

**CALIFORNIA BOARD  
OF  
BARBERING AND COSMETOLOGY**

**BOARD MEETING**

**MINUTES OF AUGUST 12, 2024**

**BOARD MEMBERS PRESENT**

Calimay Pham, President  
Tonya Fairley, Vice President  
Colette Kavanaugh  
Danielle Muñoz  
Kellie Funk  
Megan Ellis  
Reese Isbell  
Tamika Miller  
Dr. Yolanda Jimenez

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Allison Lee, Board Project Manager  
Sabina Knight, Legal Counsel

**BOARD MEMBERS ABSENT**

Jacob Rostovsky  
Steve Weeks

**AGENDA ITEM #1: Call to Order/ Roll Call/ Establishment of Quorum**

Board President Calimay Pham called the meeting to order at approximately 9:07 a.m. A staff member conducted the roll call and confirmed a quorum was present.

**AGENDA ITEM #2: Petition for Reinstatement Hearing**

- a. **Randy Mitchell, Petition for Reinstatement of License, Barber License #B84322**
- b. **Carlos Curiel, Petition for Reinstatement of License, Barber License #B90842**
- c. **Antonio Galaviz, Petition for Reinstatement of License, Barber License #B99170**

**CLOSED SESSION:** Pursuant to Government Code section 11126 (c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters, including the above petitions.

**AGENDA ITEM #3: Board President's Welcome (Calimay Pham)**

President Calimay Pham welcomed everyone back to the meeting.

**AGENDA ITEM #:8: Overview of the Bureau for Private Postsecondary Education's Regulatory Oversight of Barbering and Cosmetology Schools**

President Pham resumed the session and advanced to agenda item #8, which featured a presentation on the Bureau for Private Postsecondary Education's (BPPE) regulatory oversight of barbering and cosmetology schools. Debbie Cochran, BPPE Chief, provided an overview of the Bureau's mission to protect students and consumers, highlighting their responsibilities

such as approving institutions to operate in California, conducting compliance inspections, and supporting students. She emphasized the two paths for school approval: full approval, which involves a thorough review of the institution, and approval by means of accreditation, which is streamlined for accredited institutions.

Ms. Cochrane presented the minimum operating standards required by the Private Postsecondary Education Act for institutions seeking approval. These standards cover aspects such as program content, facilities, faculty, administration, and financial stability. Additionally, the Bureau monitors prohibited business practices that institutions must avoid.

Ms. Cochrane explained the Bureau's monitoring mechanisms for institutions, including adjudicating applications, reviewing substantive changes, conducting two compliance inspections every five years (one announced, one unannounced), investigating around 1,000 annual student complaints, and requiring annual reports from schools. These reports help the Bureau assess compliance and identify potential issues. The Bureau also maintains regular communication with the BBC to coordinate on inspections and approvals.

Ms. Cochrane detailed the Bureau's enforcement actions, which include denying applications for non-compliance, issuing a notice to comply for minor violations, and issuing citations for material violations with potential fines and orders of abatement. Citations can also be issued for unapproved institutions with fines up to \$100,000. The Bureau can file an accusation for license revocation or probation and can issue an emergency decision for immediate threats to public safety.

Executive Officer Underwood highlighted that the board's school analyst position is now filled, and joint inspections and coordination with the BPPE should fully resume.

Board Member Kellie Funk thanked the presenter and inquired about the percentage of BPPE's oversight dedicated to beauty schools, noting it's around 20%. She expressed interest in further collaboration to support struggling students and schools. She also appreciated BPPE's ability to address unapproved institutions.

President Pham asked for a realistic view of enforcement challenges and passage rates for schools, including obstacles to addressing these issues. Ms. Underwood responded by noting improvements in test score analysis for first-time test takers and plans for a meeting with BPPE to focus on schools with lower performance rates.

Ms. Cochrane concluded her presentation by stating that while the BPPE does not have strict standards for student outcomes, it uses data to guide enforcement efforts and address issues such as graduation rates and job placements. Often, problems lead to mediation rather than immediate disciplinary action, focusing on improving processes rather than imposing penalties.

#### **AGENDA ITEM #4: Board Member Updates – Informational only**

This item was postponed until the next meeting.

#### **AGENDA ITEM #5: Department of Consumer Affairs (DCA) Update Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement,**

## **Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters.**

Yvonne Dorantes, Assistant Deputy Director, provided updates on recent developments. She mentioned that bimonthly Board and Bureau Relation updates were sent out, including a budget letter detailing the governor's proposal to cut 10,000 state positions and \$1.5 billion. This reduction, which will impact DCA boards and bureaus, will be implemented in phases starting in 2024-2025 for budget reductions and in 2025-2026 for position eliminations.

Ms. Dorantes announced that Myriam Valdez-Singh has moved to a new role, and Curtis Lang and Aubrey Anthony will now handle board appointments for healing arts and non-healing arts boards, respectively.

Ms. Dorantes shared that on July 31st, DCA participated in a virtual military licensing webinar, presenting resources and a demonstration of the Professional License Portability Portal, receiving positive feedback from attendees.

Ms. Dorantes continued by providing an update on the DEI committee's recent activities, including discussions on DEI training, workforce development surveys, and language access. Ms. Dorantes encouraged members to share ideas for the next DEI committee meeting on October 25th. Board member Reese Isbell inquired about the makeup and purpose of the DEI steering committee. Ms. Dorantes explained that the committee consists of DCA staff, leadership, and board and bureau leaders. The meetings are internal and not open to the public, but the outcomes, such as developed policies and reports, are shared with relevant parties. Mr. Isbell expressed interest in collaborating and requested access to updates and reports.

Yvonne Dorantes concluded by issuing a phishing alert, urging board members to be vigilant about potential scams. She emphasized the importance of verifying the sender's email, especially when asked for money or confidential information, and reminded everyone to stay cautious when handling such communications.

### **AGENDA ITEM #6: Discussion and Possible Approval of the May 6, 2024, and June 24, 2024, Board Meeting Minutes**

**Motion:** Board Member Funk motioned to approve the May 6, 2024 Board Meeting Minutes. Board Member Fairley seconded the motion.

**Public Comment:** There were no public comments.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Munoz

**Motion:** Board Member Isbell moved to approve the June 24, 2024 Board Meeting Minutes. Dr. Jimenez seconded.

**Public Comment:** There were no public comments.

**Roll Call Vote:** Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Danielle Muñoz

**AGENDA ITEM #7: Executive Management Reports (Kristy Underwood)**

- a. Administration and Operations
- b. Licensing, Examinations, and Disciplinary Review Appeals
- c. Enforcement, Inspections, and Cite and Fine
- d. Outreach
- e. Strategic Plan Update

Executive Officer Underwood provided updates on several topics, including the hiring of a new assistant, who will be introduced at the next board meeting. She highlighted significant progress in the apprenticeship program for barbering and cosmetology, noting that recent collaboration with the Division of Apprenticeship Standards (DAS) has been very productive. Despite initial concerns about the program's viability, Ms. Underwood was impressed by the commitment of some sponsors. She emphasized that corrective actions are underway, including withdrawing approval from four program sponsors and assisting affected apprentices in finding new placements.

Board Member Fairley inquired about the efforts to ensure schools comply with fee regulations for apprentice programs, particularly concerning the 40 displaced apprentices. Ms. Underwood explained that they are cracking down on program sponsors who franchise out to training facilities that charge apprentices excessive fees for various services. She highlighted that some sponsors are operating unapproved schools and misleading apprentices into paying additional fees. Ms. Underwood noted that nine of the current 40+ approved sponsors are using this problematic business model. They are working with BPPE and DAS to resolve these issues, with a detailed report to be presented at the November meeting.

Furthermore, Ms. Underwood explained that the current vacancy sweep will affect the board's staff. The board has about eight staff vacancies, which is fewer than in the past. They are collaborating with the Department of Consumer Affairs' budget office to assess how to operate without filling these positions. Further updates will be provided as the situation progresses.

**Public Comment:** No public comments were made on the Executive Management Reports.

**AGENDA ITEM #9: Review and Discussion of the Mobile Inspection Program**

The staff presentation was deferred to the next meeting.

**AGENDA ITEM #10: Pre-Apprentice Training Demonstration**

The staff presentation was deferred to the next meeting.

**AGENDA ITEM #11: Discussion and Possible Action on Proposed Bills:**

- a) AB 1328 (Gipson) Cosmetology Licensure Compact

- b) **AB 2166 (Weber) Barbering and cosmetology: hair types and textures**
- c) **AB 2444 (Lee) Barbering and cosmetology: licensees: manicurists**
- d) **AB 2862 (Gipson) Licenses: African American applicants**
- e) **SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees**
- f) **SB 1451 (Ashby) Professions and vocations**

Executive Officer Underwood updated on legislative bills, noting that AB 2166 (regarding hair types and textures) is advancing smoothly and is expected to pass. Similarly, SB 1451 (concerning the hairstylist fee cleanup) appears to be on track for approval. However, the other bills have either been postponed or are not advancing this year.

**Public Comment:** There were no public comments received.

**AGENDA ITEM #12: Discussion and Possible Action Regarding Rulemaking Proposals:**

- a) **Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)**
- b) **Update Regarding Rulemaking to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)**
- c) **Update Regarding Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprenticeship Training)**
- d) **Update Regarding Rulemaking to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)**
- e) **Update Regarding Rulemaking to Amend Title 16, CCR section 977 et seq. (Health and Safety)**
- f) **Update Regarding Rulemaking to Amend Title 16, CCR section 911 (Out of State License Certifications)**
- g) **Update Regarding Rulemaking to Amend Title 16, CCR section 931 (Interpreters)**
- h) **Update Regarding Rulemaking to Amend Title 16, CCR section 974.2 (Disciplinary Review Committee Clean Up)**
- i) **Update Regarding Rulemaking to Amend Title 16, CCR section 972 (Disciplinary Guidelines)**
- j) **Update Regarding Rulemaking to Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)**

Executive Officer Underwood reported that Item 12 was an update requiring no board action. All regulations are progressing, with two staff members dedicated to this work, and a more detailed update will be provided at the next meeting.

**Public Comment:** There were no comments from the public.

### **AGENDA ITEM #13: Public Comment on Items Not on the Agenda**

Jaime Schrageck from Precision Nails addressed the board, emphasizing the importance of public participation in board meetings. She highlighted that, with the upcoming sunset review next year, the future of the board and its regulations could be at stake if the legislature deems it unnecessary. Ms. Schrageck urged all licensees, both individual and establishment, to become more involved, either by attending meetings, watching them online, or, importantly, by voting. She stressed that active participation is crucial for ensuring the continued value and support of the industry and its licensees.

### **AGENDA ITEM #14: Suggestions for Future Agenda Items**

Board Member Fairley raised concerns about the current process for receiving and responding to mail vote emails. She noted they often end up in spam and suggested a follow-up system to improve timely responses. Executive Officer stated this matter would be addressed internally.

### **AGENDA ITEM #15: Adjournment**

There being no further business to discuss, the meeting adjourned at approximately 3:15 p.m.