why has investigative costs dropped; is the division no longer investigating matters for this program.

Ms. Dumas stated that she did not have this information.

The board thanked Ms. Dumas for her time.

B. Technology Protocols to Protect State Information

Ms. Chambers reviewed the Wednesday, May 1, 2024 technology memo with the board.

Ms. Chambers stated if board members had any questions about software or hardware to please contact her directly or reach out to staff.

The board thanked Ms. Chambers.

The board was ahead of schedule so moved onto Item 11, section C.

11. Administrative Business

C. Officer Elections

Ms. Spencer thanked the board and reviewed officer elections; typically done once a year or once every two years. Ms. Spencer stated that unless otherwise requested by the board, this would be on the agenda for mid-2025.

Ms. Chambers informed the board having a chair and vice chair is optimal in case the chair is unavailable the vice chair could step in and run a meeting, etc.

Ms. Canady nominated Kevin McKinley for chair.

Ms. Palin nominated Tenaya Miramontes for chair and Kevin McKinley for vice chair.

The board briefly discussed nominations.

Per a roll call vote, Kevin McKinley was appointed board chair.

Per a roll call vote, Tenaya Miramontes was appointed vice-chair.

Ms. Chambers stated Ms. Miramontes would remain the chairperson for this meeting and Mr. McKinley would begin as chairperson at the October 10, 2024 meeting.

8. Investigative Report

Investigator Chace Evans introduced himself to the board.

Chair Miramontes requested Investigator Evans to review the investigative process. Investigator Evans gave a brief review of the process and Renee Carabajal informed the board that a full investigative process training was scheduled for the October 10, 2024 meeting.

Investigator Evans reviewed the Investigative Report and reported 41 open matters and 12 closed matters during December 22, 2023 – August 5, 2024.

Mr. McKinley asked Investigator Evans, based on the FY24 3rd quarter budget report, why has there been a significant drop in investigations. Investigator Evans stated he did not have an answer and stated Investigator Jennifer Summers would be the person to ask.

Investigator Jacob Daviscourt introduced himself to the board.

Investigator Daviscourt reviewed the Probation Report and reported there are currently eight licensees on probation, and none had been released from probation. The board had no questions.

Motion to enter executive session: 1st Kevin McKinley – 2nd Mae Canady.

Alaska state Board of barbers and hairdressers enter executive session in accordance with AS 44.62.610(c) and Alaska constitutional right to privacy provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request the public discussion matters which by law municipal charter or ordinance are required to be confidential. Board staff to remain during the session.

Approved by majority.

Board entered executive session at 11:34 a.m. and returned from executive session at 12:16 p.m.

Kevin McKinley was recused from the executive session to review Case 2022-000736 at 11:38 a.m.

Action Item: Add to October 10, 2024 agenda – Apprentice/Student/Trainee documentation submission discussion.

Motion: 1st Tenaya Miramontes – 2nd Mae Canady

Adopt Consent Agreement for Case 2022-000736, Lui Talo, as presented.

Kevin McKinley was recused from voting on this matter.

Approved by majority.

Action Item: LE Spencer will load the adopted consent agreement to DocuSign shortly.

The board thanked Investigators Evans and Davis court for their time and assistance.

Recess The Board recessed at 12:19 p.m. for a lunch break; reconvened at 1:02 p.m. Majority of the board confirmed by roll call. Chair Miramontes was not online – will re-join meeting shortly.

5. New Business

A. Medical Spa's Multi-Board Workgroup

Ms. Chambers greeted the board and informed them that the first meeting of the Medical Spa Services Work Group had been scheduled to occur Monday, August 12, 2024 from Noon – 1:00 p.m. Ms. Chambers stated it had been difficult to schedule due to the different boards involved. Ms. Chambers stated that this group consists of the Chiropractic Board, Dental Board, Medical Board, Pharmacy Board and this board. Ms. Chambers stated Wendy Palin is representing this board.

Ms. Chambers provided an overview of the purpose, scope, and process laid forth for the Work Group:

- Identify “lifestyle enhancement” services that have a medical nexus and are currently performed or likely to be performed outside of a medical clinic or without appropriate supervision.
- Identify existing statutes and regulations that govern current requirements for training, licensure, and supervision of these procedures.
- Clarify how licensing boards could—jointly or in part—explain existing statutes and regulations that would help the public and licensees understand how these procedures should be safely administered according to the current laws of the state.
- Suggest changes in statute that would allow defensible and transparent pathways forward for appropriately trained and supervised individuals to provide these services without imposing undue economic or regulatory barriers.
- Carry forward work group updates and work products to the member boards for their subsequent review and action.

The board and Ms. Chambers briefly discussed the workgroup.

Ms. Canady stated that she is glad this board is involved with the group

Mr. McKinley asked that more thought be given “appliances”, as when you search for esthetic appliances numerous results are provided and many are not class I or II devices.

Ms. Palin agreed with Mr. Mckinley.

Ms. Chambers asked the board to consider making Ms. Palin the official board liaison with this group.

Motion: 1st Mae Canady – 2nd Jessica Pestrkoff

Nominate Wendy Palin to be the participating board member/liaison for the Medical Spa Services Work Group

Tenaya Miramontes was not online for voting.

Approved by majority.

Ms. Chambers thanked the board for their participation and involvement in this matter.

The board thanked Ms. Chambers for all her hard work.

11. Administrative Business

A. Review/Edit/Approve Meeting Minutes

Ms. Spencer informed the board that if minutes were approved, prior to web posting she would format the minutes by removing highlighted sections, page layout, and spelling check.

i. November 8, 2023 Legislative Work Session

The board reviewed drafted November 8, 2023, meeting minutes.

Motion: 1st Mae Canady – 2nd Wendy Palin

Accept the November 8, 2023, meeting minutes as presented.

Approved by majority.

ii. December 13, 2023 Town Hall Meeting – Hairstyling/Hair Braiding

The board reviewed drafted December 13, 2023, town hall meeting minutes.

Motion: 1st Mae Canady – 2nd Wendy Palin

Accept the December 13, 2023, meeting minutes as presented.

Approved by majority.

iii. December 14, 2023 Town Hall Meeting - Esthetics

The board reviewed drafted December 14, 2023, town hall meeting minutes.

Motion: 1st Wendy Palin – 2nd Mae Canady

Accept the December 14, 2023, meeting minutes as presented.

Approved by majority.

iv. March 4, 2024 Meeting

The board reviewed drafted March 4, 2024, meeting minutes.

Motion: 1st Mae Canady – 2nd Wendy Palin

Accept the March 4, 2024, meeting minutes as presented.

Approved by majority.

B. FY24 Annual Report

i. Draft FY24 Annual Report

Ms. Spencer informed the board that Chair Miramontes had drafted board required sections for this annual report. The board reviewed the drafted FY24 annual report and requested a spelling correction in the “Needs” section, third (3rd) tick, “medial” should be “medical”.

Mr. McKinley and Ms. Canady informed the board that this annual report format was so much nicer than what they had to complete during their previous terms.

Motion: 1st Mae Canady – 2nd Wendy Palin

Accept the drafted FY24 Annual Report as presented.

Approved by majority.

The board thanked Chair Miramontes for writing and submitting all required board sections.

C. Correspondence

i. Hairdresser Curriculum Change Request – Heather Wagoner

The board reviewed Ms. Wagoner’s correspondence and agreed the current curriculum requirements provide training which should result in the apprentice or student being able to successfully manipulate hair.

The board also stated the curriculum requirements of 12 AAC 09.160 are minimum requirements; if a school or instructor feel additional training is needed for an apprentice or student, the school or instructor can provide that additional training.

ii. Sue and Franz Shroy

The board reviewed the letter from Mr. and Mrs. Shroy. The board thanked the Shroy’s for their letter and many excellent points made and stated several topics within the letter had been discussed earlier in the meeting.

iii. NIC Notice Reminder – Dangers in the Beauty Profession

Ms. Spencer informed the board that NIC send out these types of notices when issues arise in the industry with services or products.

The board reviewed the notice. Ms. Spencer asked the board if they would like to begin posting these notices to their website. The board agreed it would be beneficial to post the NIC notices.

Action Item: LE Spencer will begin the process to post NIC notices to the web.

iv. Beatriz Font, Luxury Brand Partners - RE: Silver Nitrate formulas Permissions by State of Alaska.

Ms. Spencer informed the board that staff had responded to Ms. Font’s question regarding the dying/tinting of eyebrows; licensed hairdressers and estheticians may provide those services; however, staff was not able to address the product question.

The board reviewed Ms. Font’s email and stated regulating products and ingredients was outside their prevue and requested staff recommend and provide Ms. Font contact information for the Department of Environmental Conservation, Division of Heath, Food Safety and Sanitation program.

Recess The Board recessed at 2:20 p.m. for a short break; reconvened at 2:27 p.m. Majority of the board confirmed by roll call. Chair Miramontes was not online – will re-join meeting shortly.

Chair Miramontes rejoined the board at 2:30 p.m.

D. Application Review

Ms. Spencer informed the board that they did not have an application to review, however, the board has a request to accept training to consider.

Motion to enter executive session: 1st Mae Canady – 2nd Wendy Palin.

Alaska state Board of barbers and hairdressers enter executive session in accordance with AS 44.62.610(c) and Alaska constitutional right to privacy provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request the public discussion matters which by law municipal charter or ordinance are required to be confidential. Board staff to remain during the session.

Approved by majority.

Board entered executive session at 2:30 p.m. and returned from executive session at 3:21 p.m.

Ms. Palin asked to be recused from voting on this matter due to a potential conflict of interest. The board agreed Ms. Palin would be recused from voting on this matter.

Motion: 1st Mae Canady – 2nd Tenaya Miramontes

Accept hours of training earned outside of valid student permit No. 177746.

Roll Call Vote

NAME	YES	NO	Recuse
Tenaya Miramontes		X	
Wendy Palin			X
Kevin McKinley		X	
Jessica Pestrikoff		X	
W. Mae Canady		X	

THE MOTION FAILED BY A MAJORITY VOTE.

Mr. McKinley thanked the board for all their hard work and a special thanks to Chair Miramontes for completing the FY24 annual report.

13. Adjourn

The chair declared the board off the record at 3:27 p.m.

Respectfully submitted:

Cynthia Spencer

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Cynthia Spencer, Licensing Examiner III

Approved by:

Kevin McKinley

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Kevin McKinley, Chairperson
Board of Barbers and Hairdressers

Date: 10/11/2024