

BOARD OF BARBERING AND COSMETOLOGY

Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Monday, May 11, 2015

Time: 1:00 p.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Lance M. Marugame, Barber Member, Chairperson
Alexander Choi, Public Member
Angela Howard, Public Member
Lynnette F. McKay, Cosmetology Member
Chad Nelson, Public Member
Christobal Quintana, Barber Member
Anne Tokunaga, Cosmetology Member
Rodney J. Tam, Deputy Attorney General ("DAG")
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary

Guests: Jessica Amaris, European Wax Center
Natalie Carmona, European Wax Center
Madeline Henck, European Wax Center
David Pang, EWC Hawaii
Margaret Williams, Hawaii Institute of Hair Design

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes ("HRS") section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order at 1:00 p.m. by Chairperson Marugame.

Additions/
Revisions to
Agenda: None.

Minutes of the
April 13, 2015
Board Meeting: After discussion, it was moved by Mr. Quintana, seconded by Ms. Howard, and unanimously carried to approve the minutes of the April 13, 2015 Board meeting, as circulated.

The Board's consensus was to skip Agenda item # 4, Chapter 91, HRS, Adjudicatory Matters, until DAG Tam arrived to the meeting.

At 1:01 p.m., it was moved by Mr. Choi, seconded by Ms. McKay, and unanimously carried for the Board to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS section 92-5(a)(1).

EXECUTIVE SESSION

At 1:19 p.m., it was moved by Ms. Howard, seconded by Ms. Tokunaga, and unanimously carried for the Board to move out of Executive Session.

Applications:

A. Ratification of Issued Licenses

It was moved by Ms. Howard, seconded by Ms. Tokunaga, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Examination and License

- (1) ROGERS, Maria C. (Beauty Operator - Esthetician)

After discussion, it was moved by Ms. Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the beauty operator application for examination and license of Maria C. Rogers.

C. Beauty Shop/Barber Shop License

- (1) BEYOND THE HOSPITAL INC.
dba SHARON HALFORD SKIN THERAPY
(New Beauty Shop)
- (2) EWC HAWAII, LLC
dba EUROPEAN WAX CENTER
(New Beauty Shop)
- (3) HAIR MAKEUP BEAUTY LLC
dba HMB
(New Beauty Shop)
- (4) KENNEDY, Laura J.
(New Beauty Shop)

- (5) TAKAYAMA, Moana K.
dba 808 Hair Boss
(New Beauty Shop)

The five (5) beauty shop applications were preliminarily reviewed by staff, the Executive Officer, and Ms. Howard (the designated Board member to review the barber shop/beauty shop applications for consideration for this Board meeting).

Ms. Howard stated that she reviewed the five (5) applications, and concluded that they meet all requirements for beauty shop licenses, and recommends approval. After discussion, it was moved by Ms. Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the beauty shop applications listed above.

D. Ratification of Issued Beauty Shop License

- (1) C-Mart International Corporation
dba CUT MART HAIR SALON (BSH 5273)

Executive Officer Kai reiterated that the Board had approved the beauty shop application of C-Mart International Corporation dba CUT MART HAIR SALON, at its March 9, 2015 meeting, pending the correction of the shop name on all applicable documents, and had delegated its approval to the Executive Officer with final ratification by the Board. Ms. Kai confirmed that all applicable documents were corrected and received on April 8, 2015, on which date she had approved the beauty shop license application. After discussion, it was moved by Ms. McKay, seconded by Mr. Choi, and unanimously carried to ratify the approval of the application for a beauty shop license of C-Mart International Corporation dba CUT MART HAIR SALON.

E. Restoration of License

- (1) Chauncey, Tanya Collette (BEO 9459)

After discussion, it was moved by Ms. Howard, seconded by Mr. Quintana, and unanimously carried to approve the restoration of beauty operator license of Tanya Collette Chauncey.

(2) PETERS, Caroline M. (BEO 13571)

After discussion, it was moved by Ms. Howard, seconded by Mr. Quintana, and unanimously carried to approve the restoration of beauty operator license of Caroline M. Peters.

Examination: A. National Interstate Council ("NIC") of State Boards of Cosmetology Licensing Examinations

Executive Officer Kai stated that Roseanne Kinley, representative of the National Interstate Council ("NIC"), has reached out to the Board concerning the Board's consideration of the NIC examination for the licensing of all beauty operator and barber license applicants. She reminded the Board that Ms. Kinley was a guest at the Board's April 7, 2014 meeting and had provided information to the Board, as well to present NIC's proposal to provide testing services.

Mr. Nelson inquired about the current exam contract with Prometric; Executive Officer Kai stated that she believed that the current contract was on an annual renewal basis and could be terminated at any time with just cause by either party; but noted that since the automatic renewal of the contract had been in place since before she had become the Executive Officer, that she would need to verify this. Ms. Kai surmised that the first step in seeking a different examination and/or examination vendor would be to issue a Request for Proposal ("RFP"); however, DAG Tam would be able to provide much more information on this process. Further discussion ensued on the NIC organization that focuses solely on the examination needs of cosmetology and barber licensing boards.

Executive Officer Kai inquired whether the Board thought that an Investigative Committee should be formed to investigate this matter, or whether a Board member could volunteer to lead the discussion to assist the Board in any decision-making. After discussion, it was moved by Chairperson Marugame, seconded by Ms. McKay, and unanimously carried to elect Mr. Nelson as a "Discussion Leader" for this issue, and to continue to have this on the meeting agenda as a topic for discussion. The Board reiterated that they are looking for a licensing exam that will provide greater assurance to the Board and to the public that individuals passing the exam are qualified to be licensed.

DAG Tam arrived to the meeting at 1:45 p.m.

The Board ceased discussion on the above and immediately recessed the meeting to discuss and deliberate on the following adjudicatory matters pursuant to HRS chapter 91:

Chapter 91,
HRS, Adjudicatory
Matters:

- A. In the Matter of the Beauty Shop License of KAILEE & SO INC., DBA KAILEE CUTIE NAILS and the Beauty Operator License of THUY AI THAI NGUYEN; BAR 2015-11-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Kailee Cutie Nails and Thuy Ai Thai Nguyen, Respondents. He stated that Respondent Thuy Ai Thai Nguyen, who holds a beauty operator's license and is the designated beauty operator in charge of Kailee Cutie Nails, and Respondent Kailee Cutie Nails, licensed beauty shop, both utilized unlicensed employees to provide beauty services to the public. RICO alleges that the Respondents violated HRS sections 439-17(d), and 439-19(a)(3).

Terms of the Settlement Agreement:

- Administrative fine (jointly or severally) in the amount of one thousand (\$1000.00) dollars; and
- Failure to fully and timely comply with terms of the Settlement Agreement shall result in the automatic revocation of Respondents' licenses.

After discussion, it was moved by Mr. Choi, seconded by Mr. Quintana, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Kailee & So, Inc. dba Kailee Cutie Nails and the Beauty Operator's License of Thuy Ai Thai Nguyen; BAR 2015-11-L.

At 1:48 p.m., the Board reconvened its scheduled meeting and resumed discussion on Agenda item #6, Examination.

Examination:

- A. National Interstate Council ("NIC") of State Boards of Cosmetology Licensing Examinations

Discussion resumed on the requirements of drafting an RFP; DAG Tam stated that the Board will need to consider the following before drafting an RFP:

- Scope of services;
- Scoring/evaluation criteria;
- Length of contract;
- General terms/conditions; and
- Qualifications to be met; criteria, and process.

Mr. Nelson mentioned that he believed that more than thirty (30) states already utilize NIC licensing examinations, and that utilization of the NIC exam is the first step to reciprocity between states. He noted that California is a state that has recently adopted the NIC exam and that using California as a model may be helpful.

It was also suggested that Mr. Nelson check with NIC for information on which states have recently accepted the NIC examinations for licensure and the states' processes to accomplish this. DAG Tam suggested that Mr. Nelson obtain copies of California's RFP and resulting contract with NIC (as these may be public records), as an example the Board may follow when drafting its own RFP.

Mr. Nelson left the meeting at 2:10 p.m.

Hawaii
Administrative
Rules ("HAR"):

A. Report from the Investigative Committee on Amendments to HAR Chapter 16-73 (Barbering)

No report. Executive Officer Kai inquired as to the status of the rule revisions. The committee reported that its work is ongoing and that it is "close to finishing" its rule amendments.

B. HAR Chapter 16-78 (Cosmetology)

(1) Report from the Investigative Committee on Amendments to Entire Chapter

No report. Executive Officer Kai inquired as to the status of the rule revisions. The committee reported that its work is ongoing. Committee member Tokunaga provided DAG Tam with the results of her research into the repealed sections of HRS chapter 439 that impact the administrative rule revisions that the committee is considering. DAG Tam stated that he will do further research into the matter.

- (2) Report from the Executive Officer on Amendments to Rules Relating to the State Authorization of Licensed Beauty Schools by the U.S. Department of Education

Executive Officer Kai reported that the Governor had been sent the Board's request for approval to conduct a public hearing. She further reported that she had anticipated obtaining the Governor's approval in order to conduct a public hearing on June 8, 2015; however, because the Governor's approval has not yet been received, the requirement that the public hearing notice be published at least thirty (30) days prior to the hearing cannot be met in time to hold the hearing immediately preceding the Board's June meeting. Executive Officer Kai commented that she hoped to receive the Governor's approval in the very near future so that the hearing notice could be published at least thirty (30) days prior to the Board's July 13, 2015 meeting date. She noted that it does not appear that the July 1, 2015 deadline set by the U.S. Department of Education will be met; however, it will be close.

Correspondence: A. Request from Jeffrey T. Mahon for a Waiver of the Examination Requirement for a Hawaii Barber's License

Executive Officer Kai reported that the Board received a request to be exempted from the licensing examination requirement for a barber's license from Jeffrey T. Mahon, who explained that he was a disabled veteran suffering from Post-Traumatic Stress Disorder, which causes memory issues and heightens anxiety levels. Mr. Mahon stated that he is a licensed barber in Indiana, a state which has the same training requirement of 1500 hours that Hawaii requires.

Discussion ensued on the Board's laws and rules which do not provide for an exemption from the exam requirement. The Board sympathized with Mr. Mahon's situation. After discussion, it was moved by Ms. Howard, seconded by Ms. McKay, and unanimously carried to deny the request from Jeffrey T. Mahon for a waiver of the examination requirement for a Hawaii barber's license, to inform him of the reason for the denial, and to provide him with information relating to the accommodations that can be provided to him by Prometric, the Board's testing service, under the Federal Americans with Disabilities Act.

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Open Forum: None.

Next Board Meeting: Monday, June 8, 2015
1:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building,
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 2:21 p.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Laureen M. Kai

Laureen M. Kai, Executive Officer

LMK:ln

05/27/15

- [X] Minutes approved as is.
[] Minutes approved with changes. See Minutes of _____.

LTYPE	LIC NUM	BP NAME PART 1
BEO	20400	NICOLE <ADAMS<
BEO	20401	KATHY L <MATTEO<
BEO	20402	MAYLEI B <AGONOY<
BEO	20403	ASHLEY JANE P <SILAO<
BEO	20404	HITOMI Y <GREENE<
BEO	20405	TAMARA S <CLIFTON-SCHNEIDER<
BEO	20406	JENNY <LY<
BEO	20407	EMILY M <BLEVINS<
BEO	20408	LANIKELE A <OKAMURA<
BEO	20409	SCARLETT E <RASOR<
BEO	20410	NICOLE M <ROSS<
BEO	20411	KELSEY ANNE <KIRWAN<
BEO	20412	MEGHAN E <DAUL<
BEO	20413	BICH NHU THI <PHAM<
BEO	20414	KIMYEN THI <PHAN<
BEO	20415	RUMIKO <CHIBA<
BEO	20416	PAVE R <TANTANO<
BEO	20417	DENNIS <DANG<
BEO	20418	QIPING <OUYANG<
BEO	20419	LAURA J <WOOLSEY<
BEO	20420	AKI <SOGA<
BEO	20421	GRACE S <LIM<
BEO	20422	MIKI K <SLOBODA<
BEO	20423	DAEJHA K <KENNEDY PAI<
BEO	20424	YUKIKO <HOJO<
BEO	20425	ANTREACA A <MARSHALL<
BEO	20426	MARIA C S <CAGAT<
BEO	20427	KEALOHALANI L <ANDRADE<
BEO	20428	TRACY L <CORRO<
BEO	20429	DEANNA KALEHUA Y L <CORPUZ<
BEO	20430	CARLOS J <PAZ<

LTYPE	LIC NUM	BP NAME PART 1
BAR	3566	MARIA C <ROGERS<
BAR	3567	TYLIN K <SAMUELA<
BAR	3568	YOLANDA <PASAMONTE<
BAR	3569	SHARON Z Z <VU<
BAR	3570	CHI <NGUYEN<
BAR	3571	NHI T <TRAN<
BAR	3572	XIU BO <WANG<
BAR	3573	XIU YUAN <WANG<
BAR	3574	TIEN VO <YOU<
BAR	3575	THAO CUU THI <NGUYEN<
BAR	3576	VY NGOC <NAKATSUKASA<
BAR	3577	CHINH KIEU NGUYEN <PHAN<
BAR	3578	HOANG CHAU THI <PHAM<
BAR	3579	TIANA K <TANIGUCHI<
BAR	3580	DAN THANH N <VO<
BAR	3581	PEDRO L R <PALTING<
BAR	3582	MISUN <LEE<
BAR	3583	CHI THI <TRAN<
BAR	3584	KEOKI K N <LIMAHAI<
BAR	3585	SOPHARAT <GOULD<
BAR	3586	DEVIN-LEE L <LUNA<
BAR	3587	CYNTHIA <GORDON<