

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Monday, August 8, 2016

Time: 1:02 p.m.

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

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

Absent: Alexander Choi, 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 1:02 p.m. by Chairperson Pro-Tem Howard.

Election of Board Chairperson and Vice-Chairperson: Executive Officer Kai requested that Board members could either indicate their interest in or nominate member(s) for the position of Board Chairperson. Ms. McKay expressed her interest for the position of Board Chairperson. No further members expressed interest and no nominations were made for the position of Board Chairperson. It was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously approved to nominate and elect Ms. McKay as Board Chairperson.

Executive Officer Kai requested that Board members could either indicate their interest in or nominate member(s) for the position of Board Vice-Chairperson. It was moved by Chairperson McKay,

seconded by Mr. Nelson, and unanimously carried to nominate and elect Ms. Howard for the position of Vice-Chairperson. Ms. Howard expressed her interest in the position. No further members expressed interest and no further nominations were made for the position of Board Vice-Chairperson; thus, Ms. Howard was elected as Board Vice-Chairperson by unanimous vote.

Additions/
Revisions to
Agenda:

None.

Minutes of the
June 20, 2016
Board Meeting:

After discussion, it was moved by Vice-Chairperson Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the minutes of the June 20, 2016 Board meeting, as circulated.

DAG Tam arrived to the meeting at 1:07 p.m.

At 1:07 p.m., it was moved by Ms. Tokunaga, seconded by Vice-Chairperson Howard, 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 1:52 p.m., it was moved by Vice-Chairperson Howard, 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 matter pursuant to HRS chapter 91, noting that the agenda item will be taken out of order. There were no objections from Board members.

Chapter 91,
HRS, Adjudicatory
Matters:

A. In the Matter of the Beauty Shop License of
Kailua Happy Nails LLC; BAR 2016-27-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Kailua Happy Nails LLC, Respondent. He stated that the Regulated Industries Complaints Office ("RICO") alleges that the Respondent, who holds a beauty

shop license permitted unlicensed persons perform activities at the beauty shop which requires a license. RICO also alleges that the Respondent violated HRS sections 439-17(d) and 439-19(a)(3).

To settle this matter, the Respondent agrees to the following 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 Vice-Chairperson Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Kailua Happy Nails LLC; BAR 2016-27-L.

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

Applications:

A. Ratification of Issued Licenses

It was moved by Ms. Tokunaga, seconded by Vice-Chairperson Howard, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Beauty Shop/Barber Shop License

- (1) ALOHA MASSAGE THERAPY LLC
(New Beauty Shop)
- (2) CHIC NAILS LLC
(New Beauty Shop)
- (3) D & A PRENDERGAST, LLC. dba LASH UP STUDIO
(New Beauty Shop)
- (4) FROM Y'Z CORPORATION dba CREAVE
(Relocation of Beauty Shop: BSH 2828)
- (5) HAN, Ki dba IHAIR (New Beauty Shop)
- (6) KINGRY, Lisa M. dba GLOW SALON
(New Beauty Shop)
- (7) LACUESTA, Nancy J. dba SKIN ELEGANCE

- (New Beauty Shop)
- (8) LINDO HAWAII CORP dba HAIR STUDIO 4TUNE
(New Beauty Shop)
- (9) LOPEZ, Henriette
(Relocation of Beauty Shop: BSH 4939)
- (10) LV NAIL LIMITED PARTNERSHIP dba LV NAILS
(New Beauty Shop)
- (11) MAKING WAVES SALON LLC (New Beauty Shop)
- (12) MALAMA AESTHETIC LLC (New Beauty Shop)
- (13) N-AXIS INC. dba AXIS HAIR
(Relocation of Beauty Shop: BSH 4403)
- (14) NARIS COSMETICS OF HAWAII, INC.
(Relocation of Beauty Shop: BSH 4613)
- (15) NGUYEN, Hong Phuc Thi dba HONG'S BARBER &
NAIL SPA (New Beauty Shop)
- (16) OHANA CLIPS LLC dba GREAT CLIPS
(New Beauty Shop)
- (17) PADILLA, Derice R. (New Beauty Shop)
- (18) PERRY, Kathryn A. dba SALON BELLA MAUI
(New Beauty Shop)
- (19) SANCHEZ, Daniel R. (New Beauty Shop)
- (20) THE MARIE SALON, INC dba THE MARIE
(New Beauty Shop)

The barber shop and beauty shop applications above were preliminarily reviewed by licensing branch staff, the Executive Officer, Chairperson McKay, and Ms. Tokunaga (the designated Board members to review the barber shop and beauty shop applications for consideration for this Board meeting).

Ms. Tokunaga stated that she and Chairperson McKay reviewed the twenty (20) applications, and concluded that they met all requirements for barber shop and beauty shop licenses, and recommends approval.

After discussion, it was moved by Ms. Tokunaga, seconded by Vice-Chairperson Howard, and unanimously carried to

approve the twenty (20) barber shop and beauty shop applications listed above.

C. Restoration of License

(1) DIAZ, Valerie L. (BEO 13617)

After discussion, it was moved by Vice-Chairperson Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Valerie L. Diaz.

(2) DIEP, Thanh Hoa T. (BAR 2103)

After discussion, it was moved by Vice-Chairperson Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the barber's license of Thanh Hoa T. Diep.

(3) HERNANDEZ, Doreen A. nka SALA, Doreen A.
(BEO 7100)

After discussion, it was moved by Vice-Chairperson Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Doreen A. Hernandez nka Doreen A. Sala.

(4) HWANG, Eun Young nka KIM, Eunice E. Y.
(BEO 17183)

After discussion, it was moved by Vice-Chairperson Howard, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Eun Young Hwang nka Eunice E. Y. Kim.

Chapter 91,
HRS, Adjudicatory
Matters:

This agenda item had been discussed earlier, out of order.

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 will restart communications with NIC.

Executive
Officer's Report:

A. Proposed Notice from the Department of Labor and Industrial Relations to Hawaii Barber Shops and Beauty Shops Regarding the Use of Unpaid Interns and/or Apprentices – Update

Executive Officer Kai updated the Board on the request for assistance in sending out a notice from the Department of Labor and Industrial Relations ("DLIR"), regarding the use of unpaid interns and/or apprentices. She reiterated that at the previous Board meeting, DLIR representatives proposed to send on DLIR's letterhead, a notice to all barber shops and beauty shops to notify them that apprentices working in their barber shops or beauty shops must be paid at least minimum wage. The proposed notice would also recommend that barber shops and beauty shops that have included unpaid interns and/or apprentices in the past conduct a self-audit, going back the last six years to calculate any unpaid wages due to former or current interns and/or apprentices, in order to avoid the imposition of any interest charges and/or penalties. The proposed notice would include the DLIR website address and telephone number for barber shops and beauty shops to seek additional information on past applicable minimum wages.

Executive Officer Kai stated that currently, there are 188 barber shops and 1,235 beauty shops in active and inactive status. A listing of these current shops' business addresses will be forwarded to DLIR. Chairperson McKay commented that DLIR should also send the proposed notice to current beauty schools. The Executive Officer stated that she will provide the names and business addresses of all licensed beauty schools to the DLIR.

Discussion ensued on the proposed notice along with the short informational bulletin (to be included in the materials issued to prospective registrants and licensees) that DLIR forwarded to DAG Tam for his review. Suggested corrections and minor edits were discussed. DAG Tam stated he will make the minor edits and circulate at the next meeting for the Board's review.

B. Report from Prometric Regarding an Alleged Cheating Incident at the Cosmetology Examination Administration on May 13, 2016

Executive Officer Kai provided a brief summary of a cheating incident that occurred on May 13, 2016, as reported by the Board's testing proctor, Prometric, at their Kailua test site. A candidate for the cosmetology examination was caught cheating; Prometric may press charges or prosecute the candidate. Attempts made by Prometric to get in touch with candidate were unsuccessful. Ms. Kai will keep the Board apprised as to any further developments, as they are reported by Prometric.

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

DAG Tam stated he has completed his review of Executive Officer Kai's draft of the proposed Industry Bulletin relating to skin care machines/devices that had been presented to the Board at the Board's April 11, 2016 meeting and at which time, the Board and DAG Tam were requested to review the draft for further discussion. He suggested changing the header as "Important Announcement", rather than an "Industry Bulletin". The Board reached consensus on this suggestion and also to table this matter for discussion at the Board's next meeting.

D. Board Representation at 2016 NIC Annual Conference

After discussion, it was moved by Vice-Chairperson Howard, seconded by Mr. Nelson, and unanimously carried to approve: (1) The Executive Officer's participation in the conference; (2) Representation of the Board by Chairperson McKay; and (3) Delegation of the Board's voting rights on all issues to Chairperson McKay.

E. 2017 Board Meeting Schedule

Executive Officer Kai provided the following meeting schedule for next year:

- January 9, 2017
- February 13, 2017
- March 13, 2017

- April 10, 2017
- May 8, 2017
- June 5, 2017
- July 10, 2017
- August 14, 2017
- September 11, 2017
- October 9, 2017
- November 13, 2017
- December 11, 2017

Discussion ensued on the possibility of changing the January 9, 2017 meeting date to January 23, 2016. A suggestion of going back to the bi-monthly meeting was also made. Board members agreed that further discussion on the matter was needed.

Hawaii
Administrative
Rules ("HAR"):

A. Proposed Revisions to HAR Chapter 16-73 Relating to
Licensure of Barber Schools

Executive Officer Kai reminded the Board of Deputy Director Jo Ann M. Uchida Takeuchi's visit to the meeting of April 11, 2016, to suggest for the Board to remove references to the Department of Education ("DOE") in HAR section 16-73-2 and to omit the word "licensed" in HAR section 16-73-20.5. Ms. Kai reiterated that this suggestions was in light of a bill in the 2016 Legislative Session, Senate Bill No. 2976, that proposed to place the regulation of barber schools within the DCCA under a stand-alone program, rather than under the jurisdiction of the Board, and thereby, subjecting barber schools to a huge increase in fees of up to \$19,000 for a license.

The Board was provided with three (3) options to consider:

1. Keep the HAR sections as currently written; or
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.

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 provided an update on the rule revisions regarding the State authorization of licensed beauty schools by the U.S. Department of Education ("USDE") that had been completed with an effective date of September 26, 2015. She stated that the USDE had responded to her latest communication that the Board's complaint process had not been received, and therefore, the USDE's legal unit's policy review could not be completed. Ms. Kai responded immediately that the complaint process had been described and explained in the Board's July 17, 2014 submittal and that the process was currently being implemented. The USDE, finally acknowledged that the Board is compliant with the USDE's State authorization regulations. When asked by the Executive Officer for a written indication of the approval, the USDE stated that the email exchanges between it and the Board would show the USDE's agreement and acknowledgement.

Open Forum: None.

Next Board Meeting: Monday, September 12, 2016
1:00 p.m.
PVL Examination Room
King Kalakaua Building, 3rd Floor
335 Merchant Street # 330
Honolulu, Hawaii 96813

Announcements: Executive Officer Kai reminded the Board that the Professional and Vocational Licensing Division is planning an orientation for board and commission members who were newly appointed in 2015 and 2016. It is scheduled for Tuesday, August 30, 2016, and will be held at the State Capitol Auditorium from 8:30 a.m. to 12:30 p.m. Board members interested in attending should notify the Executive Officer as soon as possible, as a head count is needed by Friday, August 12, 2016.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 2:20 p.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and accepted by:

/s/ Laureen M. Kai

Laureen M. Kai, Executive Officer

LMK:ln

09/06/16

[X] Minutes approved as is.

[] Minutes approved with changes. See Minutes of _____.

LTTYPE LIC NUM BP NAME PART 1

3EO	20887	CHLOE-NICOLE M <MORA<
3EO	20888	MARYLEE N <ESTOCK<
3EO	20889	YOSHIKO <OKAHIRO<
3EO	20890	MARLA I E <JENNE<
3EO	20891	MEGAN C <MONDS<
3EO	20892	TERESA R <SCHWARTZ<
3EO	20893	MONICA C <WILLMAN<
3EO	20894	LAURA E <BUCK<
3EO	20895	JE T'AIME I <FLORES-MASSEY<
3EO	20896	MISAKO <ISHIMARU<
3EO	20897	MEGUMI <MATSUYAMA<
3EO	20898	KATHRYN S <REYNOLDS<
3EO	20899	GAIL T <FLETCHER<
3EO	20900	TAYLOR E <VARs<
3EO	20901	YANCARLOS <ESQUER<
3EO	20902	SUZANNA <COOK<
3EO	20903	NICOLE M <WEBER<
3EO	20904	TAYLOR H <AMIMOTO<
3EO	20905	MARIA <YAMAMOTO<
3EO	20906	YEN HONG <BAN<
3EO	20907	CRYSTAL J <BANKS<
3EO	20908	MORGAN J <BARRON<
3EO	20909	SASHA J <BOLER<
3EO	20910	XUAN THI MY <BUI<
3EO	20911	SARAH E <BUKER<
3EO	20912	TAMARA D <CREWS<
3EO	20913	ELLEN E <LENNON<
3EO	20914	TAWNI N <DITTO<
3EO	20915	CHISA-LEE <DIZON<
3EO	20916	GEZLEY R K <EBINGER<
3EO	20917	PETRA <GILMORE<
3EO	20918	LYNNETTE M <HAACK<
3EO	20919	DENISE L <HEPFER<
3EO	20920	TRISHIA A <HOLLINGSHEAD<
3EO	20921	APRIL M <JACKSON<
3EO	20922	KRYSTELYN K <KAUPE<
3EO	20923	LYNA D <KAWAMURA<
3EO	20924	VALERIE S <KAWASAKI<
3EO	20925	CHELSEA M <KELLEY<
3EO	20926	TSUYAKO O <KO<
3EO	20927	MIHO S <LEE<
3EO	20928	XUAN LOC THI <LE<
3EO	20929	DONNA L S <MANUEL<
3EO	20930	JACQUELYN L <MICKELSEN<

AUG - 8 2016

1 of 2

TYPE LIC NUM BP NAME PART 1

3EO 20931 JESSICA G <MICUA<
 3EO 20932 AMY A <MORGAN<
 3EO 20933 YOSHIMI <MURATA<
 3EO 20934 NUFAR <MESNARD<
 3EO 20935 PHUONG HAMINH <NGUYEN<
 3EO 20936 PAVEL P <NIKIFOROV<
 3EO 20937 MEAGAN M <OSBORNE<
 3EO 20938 HUONG THI <PHAN<
 3EO 20939 DESIREE-JANEL H <REYES<
 3EO 20940 WANNA S <RIDDLE<
 3EO 20941 CRYSTAL K <SOUZA<
 3EO 20942 MARY G F <SUGRUE<
 3EO 20943 LAKOTA J D <SORENSEN<
 3EO 20944 JADE A <SUMOBA<
 3EO 20945 STACI L <TAYLOR-MEYERS<
 3EO 20946 JERYL <TOLTZMANN<
 3EO 20947 THANH P B <UNG<
 3EO 20948 CHRISTINA <WANG<
 3EO 20949 ASHLEY K <MEDEIROS<
 3EO 20950 SHERRY M <FOX<
 3EO 20951 JULIE M <NIEMI<
 3EO 20952 MELANIE P <ALEXANDER<
 3EO 20953 YUKI <GILLESPIE<
 3EO 20954 ELIZABETH A <BRENNAN-CHILD<
 3EO 20955 MAHO <KATO<
 3EO 20956 TINA HUYEN CHAU <VAN<
 3EO 20957 JENNIFER K <BEN-DAYAN<
 3EO 20958 TWILA M <CHUN<
 3EO 20959 TIFFANY S <KAWAI<
 3EO 20960 ANDREA L <MALCZEWSKI<
 3EO 20961 DIANA S <MIURA-NISHIDA<
 3EO 20962 JIHYUN <MURAKAMI<
 3EO 20963 CYRA-ANN K K <QUING<
 3EO 20964 ALYSSA B <MCTEE<
 3EO 20965 THAI DUY NGUYEN <HUYNH<
 3EO 20966 STEPHANIE M <REID<
 3EO 20967 YOSUKE <KOBAYASHI<
 3EO 20968 KELLY M <LIU<

AUG - 8 2016

2 of 2

TYPE	LIC NUM	BP NAME PART 1
3AR	3649	DAN NGOC <HUYNH<
3AR	3650	CHIEU THOA T <PHAN<
3AR	3651	LISA A <LLARINAS<
3AR	3652	VANESSA HUYNH <LAM<
3AR	3653	WILLIAM C <PIERCE< JR
3AR	3654	CARMEN P <KADEMAN<