

## **BOARD OF BARBERING AND COSMETOLOGY**

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

### MINUTES OF MEETING

Date: Monday, September 12, 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: Lynnette F. McKay, Cosmetology Member, Chairperson  
Alexander Choi, 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

Excused: Angela Howard, Public Member, Vice-Chairperson

Guests: Wesley Lum, Wage Standards Division, Department of Labor  
and Industrial Relations ("DLIR")  
Pamela Martin, Administrator, Wage Standards Division, DLIR  
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 1:00 p.m. by Chairperson McKay.

Additions/  
Revisions to  
Agenda: None.

Minutes of the  
August 8, 2016  
Board Meeting: After discussion, it was moved by Mr. Nelson, seconded by  
Ms. Tokunaga, and unanimously carried to approve the minutes  
of the August 8, 2016 Board meeting, as circulated.

At 1:02 p.m., it was moved by Ms. Tokunaga, seconded by

Mr. Choi, 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 1:34 p.m., it was moved by Mr. Choi, 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.

Chapter 91,  
HRS, Adjudicatory  
Matters:

A. In the Matter of the Beauty Shop License of Paul Brown, Inc. dba Paul Brown Salon & Day Spa; BAR 2016-53-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Paul Brown, Inc. dba Paul Brown Salon & Day Spa, Respondent. He stated that the Regulated Industries Complaints Office ("RICO") alleges that the Respondent, who holds a beauty shop license, allowed unlicensed persons to perform activities at the beauty shop. 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 Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Paul Brown, Inc. dba Paul Brown Salon & Day Spa; BAR 2016-53-L.

At 1:35 p.m., the Board reconvened its scheduled meeting.

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

Applications:

A. Ratification of Issued Licenses

It was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Examination and License

- (1) WEEKS, Danita  
(Beauty Operator – Hairdresser/Esthetician )

After discussion, it was moved by Mr. Nelson, seconded by Ms. Tokunaga, and unanimously carried to approve the beauty operator application for examination and license of Danita Weeks.

C. Beauty Shop/Barber Shop License

- (1) BAKER, Kimberly K. dba KAUI BAKER  
( New Beauty Shop )
- (2) BEAUTY BY CHERI LLC dba MIRROR MIRROR SALON  
( New Beauty Shop )
- (3) ENVY EYES AND WAX LLC  
( Relocation of Beauty Shop: BSH 5279 )
- (4) GRADIENT NAIL LLC ( New Beauty Shop )
- (5) HAWAII HAIR & NAILS LLC dba GOLDEN HAIR & NAILS  
( New Beauty Shop )
- (6) LAVISH KAPOLEI INC. ( New Beauty Shop )
- (7) LINDA MAE SKIN CARE SALON LLC  
( New Beauty Shop )
- (8) LIZARRAGA, Laurie L. ( New Beauty Shop )
- (9) LU, Miyuki U.  
( Relocation of Beauty Shop: BSH 5213 )
- (10) SHINE NAILS, INC. ( New Beauty Shop )
- (11) THE PARLOR LLC dba THE PARLOR  
( New Barber Shop )

- (12) THE PARLOR LLC dba THE PARLOR  
( New Beauty Shop )
- (13) THE SKIN INSTITUTE INTERNATIONALE, LLC  
( 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).

Chairperson McKay stated that she and Ms. Tokunaga reviewed the thirteen (13) applications, and concluded that they met all requirements for barber shop and beauty shop licenses, and recommends approval.

After discussion, it was moved by Mr. Nelson, seconded by Ms. Tokunaga, and unanimously carried to approve the thirteen (13) barber shop and beauty shop applications listed above.

D. Restoration of License

- (1) BAUER, Melissa E. ( BEO 17862 )

After discussion, it was moved by Mr. Nelson, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Melissa E. Bauer.

- (2) PAUL, Hans A. ( BEO 10054 )

After discussion, it was moved by Mr. Nelson, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Hans A. Paul.

E. Beauty School

- (1) THE SKIN INSTITUTE INTERNATIONALE, LLC

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to

approve the beauty school application of The Skin Institute Internationale, LLC, with its esthetician and instructor curriculums.

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

Mr. Nelson stated he has nothing new to report and that the matter is status quo. Executive Officer Kai commented that she and Chairperson McKay will be attending the NIC 2016 Annual Conference at the end of the month, and would be meeting with the NIC representative who had visited the Board previously and with whom Mr. Nelson was communicating. She stated that she hoped that she and Chairperson McKay would have more to report on the matter at the Board's next meeting.

Scope of Practice: A. Use of Intense Pulsed Laser

Executive Officer Kai stated that the Board received an inquiry whether the use of intense pulsed laser ("IPL") could be performed by the licensees regulated by the Board. Ms. Kai stated that in the past, the Board had determined that IPL does not fall within the practice of cosmetology and the Board's regulatory oversight.

After discussion, the Board reconfirmed its determination that IPL does not fall within the practice of cosmetology and the Board's regulatory oversight.

B. Use of Micro-needling Equipment

Executive Officer Kai stated that the Board received an inquiry whether the use of micro-needling equipment could be performed by licensees regulated by the Board.

After discussion, the Board determined that the use of micro-needling equipment does not fall within the practice of cosmetology and the Board's regulatory oversight.

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 welcomed Pamela Martin and Wesley Lum of the Wage Standards Division, Department of Labor and Industrial Relations ("DLIR") to the meeting. Ms. Martin updated the Board on DLIR's request for assistance in sending out a notice from the DLIR, regarding the use of unpaid interns and/or apprentices. She reiterated that this proposed notice would be sent to all barber shops, beauty shops, and beauty schools to notify them that apprentices working in their establishment must be paid at least minimum wage. The proposed notice would also recommend that barber shops, beauty shops, and beauty schools 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 also include the DLIR website address and telephone numbers for barber shops and beauty shops to seek additional information on past applicable minimum wages. Ms. Martin stated that the notice is still pending the approval from both DAGs assigned to the respective division/department. DAG Tam stated he will follow up with the Deputy Attorney General assigned to DLIR.

Ms. Martin informed the Board that when the notices are approved for dissemination, the Director of DLIR has decided to publicize the event to the media.

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

Discussion ensued on the proposed industry bulletin relating to skin care machines and devices. DAG Tam suggested the Board specific skin care machines and devices are not addressed in the Board's laws and rules, and the law does not use the word "invasive". He suggested the proposed industry bulletin should be general, state that an individual may want to consult with an attorney, and/or refer to the definitions in HRS section 439-1.

DAG Tam left the meeting at 2:01 p.m.

C. 2017 Board Meeting Schedule

Executive Officer Kai reiterated that at the previous Board meeting, the Board was provided with the meeting schedule for year 2017 with the possibility of moving the tentative January 9, 2017 meeting date to January 23, 2017. After discussion, the Board's consensus was to omit the January 2017 meeting due to the scheduling conflicts with the Board and the Executive Officer; thus the following meeting schedule has been set for year 2017:

- January 2017 – NO meeting this month
- 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

Hawaii  
Administrative  
Rules ("HAR"):

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

Discussion ensued on the 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 these suggestions were made in light of a bill heard 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 DOE; and thereby subjecting barber schools to the possibility of a huge increase in fees of up to \$19,000 for a license.

The Executive Officer once again enumerated the three (3) options for the Board to consider:

1. Keep the HAR sections as currently written;
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, Chairperson McKay requested for Board members to review the three (3) options and be ready to decide which option to select at the Board's next meeting. Thus, the consensus of the Board was to table this matter to the next meeting.

Ms. Williams commented that she would like to keep it status quo, to keep the regulation of barber schools under the State Department of Education. She further commented that in order for her barber school to be accredited, the school would need to be licensed for at least two years and with the possibility of a significant cost for a license (if the regulation of barber schools is moved to a stand-alone program within the DCCA), she would not be able to afford to continue to operate her school.

Executive Officer Kai commented that should the Board wish to consider the regulation of barber schools by the Board, there would be many factors to be considered and addressed before this could occur such as amendments to the Board's statutes and administrative rules, and creating exams for barber instructors, should the oversight of instructors at barber schools also be transferred 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.

Open Forum: None.



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Next Board Meeting: Monday, October 10, 2016  
1:00 p.m.  
Queen Liliuokalani 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 2:25 p.m.

Taken and recorded by:

/s/ Lori Nishimura

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Lori Nishimura, Secretary

Reviewed and accepted by:

/s/ Laureen M. Kai

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Laureen M. Kai, Executive Officer

LMK:ln

10/05/16

[ X ] Minutes approved as is.

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

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LTYPE	LIC	NUM	BP	NAME	PART	1
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SEP 12 2016

BEO	20969	TIFFANY A	<COLBURN<
BEO	20971	JESSICA A	<SIMPKINS<
BEO	20972	WILLIAM J	<COLLINS<
BEO	20973	CECELIA R	<STRAWN<
BEO	20974	ASHLEY L	<DELEA<
BEO	20975	KRISTIN A	<TONA<
BEO	20976	KAITLYN E	<DEDERICK<
BEO	20977	ARLENE H	<ESTRELLA<
BEO	20978	YUKO Y	<KATO<
BEO	20979	KAREN P	<GARINGO<
BEO	20980	BETHANY M	<REDMAN<
BEO	20981	AMANDA T B	<MENDIOLA<
BEO	20982	JULIA F	<AZARES<
BEO	20983	TERESA L	<OWERS<
BEO	20984	CHIGUSA I	<SUEHIRO<
BEO	20985	KUMIKO T	<JAMES<
BEO	20986	DANIEL	<DUONG<
BEO	20987	KRYSTALYNN A	<SISNEROS<
BEO	20988	KAHORI	<LATTIMORE<
BEO	20989	SHANNON M	<WALL<

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LTYPE	LIC	NUM	BP	NAME	PART	1
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BAR	3655	ROSEMARIE	<NARANJO<
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