

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Thursday, June 15, 2017

Time: 1:07 p.m.

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

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

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

Guest: Cynthia Ganancial, Massage Envy Aina Haina

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 1:07 p.m. by Chairperson McKay.

Minutes of the May 22, 2017 Board Meeting: After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the minutes of the May 22, 2017 Board meeting, as circulated.

At 1:12 p.m., it was moved by Ms. Williams, 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 1:25 p.m., it was moved by Ms. Williams, 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 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) WALKER, Sheila L. (Beauty Operator Apprentice - Cosmetologist)

Chairperson McKay disclosed that she knows the applicant, Sheila L. Walker, because the applicant gained her training in the Cosmetology Program at Honolulu Community College. Ms. McKay stated that she is able to vote fairly and impartially on the applicant's beauty operator application for examination and license. After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the beauty operator application for exam and license of Sheila L. Walker.

C. Beauty Shop/Barber Shop License

- (1) A'GROUP HNL INC dba AUBE BEAUTY SALON
(New Beauty Shop)
- (2) FLORES, Jacqueline R. (New Beauty Shop)
- (3) OCEAN SHINE LLC dba TIMELESS HAIR & NAIL STUDIO
(New Beauty Shop)
- (4) PONOENVY LLC dba MASSAGE ENVY AINA HAINA
(New Beauty Shop)
- (5) SUPERCUTS CORPORATE SHOPS INC dba SUPERCUTS
Location: 315 Keawe st., Ste 510, Lahaina, HI 96761
(New Beauty Shop)
- (6) THE BEEHIVE-LASH AND BROW BAR LLC dba
THE BEEHIVE-LASH AND BROW BAR
(New Beauty Shop)

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

Chairperson McKay stated that she and Ms. Tokunaga reviewed the six (6) applications, and concluded that they met all requirements for beauty shop licenses, and recommends approval.

After discussion, it was moved by Mr. Choi, seconded by Ms. Williams, and unanimously carried to approve the six (6) beauty shop applications listed above.

D. Restoration of License

(1) LE, Melody (BEO 12970)

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the restoration of the beauty operator's license of Melody Le.

Examination:

A. Prometric Report

Executive Officer Kai stated that in Mr. Nelson's absence, she has been requesting information about the status of the Board's inquiry relating to the National-Interstate Council of State Boards of Cosmetology ("NIC") licensing examinations being administered by Prometric for Hawaii examination candidates. She reminded the Board that at a previous meeting, she had reported that Prometric had informed her that it is now authorized to administer the NIC examination through Professional Credential Services, Inc. ("PCS"); thus, this may alleviate the Board from the administrative burden of issuing a Request for Proposals to initiate the process to obtain a new testing agency to administer the NIC test. She questioned whether a tri-party contract may be needed between the Board, Prometric, and PCS.

Ms. Williams inquired on the passing rate of NIC examinees; commenting why change exams if the passing percentage rate is the same for both the Prometric exams and the NIC exams. Executive Officer Kai commented that it was her understanding that the Board had expressed interest in utilizing the NIC exam in lieu of the current Prometric exam

due to issues such as the questions on the existing examination using outdated references, irrelevant question content, and the questionable validity of the current item bank. She requested that the Board decide if it is still pursuing its intention to adopt the NIC exam as the licensing examination for the regulation of the practices of barbering and cosmetology. Chairperson McKay commented that the NIC exams allowed for more availability of exams administered. Mr. Choi commented that computer testing and reciprocity issues would be addressed, and cheating incidents alleviated with the NIC exam. Executive Officer Kai stated that she will continue to ask Prometric for updates about administering the NIC examination for Hawaii licensing candidates. There were no objections.

B. Barber Examinations Administered March 7-10, 2017

Executive Officer Kai provided the following results:

Total Exams Registered 49
 Total Exams Passed 1st time 18 (36% pass rate)
 Total Exams Passed 27 (55% pass rate)
 Total Exams Failed 22 (45% pass rate)
 Sixteen (16) exams were taken with the use of interpreters;
 twelve (12) exam candidates passed.

C. Cosmetology Examinations Administered May 10-19, 2017

Executive Officer Kai provided the following results:

EXAM	# GIVEN	# PASS	% PASS	# FAIL	% FAIL
Cosmetologist	111	45	41%	66	59%
Hairdresser	24	11	45%	13	55%
Nail Technician	74	25	33%	49	64%
Esthetician	103	44	42%	59	58%
Instructor	0	0	0	0	0

Total Exams Scheduled 239
 Total Exams Administered 312
 Total Exams Passed 125 (40% pass rate)
 Total Exams Failed 187 (60% pass rate)

At 1:45 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), in regards to cosmetology licensing examinations.

EXECUTIVE SESSION

At 1:51 p.m., it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried for the Board to move out of Executive Session.

Educational Sessions Held in Licensed Shops For Licensed Beauty Operators And Barbers:

Chairperson McKay suggested that the Board discuss occurrences happening in the professional community, where licensees without an Instructor's license from this State or out of State are teaching classes at licensed shops or other locations. These classes are designed for already licensed beauty operator licensees who are charged a fee for the instruction. She further commented that the Board's statutes and rules mandate that that an Instructor's license is required to teach beauty culture, and that the instruction must take place in a licensed beauty school. Ms. Williams commented that the training in question is not for exam candidates or license applicants; thus, an Instructor's license does not appear to be required. She questioned whether an exemption for this activity may exist as provided in HAR section 16-78-36.

At 1:56 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), in regards to Ms. Williams' inquiry related to the provisions of HAR section 16-78-36.

EXECUTIVE SESSION

At 2:16 p.m., it was moved by Ms. Tokunaga, seconded by Mr. Choi, and unanimously carried for the Board to move out of Executive Session, and to immediately recess the meeting.

At 2:23 p.m., the meeting reconvened.

There was no further discussion on this agenda item.

Open Forum: None.

Next Board Meeting: Monday, July 17, 2017
1:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements: Chairperson McKay announced that she is aware of beauty culture services being provided at kiosk-type shops at shopping centers. She wondered whether these types of shops should be licensed, as the "sink or water source" requirement for a licensed beauty shop may not be met. She expressed concern that perhaps the issue of licensing these types of kiosks would need to be revisited by the Board. Executive Officer Kai commented that these type of kiosk-style beauty shops have been previously approved by the Board so long as the shop had access to a portable sink or other type of water source. Ms. Kai suggested that the matter be placed on a future meeting agenda in order for the Board to discuss.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 2:26 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

06/29/17

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

LTYPE LIC NUM BP NAME PART 1

JUN 15 2017

BEO	21308	MUI NHAT <VAN<
BEO	21309	RITA S <PATEL<
BEO	21310	MIYA <FUJIMOTO<