

IDAHO BOARD OF BARBER EXAMINERS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 3/9/2015

BOARD MEMBERS PRESENT: Kevin J. Moriarty - Chair
Gussie O'Connor

BOARD MEMBERS ABSENT: Kerry R Nave

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Marcie Rightnowar, Appeals/Hearings Coordinator
Roger Hales, Naylor and Hales
Maurie Ellsworth, Legal Counsel

OTHERS PRESENT: Holly Beyer, Lou Starita, Charles Campbell,
Ernie Paul Wolcott, Laura Wolcott, Debra
Perkins, Nereider Lopez, Kate Ekberg, Brad
Perkins, and Travis Ellis

The meeting was called to order at 8:30 AM MDT by Kevin J. Moriarty.

APPROVAL OF MINUTES

Ms. O'Connor made a motion to approve the minutes of November 10, 2014. It was seconded by Mr. Moriarty. Motion carried.

Ms. O'Connor made a motion to reorder the agenda based upon Mr. Hales' availability. It was seconded by Mr. Moriarty. Motion carried.

OLD BUSINESS

To Do List

Mr. Hales discussed Idaho Code 54-506 (5) with the Board. He said that the last meeting, Mr. Perkins brought up the issue of a cosmetologist being licensed as a barber instructor. The Board adopted this section in 2008 and it only related to barbers. The minutes from March 2009, reflect that Mr. Perkins came to the Board and requested that the Board add a scenario to allow a cosmetologist to receive a barber instructor license. In 2009, the Board submitted and the

legislature approved a law change to allow a cosmetologist to become a barber instructor.

Mr. Perkins with the Boise Barber College addressed the Board regarding Idaho Code 54-506 (5) (b). He stated that his concern is with a cosmetologist getting an instructor's license as a barber and that they are not trained as a barber. He said he feels strongly that a cosmetologist and a barber should stay separate.

Ms. O'Connor asked Mr. Perkins what he is suggesting the law should be and he said that only barbers and barber stylists should be instructors. Ms. O'Connor asked if Mr. Perkins was the one that brought this and wanted it. Mr. Hales stated that in the meeting minutes from 2009, Mr. Perkins had requested that "cosmetologist" be added to this law.

Ms. O'Connor asked why when he requested this in 2009 he now wants to change it? What is the reason behind the change? Mr. Perkins says we are constantly hearing that cosmetologists are shaving because they have been instructed to do so by a barber. We have shops out there with barber poles that only have cosmetologists in them.

Mr. Moriarty said if you hear of something that is going on than you need to file a complaint.

Ms. Perkins, instructor with the Boise Barber College addressed the Board and stated that the instructors license allows them to practice. So if it's left, the wording allows cosmetologists that do get barber licenses to practice with no training. She said the instructor's course teaches you how to instruct a student

Mr. Hales discussed with the Board that you cannot instruct in a school unless you hold an instructor license and that is what the Board acted on in 2009. There is a different section in the law Idaho Code 502 (3) regarding practice defined.

(3) Barber Instructing: Providing practical and theoretical instruction in any one (1) or any combination of the practices set forth in subsections (1) and (2) of this section. A barber instructor license issued by the board shall permit the holder to both practice and instruct only within the scope of the instructor's board approved training and experience. The holder of a barber license issued by the board who is subsequently issued a barber instructor license shall be permitted to practice and instruct only within the definition of barbering.

Ms. O'Connor asked Mr. Perkins if when he is training his instructors does he teach them that they are to instruct how to shave? Mr. Perkins stated no and he has never taught a cosmetologist how to shave. Ms. O'Connor says this is what this wording says you can do. Mr. Perkins said the main concern

here is that our industry is changing and there are going to be more industries teaching barbering and I think it is a great thing I just want to make sure we are teaching it properly with the barber standard. Ms. O'Connor asked Mr. Perkins how he would like to see this worded and he said that someone that holds a barber or barber stylist license can get an instructor license only.

Mr. Hales stated that Mr. Perkins seems concerned about trying to maintain these separate professions and allowing a cosmetologist instructor to instruct barbers may not maintain a separate and distinct nature of the two professions and that is a policy issue. In general, you have a shaving issue but it's kind of along the lines you talked about. In your law you require a 6 month training program and one would think you would cover those aspects.

Mr. Starita with Paul Mitchell the School Boise addressed the Board and stated that he feels the law is adequate on how it is currently written and that the Barber profession is different, unique and has its own culture.

The Board directed Mr. Perkins to send a letter to the Board with his concerns. So it may better understand his issue.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the proposed rule changes regarding simplifying contiguous shop licensure have been approved by the House and Senate and will go into effect when the Legislature adjourns. A letter is being worked on to notify all licensees of the change. The Board designated Mr. Moriarty to assist with the letter to the licensees. House Bills 116 and 117 have passed the House. In response to a Supreme Court decision, HB-116 will allow the Boards to collect attorney fees in disciplinary matters; and HB-117 will revise and update the renewal and reinstatement of licenses.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$26,654.32 as of 02/28/2015.

INVESTIGATIVE REPORT

Ms. Rightnowar gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. O'Connor made a motion to approve the Bureau's recommendation and authorize closure in cases I-BAR-2014-16 and I-BAR-2014-17. It was seconded by Mr. Moriarty. Motion carried.

MEMORANDUM

Ms. Rightnowar presented to the Board a Memorandum regarding cases BAR-2015-2 and BAR-2015-3, the Board made its recommendations to Ms. Rightnowar

REQUEST FOR PAYMENT ARRANGEMENT

BAR 2014-7/8 Ms. O'Connor made a motion to approve a payment plan for \$100 per month. It was seconded by Mr. Moriarty. Motion carried.

NEW BUSINESS

NEXT MEETING was scheduled for July 13, 2015 8:30 AM MDT at the Bureau of Occupational Licenses.

DL ROOPE CONTRACT

Ms. O'Connor made a motion to accept the DL Roope Administrations Inc. testing contract for FY 2016 and authorize Ms. Cory to sign on behalf of the Board. It was seconded by Mr. Moriarty. Motion carried.

EXECUTIVE SESSION

Ms. O'Connor made a motion to go into executive session per Idaho Code 67-2345 (1) (d), to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to discuss licensure applications. It was seconded by Mr. Moriarty. Motion carried. Individual vote was: Ms. O'Connor, aye; and Mr. Moriarty, aye.

Ms. O'Connor made a motion to come out of executive session. It was seconded by Mr. Moriarty. Motion carried. Individual vote was: Ms. O'Connor, aye; and Mr. Moriarty, aye.

APPLICATIONS

Ms. O'Connor made a motion to accept the application for Travis Ellis and issue a barber license. It was seconded by Mr. Moriarty. Motion carried.

Ms. O'Connor made a motion to accept the application for Ernie Walcott and issue a barber stylist license. It was seconded by Mr. Moriarty. Motion carried.

Ms. O'Connor made a motion to have Abbood Hussein take the barber examination and issue a license once the examination has been successfully passed. It was seconded by Mr. Moriarty. Motion carried.

Ms. O'Connor made a motion to accept the application for applicant 901137494 pending additional information. It was seconded by Mr. Moriarty. Motion carried.

CORRESPONDENCE

The Board reviewed a letter from Elisee Kasalira regarding the examination. The Board directed the Bureau to write a letter explaining that the exam is only given in English based on Idaho Code Section 73-121 and a language barrier would not fall under the Americans with Disabilities Act.

ADJOURNMENT

Ms. O'Connor made a motion to adjourn the meeting at 10:06 AM MDT. It was seconded by Mr. Moriarty. Motion carried.

Kevin J. Moriarty, Chair

Kerry R Nave

Gussie O'Connor

Tana Cory, Bureau Chief