

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Wednesday, November 20, 2013

Time: 9:07 a.m.

Place: PVL Examination Room
King Kalakaua Building, 3rd Floor
335 Merchant Street, Room 330
Honolulu, Hawaii 96813

Present: Lance M. Marugame, Barber Member, Chairperson
Alexander Choi, Public Member
Angela Howard, Public Member
Lynnette F. McKay, Cosmetology Member
Chad Nelson, Public Member
Christobal Quintana, Barber Member
Rodney J. Tam, Deputy Attorney General ("DAG")
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary

Guests: Lauren Biddle, Prometric
Tammy Courtney-Arciaga, Bella Torre Academy
Tamaki Torre, Bella Torre 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 9:07 a.m. by Chairperson Marugame.

Additions/
Revisions to
Agenda: None.

Minutes of the
September 18,
2013 Board
Meeting: It was moved by Mr. Quintana, seconded by Ms. Howard, and unanimously carried to approve the minutes of the September 18, 2013 Board Meeting as circulated.

Executive
Session:

At 9:08 a.m., it was moved by Chairperson Marugame, seconded by Mr. Nelson, 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 10:15 a.m., it was moved by Mr. Nelson, seconded by Chairperson Marugame, and unanimously carried for the Board to move out of Executive Session.

Applications:

A. Ratification of Issued Licenses

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

B. Beauty School License

- (1) Bella Torre Academy Inc. (BSC-36)
Request to add Nail Technician and Beauty Instructor Curricula

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the addition of nail technician and beauty instructor curricula to beauty school, Bella Torre Academy Inc.

- (2) Remington College (BSC-32)
Request to Replace Existing Cosmetology 12-month Program with Proposed Cosmetology 15-month Program

Discussion ensued on the request by Remington College ("Remington") to replace its existing 12-month cosmetology program (of 12 modules, with each module consisting of 4 weeks) with a proposed 15-month cosmetology program (of 15 modules, with each module consisting of 4 weeks). Upon approval of the proposal by the Board, Remington will seek approval from the United States Department of Education ("US DOE") for its Title

IV eligibility. Once the proposed program is approved by the US DOE, Remington will discontinue enrolling students in the 12-month program, replacing it with the 15-month program and begin accepting students; thus, for a period of time, Remington will operate both versions of the program, until the 12-month program students have completed their course of study. Ms. Kai also informed the Board that an exact implementation date cannot be identified at this time, due to the uncertainty of the US DOE approval timetable.

Ms. Kai stated that Remington had provided information and documentation of the 15-month program for the Board's review. She noted that the school catalog and pertinent enrollment and course information had been updated to reflect the proposed program, in addition to the existing information on Remington's 12-month program of study.

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve Remington's proposed 15-month cosmetology program to replace (upon approval by the US DOE) its existing 12-month cosmetology program.

B. Examination and License

(1) BROWNING, Katherine E. (Beauty Instructor)

Discussion ensued on the beauty instructor training transcript submitted by Ms. Browning reflecting that she completed a 600-hour training course at beauty school, Bella Torre Academy Inc ("Bella Torre"). Based on the dates reflected on the transcript, the beauty school was not (at that time) licensed to provide a beauty instructor curriculum. It was noted that Bella Torre had been approved at this meeting to provide both nail technician and beauty instructor curricula, effective this date.

After discussion, Ms. Howard moved to deny the beauty instructor application for examination and license of Katherine E. Browning. The motion was seconded by Mr. Nelson, and with a vote of five (5) ayes (Ms. Howard, Ms. McKay, Chairperson Marugame, and Messrs. Choi and

Nelson), and one (1) nay (Mr. Quintana), the motion was carried.

- (2) DUSENBERRY-LEE, Hokumalamalamaokalani
(Barber Apprentice)

After discussion, it was moved by Ms. Howard, seconded by Chairperson Marugame, and unanimously carried to approve the remedial barber apprentice application of Hokumalamalamaokalani Dusenberry-Lee.

- (3) OLIVA, Monica M. (Beauty Operator - Esthetician)

After discussion, it was moved by Mr. Nelson, seconded by Ms. McKay, and unanimously carried to approve the beauty operator application for examination and license of Monica M. Olivia.

- (4) PRYER, Aaron F. (Beauty Operator - Cosmetologist)

After discussion, it was moved by Ms. McKay, seconded by Chairperson Marugame, and unanimously carried to defer decision-making on the beauty operator application for examination and license of Aaron F. Pryer, pending additional and clarifying court documents.

D. Beauty Shop/Barber Shop License

- (1) ANGELEL, Cherese R. dba NAILS BY CHER
(New Beauty Shop)
- (2) CITIZEN SALON LLC (New Beauty Shop)
- (3) CURTIS ESSENTIAL DREAM VACATIONS, LLC dba
FRANGIPANI OLA MAU SPA (Relocation of Existing
Beauty Shop BSH-2977)
- (4) ISLAND GIRL NAILS HAWAII LLC (New Beauty Shop)
- (5) JUST THREADING LLC (New Barber Shop)
- (6) KABUSHIKIGAISHA PAFMO dba DAY SPA MOE
(New Beauty Shop)

- (7) MAJ KAILUA LLC dba SALON 29 (New Barber Shop)
- (8) MINCHEW, Lillian M. (New Beauty Shop)
- (9) NGUYEN, Anh T. dba KUHIO NAIL & SPA
(New Beauty Shop)
- (10) NGUYEN, Phi T. dba QUEEN'S NAILS AND SPA
(New Beauty Shop)
- (11) OHANABALIMASSAGE, LLC dba OHANA BALI SPA
(New Beauty Shop)
- (12) ORNELLAS, Chaminade A. dba LAVISH BEAUTY
BOUTIQUE MAUI (New Beauty Shop)
- (13) PHUNG, Ty C. dba AMI'S NAIL SALON (New Beauty Shop)
- (14) SATOH, Yuriko dba SUMMER EYES (New Beauty Shop)
- (15) THE SKIN CENTER WAILEA LLC (New Beauty Shop)
- (16) TUONG LE LLC dba DIVA NAILS (New Beauty Shop)
- (17) YAGIN, Melinda M. dba HAIR KOUTURE
(New Beauty Shop)
- (18) Y SALON LLC (New Beauty Shop)

The eighteen (18) applications were preliminarily reviewed by staff, the Executive Officer, and Ms. Howard, the designated Board member to review the new beauty shop and barber shop applications for consideration for this Board meeting. Ms. Howard stated that the applications meet the new requirements for beauty shop and barber shop licenses, and recommended approval, with the exception of new beauty shop applicant #6 KABUSHIKIGAISHA PAFMO dba DAY SPA MOE ("Day Spa Moe").

Discussion ensued on Day Spa Moe's beauty shop application and the copy of the written agreement with the owner, manager, or rental agent of the venue citing to their knowledge and authorization for the activity. The copy of the agreement did not include nail services but the beauty shop

license application noted that nail services were to be provided. Thus, an amended written agreement would need to include nail services, or as discussed by Board members, the written agreement may state "beauty culture" services which would then cover all the different classes within the beauty operator license.

After discussion, it was moved by Ms. Howard, seconded by Ms. McKay, and unanimously carried to approve barber/beauty shop applications #1 to #5 and #7 to #18, and to defer #6 Day Spa Moe's beauty shop application, pending a copy of the written agreement with the owner, manager, or rental agent of the venue in which the stated services to be provided is consistent with the services stated on the application.

E. Restoration of Licenses

(1) BELL, Lynn T. (BEO-10105)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty operator's license of Lynn T. Bell.

(2) KUKAC, Chun Ja (BAR-2909)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the barber's license of Chun Ja Kukac.

(3) PEREA, Sandra A. (BEO-7939)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty operator's license of Sandra A. Perea.

(4) REH, Dennis T. (BEO-12514)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty operator's license of Dennis T. Reh.

Executive
Officer's Report:

A. Requirements for Beauty Shop and Barber Shop Licenses -
New, Relocations, License Restorations

Executive Officer Kai reviewed the new procedures that were approved by the Board that are required for barber and beauty shop license applicants, due to the ceasing of the issuance of sanitation clearances by the Department of Health for shops. These requirements are:

- 1) The new self-attestation on the application;
- 2) The letter signed by the operator-in-charge and owner that describes the barbering or beauty activity that will be performed;
- 3) A copy of the written agreement with the owner, manager, or rental agent of the venue citing to their knowledge and authorization for the activity; and
- 4) A drawing or sketch of the venue showing the surrounding area and the stall/booth that the applicant will occupy and where the restroom(s) are located.

Ms. Kai informed the Board that there have been a number of recommendations for revisions to these requirements to provide more detail and clarity. Office Assistant, Stacie Hiwatashi, who does the intake and initial review of applications, had earlier provided her suggestions; copies of her suggestions were provided to the Board prior to the meeting.

Ms. Hiwatashi was asked to provide an overview and summary of her suggestions. The Board then discussed changes that would be made to provide clarity:

- For shop license applicants who are "booth/chair/stall renters", there would be an additional requirement that the applicant provide a copy of the written agreement with the owner of the "brick and mortar" shop citing to his/her knowledge and authorization for the activity to be conducted in the booth/chair/stall; and
- The requirement for a drawing or sketch of the venue would be fulfilled with the provision of a detailed floor plan of the shop that reflects all sinks and bathrooms. If the bathrooms are not within the shop, the location of the bathrooms should be included. Shop license applicants who are "booth/chair/stall renters" would be required to

provide the floor plan of the "brick and mortar" shop that clearly designates the location of their booth/chair/stall, as well as the sinks and bathrooms that would be utilized by the licensee and the licensee's clients.

Executive Officer Kai advised Ms. Hiwatashi to continue to advise applicants that, although the existing requirements do not reflect the above clarifications, the Board will be amending its requirements in the near future and suggest that the applicant meet the clarified requirements.

Ms. Hiwatashi suggested informing applicants that their applications require Board approval and that this may impact processing time. Board members agreed and asked that this be clearly explained to applicants.

Executive Officer Kai noted that the suggested clarifications to the Board's procedures would need to be incorporated in the application and instructions. She stated that she would draft the changes for the Board's review and approval at its next meeting.

Ms. Hiwatashi was thanked for her suggestions and participation in the discussion.

DAG Tam left the meeting at 10:42 a.m.

Agenda item #7 was taken at this time, to accommodate the guests' request for discussion.

Scope of Practice: A. Use of Light Emitting Diode ("LED") Devices

Executive Officer Kai informed the Board that the Board's current position is that the use of light emitting diode ("LED") devices and treatments are prohibited.

Executive Officer Kai informed the Board that the National Coalition of Estheticians, Manufacturers/Distributors & Associations ("NCEA") is encouraging boards to reconsider positions in opposition, based on information received from the United States Food and Drug Administration ("FDA") and Daniel Barolet, M.D., Professor of Dermatology at McGill University School of Medicine (Montreal, Canada), which include the following:

- LEDs are not lasers. The light particles emitted from an LED device are scattered or diffused, which means the light is dispersed in many different directions. Laser beams are focused or concentrated;
- Use of LEDs does not require the same safety precautions as laser use. LEDs are different from laser diodes and are subject to the Federal laser product performance standard; and
- LED is safe, nonthermal, nontoxic and noninvasive, and to date, no side effects have been reported in published literature. Caution must be emphasized especially for epileptic and photophobic patients especially if LEDs are pulsed.

Discussion ensued about the popularity and proliferation of LED use in the beauty industry. It was noted that LED is used to cure damage to nails caused by gel manicures, to stimulate skin cells to facilitate healing. It was noted that there is no pain, no shock, and a slight feeling of warmth in the use of LEDs. Ms. Tamaki stated that esthetic grade microdermabrasion is more invasive than LED.

Ms. Torre and Ms. Courtney-Arciaga commented that anyone can buy and use LED but suggested that the State should have some kind of "certification". Board members noted that many manufacturers provide this certification upon completion of training on the LED device.

Ms. Howard and Mr. Choi provided more insight into the use of LED devices based upon accepted and approved use in other states. It was mentioned that such LED devices are available for purchase by the general public on the Internet and at local stores.

Discussion ensued on the possible change in the Board's opinion or position on LED use. Chairperson Marugame expressed his opinion that more research on LED devices and treatments is needed for the Board to make a change in its position; however, Ms. Howard disagreed. Mr. Choi commented that LED is approved by the FDA for use by the public.

Chairperson Marugame made a motion to defer any action or decision-making regarding a policy change by the Board. The

motion was seconded by Mr. Quintana, and with a vote of three (3) ayes (Messrs. Marugame and Quintana, and Ms. McKay) and three (3) nays (Messrs. Nelson and Choi, and Ms. Howard), the motion did not pass.

Further discussion ensued including Mr. Choi reiterating that the FDA has approved the use of LED after assessing the safety and potential for harm. Ms. Howard then moved to change the Board's policy statement to reflect its approval of the use of LEDs. The motion was seconded by Mr. Choi, and with a vote of four (4) ayes (Ms. Howard, Ms. McKay, and Messrs. Choi and Nelson) and two (2) nays (Messrs. Marugame and Quintana), the motion passed.

B. Use of Light and Heat Energy ("LHE") Devices

After discussion, it was moved by Chairperson Marugame, seconded by Ms. Howard, and unanimously carried to defer discussion and decision-making on this agenda item. Chairperson Marugame volunteered to research this topic and to provide more information to the Board at its next meeting.

Executive Officer Kai continued her report with Agenda item #5, Executive Officer's Report.

B. Beauty Shop and Barber Shop License Application Review/Proposal to Convene Monthly Board Meetings

Executive Officer Kai reiterated the Board's discussion at the last meeting, concerning the proposal to convene monthly Board meetings, to address complaints from applicants relating to the delay in approval caused by the Board meeting bimonthly.

Ms. Howard commented that she would be able to make monthly meetings. Mr. Choi commented that it may be hard for him to meet monthly. After further discussion, it was the consensus of the Board to have monthly meetings, and further to hold Monday afternoon meetings in February, April, June, August, October, and December, to augment the Wednesday morning meetings in the alternating months.

Chairperson Marugame volunteered to review the barber and beauty shop applications which would be presented for the Board's consideration at its January 14, 2014 meeting.

C. Licensing of Military Spouses Pursuant to Act 185 (SLH 2013)

After discussion on whether the Board should set up a review procedure where a Board member reviews the applications from military spouses and recommends action at a subsequent Board meeting, it was moved by Chairperson Marugame, seconded by Ms. McKay, and unanimously carried to defer decision-making on this item to the next Board meeting.

Examinations:

- A. Presentation by Prometric
- B. Barber Examinations Administered September 2013
- C. Cosmetology Examinations Administered October 2013

In the interest of Board members' schedules, these agenda items were deferred to the next Board meeting.

Hawaii
Administrative
Rules ("HAR"):

- A. Report from the Investigative Committee on Amendments to HAR Chapter 16-73 (Barbering)
- B. Report from the Investigative Committee on Amendments to HAR Chapter 16-78 (Cosmetology)

In the interest of Board members' schedules, these agenda items were deferred to the next Board meeting.

Open Forum:

None.

Next Board
Meeting:

Tuesday, January 14, 2014
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements:

None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 11:55 a.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Laureen M. Kai

Laureen M. Kai, Executive Officer

LMK:ln

12/19/13

[] Minutes approved as is.

[X] Minutes approved with changes. See Minutes of January 14, 2014.

LTYPE	LIC NUM	BP NAME PART 1
BEO	19773	RACHEL J P <THORPE<
BEO	19774	EMILY J <HERMAN<
BEO	19775	ROWENA L R <HIRAGA<
BEO	19776	EMILEE E <WALLACE<
BEO	19777	SHAVONNE-MAE <PANGLAO<
BEO	19778	VANESSA <LI<
BEO	19779	JENNIFER N <TANDARICH<
BEO	19780	THAO T T <LAM<
BEO	19781	RENEE L <LONO<
BEO	19782	MARY A <LINDER<
BEO	19783	KARA L K <MARQUEZ<
BEO	19784	CHELSEA K <FLAVIN<
BEO	19785	THUY THI <CAO<
BEO	19786	CHRIS H <KOYANAGI<
BEO	19787	LAURA L <BECK<
BEO	19788	RANDEE L <JENNINGS<
BEO	19789	DARIN R <KOBATAKE<
BEO	19790	TY TRUC <NGUYEN<
BEO	19791	ANGELA D <KERSEY<
BEO	19792	EMILY K <TAVO<
BEO	19793	SHELLA MARIE R <GAMIAO<
BEO	19794	SON N <LAI<
BEO	19795	CYNTHIA L <GANANCIAL<
BEO	19796	SAMANTHA R <SALDUA<
BEO	19797	LAURY A <MING<
BEO	19798	CARRIE M <DANIELS<
BEO	19799	VU HA <NGO<
BEO	19800	HAE RI <CORDEIRA<

LTYPE	LIC NUM	BP NAME PART 1
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BSH	5093	DESIREE E <MESSIER<
BSH	5094	HAIR BY TRACEY INC
BSH	5095	THUYHA D <PIERRE<
BSH	5096	AURORA V <MOATS<
BSH	5097	SANDRA LOU K <YOUNG<
BSH	5098	SWEET PEAS AND BLUEBERRIES A SKIN CARE SPA LLC
BSH	5099	SUPERCUTS CORPORATE SHOPS INC
BSH	5100	ERIC <VAN KETEL<

LTYPE	LIC NUM	BP NAME PART 1
BAR	3462	THU NGOC <HUYNH<
BAR	3463	ROBYN K M <PALOMAR<
BAR	3464	ALEX B <TANG<
BAR	3465	CHELSEA ANN K <ROSA<
BAR	3466	JENNIFER <RANADA<
BAR	3467	SOPHA <KEAT<
BAR	3468	DAVID C <BRADY<
BAR	3469	MICHELLE N <KHA<
BAR	3470	CRISTINA N <MIYAO<
BAR	3471	ELLA MARIE M <DELOS REYES<
BAR	3472	APRIL C <LOWE<

LTYPE	LIC NUM	BP NAME	PART 1
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BAS	1548	ANDY <HONG<	
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