

## **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 9, 2016

Time: 1:00 p.m.

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

Present: Lance M. Marugame, Barber Member, Chairperson  
Alexander Choi, Public Member  
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: Angela Howard, Public Member

Guest: 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: None.

Minutes of the  
April 11, 2016  
Board Meeting: After discussion, it was moved by Ms. McKay, seconded by Ms. Tokunaga, and unanimously carried to approve the minutes of the April 11, 2016 Board meeting, as circulated.

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

At 1:02 p.m., it was moved by Mr. Nelson, 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 1:16 p.m., it was moved by Mr. Nelson, seconded by Ms. Tokunaga, and unanimously carried for the Board to move out of Executive Session.

Chairperson Marugame acknowledged the arrival of Mr. Choi during the Executive Session.

#### 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) CURRY, Brittany D. ( Beauty Operator – Hairdresser )

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Brittany D. Curry.

###### (2) DAVIS, Hazel K. R. ( Beauty Operator – Cosmetologist )

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Hazel K. R. Davis.

###### (3) ESTOCK, Marylee N. ( Beauty Operator – Cosmetologist )

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Marylee N. Estock.

- (4) GRAHAM, Tatiana M.  
( Beauty Operator – Cosmetologist )

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Tatiana M. Graham.

- (5) TURETGEN, Tijen S.  
( Beauty Operator – Cosmetologist )

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Tijen S. Turetgen.

C. Beauty Shop/Barber Shop License

- (1) ELI, Patricia L. dba PATRICIA ELI AESTHETICS  
( New Beauty Shop )
- (2) EWC HAWAII, LLC  
( New Beauty Shop )
- (3) HAIR CAVE COMPANY, LLC dba THE BARBER SHOP,  
A HAIR SALON FOR ME ( New Barber Shop )
- (4) HAIR CREATIONS BY ELAINE & CLAIRE, LLC  
( New Barber Shop )
- (5) KEVIN HAIR STUDIO INC  
( Relocation of Beauty Shop: BSH 4555 )
- (6) LANA SPA HAWAII, INC ( New Beauty Shop )
- (7) LAVILASH BY JANICE LLC ( New Beauty Shop )
- (8) M-IRROR LLC ( New Beauty Shop )
- (9) NAILS LA VIE LLC ( New Beauty Shop )
- (10) PAMELA CACPAL LLC ( New Beauty Shop )
- (11) RUTZ SALON INC. ( New Beauty Shop )
- (12) TRUONG, Johnny dba NAIL ZONE  
( Relocation of Beauty Shop: BSH 4579 )

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 the twelve (12) applications, and concluded that they meet all requirements for barber shop and beauty shop licenses, and recommends approval.

After discussion, it was moved by Ms. Tokunaga, seconded by Ms. McKay, and unanimously carried to approve the twelve (12) barber shop and beauty shop applications listed above.

D. Restoration of License

- (1) MASTERS, Chelsea B. ( BEO 18640 )

After discussion, it was moved by Mr. Nelson, seconded by Ms. McKay, and unanimously carried to approve the restoration of beauty operator license of Chelsea B. Masters.

E. Beauty School

- (1) THE MARIE SALON, INC. dba THE MARIE BEAUTY COLLEGE

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the beauty school application of The Marie Salon, Inc. dba The Marie Beauty College, to provide training in the following curriculums:

- Cosmetology;
- Esthetics;
- Nail Technology; and
- Beauty Instructor.

Legislation and Rules:

A. Senate Bill No. 2976, S.D. 2, H.D. 1, Relating to Licensing of Private Trade, Vocational, and Technical School

Executive Officer Kai summarized Senate Bill No. 2976, S.D. 2, H.D. 1, which proposed to transfer the regulation of private trade, vocational, and technical schools (including barber schools) from the Department of Education ("DOE")

to the Department of Commerce and Consumer Affairs ("DCCA").

Executive Officer Kai stated that the bill is dead but reminded the Board that at their previous meeting, JoAnn Uchida Takeuchi (DCCA's Deputy Director) suggested that the Board amend HAR section 16-73-2 by removing the requirement that a school be approved by DOE and HAR section 16-73-20.5 by deleting the word "licensed". Deputy Director Uchida Takeuchi acknowledged that consumer protection should be the focus of any amendments to the Board's rules, and that removing all references to the licensure of barber schools may require the stand-alone program to include a bond requirement, as is currently required in the DOE program.

DAG Tam arrived to the meeting at 1:29 p.m.

Executive Officer Kai reiterated that the Board may want to consider the three (3) options:

1. Keep the HAR as is;
2. Delete "by the state department of education" in HAR section 16-73-2 and delete "licensed" in HAR section 16-73-20.5 to remove the licensing requirement for barber schools; or
3. Delete all references to the DOE but keep the licensure requirement for a barber school; thereby continuing to require that a barber applicant's training be earned at a barber school that is licensed.

After discussion, the consensus of the Board was to table this matter to the next meeting.

At 1:46 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 Operator's License of  
Dayna A. Pereles, nka Dayna A. Pontes, fka  
Dayna A. Apina; BAR 2015-84-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Dayna A. Pereles, nka Dayna A. Pontes, fka Dayna A. Apina, Respondent. He stated that the

Regulated Industries Complaints Office ("RICO") alleges that the Respondent, who holds a beauty operator's license, permitted unlicensed persons to perform activities which require a license. RICO also alleges that the Respondent violated HRS section 439-19(a)(3).

DAG Tam summarized the 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 by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Operator's License of Dayna A. Pereles, nka Dayna A. Pontes, fka Dayna A. Apina; BAR 2015-84-L.

B. In the Matter of the Beauty Shop License of Get Faded, LLC; BAR 2015-58-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Get Faded, LLC, Respondent. He stated that RICO alleges that the Respondent, who holds a beauty shop license, permitted unlicensed persons to perform activities which require a license. RICO also alleges that the Respondent violated HRS sections 439-17(d) and 439-19(a)(3).

DAG Tam summarized the 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 by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Get Faded, LLC; BAR 2015-58-L.

C. In the Matter of the Beauty Shop License of Sy Duc Dang, dba Kunia Nail Center; BAR 2012-75-L

DAG Tam provided a summary of the Settlement Agreement After Filing of Petition for Disciplinary Action and Board's Final Order regarding Sy Duc Dang, dba Kunia Nail Center, Respondent. He stated that RICO alleges that the Respondent, who was issued a beauty shop license on or about January 1, 2002, and whose license was not renewed on or before December 30, 2011, was operating without a current beauty shop license on or about March 20, 2013. RICO received information that on or about March 21, 2013, Respondent submitted a restoration application and in response to Question No. 1, "In the past 3 years has your license in this state or any other jurisdiction been formally disciplined by way of fine, suspension, restriction or revocation?", answered "no". Respondent's beauty shop license was subject to discipline pursuant to an October 10, 2012 Settlement Agreement and Board's Final Order *In The Matter of the Beauty Shop License of Sy Duc Dang, et. al.*, RICO Case No. BAR 2011-96-L, pursuant to which Respondent paid a fine. RICO also alleges Respondent failed to comply with the licensing chapter and rules and made a false statement on a document required to be filed. Therefore, RICO alleges that the Respondent violated HRS sections 439-19(a)(4) and 439-19(a)(9).

DAG Tam summarized the terms of the Settlement Agreement:

- Administrative fine in the amount of one thousand (\$1,000.00) 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 by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Get Faded, LLC; BAR 2015-58-L.

At 1:51 p.m., the Board reconvened its scheduled meeting.

Examination:

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

Mr. Nelson stated he has nothing new to report and that he is still gathering updated information on the examination and the exam administration.

Executive Officer's Report:

A. Proposed Industry Bulletin Relating to Skin Care Machines and Devices

Executive Officer Kai provided her draft of the proposed Industry Bulletin relating to skin care machines/devices at the Board's April 11, 2016 meeting and at that meeting, the Board and DAG Tam was requested to review for further discussion. DAG Tam stated he has not completed his review; thus, this matter will be tabled to the Board's 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 asked about the status of the rule revisions. The committee responded that it is "finalizing" its work.

Chairperson Marugame commented that he would like the Board to tighten the procedures that the testing proctor, Prometric, has regarding interpreters/translators for the State's written exam. He requested the Executive Officer to ask Prometric about their interpreter/translator procedures and report back to the Board.

B. HAR Chapter 16-78 (Cosmetology)

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

No report. Executive Officer Kai asked about the status of the rule revisions. The committee responded 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 stated she has nothing new to report. As mentioned at previous meetings, the rule revisions regarding the State authorization of licensed beauty schools by the U.S. Department of Education have been completed with an effective date of September 26, 2015, and that the notification of the rules revisions have been sent to the USDE on October 8, 2015, and a response from Dr. McArdle has not yet been received. She also stated that an attorney in the Director's office had attended a conference where Dr. McArdle was present and had asked her about the Board's rules and the status of her review. According to the attorney, Dr. McArdle was surprised that the Board had not received her response and would follow up. Ms. Kai commented that she e-mailed Dr. McArdle again at the end of April 2016 and has not yet received a response.

Discussion ensued on the possibility of changing the next meeting date. Due to scheduling conflicts, both Chairperson Marugame and Mr. Nelson stated that they were not able to attend the June 13, 2016 meeting. The following Monday, June 20, 2016, appeared to be an alternative date.

Open Forum: Translator/interpreter procedures to be followed up with Prometric.

Next Board Meeting: Tentatively set for:  
Monday, June 20, 2016  
1:00 p.m.  
King Kalakaua Building  
335 Merchant Street  
Honolulu, Hawaii 96813

Announcements: Executive Officer Kai mentioned that the 2016 NIC annual conference will be held on October 1 - 3, 2016 in Tampa, Florida.

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Adjournment:        There being no further business to discuss at this time, the meeting was adjourned at 2:06 p.m.

Taken and recorded by:

/s/ Lori Nishimura

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Lori Nishimura, Secretary

Reviewed and accepted by:

/s/ Celia C. Suzuki

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for Laureen M. Kai, Executive Officer

LMK:ln

06/02/16

[ X]    Minutes approved as is.

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

LTYPE LIC NUM BP NAME PART 1

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BEO	20838	DONNA <FLORES<
BEO	20839	JENNIFER L <KAUWELOA<
BEO	20840	KATHLEEN L <BOUCHER<
BEO	20841	ANNA F <MONTON<
BEO	20842	MIYUKI <YAGASAKI<
BEO	20843	VIVIENNE <NGUYEN<
BEO	20844	MARISA E <RAYOS<
BEO	20845	LIA E <EYRE<
BEO	20846	DAN THANH N <VO<
BEO	20847	MITZI I <KURODA<
BEO	20848	JACQUELINE K <MORA<
BEO	20849	KAPUA L <ECKART<
BEO	20850	JESSIE J <FELIX<
BEO	20851	OSCAR A <GONZALEZ<
BEO	20852	SAWA <KATO<
BEO	20853	KIM THOA THI <LE<
BEO	20854	NGA LE <VO<
BEO	20855	SUOMALE A <LOGAN<
BEO	20856	CARMEN <WHITSON<
BEO	20857	TAYLOR M <DEMPSEY<
BEO	20858	TENAE S <PATOLO<
BEO	20859	TOSHA M <MAZARIEGOS<
BEO	20860	JESSICA A J <WEED<
BEO	20861	ANGELIC A <DEMETER<
BEO	20862	GUILHERME M C <SAMPAIO<
BEO	20863	MAI THI XUAN <NGO<
BEO	20864	YUMIKO E <KONISHI<
BEO	20865	KAREN L <VEGA<
BEO	20866	TAIEENA P <KEPA-YIN<
BEO	20867	EMILY L <LIEBERMAN<
BEO	20868	MONESSA M <MIRANDA<

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BAR	3636	PHUONG TRAN HOAI <HO<
BAR	3637	TRUONG VAN <NGUYEN<
BAR	3638	LEO C <ROSALES<
BAR	3639	PHUC HOANG <LE<
BAR	3640	BRITTANYANN K <MEYERS<
BAR	3641	CHAN THANLAY <PHANTHANOUVONG<
BAR	3642	TUAN <LE<
BAR	3643	KRISTEN C L <KAMEDA<
BAR	3644	TAO <WANG<
BAR	3645	MARILYNN T H <PHAM<
BAR	3646	HUE THI NGOC <TRAN<
BAR	3647	LAM S <NGUYEN LE<