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NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES

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APPEARANCE ENHANCEMENT ADVISORY COMMITTEE
MEETING

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Minutes of meeting, held at the office of
the New York State Department of State,
Division of Licensing Services, 99
Washington Avenue, 5th Floor, Room 505,
Albany, New York, on Monday, July 17, 2023,
commencing at 10:15 a.m.

A P P E A R A N C E S:

- Michelle D'Allaird Brenner, Chair
- Anthony Fiore, Board member
- Erin Maybin, Board member
- Leeanne Shade, Board member

- Jenna Berschwinger, Investigator
- Josette Rocco, Esq.

- Adrian Morris, Court Reporter
- Pearl E. Grandmont, Transcriber

1 CHAIR BRENNER: Good morning, everyone.
2 And I apologize for the delay. My name is
3 Michelle D'Allaird Brenner. It is Monday, July
4 17th, 2023 at 10:15. This is the New York State
5 Appearance Enhancement Advisory Committee
6 meeting. We will go ahead and start with Board
7 members doing roll call. So obviously myself,
8 Michelle Brenner, Chairperson to the Board.

9 MS. SHADE: Leanne Shade, Board member.

10 MS. MAYBIN: Erin Maybin, Board member.

11 CHAIR BRENNER: Other Board members?

12 MR. FIORE: Anthony Fiore, Board
13 member.

14 CHAIR BRENNER: Is that it? We do
15 not -- is Shirley pres -- Shirley Cheng present?
16 No. Okay.

17 All right. Given the fact that at this
18 point there are four -- four Advisory Board
19 members present we do have enough for a quorum.
20 Unfortunately, we are not able then to go ahead
21 and approve the minutes for September of '21,
22 October of '21, April and May of '22, October of
23 '22, and May of '23. We'll put that off until
24 hopefully our next meeting when that can be
25 accomplished.

1 The Advisory Board put together a
2 variety of different topics that we've been
3 focusing on. So next on our agenda is our action
4 item for this meeting, which is -- I'm looking at
5 the possibility of removing the restrictions of
6 lash and brow tinting using refectocil for
7 appearance enhancement, both aesthetics and
8 cosmetology practitioners. And this will be for
9 David Mossberg to discuss.

10 David?

11 MR. MOSSBERG: Hi. Good morning,
12 everyone.

13 CHAIR BRENNER: Good morning.

14 MR. MOSSBERG: Can everyone hear me
15 okay?

16 CHAIR BRENNER: Yes.

17 MR. MOSSBERG: Great. So actually, I'd
18 like to introduce the Board members, as well as
19 everyone else, to Josette Rocco. She's an
20 attorney in our counsel's office, and she's
21 working with counsel's office and the Division on
22 that specific issue. So I'd actually like to
23 turn it over to Josette, and she'll be able to
24 provide more information to the Board members and
25 the public.

1 Josette.

2 CHAIR BRENNER: Perfect.

3 MS. ROCCO: Hey, that's me. So the FDA
4 approved the use of silver nitrate for dying of
5 eyebrow and eyelash tinting, and New York State's
6 prohibition on that dying recently got a lot of
7 news attention. So the Department is considering
8 promulgating a rule to allow for the dying of
9 eyelash and eyebrow tinting, so we're just
10 interested in hearing from the Board. If you
11 have any opinions on this, you can contact me.
12 Yeah, would ask that.

13 CHAIR BRENNER: Okay. Josette, we
14 actually had submitted -- obviously some of the
15 documentation you probably saw, but I did put
16 through an actual proposal also that all of the
17 Advisory Board members were in agreement and
18 support of allowing lash and brow tinting for
19 licensed cosmetologists and aestheticians.

20 One of the things that we found that
21 was really great also that the FDA did in
22 conjunction with their, I guess, quasi-approval
23 of that -- well, approval of that particular
24 coloring was that the use was for professional
25 use only. And that really meant a lot to us as

1 Board members.

2 We've discussed with the -- the Board
3 itself here several times as well that this has
4 been, oh, by gosh, years and years people have
5 been performing the treatments. So it was, you
6 know, vegetable dyes or a variety of different
7 things that they were using.

8 So we really wanted to push for the
9 approval of the ability to be able to
10 professionally do this, just for the safety of
11 the consumers as well as the practitioners. And
12 especially given the fact that the FDA did
13 approve the color now, it was just one more thing
14 we could add to our services.

15 MS. ROCCO: Thanks.

16 CHAIR BRENNER: Anybody else?

17 UNIDENTIFIED SPEAKER: Seconded.

18 CHAIR BRENNER: Yeah.

19 Is there anything else you need from
20 us?

21 MS. ROCCO: I don't think so.

22 Dave, do we need anything?

23 MR. MOSSBERG: No. The proposal that
24 you were speaking about, that was already shared
25 with the Division staff; is that right?

1 CHAIR BRENNER: I emailed it a week
2 ago.

3 MS. ROCCO: Yes. I emailed it to
4 David.

5 MR. MOSSBERG: Right.

6 MS. ROCCO: Yeah. So it -- yeah.

7 MR. MOSSBERG: Right. So no, I think
8 we have everything. It's just the Department
9 would just need to consider implementation.
10 There are policy considerations, as well as also
11 timing concerns. So that's what Josette and I
12 are reviewing and considering. And so I think we
13 have everything.

14 But of course if any of the Board
15 members has any particular concerns that may not
16 have been part of that proposal should feel free
17 to reach out to Josette or myself, make sure that
18 we can consider it as we move forward, you know.
19 So there's no determination made as of yet, it's
20 just something that we're still working.

21 CHAIR BRENNER: Okay. Perfect. Okay.
22 Excellent. Thank you -- both of you.

23 Next on our agenda are four topics for
24 new business. The first is a subcommittee for
25 textured hair, and I'm going to turn that over to

1 Erin Maybin to talk about.

2 Erin.

3 MS. MAYBIN: Good morning, everyone.

4 My name is Erin H. Maybin, Advisory
5 member/educator in cosmetology appointed by the
6 Secretary of State, as well as vice president of
7 education development and co-founder of the
8 Natural Hairstyle & Braid Coalition, known as the
9 NHBC. I'm responsible for spearheading the
10 transformation of textured hair education in both
11 private and public education sectors.

12 I'm here today to talk about the state
13 of curriculum testing, certification, and
14 licensing in New York State for textured hair.
15 Per the Secretary of State's office, I am going
16 to read through the concerns that I brought up to
17 their office and that they want me to present
18 today. Okay.

19 So Assembly -- so you can take notes --
20 take lots of notes. Assembly member Gary
21 Pretlow's bill A0089A was enacted into law in
22 2017. And bills A6927/S6528 passed in June 2023
23 both mandated an Advisory Committee to be created
24 pursuant to the articles of each bill to advise
25 the Secretary of State on texture education for

1 curriculum and testing in cosmetology and/or
2 natural hairstyling.

3 Section 1, lines 5 through 14, in bill
4 A0089A, there shall be established within the
5 Department an Advisory Committee which shall
6 consist of nine members broadly representative of
7 the appearance enhancement industry, including
8 one person engaged in the practice of either nail
9 specialty or waxing, two persons engaged in
10 natural hairstyling, one of whom shall be
11 knowledgeable in the practice of styling
12 techniques which place tension on the hair roots,
13 and one of whom shall ensure strict adherence to
14 quality services for all clients of all hair
15 types, including, but not limited to, curl
16 pattern, hair strand thickness, and volume of
17 hair, one person engaged in aesthetics.

18 Section 2, from the same bill, lines 5
19 through 13, the Advisory Committee shall advise
20 the Secretary on all matters relating to this
21 article and on such other matters as the
22 Secretary shall request, and advising the
23 Secretary on matters concerning professional
24 education or curriculum, inclusive of the
25 maintenance of cultural and ethnic awareness

1 within the described curriculum in regard to hair
2 types, including, but not limited to, curl
3 pattern, hair strand thickness, and volume of
4 hair. The Advisory Committee shall, to the
5 extent practicable, consult with the State
6 Education Department. This act shall take effect
7 immediately.

8 So in June 2022, bill A6927/S6528 for
9 test -- education and testing was introduced by
10 legislators and passed in both the Senate and the
11 Assembly is currently awaiting Governor Hochul's
12 signature. It states, in promulgating such rules
13 and regulation the Secretary shall consult with
14 the State of Education Department, the Advisory
15 Committee established pursuant to this article,
16 any other State agencies and private industries'
17 representatives as may be appropriate in
18 determining minimum training requirements.

19 And I just wanted to give you an
20 overview of concerns and some solutions. Okay.

21 So limited testing sites. There are
22 very few testing sites available for both written
23 and practical examinations for textured hair.
24 This is a major barrier for students who are
25 trying to become licensed. For example, the only

1 natural hairstyling practical is available at the
2 Empire School in Manhattan. This means that
3 students who live in other parts of the state
4 have to travel long distances to take the test.

5 Adding the education opportunity center
6 of NHBC as a testing site for both the natural
7 hair program and cosmetology, this would make it
8 easier for students in and around the capital
9 region to test without geographical barriers.

10 The next one is inadequate number of
11 schools. 65 percent of the population has
12 textured hair. The crown that protects
13 individuals who wear their natural hair and
14 future professionals should be trained to meet
15 the rising demand for textured hair care. There
16 is also a (indiscernible) of permanent hair loss
17 in Black women due to lack of standardized
18 policies, procedures, and training of
19 professionals to be efficient in natural textured
20 hair.

21 Currently there are only eight schools,
22 majority located in New York City area, with the
23 exception of the new natural hairstyling program
24 in Trenton, New York that offers programs in
25 natural hair care. This means that students who

1 want to become licensed in textured hair have
2 limited options. Many students are forced to
3 attend cosmetology schools that don't offer
4 comprehensive training in natural hair care.
5 This leaves the students not being prepared to
6 work with natural textured hair clients, not only
7 on the clinic floor but in the professional
8 sector as well.

9 Providing more frequent testing
10 opportunities. Currently there are only a few
11 testing dates each year for textured hair. This
12 makes it difficult for students to schedule the
13 test, which leads to long wait times. There are
14 more written examination sites than testing. The
15 ratio is ten to one. They are not geographically
16 compatible.

17 Lack of awareness. Many people are not
18 aware there is a separate license for natural
19 textured hair, although the natural hairstyle
20 license is 30 years old and was enacted into law
21 in 1993. There has been very limited outreach
22 about it. As a result, many people who work with
23 natural textured hair are not aware they need to
24 be licensed or (audio interference).

25 Creating a more comprehensive

1 curriculum for natural hair care in both the
2 natural hair and cosmetology programs. Current
3 and past programs have not included enough
4 training on the different types of textured hair
5 and the techniques needed to work with them.
6 This can lead to students not being prepared to
7 work with natural textured hair clients, not only
8 on the clinic floor but in the professional
9 sector as well.

10 And based on the NHBC's research and
11 working with various legislators, the best course
12 of action to ensure compliance with the Assembly
13 Member Pretlow's bill is to call on all relevant
14 parties' appearance. We have Advisory Committee,
15 Department of Licensing, Department of Education,
16 and the Secretary of State to set a meeting date
17 with all departments listed to ensure we are all
18 in alignment moving forward to bring Assembly
19 Member Gary Pretlow's law A0089A into compliance,
20 outline and implement the creation of a
21 subcommittee, i.e., initial meeting date, who
22 will be in attendance, meeting schedule, and
23 voting.

24 And last but not least, create a
25 realistic timeline to execute the measures put

1 forward by the suggested subcommittee comprised
2 of current members of the Appearance Enhancement
3 Advisory Committee and experts from the industry.
4 And these are the ones that I suggested to the
5 Secretary of State, Diane C. Bailey (ph.), Diane
6 DeCosta (ph.), Debra Hairbay (ph.), and Lakisha
7 Foy (ph.). And of course members from our lovely
8 Appearance Enhancement (audio interference).

9 So I thank you for your time. And
10 that's all.

11 CHAIR BRENNER: Excellent. That's
12 great. Any questions for Erin? So now this
13 is -- everything is going to pass. We're just
14 waiting for this to be signed off by Governor
15 Hochul?

16 MS. MAYBIN: Yes. However, there's a
17 law that's already in a law that is not in
18 compliance. And that is to form the committee of
19 natural hair stylists on this Advisory Committee
20 to be able to advise Secretary of State on
21 updates needed for curriculum based around
22 ethnicity and cultural needs.

23 MR. MOSSBERG: I have a question.

24 CHAIR BRENNER: David.

25 MR. MOSSBERG: The apparent -- the

1 committee that they wrote into law, is that the
2 same committee that currently I sit on, or is it
3 is a different committee that is meant to be
4 created just for textured hair?

5 MS. MAYBIN: Okay. So there's two
6 parts. The first part is yes, the one that you
7 sit on should have two sitting natural hair
8 stylists on the Board. Okay. And then this
9 here, what I'm presenting today, is to get the
10 subcommittee (audio interference) of the texture
11 subcommittee to help align with the Appearance
12 Enhancement Advisory Committee to help us move
13 forward in texture in New York State, because
14 everybody -- as -- as you can see, the laws that
15 have been implemented. The state of our nation
16 moving forward with texture is here and we can't
17 put it on the back burner anymore.

18 CHAIR BRENNER: So it would be two
19 subcommittees -- two nine-people subcommittees?

20 MS. MAYBIN: No, so our Appearance
21 Enhancement and then just a separate
22 subcommittee --

23 CHAIR BRENNER: Got it. Got it.

24 MS. MAYBIN: -- (indiscernible,
25 simultaneous speaking) -- a textured subcommittee

1 that's going to help get all of this stuff -- you
2 know.

3 MR. MOSSBERG: And that sub -- would
4 that sub -- would that subcommittee have to be --
5 would the people who will become part of that
6 subcommittee, would they have to be put into
7 place by the Secretary of State?

8 MS. MAYBIN: Yes. And I've already
9 sent my suggestions.

10 MR. MOSSBERG: Okay.

11 MS. MAYBIN: And so I'm opening it up
12 to see who on the Appearance Enhancement
13 Committee would want to also be a part of that
14 committee. Yes. So we need some -- you know,
15 like myself. I'm obviously going to be a part of
16 that, but we need other members to be a part of
17 that committee as well. We want it to be a
18 cohesive group so we're not just, you know, one
19 side. We're bringing all of the elements
20 together so we can push the law and legislation
21 and make sure it's compliant.

22 CHAIR BRENNER: Excellent. Any
23 questions? Anybody?

24 UNIDENTIFIED SPEAKER: No, I think
25 that's great.

1 CHAIR BRENNER: Thank you. Thank you
2 for the information. I think this -- and this is
3 one of the things too that we're working on.

4 And David, I think at least for my --
5 I'll speak for myself on this, but trying to get
6 my footprint down and wrap my arms around the
7 legality of what we can and can't do and how
8 things work, I really -- I struggle with that
9 sometimes, because I know we can bring stuff to
10 the Board but we don't really have a lot of say
11 in legal issues and moving things forward. I
12 guess a little direction or insight from you
13 might be helpful on how we can better do that.

14 MR. MOSSBERG: Sure.

15 CHAIR BRENNER: If you have an answer
16 for that.

17 MR. MOSSBERG: I might have an answer.
18 So the sub -- the Advisory Committee itself -- so
19 the appointed members that are appearing today,
20 they can advise the Secretary on basically
21 anything that concerns Article 27 of the General
22 Business Law. So anything that relates to the
23 field of practices that is subject to our
24 regulation.

25 At any point really this body can

1 create sort of a specialized subcommittee to
2 address and make recommendations on specific
3 things. And whether or not -- you know, in some
4 instances there's a legislative action that
5 requires the creation of a special subcommittee,
6 and in other instances it's just whenever this
7 body believes that there's something that's
8 important that needs sort of more regular or
9 special attention that could be addressed in this
10 period between these regular formal open
11 meetings.

12 And then the recommendation of the
13 subcommittee would then be brought to the full
14 Advisory Committee, that would then be subject to
15 consideration by the Secretary of State.

16 So you know, this special subcommittee
17 is part of legislative creation to some degree.
18 But also it's just something that this committee
19 can just create, discuss, you know, the issues
20 that they find to be critical, and then make a
21 recommendation if it's decided that, you know, a
22 particular recommendation should be made to the
23 Secretary of State's office.

24 I hope that answered the question.

25 CHAIR BRENNER: It does. I know Erin's

1 got a question as well. My other question is,
2 any special subcommittee that we create, does it
3 also require a staff member -- a Department of
4 State staff member to be part of that
5 subcommittee as well?

6 MR. MOSSBERG: Usually that's
7 beneficial.

8 CHAIR BRENNER: Right.

9 MR. MOSSBERG: I know usually, like,
10 Jodi (ph.) or somebody would like to appoint
11 somebody. And then depending on sort of the
12 subject matter of it, it's sometimes advisable to
13 have, you know, somebody from counsel's office
14 there. Because, you know, let's say for example
15 it's a committee to discuss, you know, the
16 legality of certain types of procedures.

17 You know, somebody from counsel's
18 office could help determine early on if
19 something, let's say, is outside the scope of
20 what the committee is doing, and so it might save
21 the committee time from sort of going down a road
22 that, you know, may end up being something that
23 they couldn't do anyway. So usually it's
24 advisable for somebody from licensing staff and
25 (indiscernible).

1 CHAIR BRENNER: Okay. Excellent.

2 Erin.

3 MS. MAYBIN: I just had a couple of,
4 you know, questions. The one question I had was
5 how can we create more transparency when it comes
6 to new laws that impact our industry? Right.
7 Because I feel like our committee -- we're not
8 really aware. I found this information because
9 I'm a nerd and I Google stuff and I read; you
10 know. But not everybody here is privy to, you
11 know, thinking in that manner. So how can the
12 State communicate with us, whether it's sending
13 an email, a communication to say, this is what's
14 happening in 2023. Right?

15 And I also know that there is a new
16 textbook from Milady Standard that when I spoke
17 to some people in the Department of Education,
18 whoever it was, they weren't aware there was a
19 new book, and they didn't actually have the new
20 book.

21 So I think it's important that when
22 these changes happen in our industry we're aware
23 so we can bring it into, you know, our meetings.
24 New York State is typically on the helm of
25 change, right? And there's a lot of states now

1 that are doing more active things, like
2 Louisiana, around texture. We have the
3 opportunity to stay and be more --

4 UNIDENTIFIED SPEAKER: Progressive.

5 MS. MAYBIN: Yes, progressive with our
6 movement when it comes to information that we're
7 finding out on the back end. Right?

8 So there's a law that's just been
9 passed -- or is getting ready to be signed by the
10 Governor. I'm pretty sure nobody in here had
11 that information until I brought it to them
12 today. So I think it's important that when those
13 things happen we get a communication that says,
14 by the way, this bill is in holding, or this bill
15 has been passed, so that way we can then be up to
16 date on everything.

17 MR. MOSSBERG: Right. So you know,
18 with respect to the two points, you know, I would
19 say with respect to, like, the new textbooks and
20 things like that, that's not really sort of a
21 legislative issue so I can't really speak to
22 information about, you know, the textbook and
23 sharing information of that sort. But what I can
24 say is with respect to legislative matters, we do
25 have a legislative counsel as well as a director

1 of intergovernmental affairs at the Department,
2 and usually when there's any sort of legislative
3 action or bills that we would call sort of two-
4 house bills, usually we are informed of that.
5 And we -- the Department generally won't comment
6 on any bills that haven't been passed by both
7 houses, even if it's a two-house bill. They
8 actually have to be passed first.

9 But I do know -- I believe back in,
10 like, March or something we did send out a
11 communication to the industry about particular
12 practices and procedures. And so, you know, I
13 think what we could do -- and I can work with
14 program -- is when there's actually a two-house
15 bill that's passed that's been signed by the
16 Governor, usually we would like to make those
17 updates. Because certainly, you know, we make
18 the changes to our law book that we post online.
19 And so I think we could work with Jodi's team on
20 the licensing side to be able to send out those
21 email notifications to our licensees and the
22 public about when something has actually been
23 signed by the Governor. But if it's, you know, a
24 one-house bill or even a two-house bill that just
25 hasn't been picked up, we generally won't make

1 any sort of public comment about the bill yet.

2 MS. MAYBIN: Okay. That's good to
3 know.

4 CHAIR BRENNER: David, is there one
5 particular place that we can keep an eye out for
6 things like this, or not really?

7 MR. MOSSBERG: So you know, I'd
8 actually say the State Senate website actually
9 has a pretty good search tool, and it's fairly up
10 to date when they're in session. So you know, I
11 would say something like that. But you know,
12 certainly when something is signed --
13 procedurally when -- when a bill is signed that
14 implicates, you know, the Department of State or
15 our licensees, we are usually asked by the
16 Governor's office to provide a comment in
17 something called the ten-day bill memo.

18 And so you know, when those happen --
19 or when those actions take place, I think that
20 that would be an opportunity where we could work
21 with, you know, licensing and share that with all
22 of our licensees so everyone knows that they
23 register online and they have to have an online
24 account in that business. And so that's how we
25 found it, I think, to be, you know, pretty good

1 at communicating with our licensees, so.

2 And I don't know what we did back in
3 2017 when they changed the Advisory Committee
4 (indiscernible). But I don't know that we had
5 that capability back then, but I know that we do
6 currently for sure.

7 MS. MAYBIN: And this is the last
8 thing. On the website where it says Appearance
9 Enhancement Committee, I think we need to put
10 that the natural hairstylist online, and that
11 they are vacant, but they should be filled.

12 MR. MOSSBERG: Oh, you're talk --
13 you're talking about a Board vacancy?

14 MS. MAYBIN: Yes. It's not stated on
15 there.

16 CHAIR BRENNER: It just says
17 hairstylist.

18 MS. MAYBIN: Yeah, it just said
19 hairstylist. And then it says vacant, vacant.
20 Says cosmetologist, hairstylist. There should be
21 two spots that say natural hairstylist. There
22 used to be, and then I believe it was like --

23 MS. SHADE: Like implying and that
24 should say natural hairstylist.

25 MS. MAYBIN: It should -- yes. So we

1 had to add that back. It was on there before and
2 then it got removed.

3 MS. SHADE: Yeah. Because a
4 cosmetologist is not --

5 MS. MAYBIN: Is not a natural
6 hairstylist.

7 CHAIR BRENNER: David, that would be
8 great if we could have that in site when it's --
9 you've got that ten-day bill memo, because we --
10 and as the Advis -- as the Advisory Committee
11 grows and our seats get filled hopefully, I mean,
12 we -- there's not a single one of us that would
13 not be completely open to try to get that
14 information out there via different ways. I
15 mean, we have assets through -- obviously through
16 the school, and through graduates, and through
17 other things as well. So we could certainly help
18 to get information out there, and that would be
19 huge for us.

20 Any other questions?

21 MS. MAYBIN: None. Thank you.

22 CHAIR BRENNER: Next on the new
23 business is cosmetologist versus aesthetician's
24 license requirements and forming a subcommittee.
25 And I'm going to chat about that. And I know --

1 I mean, I have been on this particular Board
2 since, I think, 2016 and involved for a while.
3 We've talked about this a million times. And if
4 I'm not mistaken, I think, David, we've even at
5 this conversation at one point. It's quite a
6 hurdle to jump through, I believe, but I think
7 it's really important to take a hard look at
8 separating the aesthetics licenses from the
9 cosmetologists' licenses.

10 Still even from the mid '90s when the
11 li -- the individual aesthetics waxing and nails
12 was introduced, they never separated them from
13 cosmetology. The education is completely
14 different. It's -- it's completely different.
15 Cosmetologists spend a total of 60 hours covering
16 makeup, skin care, facials, skin physiology where
17 aesthetics does 600 hours of it.

18 Cosmetologists are not at all educated
19 or trained coming out of school to be performing
20 facial treatments and working as aestheticians.
21 Or even really nail technicians. Maybe manicures
22 and pedicures, but certainly not our official
23 work whereas a nail program is 250 hours of just
24 nail work.

25 I think our big responsibility,

1 although we have several different objectives, is
2 obviously protecting our consumers. And the only
3 way we can protect our consumers is if we know
4 that our licensees are properly educated. And
5 that comes from our curriculum. And you even
6 just look at the core curriculum of cosmetology
7 versus aesthetics versus nail specialty, they're
8 completely different. They're completely
9 different.

10 So now what we're seeing is as all of
11 our professions have advanced, but now we're
12 seeing people getting into all of the different
13 skincare treatments and potentially ablative
14 treatments, and all the things that we're dealing
15 with for -- for scope of practice. We have
16 cosmetologists that have no skin training at all
17 out there performing microdermabrasion and micro
18 needling, and dermaplaning, and all of these
19 other things.

20 Now, many of them have taken classes in
21 them, but you know, a one-day dermaplaning class
22 for seven or eight hours does not cover the skin
23 physiology disorders, and diseases, and
24 sanitation that you need to understand who you
25 should and shouldn't be working on.

1 From the legal standpoint in the State
2 of New York, I know it's an enormous hurdle to
3 try to somehow separate this. Some of the
4 conversations that I had with my fellow advisory
5 members were to do a variety of different things.
6 You know, a grandfathering timeframe. Because
7 there -- there absolutely are cosmetologists out
8 there that are practicing aesthetics. They have
9 been trained. They have been educated. They're
10 doing an excellent job.

11 So perhaps we give -- you know, we have
12 a grandfathering time period that those people,
13 if they apply, they're grandfathered in. Or we
14 have a time period that licensed cosmetologists
15 can sit and take the aesthetics exams without any
16 of the education. And then should they pass,
17 they then hold a dual licensure in the State of
18 New York.

19 But I just feel we're running a little
20 ragged just with our aesthetics licenses in the
21 scope of practice. And when we combine all of us
22 together, we're not upholding our responsibility
23 of protecting our consumers and of representing
24 what our profession is really about. I don't
25 think at any level when it comes to that.

1 And what I see also is I see licensed
2 cosmetologists who have been working for 20, 30
3 years and they say, you know, I can't do it
4 anymore, I can't do this, I'm going to do
5 aesthetics now. I've been licensed for 30 years,
6 and like, that doesn't mean anything. That --
7 you're not at all qualified to do aesthetics.

8 So I'd really love the opportunity.
9 I'm 100 percent. I will head the subcommittee.
10 I'm open to more people getting involved also.
11 But to put something together, and an outline,
12 David, from yourself or from anybody on the DOS
13 on what I can and -- what we can and can't focus
14 on and how we should even go about something like
15 this would be terrific. But I really think we're
16 at a very critical time, that this is something
17 we need to look at. I understand it's a hurdle,
18 but someone has got to do it someplace.

19 Any questions?

20 MS. MAYBIN: A valid point.

21 CHAIR BRENNER: David, any thoughts?

22 MR. MOSSBERG: Just so I understand.
23 It's your interest in ensuring that cosmos
24 receive additional training in aesthetic type
25 work or -- is that basically it? Like requiring

1 them to do --

2 CHAIR BRENNER: I think --

3 MR. MOSSBERG: -- something else?

4 CHAIR BRENNER: Well, I think that we
5 need to come up with a crossover time period,
6 because in New York State we've allowed it
7 forever. We can't just say, okay, as of tomorrow
8 that's it. I feel very strongly and my -- my
9 fellow Board members as well that there --
10 cosmetology and aesthetics should not be the same
11 practice, that we -- we -- our scope of practice
12 should be completely different.

13 Like, cosmetologists, they don't have
14 the education and the training to be doing facial
15 procedures, and chemical peels, and
16 microdermabrasion, and utilizing lamps, and high
17 frequency, and electricity, and all the things
18 that aestheticians spend all of the time doing.
19 They're two totally different professions.
20 They're just completely different.

21 So our thought process is -- obviously,
22 you know, you can't say to somebody who has their
23 license in cosmetology and may be practicing
24 aesthetics -- it may be part of their business.
25 We don't want to take away their revenue

1 generation or have a negative impact on their
2 business at all, but I feel that moving forward
3 people coming out of cosmetology school should
4 not be performing aesthetic practices.

5 So perhaps we have a grandfathering
6 time period for people who were licensed between
7 this period and this period that can either be
8 grandfathered in, or we have a time period that
9 people licensed between this period and this
10 period are allowed to sit for -- should they want
11 to practice aesthetics, are allowed to sit for
12 the aesthetics exam without doing the 600 hours
13 of aesthetic education. Because that education
14 is not part of the cosmetology education.

15 MR. MOSSBERG: So would -- would -- I
16 know it's still early on, but -- so would the
17 preference be that there no longer be sort of,
18 like, a license that allows somebody to practice
19 everything?

20 CHAIR BRENNER: Correct.

21 MR. MOSSBERG: So like right now, like,
22 obviously a cosmo can do everything in the field,
23 like the nails, the waxing, and everything else
24 under the article. Is the idea that starting at
25 some point in the future they all will be unique

1 individuals?

2 CHAIR BRENNER: Yes.

3 MS. MAYBIN: So I --

4 CHAIR BRENNER: Go ahead, Erin.

5 MS. MAYBIN: Okay. So cosmetology has
6 not changed in New York State for over 50 years.
7 Right. And cosmetology has evolved into so many
8 different (indiscernible) satellites, okay. So
9 cosmetology is the umbrella. And that's amazing.
10 However, cosmetology is an introduction to
11 different career pathways. All right. And I
12 think we should look at it that way. It's not
13 like, yes, you can become a cosmetologist and
14 yes, you can, you know, go and do hair.

15 But majority of cosmetologists
16 typically end up specializing in something,
17 whether it's blonding, whether it's color,
18 whether it's nail, whether it's skin. You know,
19 they typically end up specializing. Whether it's
20 natural hair. You know, there's a specialist
21 that comes from that.

22 So I think having an overview, okay,
23 I'm going to go for cosmetology, right? And this
24 goes into how we implement the education. Like
25 college. You go to college. You get your first

1 year, you're a freshman, then you're a sophomore,
2 then you're a junior, and then you're a senior,
3 and then you graduate with a bachelor's degree.
4 I believe that cosmetology could be set up in
5 that capacity, depending on how far that
6 individual wants to go with their learning and
7 education and their pathway of career.

8 Because right now there's so many
9 cosmetologists that are causing harm to our
10 consumers due to lack of training, lack of
11 information. And a lot of them literally go to
12 school. They don't get a comprehensive
13 education. They're paying almost \$20,000 for
14 this school, okay? Then they leave. Then they
15 have to go find somebody to teach them how to do
16 something that they did not learn in hair school.

17 So now they're out there in the world.
18 And they may find someone that's not really the
19 best. So now they're learning how to repeatedly
20 practice poor procedures. Okay? And then that,
21 in turn, falls into the harm of our consumers,
22 which goes into the health and safety of the
23 public. (Indiscernible) disease and bacteria.

24 So we have to start at the head. The
25 head is cosmetology. Okay. It is really

1 addressing the issues. Aesthetician, it should
2 be separate. Because when you go and you're --
3 like you said, you're dealing with -- you can
4 create scarring if you do not use these products
5 or tools properly. And you see stuff on TikTok.
6 You know, there's a woman that had a facial and
7 she had all these burns on her face. You know,
8 you have people that are practicing, you know,
9 hair and they don't understand that this is
10 flammable, and this metal can shouldn't be near
11 heat, you know. And then it blows up and hits
12 somebody in their eye. So who is responsible for
13 that, right? And so how do we change this
14 cosmetology structure? Because it's old and it's
15 outdated.

16 CHAIR BRENNER: I think -- to add to
17 Erin, I think the -- not that this is an easy
18 change at all, but part of it -- but part of it
19 could be the core of the education because it
20 hasn't been changed. So realistically we've got
21 aesthetics education, we've got waxing education,
22 we've got nail specialty education, and we've got
23 cosmetology. Take the --

24 UNIDENTIFIED SPEAKER: And natural
25 hair.

1 CHAIR BRENNER: -- and natural -- and
2 natural hair. Take the waxing out of the
3 cosmetology, take the nail out of the
4 cosmetology, take the aesthetics out and leave
5 them all individual. So now your cosmetologist
6 focuses on the haircutting, the hair coloring,
7 what they're doing. Our natural hair stylist
8 focuses on the natural hair. So now we have, in
9 a sense, your college of skills, and people can
10 go for what they're utilizing.

11 And I'll tell you, I've had the
12 experience. We work very closely with several
13 BOCES programs that are cosmetology programs in
14 New York State for -- from quite a distance. And
15 the BOCES programs, they'll bring their cos
16 students into ASI to -- because a lot of them
17 want to get into aesthetics. And we've actually
18 chatted with cosmetology instructors that have
19 been teaching for a very long time. And I -- and
20 we talk about waxing, and they say, oh, well, we
21 don't do any facial waxing. I'm like, what do
22 you mean, you don't do facial waxing? Well, we
23 just do body. We don't want anybody to get hurt.
24 I said, well, I understand that and now your
25 students are graduating with a cosmetology

1 license, and they have no idea how to do an
2 eyebrow wax, you don't think that's dangerous?

3 So it's just the educa -- it starts at
4 the education. And you're 100 percent right, cos
5 education has not changed in over 50 years. And
6 if we remove that content from the cosmetology
7 curriculum it makes it much more streamlined for
8 all of the professions, including the
9 cosmetologists because the students have a
10 clearer definition of what I can and can't do.

11 Because what I've also seen -- and I
12 know I'm babbling, but what I've also seen is
13 students that talk to the wrong person at the
14 cosmetology school and a student comes in and
15 says, well, you know what, I'm not really sure
16 what I want to do. I'm kind of thinking I want
17 to get into natural hair styling, or I'm kind of
18 thinking makeup is my thing, or facials.

19 So now you have a director, an owner,
20 whoever is at a cosmetology school saying, oh,
21 come to cosmetology school because this license
22 covers everything, you don't have to do anything
23 else. And that's incredibly misleading to that
24 student who does not know any difference.

25 MS. MAYBIN: It turns into a money

1 grab, right? Like, it's like, okay, you want to
2 go to cosmetology school, but you're not really
3 going to leave with a comprehensive education to
4 go out there and actually put forth the
5 professionalism and safety standards that are
6 needed for you to keep your consumer safe.

7 I think if you start with cosmetology
8 as a general -- like, a general elective course,
9 right? And then if you want to -- you know what,
10 I want to go and be an aesthetician, I can now go
11 into that study -- that area of study and focus
12 more on that versus having to learn everything
13 that I'm not going to ever use, you know.

14 And this leads me into, really quickly,
15 the written exam. A lot of nail stuff comes up
16 on the written exam, and that is a huge barrier
17 for people trying to pass when all they went to
18 school for was cosmetology. They barely learned
19 about nails. And the written is typically
20 full -- filled with nail information. And I
21 understand it randomly chooses the testing, but I
22 think the testing needs to be more comprehensive
23 as well, aligning with these subject matters for
24 our future professionals to have a better
25 standing -- standpoint in the world. Like, we're

1 setting them up for failure.

2 And right now there's a huge gap from
3 graduation to becoming a professional. And
4 they're just -- they're in this gap, so they're
5 going inside of their house, they're doing hair,
6 because they have a license or a temporary
7 license and they can go to Cosmo Pro, or Sally's,
8 or wherever and buy hair color. And then now
9 they're doing the hair color in their house
10 causing harm.

11 So there's just this domino effect
12 that's coming from cosmetology and the lack of
13 comprehension that's able to create sustainable
14 pathways for these different (audio
15 interference).

16 MS. SHADE: As a salon owner from a
17 fairly large -- 20 plus employees, the majority
18 of people that I hire -- because our main focus
19 is hair. We used to do nails until they
20 implemented the ventilation system, because we
21 didn't do artificial nails.

22 Part of the reason, one, I can't
23 compete with the salons that that's all they do
24 because they get much faster and they can charge
25 way less. Two, I have -- you get people in --

1 stylists in, they don't want to do that. So
2 they're cosmetologists. They're licensed to do
3 nails, but you know, nobody ever wants to do it
4 because they don't make as much money on it
5 because they're not as fast because they're not
6 doing it all the time. And the same goes with
7 aesthetics.

8 You know, I have, just specifically,
9 somebody who went to school for aesthetics, for
10 the same reason, liability. I don't want my
11 cosmetologists to -- I know, that's what I went
12 and did. You learn the bare bone minimums. And
13 to use a lot of the stuff that's out there today,
14 whether it's the products and/or the, you know,
15 machines that they have, like dermabrasion and
16 stuff like that, they just don't have the
17 knowledge or the skill. They haven't been taught
18 to do that, so I don't want them as a -- a salon
19 owner doing that. I don't want that additional
20 liability. But most of them don't want to do it
21 anyway.

22 They go to school for cosmetology. The
23 majority of them come out, they want to do hair.
24 So it's kind of like separating, not so much --
25 yeah, you can have little, you know, things that

1 they could add on, whether it's waxing, or if
2 they wanted to get into nails, something (audio
3 interference) but can go into a full-fledged
4 aesthetics program. But to actually have them be
5 licensed to do that when they come out from a
6 full-fledged cosmetology program, I just don't
7 think with a 1,000 hours that New York is set up
8 for, which is one of the lowest in the country,
9 is, you know, covering enough of that information
10 to protect the consumers.

11 UNIDENTIFIED SPEAKER: They need
12 (indiscernible) education.

13 CHAIR BRENNER: Yeah, CE (ph.) hours?

14 MS. MAYBIN: Yeah, CE hours.

15 CHAIR BRENNER: Required.

16 MS. MAYBIN: CE hours --

17 CHAIR BRENNER: As a lot of states do?

18 MS. MAYBIN: Yes, Chicago, they're
19 very, very successful in that.

20 CHAIR BRENNER: But some of this stuff
21 that we've been talking about will actually lead
22 into our next (indiscernible).

23 Any questions?

24 MR. FIORE: I have a question for
25 David.

1 David, would it be -- because what
2 you're discussing here is a total revamp of
3 licensing in the State of New York. The last
4 time they did that it was 1993 where they broke
5 out natural hairstyling, nail specialty, and
6 facials or aesthetics. Now, 30 years later we're
7 sitting here discussing into going more into
8 detailed types of licenses and things like that.

9 David, is it the State -- Department of
10 State Division of Licensing who creates the laws,
11 and then the Department of Education follows with
12 curriculums and things to meet those criteria, or
13 is it a combination of the Department of
14 Education and the Division of Licensing who work
15 together after the law is -- who creates the law?
16 Or if -- let's say this goes forward and there's
17 a total revamp of licensing in the State of New
18 York, who would be first, Division of Licensing
19 or Department of Education?

20 MR. MOSSBERG: Neither. So the -- it
21 would actually be a legislative act first. So
22 much like what was discussed earlier in terms of
23 the process, we'd have to have, you know, the
24 State Assembly, the State Senate individually
25 bring their own bills. Both bills -- both

1 versions of it will have to be passed by both
2 chambers. They'll have to be reconciled and then
3 they'll have to go to the Governor. And then it
4 would have to be signed by the Governor. That
5 would create the -- sort of the overall framework
6 to create individual license types, basically
7 such that you would no longer have one license
8 that would be able to do what the other
9 individual licenses have.

10 So you know, from a practical
11 perspective, that is definitely, I think, a
12 challenge, because I know that there's going to
13 be a lot of different questions that the
14 legislature would likely have. You know, one,
15 like how would this relate to other states? Do
16 other states have sort of, like, a license that
17 allows those people to practice everything or are
18 they all individual? And then, you know, how
19 much is it going to cost people to come into
20 compliance? How much education is going to be
21 needed for each of them? Are they going to
22 create more specialty type licenses or is it just
23 distinguishing and making, you know, this a sort
24 of separate license?

25 So all of those details are going to

1 have to be sort of worked out by the legislature
2 first, then sent to the Governor, you know, for
3 signing. After that, then it would be both the
4 Department of State and Education working on
5 curriculum, course requirements, and getting the
6 schools to be able to provide that curriculum to
7 prospective applicants.

8 I hope that answers the question.

9 MR. FIORE: Yeah. So you're basically
10 stating that it would have to be presented to
11 someone who is in the Senate to present this as a
12 bill to possibly move forward in this idea?

13 MR. MOSSBERG: Both Senate and
14 Assembly, because you need two house bills.

15 MR. FIORE: Okay. Thank you.

16 MR. MOSSBERG: Um-hum.

17 CHAIR BRENNER: Great question. Thank
18 you.

19 Any other questions?

20 Next under new business is industry
21 related issues relating to area renters, and I'm
22 going to pass this over to Leeanne Shade.

23 MS. SHADE: Okay. Again, some of this
24 relates to, yes, to protect a consumer. One,
25 starting out with -- with area renter licenses.

1 First off, I'd be curious if we could get numbers
2 on how many citations are listed -- what they
3 hand out when the inspectors go around -- people
4 being in a salon that is an area renting salon
5 and they don't have an area renter's license.
6 Because I can tell you right now somebody that
7 left my salon and went up the street is working
8 at a salon that has not been licensed since 2017.
9 They let it expire. They do not have an area
10 renter's license itself, and they've been doing
11 it for a year and a half now.

12 You know, I'm not the type of person --
13 I'm not going to call, you know, the State and
14 go, hey, you know, because it's somebody I know.
15 But I can tell you just being out in the field --
16 I was an educator for Royal Group (ph.) for 24
17 plus years. I traveled the country going into,
18 you know, salons, often times many of them in New
19 York State. And the number of people that either
20 aren't licensed with an area renter, two, don't
21 have insurance is astronomical. And three, it
22 also allows for these people -- part of the
23 reason they do it is because then -- you know, a
24 lot of it's just in cash. They're not taking
25 credit cards. They're not claiming their income.

1 Which leads to Department of Education
2 federally is now looking at not allowing for
3 changing the rules -- I think it comes back up in
4 2024 -- as far as funding financial aid to
5 cosmetology schools because they're saying it is
6 a -- what are they calling it -- a low value
7 program.

8 So it's costing, as Erin said, you
9 know, 16, \$20,000 for them to go to school for
10 this, and then when they're coming out they're
11 saying that actually the average income is 13,000
12 to \$16,000 a year for a cosmetologist, and so
13 they're earning less than what somebody who just
14 has a high school diploma. And we all know
15 that's false because industry standards will
16 actually tell you the average income is \$54,000.

17 The Department of Education on a
18 federal level has acknowledged that they believe
19 some of these under reported income. They think
20 it's from tips. But I can tell you from knowing
21 people in the industry, a lot of -- it's not
22 tips, it's -- it's their main income. And what
23 they're doing -- because I can tell you. I have
24 a stylist that works for me that used to work in
25 a salon where she got paid under the table so she

1 could still get Medicaid. And as a salon who's
2 doing things legitimately, it's such an unfair
3 advantage to those salons because I'm offering a
4 nice insurance program. It's not cheap though,
5 as we all know. So you know, why not make the
6 money under the table. You're not paying income
7 tax on it. And you're qualifying for free health
8 insurance.

9 On top of that, as a legitimate
10 salon -- you know, the ones that our there doing
11 it legitimately with employees, you know, we're
12 paying disability insurance, we're paying
13 unemployment insurance, we're paying all these
14 things, and liability insurance which is
15 extremely more costly for a salon as a whole,
16 because you're covering all the space in there,
17 as it is for just a stylist to go out there get
18 as an individual.

19 So those -- you know, some of the
20 things right there that it's -- you know, the
21 problem that it's causing. What you're seeing a
22 big shift in right now are now salon suites. And
23 with salon suites, they're actually buildings
24 that they're turning into little rooms and people
25 actually rent the room instead of just renting

1 the booth.

2 So I know right now New Jersey has
3 something on the table, because they do not allow
4 area renting, as does Pennsylvania does not --
5 that they're trying to pass a law right now in
6 regards to having something more like what they
7 call a mini suite or a gallery license.

8 So these -- these people that aren't
9 currently area renting in New York State, which
10 I'm assuming is probably a large portion of
11 stylists out there, that they could turn to. If
12 they still wanted to do that -- they still want
13 to be their own boss, they could turn to, you
14 know, salon suites that are coming up, which are
15 providing making certain that the insurance -- I
16 believe it's like a one-cost thing every month.
17 It covers their space. It covers their
18 insurance. It's covering making sure that they
19 have the license that they should have, et
20 cetera. So at least it would cover -- you know,
21 so I'm not saying eliminate people being able to
22 do it completely but giving an option so at least
23 it's done legitimately and it's not such an
24 unfair advantage. And the State, furthermore, is
25 losing a ton of money off, you know, people being

1 on Medicaid that shouldn't be, on people not
2 paying taxes that they should be, so on and so
3 forth.

4 CHAIR BRENNER: Any questions?

5 MS. SHADE: And I can tell you right
6 now, I have somebody that works for me nine to
7 ten hours a week and she's making 22,000 plus her
8 tips. So to say the average income is, like,
9 \$16,000 is so -- so low.

10 CHAIR BRENNER: So I guess I -- my
11 thought is -- and if anyone knows this, I think
12 it -- is it usually John that does -- John
13 Goldman that does --

14 MS. BERSCHWINGER: I do.

15 CHAIR BRENNER: Oh, that's right.
16 That's right. You're the new John. That's
17 right.

18 So it's usually that -- so when you
19 have a group that goes out inspecting salons, are
20 they looking for particular things, or are they
21 looking, like, objectively? Like, for instance,
22 I know the nail salons have been high on the
23 target for the last couple of years. So are they
24 looking at just the licenses of the nail
25 practitioners, or are they also looking at

1 renters, and the business licenses, and all of
2 that?

3 MS. BERSCHWINGER: Look at everything.
4 So during the normal inspection year for -- you
5 know, we don't normally focus on a particular
6 license. We're stopping everywhere we can within
7 our time frame. We're visiting nail salons, hair
8 salons, barbershops, you know, waxing. You name
9 it. We see it, we stop.

10 CHAIR BRENNER: Yeah.

11 MS. BERSCHWINGER: You know, when it
12 comes to area renters, we -- you know, when we go
13 into a salon and there's, you know, many
14 employees working at booths, you know, that's our
15 first question about. You know, we'll go right
16 up and say, are you renting or are you employee.
17 And then if they say, I rent, where is your area
18 renter's license? Well, I don't have one, I
19 don't have -- so they get written up as an
20 unlicensed business.

21 We discuss the entire process with
22 them. You know, we usually like to handhold in
23 those sort of situations because sometimes it's
24 truly they just weren't educated, they didn't
25 know. Sometimes it's probably the opposite, like

1 what you're talking about, that they're trying to
2 just run under the radar.

3 But once they're issued that ticket,
4 you know, they can't get out of it, because if
5 they don't do what they're supposed to do they're
6 going to have to go to a hearing. If they don't
7 go to that hearing, then their license is
8 going -- you know, they're going to get a cease
9 and desist and they're not supposed to be
10 operating at all anymore.

11 So we certainly are aware that it's
12 happening, and we are (indiscernible). I don't
13 know that I could break it out for you though
14 statistic wise because it's all going to fall
15 under the 2014 umbrella of just an unlicensed
16 business. I could certainly look into that
17 though.

18 But regarding the suites, we are
19 running into that. We've seen it the last couple
20 of years. I think Venus (ph.) is the name of one
21 of the main suites that we see. And for the most
22 part they do seem to have it together. Like,
23 these people have their own business license.

24 MS. SHADE: Yes, they do. Everybody is
25 doing a good job, yeah.

1 MS. SHADE: Because -- because the
2 salon suites make certain.

3 MS. BERSCHWINGER: Yes.

4 MS. SHADE: And that's where instead of
5 having an area renter's license it moved more
6 towards like a suite type thing --

7 MS. BERSCHWINGER: Sure.

8 MS. SHADE: -- so they have their own
9 space, they have their own walls, they're still a
10 business in this building.

11 MS. BERSCHWINGER: Yeah.

12 MS. SHADE: But you have somebody
13 that's still responsible in making certain.
14 Because I can tell you a lot of salon owners that
15 rent spent, they don't care as long as they're
16 getting the rent.

17 UNIDENTIFIED SPEAKER: Well, I was
18 going to say (indiscernible, simultaneous
19 speaking)

20 MS. SHADE: But that's not them.

21 UNIDENTIFIED SPEAKER: -- these suites
22 are more expensive than (indiscernible), so it's
23 probably cheaper for them if they can find a good
24 rent if they can't afford a suite. Because it
25 probably is preferable. Like you said, it's

1 their own little business, it's just them, they
2 are very nice. (Indiscernible) and I think it's
3 a really cool concept. But if people aren't
4 willing to spend the money, then the next best
5 thing is that -- but yeah, you're right. I mean,
6 it's on the salon owner to make sure that their
7 employees or their renters are doing what they're
8 supposed to be doing. And they get ticketed as
9 well, you know. Like, if they don't have a
10 license ability -- if the salon doesn't have a
11 license either.

12 CHAIR BRENNER: Well, that's what --
13 you know what though, you have to be that person.

14 MS. SHADE: Yeah. But as I say, it's
15 not -- nobody -- you know, Jenna doesn't her.
16 Her team doesn't know (indiscernible) data
17 unfortunately. And there's a salon, right, in
18 the same plaza as me that's a booth renting
19 salon. And I believe there's four or five of
20 them. And when I looked it up, I can only find
21 two that have licenses.

22 CHAIR BRENNER: Yeah.

23 MS. SHADE: A lot of people advertise
24 just their first name, so it's hard to even --

25 CHAIR BRENNER: For sure check them

1 out.

2 MS. SHADE: -- check them out. But I
3 think that's in, like, a mile distance of my
4 salon.

5 CHAIR BRENNER: Yeah.

6 MS. BERSCHWINGER: Yeah, I mean it's
7 happening everywhere. Unfortunately, there's
8 only so many of us. We can't get to all of the
9 businesses.

10 MS. SHADE: Right.

11 MS. BERSCHWINGER: And we try.

12 MS. SHADE: What if you don't even know
13 the businesses.

14 MS. BERSCHWINGER: Right. But a lot --
15 so it's not -- you know, people might think that
16 we, you know, pull lists and go out based on
17 that. We usually don't. Like, we get assigned
18 areas, and we just show up and we just stop
19 everywhere we can. That's how we identify the
20 unlicensed businesses. You know, we just show up
21 and find out that way. Because if we were told,
22 let's look at only (indiscernible) shops. So we
23 don't want to do that. We want to just stop
24 everywhere we possibly can to identify shops that
25 don't have a license.

1 So I -- we definitely do the best we
2 can, and we -- you know, not that we want to get
3 inundated with complaints, but we always tell
4 people, like, you know, if you know something you
5 can tell us, because otherwise we're not -- we
6 probably won't know.

7 So yeah. I mean, I will certainly look
8 into getting some statistics on the area renters
9 that are unlicensed. You know, see if I can pull
10 something over, like, the last year, but I just
11 don't know if we can do it right now. But I will
12 (indiscernible).

13 MS. SHADE: Yeah, because that's
14 part -- you know, and I believe that's part with
15 the whole concept of area renter's license and
16 whatever they're called in other states, is part
17 of what's feeding to the Department of Education
18 saying that's a low value, you know, profession.

19 MS. BERSCHWINGER: Yeah. Yeah, I mean
20 it's certainly that. I know how -- you know, I
21 get that.

22 MS. SHADE: Yes.

23 MS. BERSCHWINGER: They're not
24 making --

25 MS. SHADE: Yes.

1 MS. BERSCHWSINGER: -- you know,
2 \$12,000 a year.

3 MS. SHADE: Yeah. And I've had
4 people -- just recently I had two sisters come to
5 me because the place they were going to the
6 stylist didn't -- they didn't have their card and
7 she didn't want to -- she wanted cash. And
8 they're like, we don't have cash. So they
9 stopped --

10 MS. BERSCHWINGER: Are they doing a lot
11 of, like, Venmo stuff? Are you seeing that as
12 well?

13 MS. SHADE: Well, that's part of why
14 Venmo is cutting -- starting to get tacked onto
15 that, too. Absolutely.

16 MS. BERSCHWINGER: Yeah, that's what I
17 figured.

18 MS. SHADE: Yeah. And other cash outs.

19 CHAIR BRENNER: I would assume, Dave,
20 this would probably be a labor thing, right, as
21 well, when it comes to labor, income tax, IRS?

22 MR. MOSSBERG: Yeah, I think it would
23 fall under all of those other agencies as well.

24 MS. BERSCHWINGER: We used to do, like,
25 referrals to other agencies, and so maybe we can

1 look at that when we start initiating that
2 program again. Maybe when we go in we ask, you
3 know, how is everybody being paid. And if
4 anybody is a little, like, sketchy we can do an
5 interagency referral about, okay, (indiscernible)
6 you might want to check out these shops. I don't
7 know what (indiscernible) all that, but --

8 MS. SHADE: My payroll got audited once
9 by the IRS federally. And they came in, started
10 looking at my books. She was probably there a
11 half hour, and was like, wow, you, like, pay,
12 like, your people a lot of money. And I go,
13 yeah, I'm legitimate. And you know, she was
14 shocked. So what does that you?

15 MS. BERSCHWINGER: Right. Okay

16 CHAIR BRENNER: Jenna, thank you.

17 MS. SHADE: And what I try to teach my
18 staff also, and a lot of stylists, they're short
19 term, a lot of them coming out, they're young so
20 they think, like, oh, this is great, make the
21 money under the table, I don't have to pay tax on
22 it. But what they forget is that's going to add
23 to their Social Security when they get older, as
24 far as what they're going to get. When they go
25 to get that car loan and that mortgage loan, it's

1 a legitimate income that can be proven. So you
2 know, they forget those things, because it's --
3 that's long term. So they're just looking at the
4 short term of putting the cash in their pocket
5 and walk around.

6 MS. MAYBIN: And a lot of them aren't
7 looking at it as a business. You know, like, I
8 am a professional, this is my business. It's
9 really like, oh, I just do hair, you know,
10 because it's that stigma of hair is just a hobby
11 that people do because they couldn't make it
12 anywhere else, and that's far from the truth.

13 MS. SHADE: Or the other thing is, they
14 go rent a booth, which, you know, you walk in and
15 you say to the person, you know, hey, I want to
16 rent the space. They're like okay, let's do a
17 contract. And all of a sudden, like, yeah, I
18 opened my own business. Like, that's not really
19 opening a business, because it's nothing what I
20 had to do --

21 CHAIR BRENNER: Yeah. Right.

22 MS. SHADE: -- to open a business.

23 CHAIR BRENNER: All right. Thank you,
24 Leeanne.

25 MS. SHADE: Um-hum.

1 CHAIR BRENNER: Next then under new
2 business is our next Advisory Board meeting
3 scheduled for September 28th at 10 a.m., not
4 10:30.

5 And then on agenda, public comment
6 period. Any comment from the public?

7 UNIDENTIFIED SPEAKER: I just applaud
8 everything that you guys have talked about,
9 because they're things I've been thinking of.

10 CHAIR BRENNER: Excellent.

11 UNIDENTIFIED SPEAKER: Thank you.
12 Thank you.

13 CHAIR BRENNER: All right then. Any
14 questions, or comments, or statements on
15 anything? All right. Look at that, an hour on
16 the nose. 11:15, and we'll go ahead and adjourn
17 the meeting until September. Thank you,
18 everybody.

19 (Time Noted 11:15 a.m.)

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C E R T I F I C A T I O N

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