

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Monday, November 14, 2016

Time: 1:03 p.m.

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

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

Guests: Barbara Kokubun, Barber

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 1:03 p.m. by Chairperson McKay.

Additions/
Revisions to
Agenda: None. Executive Officer Kai informed the Board that the Professional and Vocational Licensing Division is in receipt of a letter from Civil Beat, concerning government transparency in relation to filed meeting agendas. Civil Beat questioned/expressed concern that this Agenda topic (without any further description) may not allow the public enough time to attend or provide comments for discussion.

Minutes of the
October 10,
2016 Board
Meeting: Executive Officer Kai requested the following correction to the meeting minutes to reflect the two guests who were present (additional text is underscored):

Guests: Lei S. Fukumura, Special Deputy Attorney General
("SDAG")

Daria Loy-Goto, Complaints and Enforcement Officer,
Regulated Industries Complaints Office ("RICO")
Hiroki Shuto, MS Hair Salon
Keiko Yasuda, MS Hair Salon

Mr. Choi arrived to the meeting at 1:05 p.m.

After discussion, it was moved by Ms. Williams, seconded by Mr. Nelson, and unanimously carried to approve the minutes of the October 10, 2016 Board meeting, as amended above.

At 1:07 p.m., it was moved by Mr. Nelson, 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).

EXECUTIVE SESSION

At 1:17 p.m., it was moved by Ms. Tokunaga, seconded by Mr. Choi, and unanimously carried for the Board to move out of Executive Session.

Applications:

A. Ratification of Issued Licenses

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

B. Examination and License

- (1) CRAWFORD, Kimberlie Jean
(Beauty Operator – Hairdresser)

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Kimberlie Jean Crawford.

- (2) SCHNABEL, Leah Marie Malia
(Beauty Operator – Esthetician)

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the

beauty operator application for examination and license of Leah Marie Malia Schnabel.

- (3) WRIGHT, Trina O.
(Beauty Operator – Nail Technician)

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Trina O. Wright.

C. Beauty Shop/Barber Shop License

- (1) ALLURE USA INC. dba SYISYU (New Beauty Shop)
- (2) AMINAMI LLC dba NAMIE SALON (New Beauty Shop)
- (3) C & L STYLISTS, LLC dba HAIR CANDY STUDIO
(Relocation of Beauty Shop: BSH 3914)
- (4) CALINA, Brandie L. (New Beauty Shop)
- (5) DIAMOND NAIL SALON, LLC (New Beauty Shop)
- (6) FANTASTIC ~K HAIR SALON LLC (New Beauty Shop)
- (7) GUSTAFSON INC. dba 18/8 FINE MEN'S SALONS
(New Beauty Shop)
- (8) JV SALON LLC (New Beauty Shop)
- (9) LANE, Hiromi S. dba SPALANI
dba NATURAL BEAUTY AND BALANCE
(New Beauty Shop)
- (10) LASHED UP STUDIO, LLC (New Beauty Shop)
- (11) LEANNE KIRK LLC dba LUXE STYLE AND GROOMING BAR
(New Beauty Shop)
- (12) PALEA, Dominique K. dba KEALA'S HAIR BEAUTIQUE
(New Beauty Shop)
- (13) SHIN-LOO, Rachael S. dba DEFINE TOUCH SALON
(New Beauty Shop)
- (14) SYNCHRO DESTINY CORP dba CUTE & LOTUS
(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 fourteen (14) 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. Choi, seconded by Mr. Nelson, and unanimously carried to approve the fourteen (14) barber shop and beauty shop applications listed above.

D. Ratification of Beauty Shop/Barber Shop License

- (1) ISLAND HAIR CREATIONS, INC.
(Relocation of Beauty Shop: BSH 1967)

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to ratify the approval of the beauty shop relocation application of Island Hair Creations, Inc.

DAG Tam arrived to the meeting at 1:27 p.m.

E. Restoration of License

- (1) EMAYO, Aaron B. (BEO 13503)

After discussion, it was moved by Mr. Choi, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty operator's license of Aaron B. Emayo.

- (2) MCNULTY, Darlene L. (BEO 8399)

After discussion, it was moved by Mr. Choi, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty operator's license of Darlene L. McNulty.

(3) PARADA, Charlene D. (BEO 14564)

After discussion, it was moved by Mr. Choi, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty operator's license of Charlene D. Parada.

(4) PARADA, Charlene D. (BSH 3825)

After discussion, it was moved by Mr. Choi, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty shop license of Charlene D. Parada.

Examination:

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

Executive Officer Kai stated she had attended a conference earlier this month for the Board of Public Accountancy and that representatives from Prometric, the current testing agency that administers the Board's state written exam were in attendance. She stated that Prometric informed her that they are now able to administer the NIC examination; thus, this may alleviate the Board from the administrative burden of issuing a Request for Proposals to initiate the process to obtain a testing agency to administer the NIC test.

Ms. Kai reiterated that Rosanne Kinley, NIC representative who had visited the Board for a NIC presentation and with whom Mr. Nelson was communicating with, offered to provide a sample RFP for the Board's perusal. Ms. Kai stated the Board has yet to receive the sample RFP.

B. Examination Reports from Prometric

(1) Cosmetology

a. September through November 2015

October 2015

Total Exams Registered 377

Total Exams Administered 352

Total Exams Passed 126 (36% pass rate)

b. January through October 2016

January 2016

Total Exams Registered	276
Total Exams Administered	261
Total Exams Passed	98 (38% pass rate)

May 2016

Total Exams Registered	300
Total Exams Administered	281
Total Exams Passed	94 (34% pass rate)

October 2016

Total Exams Registered	363
Total Exams Administered	347
Total Exams Passed	130 (37% pass rate)

(2) Barber

a. December 2015

Total Exams Registered	31
Total Exams Passed	10 (33% pass rate)
Four (4) exams interpreted/two (2) exams passed	

b. January through September 2016

March 2016

Total Exams Registered	37
Total Exams Passed	14 (38% pass rate)

June 2016

Total Exams Registered	44
Total Exams Passed	8 (18% pass rate)

August 2016

Total Exams Registered	42
Total Exams Passed	16 (39% pass rate)

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

Executive Officer Kai provided an update of the reported alleged cheating incident at the Cosmetology examination administration on May 13, 2016 from Prometric:

- Prometric has been unable to locate and interview the candidate caught cheating;
- Prometric has explored the possibility of pursuing criminal charges against the candidate; however, it has decided to monitor examination pass rates for changes relating to the examination items that were being recorded in the cheating incident;
- Prometric has not detected any major shift in the pass rates since the incident, and will continue to monitor; and
- Prometric has placed a note in the candidate's file and at this time have banned him from testing.

Executive
Officer's Report:

A. Resignation of Board Member

Executive Officer Kai informed the Board that Angela Howard has resigned from the Board, effective October 18, 2016, due to her upcoming relocation to the mainland. Ms. Kai commented that the Board now has two vacancies: one public member and one barber.

B. 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 inquired with DAG Tam if he had any updates on the proposed notice, from the Department of Labor and Industrial Relations ("DLIR") to Hawaii barber shops, beauty shops, and beauty schools, regarding the use of unpaid interns and/or apprentices, to notify them that apprentices working in their establishments must be paid at least minimum wage. She also reiterated that the proposed notice would also recommend that barber shops, beauty shops, and beauty schools that have utilized 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 to seek additional information on past applicable minimum wages. DAG Tam

stated that he has been working together with DLIR's DAG and the proposed notice is "almost done"; upon completion, it will be submitted to the DLIR for approval. As previously mentioned, upon DLIR approval for dissemination, the Director of DLIR has decided to publicize the event to the media.

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

Executive Officer Kai reiterated that the proposed industry bulletin relating to skin care machines and devices had been pending revisions by DAG Tam and that he had previously commented that 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".

DAG Tam commented that when the Board receive requests on whether a particular equipment is allowed by a licensee to practice beauty culture, the Board should not get involved in the approval/ disapproval of that equipment; instead, they should respond with what is included in the scope of practice and leave it to the requester to determine whether to use a particular machine or device in their practice. After discussion, the Board's consensus was to no longer pursue an Industry Bulletin, and to delete this topic on subsequent meeting agendas.

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 State Department of Education; and thereby subjecting barber schools to the possibility of a significant increase in license fees of up to \$19,000.

The Executive Officer once again enumerated the three (3) options for the Board to consider, and strongly encouraged members to review each to determine their own position on the matter:

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.

Ms. Williams opined that she would like to keep it status quo; commenting that her barber school currently regulated by the DOE gives them a sense of pride. She also commented that the DOE is very thorough with the processing/review of their school license renewal. Chairperson McKay opined that she too would like to keep it status quo. Mr. Nelson commented that he would not choose option #2; he would choose option #1 (as it made the most sense) but could also be persuaded to choose option #3. Mr. Choi and Ms. Tokunaga both opined to keep it status quo.

Therefore, the Board's consensus was to keep the administrative rules as they are currently written.

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, December 12, 2016
1:00 p.m.
Queen Liliuokalani Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements: Mr. Choi and Mr. Nelson both commented that they may have a conflict in schedule with the next scheduled Board meeting. Both members were requested to inform the Executive Officer as soon as they confirm their schedule for next month, as with the absence of both members, the Board will not have quorum to hold a meeting.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 1:54 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

12/06/16

[X] Minutes approved as is.

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

NOV 14 2016

— —
LTYPE LIC NUM BP NAME PART 1

BEO 21013 BRANDIE U <NAKASONE<
BEO 21014 JENNY T <MAI<

— —
LTYPE LIC NUM BP NAME PART 1

BAR 3656 NKOSI B <DENNIE<
BAR 3657 TRAM NGOC <TRAN<