

**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 22, 2017

Time: 1:01 p.m.

Place: Queen Liliuokalani 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  
Shari Wong, Deputy Attorney General ("DAG")  
Laureen M. Kai, Executive Officer  
Lori Nishimura, Secretary

Excused: Chad Nelson, Public Member  
Rodney J. Tam, Deputy Attorney General

Guests: Lei Fukumura, Special Deputy Attorney General  
Yuko Ho, Honolulu Nail Academy  
Jessica Taylor, Honolulu Nail Academy

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 1:01 p.m. by Chairperson McKay.

Minutes of the April 13, 2017 Board Meeting: After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the minutes of the April 13, 2017 Board meeting, as circulated.

At 1:02 p.m., the Board recessed 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 Operator's License of  
Cindy L. Vicoy; BAR 2016-30-L

SDAG Fukumura provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Cindy L. Vicoy, Respondent. She stated that the Regulated Industries Complaints Office ("RICO") alleges that the Respondent, who holds a beauty operator's license did not disclose a DUI Conviction when Respondent answered the licensing renewal application question, in December 2015, that asks about criminal convictions. RICO also alleges that the Respondent violated HRS sections 439-19(a)(1), 439-19(a)(4), and 439-19(a)(9).

To settle this matter, the Respondent agrees to the following 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 Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Operator License of Cindy L. Vicoy; BAR 2016-30-L.

At 1:10 p.m., the Board reconvened its scheduled meeting.

At 1:10 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.

Applications:

A. Ratification of Issued Licenses

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

B. Examination and License

- (1) PARKS, Michelle Lynn ( Beauty Operator Apprentice - Esthetician )

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the beauty operator apprentice registration of Michelle Lynn Parks.

C. Beauty Shop/Barber Shop License

- (1) AQUA USA LLC dba LIKE IT ( New Beauty Shop )  
(2) CHEN, Teresa H. dba BRAVO SALON HAWAII ( New Beauty Shop )  
(3) FRESH AESTHETICS LLC ( New Beauty Shop )  
(4) HAWAII THREADING LLC dba HAWAII THREADING ( New Beauty Shop )  
(5) L SYLVESTER LLC dba KRISTIN WOOD LASHES KAILUA ( New Beauty Shop )  
(6) LITTLE KUTS BY MARIE LLC ( New Barber Shop )  
(7) MALIE DAY SPA LLC ( New Beauty Shop )  
(8) OHANA CLIPS LLC dba GREAT CLIPS ( New Beauty Shop )  
(9) THE NAILERY BEAUTY CENTER CORP ( New Beauty Shop )  
(10) UCHIDA, Keiko dba ALOHA THERAPY @ WAIKIKI BEACH WALK ( New Beauty Shop )  
(11) WESTSIDE BARBERSHOP INC ( New Barber 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 Board members designated to review the barber shop

and beauty shop applications for consideration at this Board meeting).

Chairperson McKay stated that she and Ms. Tokunaga reviewed the eleven (11) 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 Ms. Williams, and unanimously carried to approve the eleven (11) barber shop and beauty shop applications listed above.

D. Restoration of License

(1) CANIO, Stanley C., III ( BAR 2758 )

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the restoration of a conditional barber's license of Stanley C. Canio, III, subject to the following conditions:

- Licensee must secure employment in a licensed shop with his restored conditional barber's license;
- Licensee must disclose to any and all employers his history of criminal convictions;
- Licensee must notify the Board in writing within thirty (30) days of securing that employment; and
- This written notification to the Board must include his signature and the signature of his employer reflecting the employer's acknowledgment of receiving and being aware of Mr. Canio's history of criminal convictions.

(2) MOON, Mi Sun ( BAR 3069 )

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the barber's license of Mi Sun Moon.

Presentation by  
Honolulu Nail  
Academy  
( BSC 22 ):

Proposal on Curriculum Methodology

Jessica Taylor and Yuko Ho were welcomed by the Board. The two representatives from Honolulu Nail Academy ("HNA") provided a presentation for the Board's approval of HNA's proposal to provide beauty training and instruction through an Online Practical Program. It was noted that the Board had

earlier approved HNA's online delivery of the theory portion of the curriculum, which has proven to be very successful.

The presentation demonstrated the online process including log-in, the use of class videos, and the comment facet where both student and instructor can communicate with each other.

Ms. Taylor stated that the program is designed for the busy person who may not have the time to attend classes during a set time and at a set location. It will also allow the student who may live far from the school campus to enroll in HNA and alleviate the time and financial problems associated with a long commute or interisland travel and lodging. The online program will provide the flexibility for that prospective student to be able to optimize the effectiveness of the learning program available from HNA. The online program will allow the student to utilize an electronic device (e.g., cell phone, computer, or tablet) to participate in and complete the hours required in the school training curriculum. Ms. Taylor commented that the school has implemented and tested the recording of videos of each training phase of HNA's curriculum in the existing school program and are confident that the recorded demonstrations will provide the quality of education and training necessary for the successful completion of the curriculum. In fact, HNA believes that these video recordings in the individualized online training program may provide enhanced quality education, as the videos are designed to be viewed by the individual student without distraction of other students in the class. Currently, the videos are made available to students who missed class, were late to class, or just needed a review.

Discussion ensued on the student's performance, whereby the student will be required to electronically submit before and after still photos, and also submit video proof of performance of procedure after viewing the demonstration. The academic advisor will view, give response and suggestions to the student relating to the specific service performed, and students may submit comments and responses to the instructors. It was noted that the video proof will include the student's face panning down to their hands performing the work.

Ms. Ho stated that almost all students at HNA participate in the online theory portion of the curriculum. HNA also has a three (3) hour review on theory, and currently, the practical curriculum is only offered via classroom setting.

Ms. Ho and Ms. Taylor stated that if this program is approved by the Board, the prospective HNA student will be able to participate in all aspects of the training curriculum via online delivery methodology, provided that the final examination will continue to be completed in person at the school facility. The Board received assurance that in person interaction would also be available to any student in the online delivery program.

The Board thanked Ms. Ho and Ms. Taylor for their presentation.

At 2:15 p.m., it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried for the Board to enter into Executive Session 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 2:19 p.m., it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried for the Board to move out of Executive Session.

It was noted that the HNA representatives were not present. Discussion ensued with a comment that there appears to be no supervision in the practical curriculum until the final examination is administered. Several Board members commented that the safeguards in place within the online program would ensure that the student is adequately supervised and instructed. Board members stated that the Board should adapt to the trend of on-line education, and the new concepts of nano-learning and blended learning. After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the curriculum methodology (online practical program) of Honolulu Nail Academy (BCS 22).

Presentation by  
Doreen L. Dalton  
( BEO 11565 ):

#### Request Regarding Training for Licensees

No presentation was made as Ms. Doreen L. Dalton was not present at the meeting.

Scope of Practice: A. Eyelash Extensions

Executive Officer Kai stated that the Board had previously determined that barbers are able to provide eyelash

extension services; she inquired if the Board continued to adhere to this position. She cited HRS section 438-1 Definition:

*"Practice of barbering" means any combination of the following practices from remuneration: shaving, cutting, trimming, singeing, shampooing, arranging, dressing, curling, waving, or coloring the hair or beard or applying tonics or other preparation thereto; massaging, cleansing, or applying oils, creams, lotions, or other preparation to the face, scalp, or neck, either by hand or by mechanical appliances; provided that nothing in this chapter shall be construed as applicable to those persons licensed under chapter 439 to practice the occupations named therein. (Emphasis added)*

Executive Officer Kai also noted that HAR chapter 16-73 – Exhibits A-E\_ reflect that – “facials” are included in the barber training curriculum.

After discussion, the consensus of the Board was to reaffirm its position that the application of permanent eyelash extensions falls within the scope of practice of a barber (and as well as an esthetician and cosmetologist).

Lastly, it was noted that, in accordance with HAR section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the DCCA.

Legislation: A. Relating to Citations for Violations of HRS chapter 439

(1) Senate Bill No. 947, Senate Draft 2, House Draft 1

Executive Officer Kai provided an update of SB 947, SD 2, HD 1, stating that this bill that proposes to authorize RICO to issue citations for violations of specific beauty culture laws by licensees and permittees has been sent to the Governor for his action.

Open Forum: None.

Board of Barbering and Cosmetology  
Minutes of the May 22, 2017 Meeting  
Page 8

Next Board Meeting: Thursday, June 15, 2017  
1:00 p.m.  
Queen Liliuokalani Conference 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 3:00 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

06/15/17

[ X ] Minutes approved as is.

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



TYPE LIC NUM BP NAME PART 1

MAY 22 2017

1 of 2

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3EO 21260 KYRIE A M <HOLMES<  
3EO 21261 STACEY L <BOKATH<  
3EO 21262 ARISA <KOJIMA<  
3EO 21263 KIM LOAN <DINH<  
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3EO 21293 MICHELLE D K <YADAO<  
3EO 21294 TERRI L <EWTON<  
3EO 21296 MARY ANN L <AGPAOA<  
3EO 21297 VANESSA L <WHITE<

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3EO 21299 KAYLA P <KASBERGEN<  
3EO 21300 LAN <NGUYEN<  
3EO 21301 MERLITA T <MCCARTHY<  
3EO 21302 JENNY <NAVA<  
3EO 21303 XUAN LIEU THI <NGUYEN<  
3EO 21304 HAI HONG <PHAM<  
3EO 21305 ANGELA N <TRAN<  
3EO 21306 TAYLOR S <WADE<  
3EO 21307 JAZELYN <DOMINGO<

MAY 22 2017

2 of 2

BAR 3690 TAM T <HUYNH<  
BAR 3691 CONG T <HUYNH<  
BAR 3692 JIYOUN Y <RODKEY<  
BAR 3693 OANH HOANG <NGUYEN<  
BAR 3694 OANH THUY <PHAM<  
BAR 3695 JIMI <KIM<  
BAR 3696 AMY S <CHUN<  
BAR 3697 CLAIRE C <TAKUSHI<  
BAR 3698 ROXANNE S <RADONA<  
BAR 3699 HUE THI <PHAM<  
BAR 3700 KALANI K <FERNANDEZ HOKANA<  
BAR 3702 JANELLE L <KAITA<  
BAR 3703 AILEEN P <RAMSON<  
BAR 3704 PADDY E <RAMSON<  
BAR 3705 SUJUNG <MARTIN<  
BAR 3706 JULIE A <FULGINITI<  
BAR 3707 ISHAMU J <LAUTEJ<  
BAR 3708 ANGELA P <IAEA<  
BAR 3709 TRAVIS P K <ANGUAY<  
BAR 3710 JOSHUA T <VALDEZ<  
BAR 3711 CHRISTINE <KAMELAMELA<  
BAR 3712 DUONG THI THUY <LE<  
BAR 3713 HUNG THI <PHAM<  
BAR 3714 MATTHEW <NGO<  
BAR 3715 AMBER <MADALI<