

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Monday, March 9, 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
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

Excused: 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 1:00 p.m. by Chairperson Marugame.

Additions/
Revisions to
Agenda: Executive Officer Kai requested for the Board to amend the agenda as follows:

Revision: 5. APPLICATIONS

B. Beauty Shop/Barber Shop License

(3) C-Mart International [~~Corporation~~] Corp.
dba Cut Mart Hair Salon
(New Beauty Shop)

Executive Officer Kai explained that the applicant's name is being corrected to reflect the name on the beauty shop application.

Addition: 5. APPLICATIONS

B. Beauty Shop/Barber Shop License

(1) ANGELLY LLC

Executive Officer Kai informed the Board that the applicant stated that it is experiencing considerable financial hardship by not being able to open and do business. The applicant did not understand the importance of providing the correct name on the application or that the applicant name must be consistent across all documents in the application. Ms. Kai stated that the discrepancy in the name is that the application was filed under the name "ANGELL LLC", and the correct name is "ANGELLY LLC". Upon notification of the discrepancy, the applicant submitted corrected documents with the name "ANGELLY LLC"; however, the corrected documents were received after the meeting agenda was officially filed.

Executive Officer Kai stated that her practice across all boards has been to not add license applications to an agenda because the omission of an application on the agenda may not provide adequate notice to the public that the Board is considering a person for licensure. She also stated that she based this practice on guidance from the Office of Information Practices, and that it would be up to the Board to decide whether the application should be added.

After discussion, it was moved by Chairperson Marugame, seconded by Ms. Howard, and unanimously carried to approve the revision and addition of the above and renumber the

list of beauty shop/barber shop license applications accordingly.

Minutes of the
February 9,
2015 Board
Meeting:

After discussion, it was moved by Mr. Quintana, seconded by Ms. McKay, and unanimously carried to approve the minutes of the February 9, 2015 Board meeting, as circulated.

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

Executive
Session:

At 1:02 p.m., it was moved by Ms. Howard, seconded by Ms. Tokunaga, 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 1:17 p.m., it was moved by Mr. Quintana, seconded by Ms. Howard, 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. McKay, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Beauty Shop/Barber Shop License

- (1) ANGELLY LLC
(New Beauty Shop)
- (2) Astraia, Inc. dba Laule`a Spa at Pacific Beach Hotel
(New Beauty Shop)
- (3) BORJA, Shoko Yamamoto dba Luxage
(New Beauty Shop)
- (4) C-Mart International Corp. dba Cut Mart Hair Salon
(New Beauty Shop)

- (5) Deux LLC dba Hello Bombshell
(New Beauty Shop)
- (6) Hawaii Massage Exchange Inc. dba 808 Esthetics
(Beauty Shop License Restoration and Relocation)
- (7) Hello Gorgeous LLC
(New Beauty Shop)
- (8) LE, Truc Hoang dba Beauty Nail N Spa
(New Beauty Shop)
- (9) LYNCH, Wendi dba Spa Makaiwa
(New Beauty Shop)
- (10) NACTOR, Micole M.K. dba Studio M Hair & Beauty
(New Barber Shop)
- (11) PARKER, Lieu Thi dba Stranz Hair Salon
(Beauty Shop Relocation)
- (12) PERFECTION NAILS LLC
(New Beauty Shop)
- (13) Salon Upstage LLC
(New Beauty Shop)
- (14) SPLURGE LLC
(New Beauty Shop)
- (15) V.I.P. Nails LLC
(New Beauty Shop)
- (16) Walgreen of Hawaii, LLC dba Nail Studio
(New Beauty Shop)

The sixteen (16) barber shop/beauty shop applications were preliminarily reviewed by staff, the Executive Officer, and Chairperson Marugame (the designated Board member to review the barber shop/beauty shop applications for consideration for this Board meeting).

Chairperson Marugame stated that he reviewed the sixteen (16) applications and concluded that they meet all requirements for barber shop or beauty shop licenses, and recommends approval. After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve applications numbered (1) to (3), and (5) to (16) of the barber shop/beauty shop applications listed above.

After discussion, it was moved by Ms. Howard, seconded by Ms. McKay, and unanimously carried to approve application (4), C-Mart International Corp. dba Cut Mart Hair Salon, pending the correction of all applicable documents, and delegating approval to the Executive Officer, with final ratification by the Board at a subsequent meeting.

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. 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.

DAG Tam arrived to the meeting at 1:30 p.m.

The Board immediately recessed the meeting to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS:

Chapter 91, HRS,
Adjudicatory Matters:

A. In the Matter of the Beauty Shop License and the Beauty Operator's License of KIM LIEN THI TA, dba NAILS LA VIE; BAR 2014-30-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Kim Lien Thi Ta and Nails La Vie. He stated that RICO alleges

that the Respondent, Kim Lien Thi Ta (owner and beauty operator in charge of beauty shop, Nails La Vie) permitted an individual who was not licensed as a beauty operator, apprentice, or holder of a temporary permit to perform cosmetology on the premises of Respondent's beauty shop for compensation. Respondent also permitted a licensed nail technician to perform esthetician services (i.e., eyebrow and upper lip waxing) on the premises of Respondent's beauty shop for compensation. Based on this, RICO alleges that the Respondent violated HRS sections 439-17(a), 439-17(d), 439-19(a)(3), 439-19(a)(4), and HAR 16-78-6.

Terms of Settlement Agreement:

- Administrative fine in the amount of one thousand (\$ 1,000.00) dollars.
- Failure to fully and timely comply with terms of the Settlement Agreement shall result in the automatic revocation of Respondent's license.
- Possible further sanctions may be pursued by the Board as provided by law to include further fines and other sanctions if Respondent violates any provision of the statutes or rules governing the conduct of beauty shops or beauty operators in the State of Hawaii, or if Respondent fails to abide by the terms of this Settlement Agreement.

After discussion, it was moved by Mr. Nelson, seconded by Ms. McKay, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License and the Beauty Operator's License of Kim Lien Thi Ta, dba Nails La Vie; BAR 2014-30-L.

B. In the Matter of the Beauty Operator's License of PHUONG K. TRAN; BAR 2014-29-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding

Phuong K. Tran. He stated that RICO alleges that Phuong K. Tran, Respondent, who holds a beauty operator's license as a nail technician performed esthetician services (i.e., eyebrow and upper lip waxing) on the premises of Nails La Vie beauty shop for compensation. Based on this, RICO alleges that the Respondent violated HRS sections 439-2(a), 439-2(b), and 439-19(a)(4).

Terms of Settlement Agreement:

- Administrative fine in the amount of five hundred (\$ 500.00) dollars.
- Failure to fully and timely comply with terms of the Settlement Agreement shall result in the automatic revocation of Respondent's license.
- Possible further sanctions may be pursued by the Board as provided by law to include further fines and other sanctions if Respondent violates any provision of the statutes or rules governing the conduct of beauty operators in the State of Hawaii, or if Respondent fails to abide by the terms of this Settlement Agreement.

After discussion, it was moved by Ms. McKay, seconded by Ms. Tokunaga, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Operator's License of Phuong K. Tran; BAR 2014-29-L.

At 1:34 p.m., the Board reconvened its scheduled meeting.

At 1:35 p.m., it was moved by Ms. Howard, seconded by Ms. McKay, and unanimously carried for the Board to enter into Executive Session 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 2:19 p.m., it was moved by Ms. Kay, seconded by Ms. Tokunaga, and unanimously carried for the Board to move out of Executive Session.

Chairperson Marugame acknowledged the departure of Mr. Nelson from the meeting during the Executive Session.

Hawaii
Administrative
Rules ("HAR"):

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

Committee member Marugame added to his report to note that the committee is reviewing the issues of hot water requirements and cross-over practice. He also questioned the issue of cross-training.

B. HAR Chapter 16-78 (Cosmetology)

- (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 stated that she had no new update on the proposed rule amendments, except that the Small Business Regulatory Review Board will consider the proposal at its March 18, 2015 meeting.

Open Forum: None.

Next Board Meeting: Monday, April 13, 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 2:30 p.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

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Reviewed and approved by:

/s/ Laureen M. Kai

Laureen M. Kai, Executive Officer

LMK:ln

04/01/15

- Minutes approved as is.
 Minutes approved with changes. See Minutes of _____.

LTYPE LIC NUM BP NAME PART 1

MAR - 9 2015

BEO	20310	LEAH M <DENNEE<			
BEO	20311	CRYSTAL D <RAMSEY<			
BEO	20312	OANH HOANG <NGUYEN<			
BEO	20313	NICOLE M M Y <RAMOS<			
BEO	20314	JESSICA A <GIBSON<			
BEO	20315	RYCHEL K <PUSINS-KAAEKUAAHIWI<			
BEO	20316	TREASURE A <PATTERSON<			
BEO	20317	NATASHA L <CATHCART<			
BEO	20318	DAISY L <CARRILLO<			
BEO	20319	SEON HE <KIM<			
BEO	20320	YOKO K <OKUDA<	BEO	20340	ASHLEY N <DONNELLY<
BEO	20321	SELENIA S <MASON<	BEO	20341	NINA <EOM<
BEO	20322	NATASHA N <IGNACIO<	BEO	20342	AKIKO K <FEENEY<
BEO	20323	KYRSTIANN T P <NELSON<	BEO	20343	HIROKO <FUJIWARA<
BEO	20324	AMBER JEAN K <ANTONIO<	BEO	20344	SUSIE P <FRYAR<
BEO	20325	FAITH R <WHISNAND<	BEO	20345	MIRANDA C <GOLUB<
BEO	20326	YVONNE <LOZANO<	BEO	20346	KAYLA S <KIM<
BEO	20327	NICOLE H <ESPINDA<	BEO	20347	LORIANNE B <CAPITILE<
BEO	20328	KRISTEN K <HAZAMA<	BEO	20348	SARAH M <SHINOHARA<
BEO	20329	ERIKA C P <VIRIATO<	BEO	20349	MATTHEW J <TANDAL<
BEO	20330	JENNY T <MAI<	BEO	20350	KUMI <NAGANO<
BEO	20331	GEORGINA A <ONESI<	BEO	20351	PHUOC H <DINH<
BEO	20332	BICH TUYEN N <DIEP<	BEO	20352	MINA <PAK<
BEO	20333	MIWAKO <KURIHARA<	BEO	20353	EMILY M <HALLS<
BEO	20334	JANIKA <KIRS<	BEO	20354	CHARITY K <GARCIA<
BEO	20335	SU A <KIM<	BEO	20355	NOELLE C K <HIRAHARA<
BEO	20336	JOSHUA T <KERSH<	BEO	20356	GIANG D <TAYLOR<
BEO	20337	PHILLIP G <HUTTON<	BEO	20357	BAO THANH THI <THAI<
BEO	20338	MOANI M L <HIBBARD<	BEO	20358	LARA I <SNIFFEN<
BEO	20339	ALEXIS A K L <CHING<	BEO	20359	MALIA P <REGHI<
			BEO	20360	JULEEN K <ODA<
			BEO	20361	ORANNA M <NAKATA<
			BEO	20362	HOLLY H <BREWER<
BAR	3556	HOANG THIEU <TA<	BEO	20363	KERRY J <MAC DONALD<
BAR	3557	JODIE G <MEIER<	BEO	20364	LUVRIE P <LANDEAU<
BAR	3558	MICHELLE R <WEBER<	BEO	20365	VERLEY G <CAGULA<
BAR	3559	KRIMSON K <AIWOHI<	BEO	20366	YUKI <SAKAGUCHI<
BAR	3560	DUCHESS M <KAMA<	BEO	20367	BERNADETH R <AQUINO<
BAR	3561	THOMAS J <SCARBRO<			
BAR	3562	BREANN B <HANKS<			
BAR	3563	KALOLO T K <TUIHALAFATAI<			
I	12414	STEPHANIE M <PICKETT<			
I	12415	MOANA J <MATSUKAWA<			