

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Tuesday, November 25, 2014

Time: 9:04 a.m.

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

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

Excused: Lance M. Marugame, Barber Member, Chairperson
Alexander Choi, Public Member

Guests: None.

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 9:04 a.m. by Chairperson pro tem Howard.

Additions/
Revisions to
Agenda: None.

Minutes of the
October 13,
2014 Board
Meeting: After discussion, it was moved by Mr. Quintana, seconded by Mr. Nelson, and unanimously carried to approve the minutes of the October 13, 2014 Board meeting, as circulated.

Executive
Session:

At 9:05 a.m., it was moved by Mr. Nelson, seconded by Mr. Quintana, 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), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

EXECUTIVE SESSION

At 9:27 p.m., it was moved by Mr. Nelson, seconded by Mr. Quintana, and unanimously carried for the Board to move out of Executive Session.

Chairperson pro-tem Howard acknowledged the arrival of Ms. McKay during the Executive Session.

Applications:

A. Ratification of Issued Licenses

It was moved by Mr. Quintana, seconded by Mr. Nelson, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Examination and License

(1) BALLESTEROS, Rodney D. (Barber License)

After discussion, it was moved by Ms. McKay, seconded by Mr. Nelson, and unanimously carried to approve the barber application for examination and license of Rodney D. Ballesteros.

C. Beauty Shop/Barber Shop License

(1) Advanced Medi-Spa LLC
(New Beauty Shop – Continued Discussion)

Discussion ensued on application #1 for new beauty shop license as listed on the meeting agenda, Advanced Medi-Spa LLC. Executive Officer Kai stated that the Board denied the application at its May 14, 2014 meeting, and is now requesting for the Board to review the application, specifically the "No" response to Question 5 on the application "Have the applicant, any officers, partners,

managers, or members ever been convicted of a crime in any jurisdiction that has not been annulled or expunged, given by owner and beauty operator-in-charge Cindy Chang.

After careful consideration, the Board determined that the "No" response was truthful, as the applicant and the beauty operator-in-charge have no criminal convictions in the State of Hawaii.

It was moved by Mr. Nelson, seconded by Mr. Quintana, and unanimously carried to affirm the Board's May 14, 2014 determination that the application is denied for the following reasons:

1. HRS section 439-19

"(a) In addition to any other actions authorized by law, the board may take disciplinary action against any license issued under this chapter, including but not limited to revocation, suspension, fine, or a combination thereof, or refuse to grant or renew any license for any cause authorized by law, including but not limited to the following:

(1) Procuring a license through fraud,
misrepresentation, or deceit;

* * *

(9) Making a false statement on any document submitted or required to be filed by this chapter.

2. HRS section 436B-19

"In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore or may deny, revoke, suspend, or condition in any matter, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

* * *

(5) Procuring a license through fraud,
misrepresentation or deceit."

The motion further stated that the applicant be requested to provide additional clarifying information that explain

the underlying facts and circumstances involving the following judgments that have been obtained against the applicant in circuit court (Civil No. 09-1-2752-11), and the current status of each judgment (e.g., whether they have been satisfied, whether the applicant entered into a payment arrangement for either judgment, whether the applicant made any payments on either judgment, the outstanding balance of each judgment, etc.):

- February 28, 2011 for \$80,079.34
- January 31, 2012 for \$115,238.02

- (2) CONWAY, Yuhwa K. (New Beauty Shop)
- (3) ENVY HAIR SALON LLC (Beauty Shop Relocation)
- (4) JENNY T NGUYEN LLC (New Beauty Shop)
- (5) KARLSSON-YARBROUGH, Monika E. (New Beauty Shop)
- (6) LUCAS, Lisa Ann Y. (Beauty Shop Relocation)
- (7) Margaret's International LLC (Beauty Shop Relocation)
- (8) Moana Salon & Day Spa Inc. (New Beauty Shop)
- (9) NGUYEN, Hong Loan Thi
Dba BEE NAILS SALON & SPA (New Beauty Shop)
- (10) RESORTTRUST HAWAII, LLC dba THE KAHALA SPA
(New Beauty Shop)
- (11) SASSON HAWAII LLC (New Beauty Shop)
- (12) Snip Tease, Limited Liability Company
dba Snip Tease Salon (New Beauty Shop)
- (13) STYLISTIQUE BEAUTY SALON LLC (New Beauty Shop)
- (14) Supercuts Corporate Shops, Inc. dba Supercuts
(New Barber Shop – Lahaina)
- (15) 3900 WA ASSOCIATES, LLC dba Four Seasons Resort
Maui at Wailea (New Beauty Shop)
- (16) VENTURA, Paul A. dba Salon U'ilani
(Beauty Shop Relocation)
- (17) WANG, Lei dba RAINBOW HAIRSTYLING (New Barber Shop)
- (18) YANG, Gina dba Salon Gina (New Beauty Shop)

The seventeen (17) barber and beauty shop applications, items #2 to #18 as listed on the agenda, were preliminarily reviewed by staff, the Executive Officer, and Ms. McKay, the designated Board member to review the barber and beauty shop applications for consideration for this Board meeting.

Ms. McKay stated that she reviewed the seventeen (17) applications and concluded that they meet all requirements for beauty shop/relocation licenses, and recommends approval. After discussion, it was moved by Mr. Nelson, seconded by Mr. Quintana, and unanimously carried to approve the barber and beauty shop applications listed above.

D. Beauty School License

- (1) HONOLULU NAIL ACADEMY LLC (BSC-22)
– Addition of Space and Training Courses

After discussion, it was moved by Ms. McKay, seconded by Mr. Nelson, and unanimously carried to approve the addition of space and training courses for the beauty school license of Honolulu Nail Academy LLC.

E. Restoration of Barber Shop License

- (1) MORIKUNI, Norman T. (BAS-1112)

After discussion, it was moved by Ms. McKay, seconded by Mr. Nelson, and unanimously carried to approve the restoration of barber shop license of Norman T. Morikuni.

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.

B. Report from the Investigative Committee on Amendments to HAR Chapter 16-78 (Cosmetology)

No report. Executive Officer Kai inquired as to the status of the rule revisions. The committee reported that its work is ongoing.

Executive Officer Kai provided the following update on the State authorization of licensed beauty schools by the U.S. Department of Education. The Board had approved the proposed rule amendments at its October 13, 2014 meeting:

HAR 16-78-2 Definitions.

"Beauty school", unless the context clearly indicates otherwise, means a postsecondary school engaged in teaching cosmetology.

* * *

"Postsecondary" means the education equivalent to the completion of high school or grade 12.

HAR 16-78-59 Enrollment.

* * *

(b) [Students] A beauty school shall enroll only students who are [be] at least sixteen years of age and who have an education equivalent to the completion of high school or grade 12.

Because of the urgent and time-sensitive nature of completing these rule revisions, Executive Officer Kai requested for the Board's approval to amend the above-cited sections of HAR chapter 16-78 without the compilation of the entire rules chapter. After discussion, it was moved by Ms. McKay, seconded by Mr. Nelson, and unanimously carried to move forward with the revisions of the above-cited sections of HAR 16-78 without the compilation of the entire chapter.

Open Forum: None.

Next Board Meeting: Monday, December 15, 2014
1:00 p.m.
PVL Examination Room
King Kalakaua Building, 3rd Floor
335 Merchant Street, Room 330
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 9:41 a.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

12/22/14

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

LTYPE	LIC NUM	BP NAME PART 1
BEO	20185	LUU PHONG <PHAM<
BEO	20186	ASHLEY-LORIANNE B <SAGISI<
BEO	20187	SHARREN S <SAKODA<
BEO	20188	CHIE <MATSUOKA<

LTYPE	LIC NUM	BP NAME PART 1
I	12409	LISA P <MIYASHIRO<