

**BOARD OF BARBERING AND COSMETOLOGY**

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

MINUTES OF MEETING

Date: Monday, July 13, 2015

Time: 1:17 p.m.

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

Present: Lance M. Marugame, Barber Member, Chairperson  
Angela Howard, Public Member  
Lynnette F. McKay, Cosmetology 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  
Chad Nelson, Public Member

Guests: 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 1:17 p.m. by Chairperson Marugame.

Additions/  
Revisions to  
Agenda: None.

Consideration of  
Amendments to  
Chapter 16-78,  
Hawaii  
Administrative Chairperson Marugame stated that the public hearing on the amendments to the administrative rules had concluded immediately prior to the convening of the Board meeting, and inquired if any Board members had any comments or concerns on the amendments to Hawaii Administrative Rules ("HAR")

Rules: chapter 16-78. There were none. It was moved by Ms. McKay, seconded by Chairperson Marugame, and unanimously carried to approve the amendments to HAR chapter 16-78.

Minutes of the June 15, 2015 Board Meeting: After discussion, it was moved by Ms. Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the minutes of the June 15, 2015 Board meeting, as circulated.

The Board's consensus was to defer Agenda item # 5, Chapter 91, HRS, Adjudicatory Matters, until DAG Tam arrived to the meeting.

At 1:20 p.m., it was moved by Ms. Howard, 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 1:28 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. McKay, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Examination and License

- (1) ALEXANDER JOAQUIN, Erika M.  
( 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 Erika M. Alexander Joaquin.

- (2) SANDERS, Michael D. ( Beauty Operator - Cosmetologist )

Discussion ensued concerning the beauty operator application for examination and license of

Michael D. Sanders, on which the Board deferred decision-making at its last meeting, pending his compliance with the plan he had entered into with the Regulated Industries Complaints Office ("RICO"); RICO Case No. BAR 2014-43-C. Executive Officer Kai confirmed his compliance with that plan. 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 Michael D. Sanders.

C. Beauty Shop/Barber Shop License

- (1) Best Hairstyling LLC ( New Barber Shop )
- (2) Beyond Bare Waxing Hawaii, Inc. dba bb salon & spa  
( New Beauty Shop )
- (3) DROUIN, Jody M. ( New Beauty Shop )
- (4) 808 Simply Faded LLC ( New Barber Shop )
- (5) GOLDEN HAIR & NAILS LLC  
( New Beauty Shop due to Change in Ownership )
- (6) Impressions Make-Up & Hair Salon, LLC  
( Relocation of Beauty Shop )
- (7) JENNY'S NAIL AND HAIR SALON LLC  
( New Beauty Shop )
- (8) Judy Nail and Beauty Salon LLC ( New Beauty Shop )
- (9) Kohanaiki Club, Inc. ( New Beauty Shop )
- (10) Laa Kea, LLC ( New Beauty Shop )
- (11) MCCULLY BARBER SHOP INC. ( New Barber Shop )
- (12) MEIER, Jodie G. dba J. Meier Salon & Day Spa  
( New Barber Shop )
- (13) Monimay Salon LLC ( New Beauty Shop )
- (14) NGO, Vu Ha dba David's Happy Nails & Spa  
( New Beauty Shop )
- (15) NGUYEN, Thuy Bich dba Lahaina Nail Spa  
( New Beauty Shop )
- (16) Ooh La Lash and Beauty, LLC ( New Beauty Shop )
- (17) PRO NAILS AND SPA LLC ( Relocation of Beauty Shop )

- (18) SADAMITSU, Maria I. dba The Lash Lounge Kauai  
( New Beauty Shop )
- (19) SOHO NEWYORK, LLC dba SOHO NEWYORK SALON  
( New Beauty Shop )
- (20) SORCE, Marie Ann ( Relocation of Beauty Shop )
- (21) Tracey @ Hair Innovations LLC  
( Relocation of Beauty Shop )

The twenty-one (21) barber/beauty shop applications above were preliminarily reviewed by staff, the Executive Officer, and Chairperson Marugame (the designated Board member to review the barber shop and beauty shop applications for consideration for this Board meeting).

Chairperson Marugame stated that he reviewed the twenty-one (21) applications, and concluded that they meet all requirements for barber/beauty shop licenses, and recommends approval. After discussion, it was moved by Chairperson Marugame, seconded by Ms. McKay, and unanimously carried to approve the barber shop and beauty shop applications listed above.

D. Restoration of License

- (1) MILLER, Chantell B. ( BEO 12344 )

After discussion, it was moved by Ms. Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of beauty operator license of Chantell B. Miller.

Scope of Practice: A. Lamprobe Treatment and Equipment

Executive Officer Kai stated that the Board received an inquiry if treatment by equipment called a lamprobe was in the scope of practice of the licensees regulated by the Board. Ms. Kai summarized her research into the lamprobe treatment as follows: (1) the lamprobe uses radio, high frequency technology; (2) it is considered to be non-invasive as it is performed without penetrating the skin's surface, and is extremely rapid (3-5 seconds) for instantaneous results; and (3) the lamprobe is used for the treatment of common minor skin conditions on the surface of the skin (superficial irregularities) without the need for

anesthesia (e.g., cholesterol deposits, milia, cherry angiomomas, spider naevi, clogged pores, skin tags, fibromas, acne, and pimples). Ms. Kai stated that, as reflected in the minutes of the Board's January 24, 2006 meeting, the Board had prohibited the use of this equipment because the treatment and equipment claimed to produce results that could arguably be attributable to an invasive type of procedure.

DAG Tam arrived to the meeting at 1:35 p.m.

After discussion, it was moved by Chairperson Marugame, seconded by Ms. Howard, and unanimously carried to reaffirm the Board's 2006 decision that lamprobe treatment and equipment do not fall within the practice of cosmetology and the jurisdiction of this Board, and further that the inquirer should check with the State Board of Medical Examiners ("BME") as it may fall under its regulatory jurisdiction.

B. Cryogen/Cryoskin Treatment and Equipment

Executive Officer Kai stated that the Board received an inquiry whether cryogen/cryoskin treatment and equipment could be performed by the licensees regulated by the Board. Ms. Kai summarized her research into this type of treatment as follows: (1) the treatment is considered to be non-invasive as it is performed without penetrating the skin's surface, and is extremely rapid (3-5 seconds) for minimal surface trauma with precise treatment; (2) the treatment involves the use of freezing technology (with small disposable cartridges of nitrous oxide) to rapidly and precisely treat a wide range of minor, and superficial skin irregularities (e.g., age spots, hyperpigmentation, warts, keratosis, fibromas); and (3) the treatment may also be used to peel areas of skin and remove small areas of pigment for permanent make-up corrections around the eyebrows or lips.

After discussion, it was moved by Chairperson Marugame, seconded by Ms. Tokunaga, and unanimously carried that cryogen/cryoskin treatment and equipment does not fall within the practice of cosmetology and the Board's jurisdiction, and the inquirer should check with the State BME as it may fall under its jurisdiction.

At 1:43 p.m., the Board 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 Shu International Corporation dba K's Hair; BAR 2015-22-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Shu International Corporation dba K's Hair, Respondent. He stated that the Respondent holds a beauty shop license, and allowed permittees to perform activities which require a license or which require the permittees to practice under a licensed beauty operator where none was present. RICO alleges that the Respondents violated HRS sections 439-16, 439-17(d), and 439-19(a)(3).

Terms of the Settlement Agreement:

- Administrative fine (jointly or severally) in the amount of one thousand five hundred (\$1,500.00) 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 Ms. Howard, seconded by Ms. McKay, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Shu International Corporation dba K's Hair; BAR 2015-22-L.

At 1:46 p.m., the Board reconvened its scheduled meeting.

Executive Officer's  
Report:

A. Regulated Industries Complaints Office ("RICO")  
Barbering and Cosmetology Advisory Committee

Executive Officer Kai stated that RICO is seeking approval to the appointment of Joy Shimabuku to RICO's Barbering and Cosmetology Advisory Committee, effective immediately for the remainder of the current term. Per RICO, Ms. Shimabuku has no pending or prior complaints. After discussion, it was moved by Chairperson Marugame, seconded by Ms. Howard, and unanimously carried to approve the appointment of Joy Shimabuku to RICO's Barbering and Cosmetology Advisory Committee.

B. Safety and Pollution Prevention Training by S/P2

Executive Officer Kai informed the Board of a training course by S/P2 that may help administrators and instructors in cosmetology schools protect their schools, protect their students, and protect themselves. She stated that S/P2 is reaching out to cosmetology regulators to increase awareness of S/P2 as a resource for state cosmetology schools. S/P2 originally served the automotive and construction trades, and has since expanded its course offerings to meeting the rising demand for safety and pollution prevention training in schools in the cosmetology and culinary areas. The cosmetology training began in 2014 and includes:

- Safety Data Sheets and the Hazard Communication Standard;
- Hazardous Chemicals;
- Bloodborne Pathogens;
- Personal Protective Equipment;
- First Aid Kits, Eyewash Stations, and Emergency Response;
- Fire Safety/Flammable Materials;
- Electrical Safety;
- Infection Awareness;
- Reusable, One-Time-Use, and Prohibited Items;
- General Sanitation;
- Safety with Tools and Implements;
- Slips, Trips, and Falls;
- Ergonomics;
- Recordkeeping, Licensing, and Posting;
- Green Salon Practices; and
- Interview Skills for a Career in Cosmetology.

Ms. McKay commented that the Cosmetology Program of Honolulu Community College has its own safety and pollution training.

C. Request from Makana Esthetics Wellness Academy, LLC (BSC 40) for Approval of New Student Transcript for its Esthetics Program

Executive Officer Kai stated that the Board received a request from beauty school Makana Esthetics Wellness Academy, LLC ("Makana") for approval of a new student

transcript for its Esthetics program. The current transcript lists the required number of hours in each training category; however, the new transcript shows the actual hours earned in each required category.

After discussion, it was moved by Chairperson Marugame, seconded by Ms. McKay, and unanimously carried to approve the new student transcript for Makana's Esthetics program.

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

Due to Mr. Nelson's excused absence, this agenda item was deferred to the Board's next meeting.

B. Cosmetology Examinations Administered in May 2015

Executive Officer Kai provided a summary of the results of cosmetology examinations administered in May 2015, as follows:

Total Examinations Scheduled	313	
Total Examinations Administered	302	
Total Examinations Passed	122	(40% pass rate)
Total Examinations Failed	180	(60% failure rate)

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 new information was received and thus needs to be incorporated into their working draft.

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.



- (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 prior to this meeting, the public hearing on amendments to rules relating to the State authorization of licensed beauty schools by the U.S. Department of Education was held and no written or oral testimonies were received. The Board approved the amendments with no changes; thus, the approved amendments will be sent to the Governor for final approval and signature, and to the Office of the Lt. Governor for filing.

Open Forum: DAG Tam stated that he had a brief discussion with RICO on the matter relating to the licensure requirements of a booth/chair renter/independent contractor operating in a beauty shop. He stated that the Board and RICO will continue reviewing and discussing the matter. The Executive Officer stated that RICO has requested to address the Board at its August 10, 2015 meeting.

Next Board Meeting: Monday, August 10, 2015  
1:00 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building,  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Announcements: Executive Officer Kai informed the Board that the Hawaii State Ethics Commission is offering an ethics training class for State board and commission members on August 26, 2015, from 9:30 a.m. to 11:00 a.m. in the State Capitol Auditorium. She stated that parking will be provided and instructed Board members who were interested to contact her for the information to register for the class.

Executive Officer Kai stated that the National-Interstate Council of State Boards of Cosmetology, Inc. ("NIC") is holding its annual Administrators Meeting and Conference in Missoula, Montana on August 27 to 31, 2015, and that her request to attend is pending approval by the Department. She further stated that elections for positions on the NIC Executive Board will be held; thus, interested Board members should notify her.

Adjournment:        There being no further business to discuss at this time, the meeting was adjourned at 2:15 p.m.

Taken and recorded by:

/s/ Lori Nishimura

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Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Lauren M. Kai

\_\_\_\_\_  
Lauren M. Kai, Executive Officer

LMK:ln

08/06/15

[ X] Minutes approved as is.

[ ] Minutes approved with changes. See Minutes of \_\_\_\_\_.

LTYPE	LIC NUM	BP NAME PART 1
BEO	20448	ASAMI <FUNABASHI<
BEO	20449	VAN THI HONG <NGUYEN<
BEO	20450	IVY M <DELAUNAY<
BEO	20451	CHIKAKO <OHARA<
BEO	20452	MARIKO <MATSUI<
BEO	20453	MARIKO <BARBER<
BEO	20454	TJADEN N <CORNELL<
BEO	20455	DAVID R <CROCKETT<
BEO	20456	JESSICA C <FEE<
BEO	20457	AN THI THU <HONG<
BEO	20458	MAXINE J <JOSE<
BEO	20459	ANDREA A A <NAKASHIMA<
BEO	20460	BRITNEYFAYE C <SANCHEZ
BEO	20461	DANICA T <SCHULTZ<
BEO	20462	HITOMI <SHIMODA<
BEO	20463	JARROD K <SHINN<
BEO	20464	TERESA V <TANG<
BEO	20465	DANIELLE L <ADKINS<
BEO	20466	TESHA <ANGELO<
BEO	20467	BARBARA <BAEHR<
BEO	20468	SARAH L <BENJAMIN<
BEO	20469	KASSADI M <BUTLER<
BEO	20470	SARAH M M <CALVERT<
BEO	20471	CYNTHIA <CARTWRIGHT<
BEO	20472	CARY C I <CHANG<
BEO	20473	SHARLOMA <CLEVELAND<
BEO	20474	TRACY U <CORPUZ<
BEO	20475	JULIA S <FIGUEIRA<
BEO	20476	NATASHA S <FRANKLIN<
BEO	20477	IKUE M <FUKUDA<
BEO	20478	IAN M <GOKAN<
BEO	20479	SHERYL C <GUILLERMO<
BEO	20480	MARIE A <HAGE<
BEO	20481	SHERYN B <HEFELE<
BEO	20482	TANIECE K <HUNT<
BEO	20483	HOPE A <JOHNSON<
BEO	20484	SAKINAH A <KHAN<
BEO	20485	LACI J <KOOSER<
BEO	20486	NAOKO <LEAVITT<
BEO	20487	JUSTINE L <MAGALLONES<
BEO	20488	DUNG THI <MAI<
BEO	20489	REGINA S <MICK<
BEO	20490	LISA C <MORAWITZ<
BEO	20491	JAMES P M P <MORIMOTO<
BEO	20492	MIRANDA <MUSE<
BEO	20493	ANH THI NGOC <NGUYEN<
BEO	20494	TUYEN N <NGUYEN<
BEO	20495	HARUO <NORO<
BEO	20496	TIANALEE M <OKUMA<
BEO	20497	CELINA M <ORTIZ<
BEO	20498	NICHOLL R <PAOLI<
BEO	20499	KALI N C <PICCOLI-WONG<
BEO	20500	VICTORIA A <REAL<
BEO	20501	LEILANI G <SANTIAGO<
BEO	20502	WENDY J <SAVARY<
BEO	20503	SUSAN M <SCHATTAUER-MEDEIROS<
BEO	20504	ALEXANDRA K <SCHEIBER<

LTYPE	LIC NUM	BP NAME PART 1
BEO	20505	TANYA H <SISSON<
BEO	20506	NHAN T <SUGIKI<
BEO	20507	THUAN THI <TAAKE<
BEO	20508	VIKTORIIA <TABALNO<
BEO	20509	AVA STAR <TAVARES<
BEO	20510	MY LE <TRAN<
BEO	20511	KIANA MARIE S L <WEAVER<
BEO	20512	DANIEL T <WOELFEL<
BEO	20513	EMI C <YAMADA<
BEO	20514	AMBER N <YEAMAN<
BEO	20515	HEAVEN L <SAENZ<
BEO	20516	JOAN A <VELASCO<
BEO	20517	MAYA <MCLELLAN<
BEO	20518	KACIE L <OGDEN<
BEO	20519	LISA L <SIMAO<
BEO	20520	OHELO K <CORREA<
BEO	20521	KRISTINA L <SMITH<
BEO	20522	SARAH N <KOTELES<
BEO	20523	KASEY K <RIVERA<
BEO	20524	MARILYNN K <LASWELL<
BEO	20525	HANG THI MY <MAI<
BEO	20526	LILY K <PHAM<
BEO	20527	SARAH E <REX<
BEO	20528	PHUONG M <TANG<
BEO	20529	BRITTANY A <FRYER<
BEO	20530	NAOMI S <ELLISON<
BEO	20531	SANDRA B <CASTILLO<
BEO	20532	CHRISTINE GAY R <MADAMBA<
BEO	20533	LINDSEY A <MITCHELL<
BEO	20534	LEIGHANN <CRAVEY<
BEO	20535	HITOMI <RAGUDO<
BEO	20536	STEVE M <REYNOLDS<
BEO	20537	NICOLE N <SHIROMA<
BEO	20538	DIANA <PHAM<
BEO	20539	NAO <KUMABE<
BEO	20540	BROOKE H <RAMIREZ<
BEO	20541	ANSLEY K <PORRAZZA<
BEO	20542	LANAI N <OSUNA<
BEO	20543	LISA C <LEE<
BEO	20544	HEATHER S <FREEMAN<
BEO	20545	DIANA LE <NGUYEN<
BEO	20546	CRISTYLIN H <ENNIS<
BEO	20547	GINA ANN <FRANCISCO<

LTYPE	LIC NUM	BP NAME PART 1
BAR	3589	RAEANNA M <DES-BRISAY<
BAR	3590	THAO <TRINH<
BAR	3591	ROYCE A P <ENOS<
BAR	3592	HEE-SUN <MISHIMA<
BAR	3593	KIM NGAN-THI <NGUYEN<
BAR	3594	ROSE THI HOANG <PHAM<
BAR	3595	KHANH VAN <TA<
BAR	3596	HUYEN BICH <TRAN<

LTYPE	LIC NUM	BP NAME PART 1
I	12417	EDLYNN K K <BARNES<
I	12418	DARIN R <KOBATAKE<