

## **BOARD OF BARBERING AND COSMETOLOGY**

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

### MINUTES OF MEETING

Date: Monday, February 13, 2017

Time: 1:22 p.m.

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

Present: Lynnette F. McKay, Cosmetology Member, Chairperson  
Alexander Choi, 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

Excused: Chad Nelson, Public Member

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 1:22 p.m. by Chairperson McKay.

Minutes of the  
December 12,  
2016 Board  
Meeting:

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the minutes of the December 12, 2016 Board meeting, as circulated.

At 1:25 p.m., it was moved by Mr. Choi, 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 1:35 p.m., it was moved by Mr. Choi, seconded by Ms. Williams, and unanimously carried for the Board to move out of Executive Session and to reconvene its scheduled meeting.

Applications:

A. Ratification of Issued Licenses

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

B. Examination and License

- (1) BUCHTRUP, Erin C.  
( Beauty Operator – Cosmetology )

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 Erin C. Buchtrup.

- (2) HAVINA SPA LLC  
( New Beauty Shop )

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the beauty shop application of HAVINA SPA LLC.

- (3) LAFRANCE, Brendan H.  
( Barber )

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the barber application for examination and license of Brendan H. LaFrance.

C. Beauty Shop/Barber Shop License

- (1) BOTEILHO, Ashley A. dba ANN'S HOUSE OF BEAUTY  
( New Beauty Shop )
- (2) BRAZILIAN BEAUTY SALON CORPORATION  
( New Beauty Shop )
- (3) FRITZ, Hyon Suk ( New Beauty Shop )

- (4) HAWAIIAN RAINFOREST LLC dba  
THE SPA AT THE WHALER ( New Beauty Shop )
- (5) HI-LITES SALON INC ( New Beauty Shop )
- (6) HONDO-ALOY, Heidi M. H. dba SALON AIKO  
( New Beauty Shop )
- (7) KCKRM INVESTMENTS LIMITED LIABILITY COMPANY  
dba PREMIERE GROOMING BARBERSHOP &  
SHAVING PARLOR ( New Barber Shop )
- (8) KUA, Roxanne P. ( New Beauty Shop )
- (9) KUBO, Iris L. dba HAIRLINES ( New Beauty Shop )
- (10) LASH LOVE LLC dba LASH LOVE BEAUTY LOUNGE  
( New Beauty Shop )
- (11) LMBD LLC dba HOALA SALON AND SPA  
( New Beauty Shop )
- (12) MONSOON, INC. dba HOKU BEAUTY AND DAY SPA  
( Relocation of Beauty Shop: BSH 4802 )
- (13) NGUYEN NGOC COMPANY, INC. dba KITTY'S NAIL TEK  
( New Beauty Shop )
- (14) NGUYEN, Thy Linh Thi dba LN'S HAIRSTYLING SALON  
( Relocation of Barber Shop: BAS 1458 )
- (15) ROBSON, Amy S. dba THE HAIR BENDER SALON  
( Relocation of Beauty Shop: BSH 5264 )
- (16) SKIN & LASH BAR, LLC ( New Beauty Shop )
- (17) SOHO NEW YORK, LLC dba SOHO WEDDING  
( New Beauty Shop )
- (18) SPAYA THAI MASSAGE, LLC ( New Beauty Shop )
- (19) SUKI HAIRSTYLING LLC ( New Beauty Shop )
- (20) THE FACE PLACE SKIN CARE CLINIC LLC  
( Relocation of Beauty Shop: BSH 4118 )
- (21) WAIPIO NAILS CORP ( New Beauty Shop )
- (22) WAKEFIELD, Erica dba ALI'I CLIPS ( 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 twenty-two (22) 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. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the twenty-two (22) barber shop and beauty shop applications listed above.

D. Restoration of License

(1) HIGA, Richelle S. ( BEO 11021 )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Richelle S. Higa.

(2) MARIA, Tanya U. ( BEO 14393 )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Tanya U. Maria.

(3) NGUYEN, Tuyet Linh ( BEO 14881 )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Tuyet Linh Nguyen.

Executive  
Officer's Report:

A. Correspondence

(1) Remington College (BSC-32) Notification to Board regarding its Cosmetology Program

Executive Officer Kai informed the Board of the following notification from Remington College, which holds a beauty school license (BSC 32):

- Effective December 31, 2016, Remington College will no longer offer the Cosmetology program at its Honolulu campus; and
- The final student graduated on November 10, 2016.

(2) Prometric Notification to the Board regarding ACLU Request for Accommodations for Candidates who are Nursing Mothers

Executive Officer Kai informed the Board it has received a notification from Prometric stating that it had been recently contacted by the American Civil Liberties Union ("ACLU") on behalf of an examination candidate who was also a nursing mother. In this case, Prometric provided reasonable accommodations for the candidate; however, the candidate requested additional time to complete the examination, which Prometric could not agree to or provide.

Prometric's notification was to inform the Board about the possible negative attention that the ACLU may bring on the matter through its use of social media to gain support for its causes. The ACLU has suggested that there are laws, particularly in California, that require that a testing administrator and its clients are required to provide specific accommodations for candidates who are nursing mothers. Prometric informed the Board that its counsel has researched the matter and determined that the laws that the ACLU has cited do not apply to Prometric or the Board. However, Prometric recognizes that for longer examinations, candidates who are nursing may require some accommodations; thus, it will offer the following options in this type of situation:

- Extended time – Extended breaks will be offered to accommodate a candidate's personal needs, whether it be for expressing breast milk or for a caregiver to bring the infant to the mother for nursing;
- Multiple day administration – In some cases, splitting the test day into two or more days may eliminate the need for other accommodations and allow nursing candidates to test without the need for breaks;

- Private space - There are separate rooms at many test centers; however, they are not private. They were designed to monitor the testing candidate and have a special viewing window and/or recording device. Prometric will work with an individual candidate and the Board, on a case-by-case basis, to work out an acceptable solution at certain testing sites. Since Hawaii only has one (1) test center, it will be difficult to suggest another test site that may be able to accommodate the candidate, so this option may be difficult to provide in Hawaii. Additionally, the test center will allow approved candidates the option to bring a cooler for storage of expressed breast milk; and
- Private administration - In extreme situations, Prometric may determine that a private proctor at a separate location is warranted.

B. Trip Report: National-Interstate Council of State Boards of Cosmetology, Inc. ("NIC") 2016 Annual Conference

Board members were provided with a copy of the *Trip Report* by Executive Officer Kai and Chairperson McKay, of their attendance to the NIC Annual Conference in Tampa, Florida in October 2016. This *Trip Report* has been submitted to the Licensing Administrator of the Professional and Vocational Licensing Division.

At 1:45 p.m., the Board recessed the meeting.

At 1:49 p.m., the Board reconvened its meeting.

Legislation:

A. Relating to Citations for Violations of HRS chapter 439

- (1) House Bill No. 1081, Relating to Citations for Beauty Culture Violations
- (2) Senate Bill No. 947, Relating to Citations for Beauty Culture Violations
- (3) House Bill No. 896, Relating to Citations for Beauty Culture Violations

Executive Officer Kai provided a brief summary of the three bills (noted above) relating to citations for beauty

culture violations. She stated the three (3) bills propose to authorize the Regulated Industries Complaints Office ("RICO") to issue citations for violations of specific beauty culture laws by licensees and permittees. Those violations are:

1. Failure of a licensee to display license or permit in a conspicuous place in place of business or employment;
2. Failure of a beauty shop owner or beauty school to ensure that only appropriately licensed or permitted individuals engage in the practice;
3. Failure of a beauty shop to conspicuously display a sign that reads "PRICE LIST AVAILABLE UPON REQUEST" in capital letters at least  $\frac{3}{4}$  inch in size;
4. Failure of a beauty school to identify each instructor-trainee with a name tag;
5. Failure of a beauty school to identify each instructor with a name tag stating "Instructor" and identifying the beauty category;
6. Failure of a beauty school to operate with an instructor-student ratio of 1 instructor for every 25 students, or a minimum of 2 licensed instructors; and
7. Failure of a beauty school to display at least 1 sign stating "School of Beauty Culture – Work done by students under supervision" in print at least 18 inches by 24 inches.

Further, these bills also propose to establish a process for licensees and permittees to contest the citation and provides for the assessment of a \$100 fine for each violation.

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried for the Board to testify in strong support the above bills relating to citations for beauty culture violations.

B. Relating to Intimate Partner Violence

- (1) House Bill No. 680, Relating to Intimate Partner Violence
- (2) Senate Bill No. 518, Relating to Intimate Partner Violence

Executive Officer Kai provided a brief summary of the two companion bills (noted above) relating to intimate partner violence. She stated the two (2) bills propose to require licensees (barbers, beauty operators and instructors) to undergo training that would enable them to be aware of and recognize signs of intimate partner violence shown by their clients, so that if a licensee observes indications that the client is experiencing such violence, the licensee would have been trained and provided with resources to address the problem (e.g., referring the client to the appropriate social services or domestic violence organizations).

The initial bills proposed that the training be a one-time, one-hour session; however, Senate Bill No. 518 was amended to increase the training to a one-time, three-hour session. The bills also proposed that all applicants need to have obtained this training and all licensees must take the training in order to renew their licenses. The bills also propose that any licensee who completes the training shall not be civilly or criminally liable for acting in good faith or failing to act on information concerning potential intimate partner violence obtained during the course of employment.

Discussion ensued with the Board expressing concerns with these bills. Board members in the beauty industry stated that they have not personally had clients who came to them and disclosed that they (the clients) were victims of domestic violence. It was also noted that other personal service providers, such as massage therapists, were not included in the bills. Board members indicated that victims of domestic violence who are clients of other professionals (like massage therapists) could also disclose their experience with domestic violence to those professionals.

Ms. Williams stated that a three-hour session is not sufficient to attain knowledge to make such an assessment of a client. Ms. Tokunaga stated that the level of responsibility is being elevated beyond the beauty culture/barbering services that are within the scope of practice of a licensee; she also questioned whether emotional distress would be a type of intimate partner violence. Mr. Choi commented about possible



retaliation from the claimed abuser for a false report or any type of involvement by the licensee.

The Board agreed that, although the intent of the bills was commendable, the risk to the licensees and applicants impacted in this proposal should be carefully considered.

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to provide testimony on these two bills that support the intent of these proposals, but strongly oppose the provisions of the bills that target beauty operators and barbers and require these licensees, permittees, and applicants to undergo awareness training relating to intimate partner violence.

C. Assignment of Board Members (Primary and Alternate) to Represent the Board before the 2017 State Legislature

Discussion ensued on designating a Board member to represent the Board at Legislative hearings. Chairperson McKay commented that as a beauty instructor, her schedule was not flexible enough to participate in Legislative hearings. Ms. Williams volunteered to represent the Board as much as her schedule permits. After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to appoint Ms. Williams as the representative to testify on behalf of the Board on legislative matters that pertain to the Board.

At 2:14 p.m., the Board recessed the meeting. DAG Tam also left the meeting.

At 2:19 p.m., the Board reconvened the meeting.

Open Forum: None.

Next Board Meeting: After discussion on the issue of having a sufficient number of Board members attend meetings in order to attain quorum, the consensus of the Board was to reschedule the following meetings to accommodate Board member's schedules.

~~Monday, March 13, 2017~~ → Thursday, March 16, 2017  
~~Monday, May 8, 2017~~ → Thursday, May 4, 2017  
~~Monday, June 5, 2017~~ → Thursday, June 15, 2017

Next Board Meeting:

Thursday, March 16, 2017  
1:00 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Announcements: Executive Officer Kai stated that Mr. Nelson will not be able to attend the Board's scheduled meetings until at least July or August of 2017, due to his wife's illness and course of treatment out-of-State. Mrs. Nelson has been diagnosed with a rare disease called Aplastic Anemia, and Mr. Nelson shared this personal family matter with the Board in order to bring more public awareness to this disease.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 2:35 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

03/10/17

[ X] Minutes approved as is.

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

.TYPE	LIC NUM	BP NAME PART 1	.TYPE	LIC NUM	BP NAME PART 1
3EO	21074	KELCI L <BOWER<	3EO	21111	OLGA J <VALDIVIA<
3EO	21075	SUNYO <CHOE<	3EO	21112	MAGGIE M <CLAYTON<
3EO	21076	EMILY C <COLLINS<	3EO	21113	GREYSON JOSEPH I <DATA<
3EO	21077	TATIANA M <GRAHAM<	3EO	21114	TAYLOR K J <OMURO<
3EO	21078	DEBRA L <GREEN<	3EO	21115	LAM V T <HUYNH<
3EO	21079	BEATRIZ <ESCOBAR<	3EO	21116	CALVIN <NGUYEN<
3EO	21080	KIM CHI <HO<	3EO	21117	AMY R <ELLUL<
3EO	21081	KATHLEEN M <LAWSON<	3EO	21118	HIU YEE <TAM<
3EO	21082	TAM THI BICH <LE<	3EO	21119	SHIANNE U <KAHAIALII<
3EO	21083	TUONG V <LE<	3EO	21120	LIANA C P <KAN HAI<
3EO	21084	JENNIFER C <MALANDRUCCOLO<	3EO	21121	CARLA <YAMANAKA<
3EO	21085	SUE O <MILLER<	3EO	21122	DORIS A <MARSH<
3EO	21086	MARIE-MICHELLE <ROUSSEAU<	3EO	21123	SARI <LERAT<
3EO	21087	TAMARA J <MITCHELL<	3EO	21124	MELISSA D <DIXON<
3EO	21088	MARCI N S <ONO<	3EO	21125	JAIMA KAY <MARTIN<
3EO	21089	MELANIE S <RAMIREZ<	3EO	21126	KIMIE K <AKIU<
3EO	21090	LINDSEY M <REX<	3EO	21127	MELISSA J <VILLASENOR<
3EO	21091	TRANGNHA THI <SATO<	3EO	21128	KATRINA A <YODER<
3EO	21092	KENDYL N <SILVA<	3EO	21129	MELISSA K <DODD<
3EO	21093	NGUYET THI <VU<	3EO	21130	KOIKI L <KUME<
3EO	21094	HA THANH <VONG<	3EO	21131	MARY ALLISON KEANI C <YASAY<
3EO	21095	NGOC THI BACH <VU<	3EO	21132	NIKKI A <QUINN<
3EO	21096	LEINAALA H P <QUINTAL<	3EO	21133	LINDSAY M <FOOSE<
3EO	21097	CUIJUN <RUAN<	3EO	21134	JENNIFER T <HONDA<
3EO	21098	SHANNON N <LECLAIR<	3EO	21135	BILLY J <YAMAGUCHI<
3EO	21099	YOSHIKO <WADA<	3EO	21136	PATRICIA <MAPLES<
3EO	21100	DANITA <WEEKS<	3EO	21137	BRIANNE L <SILVIA<
3EO	21101	STACIE A <HART<	3EO	21138	DARLENE <CALDWELL<
3EO	21102	ASHLEY N N <ONION<	3EO	21139	PHUONG <NGUYEN<
3EO	21103	MARCY J <VILLA<	3EO	21140	QUYNH GIAO T <DINH<
3EO	21104	MICHAEL PAUL <JOHNSON<	3EO	21141	AMY THI <LE<
3EO	21105	ALANA M <GUIOT<	3EO	21142	KELCIE K <MOORE<
3EO	21106	JASON A <BISARRA<	3EO	21143	SANDY THI <NGUYEN<
3EO	21107	TRISHA L <GESTEUYALA<	3EO	21144	CHRISTINA R <THOMPSON<
3EO	21108	MARLEE H <SEEGER<	3EO	21145	NICOLE M <ISADORE<
3EO	21109	YVONNE H <LEE<	3EO	21146	ANGELA S <BUTTON<
3EO	21110	JOYCELYN P <FARIAS<	3EO	21147	CEZANNA K <ECKENBERG<
			3EO	21148	REBECCA L <RAYMOND<
			3EO	21149	PHUONG THI LE <NGUYEN<
			3EO	21150	PHUONG Q <DAM<

FEB 13 2017  
 (1 of 2)

TYPE LIC NUM BP NAME PART 1

-----  
3EO 21151 TUTRANG THI <DINH<  
3EO 21152 CATALINA N <DROUILLARD<  
3EO 21153 DEREK R <DROUILLARD<  
3EO 21154 HON SO <HONG<  
3EO 21155 SHANLEE-ANN K <JOSEPH<  
3EO 21156 VICKY N <LAI<  
3EO 21157 THAO P N <LE<  
3EO 21158 HOA THI <NGUYEN<  
3EO 21159 THUY T <NGUYEN<  
3EO 21160 BONNIE D C <PALMER<  
3EO 21161 MONICA R <SUMMERS<  
3EO 21162 YURI <ONO<  
3EO 21163 ANGELA L <PAREDES<  
3EO 21164 TASHA N <FLETCHER<

FEB 13 2017

(2 of 2)

3AR 3669 HEATHER M <BRANCH<  
3AR 3670 SEBASTIAN U J <DOMINGO<  
3AR 3671 JOEWYLIN S M <MANEFAIGA<  
3AR 3672 CODY J <KEKUNA<  
3AR 3673 ELIJAH H M <TAGOAI<  
3AR 3674 WRAYSON K <PANOKE<  
3AR 3675 KENNETH L <FARAON<  
3AR 3676 IRVIN R <PELTON< JR  
3AR 3677 HAYLEY A <RAMOS<  
3AR 3678 JAMES K <PAHIA<  
3AR 3679 TRUNG QUOC <DUONG<  
3AR 3680 SARA S <GATRELL<  
3AR 3681 KIM PHUNG THI <HO<  
3AR 3682 MICAH K <TOM<  
3AR 3683 GRUNTHANAPORN <SURIYAWONG<