

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

- Date: Monday, March 19, 2018
- Time: 12:00 p.m.
- Place: PVL Examination Room
King Kalakaua Building, 3rd Floor
335 Merchant Street, Room 330
Honolulu, Hawaii 96813
- Present: Lynnette F. McKay, Cosmetology Member, Chairperson
Alexander Choi, Public Member
Chad Nelson, Public Member
Amanda Severson, Cosmetology Member
Margaret Williams, Barber Member
Krishna F. Jayaram, Deputy Attorney General
Constance Cabral, Executive Officer
Lori Nishimura, Secretary
- Guest: None.
- 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 12:10 p.m. by Chairperson McKay.
- Minutes of the February 26, 2018 Board Meeting: After discussion, it was moved by Chairperson McKay, seconded by Mr. Nelson, and unanimously carried to approve the minutes of the February 26, 2018 Board meeting, as circulated.
- At 12:11 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 Shop License of NHUT MINH NGO doing business as AIKAHI HAIR SALON; BAR 2017-125-L

Ms. Williams arrived at the meeting at 12:12 p.m.

After discussion, it was moved by Chairperson McKay, seconded by Mr. Choi, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of NHUT MINH NGO doing business as AIKAHI HAIR SALON; BAR 2017-125-L.

At 12:13 p.m., the Board reconvened its scheduled meeting. It was then moved by Mr. Choi, 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 12:21 p.m., it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried for the Board to move out of Executive Session.

Applications:

A. Ratification of Issued Licenses

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

At 12:22 p.m., it was moved by Mr. Choi, 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 12:25 p.m., it was moved by Mr. Choi, seconded by Ms. Severson, and unanimously carried for the Board to move out of Executive Session.

B. Examination and License

- (1) SALINAS, Faren K. (Beauty Operator - Esthetician)

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the beauty operator application for exam and license of Faren K. Salinas.

C. Beauty Shop/Barber Shop License

- (1) AIMEE FRENCH WAXING LLC (New Beauty Shop)
- (2) ALOHA YOUNIQUE WEALTH CORP dba HULA LASH
(New Beauty Shop)
- (3) BEAUTY BY CHERI LLC dba MIRROR MIRROR SALON
(Relocation of Beauty Shop: BSH 5426)
- (4) BODE, Sonia M. dba STUDIO KISS
(Relocation of Beauty Shop: BSH 3185)
- (5) BOLDFACE LLC (New Beauty Shop)
- (6) CYCLE CITY LTD. dba SIXTY-ONE (New Barber Shop)
- (7) DAVID K HIRANAKA M.D., D.M.D. INC (New Beauty Shop)
- (8) FINE LINE STUDIO LLC (New Beauty Shop)
- (9) HAIR DAY SALON LLC (New Beauty Shop)
- (10) HAIR SOCIETY LLC (New Beauty Shop)
- (11) HAIRMATES LLC (New Beauty Shop)
- (12) JENSEN-SODERSTROM, Annelise (New Beauty Shop)
- (13) LY, Huong Xuan dba APPLE NAILS SPA
(New Beauty Shop)
- (14) OH, Susan J. dba SALON ARGIO
(Relocation of Beauty Shop: BSH 3300)
- (15) PENSE' BEAUTY AND SPA LLC (New Beauty Shop)
- (16) SHEAR BLISS LLC (Relocation of Beauty Shop: BSH 4905)
- (17) SUGRUE, Mary G. F. (New Beauty Shop)
- (18) SYNERGY SALON & SPA LLC (New Beauty Shop)
- (19) YOUNG, David K. dba 935 HAIR
(Relocation of Beauty Shop: BSH 3690)

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

Chairperson McKay confirmed that she had reviewed the nineteen (19) applications, and determined that they met all requirements for barber shop and beauty shop licenses, and recommends approval.

After discussion, it was moved by Chairperson McKay, seconded by Mr. Choi, and unanimously carried to approve the nineteen (19) barber shop and beauty shop applications listed above.

D. Beauty School License

- (1) HONOLULU NAIL ACADEMY LLC
(BSC 22: New Curriculum - Esthetics)

After discussion, it was moved by Chairperson McKay, seconded by Mr. Choi, and unanimously carried to approve beauty school Honolulu Nail Academy LLC to teach the esthetician curriculum.

E. Restoration of License

- (1) CAMPAGNA, Gina (BEO 18673)

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the restoration of the beauty operator's license of Gina Campagna.

- (2) CHU, Suchi (BEO 17556)

After discussion, it was moved by Chairperson McKay, seconded by Mr. Choi, and unanimously carried to approve the restoration of the beauty operator's license of Suchi Chu.

(3) NAKO'S NAIL INC (BSH 4942)

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the restoration of the beauty shop license of Naoko's Nail Inc.

(4) VIERRA, Roberta L. (I 12295)

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the restoration of the beauty instructor's license of Roberta L. Vierra.

Licensing Examination of The National-Interstate Council of State Boards of Cosmetology ("NIC"):

Executive Officer Cabral provided an update to the Board's discussion on exploring the possibility of administering the NIC licensing examinations for beauty operators, barbers, and instructors. Ms. Cabral stated that she contacted Prometric (as the Board believed they were awaiting a response from them) and was informed by Prometric that NIC would be the ones to determine whether they would allow Prometric to administer their examinations here.

Executive Officer Cabral stated she then called NIC and was told the NIC representative would be returning her call but she has not gotten a return call yet. Mr. Nelson volunteered to also reach out to NIC, through the legal advisor for the California Beauty Federation who may have a direct connection with NIC, and who had also helped this Board with getting a NIC representative to attend and present information to the Board some years ago.

Discussion ensued on the content of the current exams administered by Prometric. Chairperson McKay stated that it was brought to her attention that the content may be outdated, as one of the reference books used to write the questions may no longer be in print (Milady, 2008). Mr. Nelson recalled the Board had raised an issue with outdated test questions and that Prometric had updated their test at that time. He also stated that the NIC examinations are updated every six months with beauty experts from the industry (nation-wide) and is relevant to what's being taught in beauty school. The Board also discussed the frequency of exams and their desire for more testing dates.

New Business:

A. Bathroom Location
Inquiry regarding acceptable bathroom location

Executive Officer Cabral stated an inquiry was received by the Board concerning the bathroom location in relation to the beauty shop; is a bathroom located on the same floor and 200 feet away acceptable.

After discussion, the consensus of the Board was that the bathroom location should be adequate, whether it's within the shop or outside the shop in common areas of the building or venue.

B. Beauty School Equipment
Equipment suitable for a beauty school that will only be teaching esthetics and nails

Executive Officer Cabral stated an inquiry was received by the Board concerning equipment suitable for a beauty school teaching curricula in nail technology and esthetics. Ms. Cabral inquired if the Board had addressed/discussed, HAR section 16-78-58, relating to the equipment beauty schools shall maintain for each twenty-five students enrolled. Board members did not recall discussing this section.

Discussion ensued with comments made by Board members that the current equipment mentioned appears to be for a beauty school teaching the curriculum of cosmetology (nail technology, hairdressing, and esthetics); that the Regulated Industries Complaints Office could cite a school for non-compliance with maintaining equipment per HAR section 16-78-58; and whether non-compliance with this section would pose a danger to the public (e.g. a beauty school who only teaches the curriculum in esthetics to have shampoo bowls).

Executive Officer Cabral suggested the Board may want to consider amending HAR section 16-78-58 as quickly as possible, to bring rules "in-line" with the different categories a beauty school teaches. Chairperson McKay noted that this section may not have been addressed yet in the proposed rules amendments that the Investigative Committee was working on. Mr. Choi commented that besides having a beauty school equipment list for each category, another list for on-line schools may be needed, to address the number of equipment to the number of students. Executive Officer

Cabral suggested a rules revision committee should be formed.

After discussion, the consensus of the Board was to refer the inquirer to HAR section 16-78-58, equipment beauty schools shall maintain for each twenty-five students enrolled.

C. Is All Teaching/Learning Expected to be Done in the Classroom?

Executive Officer Cabral stated an inquiry was received by the Board on whether all teaching/learning is expected to be done in a classroom; how much is expected to be done in a classroom. Ms. Cabral clarified the inquiry pertained to teaching/learning for a beauty school.

The Board discussed HAR section 16-78-57, school facilities and HAR section 16-78-55, instructor-trainee. Mr. Nelson commented that he recalls from personal experience where a group of students with their instructor visited his salon's factory as a part of their training, much like a chaperoned field trip.

After discussion, the consensus of the Board was that further clarification was needed in the inquiry and requested for further clarification from the inquirer and/or invite the inquirer to the Board's meeting. The Board also suggested advising the inquirer to refer to the laws/rules pertaining to beauty school, and in particular to HAR section 16-78-57.

D. Restoration Fees

Restoration fees for licensees are established in HAR chapter 16-53

Board members were provided with an excerpt copy of HAR chapter 16-53 – relating to the fee schedule for the Board of Barbering and Cosmetology. Executive Officer Cabral stated this information is being provided to the Board as they had questioned how the restoration fees were determined.

Legislation:

A. Senate Bill No. 2354, SD1, Relating to Intimate Partner Violence

This bill requires barber, beauty operator, and instructor licensees under the board of barbering and cosmetology to

complete a one-time, one-hour training program on intimate partner violence awareness and education.

Executive Officer Cabral informed the Board that S.B. 2354, S.D. 1 did not cross over and therefore, is dead for the session.

Hawaii
Administrative
Rules:

A. Proposed Amendments to Hawaii Administrative Rules
Chapter 16-78 (Cosmetology)

The Board's Investigative Committee is reviewing possible revisions to Exhibit A "Apprenticeship manual"; Exhibit A with attachments A, B, C, and D; Exhibit C "Apprenticeship Curriculum"; and Exhibit D "Instructor-Trainee Curriculum".

Investigative Committee member, Ms. McKay requested to have the last red-line draft disseminated to Board members for discussion at the next meeting.

Ms. McKay reiterated that she finds troubling that the reporting of monthly training records by beauty shops with apprentices may not be maintained by the Licensing Branch, and that some beauty shops are not submitting these records as noted on the section "Beauty Shop Responsibility". An alternative might be to have the Beauty Shop give their apprentice the monthly training records.

Open Forum: None.

Next Board Meeting: Monday, April 16, 2018
12:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements: Chairperson McKay stated that she will not be able to attend the scheduled May 21, 2018 meeting. Alternative meeting dates in May was discussed. The Board was requested to check their availability as an email poll with alternate meeting dates will be taken by the Board's office.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 1:59 p.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and accepted by:

/s/ Constance Cabral

Constance Cabral, Executive Officer

CC:ln

04/13/18

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

LTYPE LIC NUM

NAME

MAR 19 2018

BAR 3749 MICHAEL <GEDDES<

LTYPE:

BAR = Barber

BEO = Beauty Operator

I = Instructor

BEO 21596 MELISSA D <GOBLE<