

# **COMPLIANCE DIVISION REPORT**

## ***Barber Advisory Board Meeting***

*November 2, 2015*

### **Public Outreach**

- Elizabeth Perez, Marinela La Fleur and David Gonzales represented TDLR at the Armstrong McCall World's Fair Hair show @August 30<sup>th</sup> & 31<sup>st</sup> in Houston. TDLR Field Operations staff also joined us in our outreach and assistance efforts - helping to answered industry related questions, sell additional books, and provide license renewal information for attendees.
- The Natural Beauty Culturist League show scheduled for October 11<sup>th</sup> and 12<sup>th</sup> was canceled, but they asked to have us participate once it is rescheduled.

### **Upcoming Trade Shows**

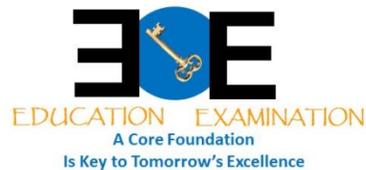
- Elizabeth and Marinela will be representing TDLR at the Image Expose in Dallas in November 16<sup>th</sup> and 17<sup>th</sup>.

### **Compliance Efforts**

- Elizabeth and Marinela continue to assist Field Operations staff and Customer Service with questions that arise during inspections as well as industry inquiries and emails.
- We continue to assist with the ongoing bill implementation team efforts for HB104 and HB 2717.

# Barber Advisory Board

November 2, 2015



The Education and Examination Division School Inspections/Site Visit Section conducted a very successful and educational site visit in the Rio Grande Valley for all the high schools. In attendance, were 27 cosmetology instructors who were assisted with best practices, compliance techniques, and strategies to improve teaching. On December 1, 2015 staff will be at Porter High School conducting the same type of visit for Houston area cosmetology instructors.

Brian Beall joined the Education and Examination Division on August 31, 2015 as an Accreditation & Certification Specialist. Brian brings to us 7 years of experience from the Department of Public Safety (DPS). At DPS, he was with the Parent Taught Driver Education Program and was involved with the review and approval of parent taught driver education curriculum. We are excited to have him with us.

Alice Bradford is the newest member to the Education and Examination Division. She joined our team on October 19<sup>th</sup> and will be an Accreditation & Certification Specialist. Alice brings to us 10 years of increasingly responsible experience from the Department of State Health Services (DSHS) as a team lead for the Professional Licensing & Certification Examinations. She oversaw the examination administration and development for 23 licensing programs. Alice's fundamental knowledge with the various DSHS licensing programs will position TDLR to adequately implement those programs under TDLR's umbrella.

## Barber Examination Statistics:

### Fiscal Year 2015

Barber Written	1,008	888	1,896	53.16%	145
Barber Practical	902	80	982	91.85%	118
Barber Manicurist Written	3	3	6	50.00%	0
Barber Manicurist Practical	3	0	3	100.00%	1
Barber Technician Written	0	0	0	0.00%	0
Barber Technician Practical	0	0	0	0.00%	0
Barber Hairweaving Written	3	4	7	42.86%	0
Barber Hairweaving Practical	2	1	3	66.67%	0
Barber Technician/Manicurist Written	0	0	0	0.00%	0
Barber Technician/Manicurist Practical	0	0	0	0.00%	0
Barber Technician/Hairweaving Written	3	1	4	75.00%	0
Barber Technician/Hairweaving Practical	2	0	2	100.00%	0
<b>Subtotal</b>	<b>1,926</b>	<b>977</b>	<b>2,903</b>	<b>66.35%</b>	<b>264</b>
Barber Instructor Written	43	78	121	35.54%	8
Barber Instructor Practical	37	16	53	69.81%	6
<b>Subtotal</b>	<b>80</b>	<b>94</b>	<b>174</b>	<b>45.98%</b>	<b>14</b>
<b>Total</b>	<b>2,006</b>	<b>1,071</b>	<b>3,077</b>	<b>65.19%</b>	<b>278</b>

### Fiscal Year 2014

Barber Written	1,024	871	1,895	54.04%	186
Barber Practical	870	59	929	93.65%	169
Barber Manicurist Written	1	7	8	12.50%	4
Barber Manicurist Practical	0	0	0	0.00%	0
Barber Technician Written	3	0	3	100.00%	0
Barber Technician Practical	3	0	3	100.00%	1
Barber Hairweaving Written	1	2	3	33.33%	1
Barber Hairweaving Practical	0	0	0	0.00%	0
Barber Technician/Manicurist Written	0	0	0	0.00%	0
Barber Technician/Manicurist Practical	0	0	0	0.00%	0
Barber Technician/Hairweaving Written	2	0	2	100.00%	0
Barber Technician/Hairweaving Practical	1	0	1	100.00%	1
<b>Subtotal</b>	<b>1,905</b>	<b>939</b>	<b>2,844</b>	<b>66.98%</b>	<b>362</b>
Barber Instructor Written	43	107	150	28.67%	6
Barber Instructor Practical	30	2	32	93.75%	3
<b>Subtotal</b>	<b>73</b>	<b>109</b>	<b>182</b>	<b>40.11%</b>	<b>9</b>
<b>Total</b>	<b>1,978</b>	<b>1,048</b>	<b>3,026</b>	<b>65.37%</b>	<b>371</b>

**Fiscal Year 2013**

Barber Written	1,054	1,026	2,080	50.67%	184
Barber Practical	881	30	911	96.71%	157
Barber Manicurist Written	4	5	9	44.44%	1
Barber Manicurist Practical	4	0	4	100.00%	0
Barber Technician Written	0	0	0	0.00%	0
Barber Technician Practical	0	0	0	0.00%	0
Barber Hairweaving Written	2	1	3	66.67%	0
Barber Hairweaving Practical	3	0	3	100.00%	1
Barber Technician/Manicurist Written	0	0	0	0.00%	0
Barber Technician/Manicurist Practical	0	0	0	0.00%	0
Barber Technician/Hairweaving Written	2	2	4	50.00%	0
Barber Technician/Hairweaving Practical	0	0	0	0.00%	0
Subtotal	1,950	1,064	3,014	64.70%	343
Barber Instructor Written	37	55	92	40.22%	8
Barber Instructor Practical	39	9	48	81.25%	5
Subtotal	76	64	140	54.29%	13
Total	2,026	1,128	3,154	64.24%	356

**Barber Students Enrolled**

As of October 21, 2015 there were 2,367 barber students enrolled at 64 private barber schools.

## **BARBERING ADVISORY BOARD**

### **Enforcement Division Staff Report**

**November 2, 2015**

- On September 4, a default order was entered against Mike Rios assessing an administrative penalty of \$2,100 for employing an unlicensed barber and storing electric clippers in a contaminated area.
- On September 4, a default order was entered against Aubrey Younger assessing an administrative penalty of \$2,000 and revoking the barber shop license for employing an unlicensed barber and failure to comply with a previous order.
- On September 14, an agreed order was entered against Jose Saldana assessing an administrative penalty of \$2,300 for offering barber services without a license and operating an unlicensed barber shop.
- On September 16, a default order was entered against Demetrius Long assessing an administrative penalty of \$2,000 and revoking his Class A Barber License and Barber Shop License for operating an unlicensed barber shop and failing to comply with a previous order.
- On October 5, an agreed order was entered against Alena Nguyen assessing an administrative penalty of \$1,850 for failing to properly maintain spa logs, failing to maintain hot water, and failing to properly sterilize tools.
- Since the last advisory board report was written on August 24, 2015, there have been 32 final orders issued in the Barbering program. Of those, 14 were against respondents that engaged or were involved in unlicensed activity. The total penalties against those unlicensed individuals and shops were \$19,250.

### **Key Statistics for Fiscal Year 2015**

Shown below are key statistics for the Barbering program and for all TDLR programs combined for Fiscal Year 2015.

<b><u>Statistic</u></b>	<b><u>BAR</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	702	10,511
• Number of cases resolved:	895	13,155
• Number of Agreed Orders:	151	2,270
• Total amount of penalties assessed:	\$302,400	\$4,525,675
• Total amount of penalties collected:	\$123,955	\$2,362,706



# Barber Advisory Board Meeting

## Field Operations Division Report



November 2, 2015

### Barber Most Common Violations Found During Inspections

- 1. Failure to display sanitation rules** - Tex. Occupations Code. Sections. 1601.452. Each barbershop or specialty shop shall post in the shop a copy of the commission's sanitation rules.
- 2. Failure to display and attach a photograph license** - Tex. Occupations Code. Sections 1601.451. Each licensee shall display the original certificate or license and an attached photograph of the certificate or license holder in a conspicuous place adjacent to or near the certificate or license holder's work chair in the shop in which the certificate or license holder is working.
- 3. Failure to prepare fresh disinfectant daily or more often if solution becomes diluted or soiled** – 16 Tex. Admin. Code Ch. 82.101(a)(3). Disinfectants in which implements are to be immersed shall be prepared fresh daily or more often if solution becomes diluted or soiled.
- 4. Establishment, furniture, equipment and/or fixtures are unclean or are not in good repair** - 16 Tex. Admin. Code Ch. 82.114(a). Establishments shall keep the floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair. Any cracks, holes, or other similar disrepair not readily accessible for cleaning shall be repaired or filled in to create a smooth, washable surface.
- 5. Failure to have rest room on or near premises without stored chemicals** - 16 Tex. Admin. Code Ch. 82.114(e). Every establishment shall provide at least one restroom located on or near the premises of the establishment. For public safety, chemical supplies shall not be stored in the restroom.
- 6. Failure to store clean and disinfected implements and materials in a clean, dry, debris-free environment** - 16 Tex. Admin. Code. Ch. 82.102(f). All clean and disinfected implements and materials when not in use shall be stored in a clean, dry, debris-free environment including but not limited to drawers, cases, tool belts, rolling trays, or hung from hooks. They must be stored separate from soiled implements and materials. Ultraviolet electrical sanitizers are permissible for use as a dry storage container. Non-barber related supplies must be stored in separate drawers or locations.
- 7. Failure to maintain and make available a list of current employees and independent contractors.** - 16 Tex. Admin. Code Ch. 82.52(b) and 82.71(c). The shop owner and/or shop manager shall maintain a current list of all individuals who work in a shop at the time of inspection including employees and independent contractors who engage in barbering. The list is to be made available to department inspectors upon demand.
- 8. Shop failed to post the most recent inspection report issued by the department in a conspicuous place clearly visible to the public** - 16 Tex. Admin Code Ch. 82.71(m). A barber establishment shall display in the establishment, in a conspicuous place clearly visible to the public, a copy of the establishment's most recent inspection report issued by the department.
- 9. Failure to post a sign directing complaints to the department --** Tex. Occupations Code. Section 1603.151(2). Salons must notify consumers and service recipients of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department regarding barbering and cosmetology on a sign prominently displayed in the place of business.
- 10. Failure to display on the exterior of building/premises the words "Barber Shop" or "Barber Salon"** – 16 Tex. Admin. Code Ch. 82.71(f). In addition, barbershops shall display on the exterior of the building or premises a sign containing the words "Barber Shop" or "Barber Salon" or any phrase containing the word "Barber".

## **Division Projects**

### New Technology – Mobi Route Optimization

- Review of the Mobi Route Optimization System
- Liaisons will meet with each region to go over items that have been resolved, problems are under review and go over any questions.

### New Technology – E-Inspection

TDLR will meet with Canvas to review how the transfer of inspection results from Canvas to our licensing data base could work.

### State of Texas Human Trafficking Prevention Task Force

Jennifer Harless attended as the TDLR Representative and then coordinated with Michael Kelly, Tony Couvillion, Terry Westrum and Sharesa Alexander on TDLR's plan for the Human-Trafficking Initiative. She organized training for field operations on how to identify signs of human trafficking and where and how to report it.

### Field Ops training schedule

11 – 16 – 15 – East Region, Houston Office

11 – 30 -15 – South Region, Austin N. Campus

12-7-15 North Region, Fort Worth Office

### Relocating

Field Operations' Austin staff has moved to the North Campus, Suite 105E on 10/16/15.

## **Personnel Update**

### New Hires

Two field inspectors started with TDLR on 10/19/15. Sam Hernandez will work in the Waco area. Mike Hanna will work in El Paso and surrounding counties.

### Inspection Statistics Barber Ending FY 2015

	Barber Establishments		Dual Establishments		Barber Schools		Barber Mini-Shops		Dual Mini-Shops		Barber Program Totals	
	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014
SEPT	190	199	140	135	5	5	0	0	0	0	335	339
OCT	154	224	163	128	7	9	0	0	0	0	324	361
NOV	104	108	111	86	7	9	0	0	0	0	222	203
QTR 1	448	531	414	349	19	23	0	0	0	0	881	903
DEC	112	95	93	88	11	12	0	0	0	0	216	195
JAN	249	114	184	103	15	10	0	0	0	0	448	227
FEB	170	143	122	109	13	13	0	0	0	0	305	265
QTR 2	531	352	399	300	39	35	0	0	0	0	969	687
MAR	168	148	133	120	7	4	0	0	0	0	308	272
APR	208	197	170	156	7	4	0	0	0	0	385	357
MAY	184	129	135	111	9	12	0	0	0	0	328	252
QTR 3	560	474	438	387	23	20	0	0	0	0	1,021	881
JUNE	201	99	165	78	2	11	4	0	2	0	374	188
JUL	206	161	167	105	14	8	0	0	0	0	387	274
AUG	121	156	98	114	9	13	0	0	0	0	228	283
QTR 4	528	416	430	297	25	32	4	0	2	0	989	745
Year to Date/ Year End	2067	1773	1681	1333	106	110	4	0	2	0	3860	3216

### Inspection Statistics Barber September FY 2016

	Barber Establishments		Dual Establishments		Barber Schools		Barber Mini-Shops		Dual Mini-Shops		Barber Program Totals	
	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015
SEPT	282	190	120	140	19	5	0	0	0	0	421	335
Year to Date/ Year End	282	190	120	140	19	5	0	0	0	0	421	335

# Barber Advisory Board Licensing Statistics Fiscal Years 2013 to 2015

	New Licenses Issued	Percent New Licenses Issued Online	Renewal Licenses Issued	Percent Renewals Issued Online	FY 2015 TOTAL POPULATION	FY 2014 TOTAL POPULATION
Class A Barber	739	N/A	5625	71.3%	15,391	14,823
Manicurist	3	N/A	128	41.4%	323	319
Technician	2	N/A	5	60.0%	16	15
Technician/Manicurist	0	N/A	N/A	N/A	0	0
Technician/Hair Weaving	2	N/A	N/A	N/A	4	3
Class A Barber Instructor	46	N/A	74	75.7%	316	272
Manicure Instructor	0	N/A	N/A	N/A	0	0
Technician Instructor	0	N/A	N/A	N/A	0	0
Hair Weaving Instructor	0	N/A	N/A	N/A	0	0
Hair Weaving Specialist	0	N/A	4	100.0%	7	6
Barber Student	2976	96.4%	N/A	N/A	2,278	2,196
Barber Shops	366	74.6%	1290	48.1%	3,664	3,748
Manicurist Shops	7	100.0%	12	50.0%	55	64
Dual Shop	760	83.4%	850	97.8%	3,337	2,988
Weaving Shop	2	50.0%	0	0.0%	7	6
Mobile Salon	4	N/A	0	0.0%	16	13
Private Barber School	13	N/A	38	N/A	63	57
Vocational Barber School	0	N/A	N/A	N/A	0	0
Junior College Barber School	0	N/A	N/A	N/A	0	0
<b>TOTAL INDIVIDUALS</b>	<b>3913</b>	<b>73.3%</b>	<b>5917</b>	<b>70.5%</b>	<b>18,335</b>	<b>19,407</b>
<b>TOTAL FACILITIES</b>	<b>1326</b>	<b>32.6%</b>	<b>2190</b>	<b>28.6%</b>	<b>7,305</b>	<b>3,908</b>
<b>TOTAL BARBER LICENSEE POPULATION</b>					<b>25,640</b>	<b>23,315</b>

\*The population number is a snapshot of the number of active licenses on the first day of the fiscal year. The number of licenses issued and renewed is the total activity performed during the fiscal year.

**FY 2013  
TOTAL  
POPULATION**

14,428
338
15
0
1
224
0
0
0
7
2,091
4,016
70
2,260
4
2
53
0
0
<b>18,027</b>
<b>9,483</b>
<b>27,510</b>

re month.

year.