

**BOARD OF BARBERING AND COSMETOLOGY**

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

MINUTES OF MEETING

Date: Monday, January 11, 2016

Time: 1:00 p.m.

Place: PVL Examination Room  
King Kalakaua Building, 3<sup>rd</sup> Floor  
335 Merchant Street, Room 330  
Honolulu, Hawaii 96813

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

Guest: Nathan Tanner, Poipu Investment Properties, LLC

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.

Approval of  
Minutes of the  
December 21,  
2015 Board The Executive Officer informed the Board that the minutes of the December 21, 2015 meeting were not finalized. The minutes will be available within thirty days after the December 21, 2015 meeting date, as required pursuant to HRS section 92-9, and will be on the February 8, 2016 meeting agenda for the Board's review and approval.

At 1:05 p.m., it was moved by Ms. McKay, 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), 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 1:50 p.m., it was moved by Chairperson Margame, seconded by Ms. Tokunaga, and unanimously carried for the Board to move out of Executive Session and to immediately recess the meeting to discuss and deliberate on the following adjudicatory matters pursuant to HRS chapter 91:

Chairperson Marugame acknowledged the arrival of DAG Tam during the Executive Session.

Chapter 91,  
HRS, Adjudicatory  
Matters:

A. In the Matter of the Beauty Operator's License of Evelyn T. Lopez; BAR 2015-53-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Evelyn T. Lopez, Respondent. He stated that the Respondent who holds a beauty operator's license failed to disclose that she was convicted of the misdemeanor offense of Criminal Contempt of Court and two separate petty misdemeanor offenses of Willful Failure to Appear in Answer to Citation, on her 2013 electronic renewal application dated December 17, 2013 and subsequently submitted to the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs.

Terms of the Settlement Agreement:

- Administrative fine in the amount of five hundred (\$500.00) dollars; and
- Failure to fully and timely comply with terms of the Settlement Agreement shall result in the automatic revocation of Respondent's license.

After discussion, it was moved 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 Evelyn T. Lopez; BAR 2015-53-L.

At 1:53 p.m., the Board reconvened its scheduled meeting.

Applications:

A. Ratification of Issued Licenses

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

B. Examination and License

- (1) JOHNSON, Ida M. ( Beauty Operator – Hair Dresser )

After discussion, it was moved by Ms. McKay, seconded by Ms. Tokunaga, and unanimously carried to approve the beauty operator application for examination and license of Ida M. Johnson.

C. Beauty Shop/Barber Shop License

- (1) BACLAAN-KANUHA, Croslynn S.M.  
dba EPIANA DAY SPA ( New Beauty Shop )
- (2) CHING, Trang N.  
dba UNIQUE KUT ( New Barber Shop )
- (3) HAIR + SOUL INC. ( New Beauty Shop )
- (4) KAOHI, Donia M.K.  
dba POLISHED NAILS BY DONNA ( New Beauty Shop )
- (5) NGUYEN, Vinh Quoc  
dba VV SALON ( New Beauty Shop )
- (8) SUPERCUTS CORPORATE SHOPS, INC.  
dba SUPERCUTS ( New Barber Shop )  
Shop address: 94-1040 Waipio Uka St., Ste 3,  
Waipahu, HI 96797
- (9) VAN BEAUTY SALON LLC  
dba STAR NAILS & SPA ( New Beauty Shop )
- (10) VANESSA LI STYLE LLC  
( Relocation of Beauty Shop: BSH 5143 )

The barber shop and beauty shop applications above were preliminarily reviewed by staff, the Executive Officer, Ms. McKay, and Ms. Tokunaga (the designated Board members to review the barber shop and beauty shop applications for consideration for this Board meeting). Ms. McKay stated that she and Ms. Tokunaga reviewed and concluded that Applications number 1 to 5, and 8 to 10, meet all requirements for barber shop and beauty shop licenses, and recommends approval.

After discussion, it was moved by Mr. Nelson, seconded by Ms. McKay, and unanimously carried to approve the barber shop and beauty shop applications listed above.

- (6) POIPU INVESTMENT PROPERTIES, LLC  
dba KO'A KEA HOTEL AND RESORT AT POIPU BEACH  
( New Beauty Shop )

Discussion ensued on the above application, Poipu Investment Properties, LLC dba Ko'a Kea Hotel and Resort at Piopu Beach. Nathan Tanner, on behalf of the applicant, stated that Poipu Investment Properties, LLC assumes ownership of the hotel on the prospective sale closing date of January 14, 2016; thus, in anticipation, is also requesting the same effective date of their beauty shop application.

After discussion, it was moved by Mr. Nelson, seconded by Ms. McKay, and unanimously carried to approve the aforementioned beauty shop application subject to verification of the transfer and that the approval date shall be the date of transfer as long as the Board is notified within ten (10) business days.

- (7) STAR MANAGEMENT, INC  
dba FABULOUS SKIN ( New Beauty Shop )

After discussion, Mr. Nelson made a motion to approve the aforementioned beauty shop application. The motion was seconded by Chairperson Marugame. As the vote was three (3) ayes and one nay by Ms. McKay, the motion did not carry.

After further discussion, it was moved by Ms. McKay, seconded by Ms. Tokunaga, and unanimously carried to defer decision making on the aforementioned beauty shop

application pending clarification and resolution of the following issues:

- It is not clear on the sketch of the facility that was included in the application, which room is Suite I and which is Suite J. Another facility sketch is requested that clearly shows the rooms/areas that will be used as a beauty shop; and
- The facility sketch also showed areas/room labeled "Surgery Room", "Doctor's Office", and "Laser Tx Room". An explanation is requested of the relationship of the beauty shop with these rooms and services to be provided in these room, including a description of the type of arrangements or agreements that the beauty shop intends to enter into with the medical facility.

D. Restoration of License

(1) NOLAND, Elena R. ( BEO 14115 )

After discussion, it was moved by Mr. Nelson, seconded by Chairperson Marugame, and unanimously carried to approve the restoration of beauty operator license of Elena R. Noland and to notify Ms. Noland that the practice of cosmetology shall be conducted in a licensed beauty shop.

Chapter 91, HRS,  
Adjudicatory  
Matters:

This agenda item had been taken out of order and was previously discussed.

Examination:

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

Mr. Nelson stated he has no new updates but that he did make contact with former administrator of the Mississippi Board, Lesia McElreath, for assistance in providing information to this Board regarding the NIC Examination. The Mississippi Board had recently adopted the NIC Examination, and it was hoped that Ms. McElreath would be able to provide updated information on the examination and the exam administration. Discussion ensued on the NIC exam. Mr. Nelson commented that he feels the Board is moving in the "right direction" in considering the NIC exam. Ms. Williams inquired whether the cost of the NIC exam was

comparable to the cost of the current Prometric State exam. After discussion, it was moved by Chairperson Marugame, seconded by Ms. McKay, and unanimously carried for the Board to pursue its interest of considering the administration of the NIC exam, and as well as the administrator for that exam.

Proposed Industry Bulletin From the Board Relating to Skin Care Machines/Devices: Discussion ensued on the proposed Industry Bulletin from the Board relating to skin care machines/devices. DAG Tam suggested that the Board not provide opinions relating to specific machines/devices and services/treatments. Executive Officer Kai was instructed to draft this bulletin for the Board to review at the next 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.

(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 reiterated the rule revisions relating to the State authorization of licensed beauty schools by the U.S. Department of Education have been completed with an effective date September 26, 2015. She further reiterated that the notification of the rules revisions have been sent to the USDE, dated October 8, 2015, and a response from Dr. McArdle has not yet been received.

Open Forum: None.

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Next Board Meeting: Monday, February 8, 2016  
1:00 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building,  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 2:10 p.m.

Taken and recorded by:

/s/ Lori Nishimura

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Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Laureen M. Kai

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

LMK:ln

02/08/16

[ X ] Minutes approved as is.

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

JAN 11 2016

LTYPE LIC NUM BP NAME PART 1

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BEO 20647 DYSEN L <NAKANO-DOMEN<  
BEO 20648 RI THI <DO<  
BEO 20649 LOAN KIM <NGO<  
BEO 20650 VIVIAN <VO<

LTYPE LIC NUM BP NAME PART 1

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BAR 3616 HANA <HANSON<  
BAR 3617 NOAH P <BERNARD< IV  
BAR 3618 DARREL L <CABINATAN<  
BAR 3619 DEJA-PEARL M <SILVA-KAUPE<

LTYPE LIC NUM BP NAME PART 1

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I 12420 CLAIRE E <HODGE<