

**BOARD OF BARBERING AND COSMETOLOGY**

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

MINUTES OF MEETING

Date: Monday, July 17, 2017

Time: 1:03 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 J. Wong, Deputy Attorney General ("DAG")  
Laureen M. Kai, Executive Officer

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 1:03 p.m. by Chairperson McKay.

Minutes of the June 15, 2017 Board Meeting: After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the minutes of the June 15, 2017 Board meeting, as circulated.

At 1:04 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 1:20 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 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) KEIKAIKA, Levana L. ( Beauty Operator Apprentice - Hairdresser )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the beauty operator apprentice application – hairdresser for Levana L. Keikaika.

- (2) MEHL, Heidi L. ( Beauty Operator – Esthetician )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the beauty operator license application for Heidi L. Mehl.

- (3) GREEN, Suzanne M. dba PARIS GREEN ( Barber Shop )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the barber shop license application for Suzanne M. Green dba Paris Green.

C. Beauty Shop/Barber Shop License

- (1) BUI808 NAILS LLC ( New Beauty Shop )

- (2) KARASAWA COMPANY LLC dba KALAMA HAIR  
( New Beauty Shop )

- (3) KURODA, Anne T. dba FIRST HAWAIIAN CUTTERS  
( Relocation of Beauty Shop: BSH 3960 )

- (4) NGUYEN, Tuyen N. dba NINA NAILS AND ALTERATION  
( New Beauty Shop )
- (5) TALIAFERRO, Laura G. dba MAUI SKIN & BODY STUDIO  
( New Beauty Shop )
- (6) WANG, Christina dba LAVA MASSAGE & DAY SPA  
( New Beauty Shop )

The beauty shop applications above were preliminarily reviewed by licensing branch staff, the Executive Officer, and Chairperson McKay (the Board member designated to review the beauty shop applications for consideration at this Board meeting).

Chairperson McKay stated that she had 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 Ms. Tokunaga, seconded by Mr. Choi, and unanimously carried to approve the six (6) beauty shop applications listed above.

D. Restoration of License

- (1) NISHIMURA, Velvet Y. ( BEO 8043 )

After discussion, it was moved by Ms. Tokunaga, seconded by Mr. Choi, and unanimously carried to approve the restoration of the beauty operator's license of Velvet Y. Nishimura.

- (2) SYMONDS, Luzviminda M. ( BEO 9650 )

After discussion, it was moved by Ms. Tokunaga, seconded by Mr. Choi, and unanimously carried to approve the restoration of the beauty operator's license of Luzviminda M. Symonds.

Educational Sessions Held in Licensed Shops for Licensed Beauty Operators and Barbers:

At the Board's last meeting, Chairperson McKay had suggested that the Board discuss occurrences happening in the professional community, where licensee without an Instructor's license from this State or outside the State are teaching classes at licensed shops or other locations. These classes are designed and offered to already licensed beauty operator licensee who are charged a fee for the instructional session(s).

Executive Officer Kai called the Board members' attention to HRS section 439-1 that defines "instructor" as a person who teaches any of the licensure categories; provided that the term shall not be taken to include an operator who teaches apprentices in a beauty shop." She noted that the situation being discussed is outside of the apprenticeship model of training.

Ms. Kai then cited HRS section 439-2 (b) that states that "(T)he practice of cosmetology shall be carried on only by persons duly licensed in this State and only in licensed beauty shops; provided a licensed beauty operator may practice cosmetology at any place for educational purposes or upon persons at a health care, nursing, mental, or correctional facility, at a barber shop, and at a charitable event.", and questioned whether this section provides for the situation being discussed.

Executive Officer Kai then referred to sections in the Hawaii Administrative Rules ("HAR") as follows:

HAR section 16-78-36 Exemptions.

"The rules governing the practice of cosmetology shall not apply to the following persons when acting within the scope of their profession or occupation:

\* \* \*

(6) Educational activities conducted in connection with any monthly, annual, or other special program from which the general public is excluded. This exemption shall apply only to the specific days of the special program."

HAR section 16-78-37 Exceptions.

"The practice of cosmetology shall be carried on only by persons duly licensed to practice in this State and only in a licensed beauty shop, except as provided in this subsection. A duly licensed beauty operator may practice cosmetology:

\* \* \*

(5) Educational activities conducted in connection with any monthly annual, or other special program from which the general public is excluded. This exception shall apply only to the specific days of the special program;".

She noted that the activities in question are conducted by licensees or, in the case of beauty industry representatives,

non-licensees who are "certified" by the manufacturer to conduct training, and that the training sessions are not for the general public.

Discussion ensued. It was noted that DAG Wong was not aware of the Board's request that further research be done on whether the above-cited HRS and HAR sections were pertinent to the issue, since she had only recently been assigned to be the DAG counseling the Board. The Board decided by consensus to allow DAG Wong time to conduct further research, and tabled the matter until the next Board meeting.

Beauty Culture Services Performed at Kiosk-Type Locations at Shopping Centers and Malls:

At the Board's last meeting, Executive Officer Kai had suggested that this issue be discussed by the Board, after Chairperson McKay's announcement that she is aware of beauty culture services being provided at kiosk-type shops at shopping centers. Ms. McKay had expressed concern that perhaps the Board should revisit the issue of allowing these types of kiosks to be licensed as beauty shops.

It was noted that the Board's position on the matter is to allow for the licensure of these types of facilities so long as all Board requirements are met, and the applicant certifies on the application that the applicant agrees to comply with all requirements of the Department of Health sanitation branch (in accordance with HAR chapter 11-11).

Board Policy Regarding Examination Misconduct:

Executive Officer Kai asked the Board for its policy regarding misconduct and cheating on licensing examinations. She cited the following sections of HAR chapters 16-73 and 16-78, as follows:

HAR section 16-73-27 Barber. "(a) Barber examinations shall be conducted in accordance with procedures formulated by the testing service and authorized by the board to develop and administer examination. Failure to comply with established procedures may result in disqualification from future examinations."

HAR section 16-78-28 Examination.

\* \* \*

(c) Examinations shall be conducted in accordance with procedures formulated by the testing service authorized by the board to administer examinations. Failure to follow such procedures shall result in immediate disqualification from the

examination and may bar applicants from being examined in any future examinations.”

After discussion, it was moved by Mr. Choi, seconded by Ms. Williams, and unanimously carried to reaffirm the Board’s policy pursuant to the above-cited sections of the Board’s administrative rules, that: (1) All testing procedures are established by the Board’s testing agency (currently Prometric) and authorized by the Board; (2) Misconduct during examinations as determined by the testing agency is subject to sanction as authorized by the Board; and (3) Failure to comply with the testing agency’s established procedures will result in immediate disqualification from the examination and possible exclusion from future examinations.

Open Forum: None.

Next Board Meeting: It was determined that the Board would not have quorum at its next meeting scheduled for August 14, 2017. Discussion on an alternative meeting date ensued. It was further determined that quorum requirements would also not be met at all meeting dates scheduled for the remainder of the year.

After discussion, the following are the dates of the Board meetings for August through December 2017:

Thursday, August 17  
Monday, September 25  
Monday, October 16  
Monday, November 20  
December 18

All meetings are scheduled for 1:00 p.m.  
Meeting rooms to be determined  
King Kalakaua Building  
335 Merchant Street  
Honolulu, Hawaii 96813

Announcements: Executive Officer Kai stated that the Board’s DAG Rodney Tam had passed away on July 4, 2017. Services are tentatively scheduled for August 19, 2017 with time to be determined. Board members decided to send a sympathy card to DAG Tam’s family, and for Ms. Kai to have the card available at the next meeting for members to sign and express their condolences.

Adjournment:        There being no further business to discuss at this time, the meeting was adjourned at 2:56 p.m.

Taken and recorded by:

/s/ Lauren M. Kai

\_\_\_\_\_  
Lauren M. Kai, Executive Officer

LMK:ln

08/11/17

- Minutes approved as is.
- Minutes approved with changes. See Minutes of \_\_\_\_\_.

LTYPE	LIC NUM	BP NAME PART 1
BEO	21311	PETINA M <SODERQUIST<
BEO	21312	KAILA K <TOETUU<
BEO	21313	NIKOLLE D C <SIQUEIRA<
BEO	21314	TERI J <MCCORMICK<
BEO	21315	ROGES O <STURDIVANT<
BEO	21316	DANNA <NGUYEN<
BEO	21317	LAUREN F <ANTONIETTI<
BEO	21318	BRITTANY K K <BARNES<
BEO	21319	DOMINIKA A <BAUER<
BEO	21320	ASHLEA D <BERROCAL<
BEO	21321	BEVERLY <CABUYADAO<
BEO	21322	LARISSA G <CHENG<
BEO	21323	PAULA D <DOAN<
BEO	21324	CLEOPATRA <IGNACIO<
BEO	21325	JESSI GENE U K <KAILIHIWA<
BEO	21326	JULIE ANN S <KUMURA<
BEO	21327	YURI S <GOWER<
BEO	21328	MY TIEN <LE<
BEO	21329	LESLIE H <LEONARD<
BEO	21330	LIANA <LORICO<
BEO	21331	FAUZIA A <MORGAN<
BEO	21332	PORNNA PA <NARIPHO<
BEO	21333	HIE N THI <NGUYEN<
BEO	21334	FUMIE <OKUMA<
BEO	21335	KAILANI C H <SWOISH<
BEO	21336	XINH THI THU <TRAN<
BEO	21337	ALANA U M <WALLACE<
BEO	21338	CALLIE E <WOOD<
BEO	21339	TIJEN S <TURETGEN<
BEO	21340	JOEY A <VIDAL<
BEO	21341	CYNTHIA <SANTOS<
BEO	21342	SHIRO <KYAN<
BEO	21343	THUY <MINNITI<
BEO	21344	CHRISTINE B <CASTILLO<
BEO	21345	JANELL R <BORANIAN<

JUL 17 2017

BAR	3716	JOHN L <BRUNO<
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