• amend section 360 to provide that no licensee shall verbally or physically abuse an official or Commission representative, and state that such abuse may result in suspension, fine, or disciplinary action as determined by the Commission;
• amend section 361 to clarify the position of the corner workers (seconds);
• amend section 362 to provide that excessive coaching may lead to point(s) deduction by the referee, ejection from the venue, and disciplinary action by the Commission;
• amend section 363 to provide that the designated chief second shall be responsible for ensuring that the corner is dry at the start of each round;
• amend section 365 to prohibit the use of fans and the swinging of towels between rounds;
• amend section 368 to make a clarifying change regarding referees used as judges;
• amend section 371 to provide additional requirements for licensure as a professional boxing referee and clarify that a licensed referee may serve as a judge without the need to obtain a judge's license;
• amend section 372 to specify that referees shall wear such apparel as may be approved by the Commission;
• amend section 373 to delete a reference to wrestling programs;
• amend section 375 to delete some duplication of the physical examination requirements for professional boxing referees;
• amend section 376 to allow a referee to protest a negative evaluation;
• amend section 378 to provide that any licensed boxing referee, judge, timekeeper, or physician shall be admitted to any boxing show upon presentation of his/her license card;
• amend section 379 to add additional requirements for licensure as a professional boxing judge; and
• adopt new sections 495 and 496, which would require all professional boxers' training gymnasiums licensed by the Commission to post their license in a conspicuous place and require owners of licensed professional boxing gymnasiums to submit to the Commission, on a monthly basis, the Commission-approved sparring form which shall include information on licensed boxers or holders of sparring permits who have been knocked out or injured at the gymnasium. The Commission held a public hearing on these regulatory proposals on January 13 in San Diego; following the hearing, the Commission adopted the proposals, which await review and approval by the Office of Administrative Law.

LEGISLATION

Proposed Legislation. During 1995, the Commission is expected to pursue legislation to tax pay-per-view boxing events telecast in California. The proposed legislation would attach a 5% fee to the out-of-state promoter or producer of a pay-per-view boxing match (not the cable television company telecasting the event); allow 1% of the pay-per-view revenues to be used to support amateur boxing in California; and allow any excess pay-per-view revenues to be used to offset the cost of the Commission's neurological examination. If the Commission does not establish an event fee cap, staff estimates that the fee could generate as much as $800,000 in annual revenue for the Commission. The Commission is also expected to pursue legislative changes to Business and Professions Code section 18880 et seq., its Professional Boxers' Pension Plan statutes (see above); at this writing, no specific language has been approved by the Commission.

RECENT MEETINGS

At its September 23 meeting in Los Angeles, the Commission again considered a promoter's application to sponsor a "toughman competition" in California. [14:4 CRLR 41] According to Commission staff, a toughman competition is a tournament in which each winning competitor advances to a new round until only one undefeated competitor remains; these tournaments are based upon different weight classes and typically include fighters who have no professional experience. The promoter in question was present at the meeting to answer the Commission's questions regarding the competition, and provided a letter of introduction, his proposed rules for the event, letters of endorsement, copies of articles regarding out-of-state competitions, and a press kit. The Commission expressed concern about how the fighters would be licensed, how the competitors train before the fights, and how the Commission would be able to judge the competitors' abilities; Commission members also noted that riots have erupted during toughman competitions conducted in other states. Following its consideration of the request, the Commission unanimously denied the promoter's application.

At its November 18 meeting in Irvine, the Commission discussed problems concerning the administration of its neurological examination. Specifically, staff reported that it is increasingly experiencing difficulties in scheduling timely neuropsychological examinations for boxers who fail the mental status portion of their neurological examinations. In such cases, staff has required the individual to take the initial examination with another neurologist; however, staff acknowledged that this interim procedure does not necessarily appear to be the optimum solution, as boxers are frequently able to memorize the test questions and answers. At the meeting, the Commission heard from three physicians who recommended that the Commission allow a boxer who has failed the mental status portion of the neurological examination to fight once, but require that he/she take the neuropsychological examination before he/she has any subsequent fights in California. Following discussion, the Commission adopted this recommendation.

At its January 13 meeting in San Diego, the Commission reelected William Eastman to serve as Chair and Willie Buchanan to serve as Vice-Chair during 1995.

FUTURE MEETINGS

February 23 in Irvine.
April 7 in Los Angeles.
May 12 in Sacramento.
July 13 in South Lake Tahoe.
August 18 (location to be announced).
October 6 (location to be announced).
December 8 (location to be announced).

BOARD OF BARBERING AND COSMETOLOGY

Executive Officer: Olivia Guevara
(916) 445-7061

On July 1, 1992, pursuant to AB 3008 (Eastin) (Chapter 1672, Statutes of 1990), the enabling statutes of the Board of Barber Examiners (BBE) and the Board of Cosmetology (BOC) were repealed and replaced with an enabling act creating the Board of Barbering and Cosmetology (BBC); that act is found at Business and Professions Code section 7301 et seq. BBC licenses and regulates persons engaged in the practice of barbering, cosmetology, and electrolysis. The Board is authorized to conduct and administer examinations, adopt regulations governing public health and safety, and discipline persons in violation of its statutes or regulations. BBC represents the first merger of two California regulatory agencies. The Board, which consists of five public members and four member representatives of the professions, holds meetings at least four times per year.

On October 19, Paul Schwager announced his resignation from BBC, effec-
REGULATORY AGENCY ACTION

BBC Adopts New Operating Policies. At its October 3 meeting, BBC unan-
imously adopted several new policies which were developed by its Administra-
tion Committee. Among other things, the new policies provide that the President
and Executive Officer together may direct any Board member to perform a specific
task or function on behalf of the Board
prior to obtaining full Board approval;
BBC shall set its meeting dates for one full
year in advance during the first meeting of
the newly-elected Board officers; Board
meeting dates should, as is possible, coin-
cide with dates and general locations of
industry trade shows and various profes-
sional association conferences and events;
and a Board member is not eligible to
serve as President or Vice-President until
he/she has served one year as a general
Board member.

LEGISLATION

Future Legislation. During 1995, BBC
is expected to pursue legislation which would delete the words “for com-
 pensation” from Business and Professions Code section 7317, which prohibits
the practice of barbering, cosmetology, or electrolysis for compensation without a
license. When the language of the 1990 merger bill was drafted, the words “for
compensation” were added to this section; prior to 1990, the Board of Cosmetology
successfully prosecuted unlicensed indi-
viduals without having to prove that com-
 pensation was made. Because unlicensed persons found working in salons often claim they are providing services free of charge, BBC argues that it is difficult to
prove otherwise without conducting costly
undercover operations. Accordingly, BBC
can pursue changes to section 7317 to de-
lete the words “for compensation,” and to
clarify Business and Professions Code
section 7318 to exempt from BBC’s licens-
sure requirements persons actually pro-
viding services for free outside a licensed
establishment. [14:4 CRLR 43; 14:2&3 CRLR 41]

Also at its January 9 meeting, the Board
reviewed a draft version of its Student
Handbook, which is being developed to
clarify the examination application pro-
cess for applicants and state the basic pro-
cedures relative to any of the Board’s ex-
aminations. Board members agreed to re-
turn any comments or revisions to the
document by fax to Board staff so that the
Handbook can be finalized and made
available to applicants as soon as possible.

At BBC’s January 9 meeting, Supervi-
sing Examiner Joyce Moro reported that
the barber occupational analysis is behind
schedule due to staff changes at the De-
partment of Consumer Affairs’ (DCA) Offi-
ces of Examination Resources (OER). Moro reported that staff had prepared a
draft version of the proposed survey, and
sent the draft to a test group of fourteen
barbers, all of whom have previously par-
ticipated in past barber occupational anal-
ysis activities; at this writing, BBC ex-
pects to receive comments regarding the
draft survey by January 6. OER will re-
view the comments and make appropriate
revisions to the final survey before its distri-
bution. [14:4 CRLR 34]

Also at its January 9 meeting, BBC
noted that AB 3008 (Eastin) (Chapter
1672, Statutes of 1990) requires BBC and
DCA to assess the results of merging the
Board of Barber Examiners and the Cos-
metology Board and report to the legisla-
ture or on or before June 30, 1995; BBC and
DCA must assess the results of the merger
in terms of its impact on licensees and the
health and safety of the general public,
including any cost savings attributable to
the program. BBC directed its staff to
commence preliminary research and pre-
pare a draft of this report for its review.

RECENT MEETINGS

At its October 3 meeting, BBC estab-
lished procedures relating to the evalua-
tion of its Executive Officer. Among other
things, BBC agreed to conduct an annual
written evaluation; the Administration
Committee will distribute a list of ques-
tions regarding the Executive Officer’s
performance, and each Board member
will rank answer each question; the Com-
mittee will compile the rankings and pro-
vide one written evaluation form to the
Executive Officer; and BBC will require
the Executive Officer to submit a self-
evaluation to the Committee.

FUTURE MEETINGS

March 19–20 in Newport Beach.
May 21–22 in Stockton.
July 23–24 in San Francisco.
September 17–18 in San Diego.
November 5–6 in Fresno.