

# The Press Democrat

## Scissors and suds: Are salons breaking the law?

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*Heather Thorson, owner of The Barbery in Santa Rosa, cuts the hair of regular customer, Gerald Stine, Thursday, April 16, 2015. (CRISTA JEREMIASON / The Press Democrat)*

At The Barbery in Santa Rosa, Gerald Stine took swigs of a Fat Tire ale in a barber's chair while owner and stylist Heather Thorson trimmed the construction worker's gray hair.

Stine, a regular, said the beer adds to his experience at the Cleveland Avenue shop, which offers haircuts, straight razor shaves and other services in a setting that conjures sailing the high seas or hanging out in a college dorm.

"It's nice and relaxing," Stine said last week at the shop. "I get here a few minutes early for the good refreshment."

The Barbery is among a vast number of barbershops and beauty salons in Sonoma County and across California that serve a glass of wine or beer to customers who drop in for a trim. Trouble is, the widespread practice is not allowed under the state's alcoholic beverage regulations.

“As of right now, it’s illegal,” said Tony Carrancho, supervising agent in charge of the Santa Rosa District of the California Alcoholic Beverage Control.

A Southern California lawmaker wants to change things by adding the state’s beauty salons and barbershops to the list of businesses that could serve beer and wine without obtaining an alcohol license.

Owners of such establishments support the change, saying it would legalize a practice many said they thought already was allowed. But the bill is drawing fire from advocates of more stringent controls on alcohol.

**“We think that it’s a reckless expansion of alcohol availability,” said Michael Scippa, public affairs director for San Rafael-based Alcohol Justice, an industry watchdog that supports restrictions on access to alcohol and price controls to reduce potential harm from consuming alcohol.**

Under Assembly Bill 1322, authored by Tom Daly, D-Anaheim, barbershops and beauty salons would be added to the list of California businesses that don’t need a license in order to provide alcohol to guests at no charge. Currently, that privilege is bestowed only to California’s hot air balloon operators and limousine companies.

The establishments would be limited to a single 12-ounce beer or 6-ounce pour of wine. They could not charge for the alcohol, nor serve it after 10 p.m.

Daly last week declined comment on his bill through his staff.

The proposed legislation sailed through the Assembly’s Governmental Organization Committee on a bipartisan and unanimous vote. It’s scheduled to be heard Wednesday in the Assembly’s Appropriations Committee. Daly is a member of that committee.

Several barbershop owners in Sonoma County last week expressed support for the assemblyman’s efforts, while also expressing bafflement over the notion that what they’ve been doing for years is not already legal.

Thorson said she researched the state’s alcoholic beverage regulations prior to opening The Barbery in 2012 to determine whether the rules prevented her from serving beer and wine to her customers. She determined the rules did not. She said her insurance company didn’t raise any red flags, either.

“What insurance company would insure me if I was doing something illegal?” Thorson said.

Sean McConlogue, owner of The Barber Shop on Montgomery Drive, said he’s been serving beer to his customers for years with no complaints.

“We just look at it as giving our friends a beer,” he said.

The section of the law pertaining to serving alcohol without a license states that it can be done only when all of the following prevail: When no sales transaction takes place, when the premises

are not open to the public at the time alcoholic beverages are served or consumed, and when premises are not maintained for the purpose of keeping, selling or consuming alcohol.

Carrancho, with state Alcoholic Beverage Control, said some salon owners believe they've met the standard simply by not charging for alcohol. Others have argued that invite-only events held at the establishments are fair game for serving alcohol on the grounds that the events are "private."

Carrancho said that such events are still considered to be public under the law. He also stressed that all three of the criteria must be met for an alcohol license to be waived.

"I honestly just think it's a lack of education. They don't understand how it works," he said.

To be in compliance with current law, he said, barbershop and beauty salon owners would have to apply for what's known as a Type 42 license, which is what bars that serve alcohol operate under. But that would mean only those over the age of 21 could patronize the barbershop or salon that held the license, according to Carrancho.

At a minimum, such licenses cost \$560 and must be renewed annually.

Carrancho called the issue a matter of fairness beyond being a matter of the law.

"There are a number of licensees in the region that have to abide by the law and pay their fees," he said.

Serving alcohol without a license is a misdemeanor crime punishable by a \$1,000 fine and up to a year in county jail. But Carrancho said he can't recall a single instance in the 16 years he's been with ABC when a barbershop or beauty salon owner has ever been arrested under the circumstances.

He said the agency investigates about a handful of cases involving barbershops and salons every year. Some of the cases are generated by advertisements for special events at the establishments during which alcohol will be served.

Carrancho said agents typically contact the business owner to advise them of the violation and to advise them how to get into compliance with the law.

At The Barbery last week, Thorson said she was "extremely shocked" by the news she may have been skirting the law all these years.

"If they're going to come in and say I can't serve alcohol anymore, I guess I won't serve alcohol," she said.

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