

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Tuesday, January 28, 2020

Time: 12:00 p.m.

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

Present: Lynnette F. McKay, Cosmetology Member, Chairperson
Chad Nelson, Public Member
Amanda Severson, Cosmetology Member
Margaret Williams, Barber Member
Valerie Kato, Deputy Attorney General (“DAG”)
Kedin C. Kleinhans, Executive Officer
Leanne Abe, Secretary

Excused: None.

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 12:07 p.m. by Chairperson McKay.

Minutes of the December 16, 2019 Board Meeting: After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the December 16, 2019 meeting minutes, as circulated.

Applications: At 12:09 p.m., it was moved by Chairperson McKay, seconded by Ms. Williams, 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 12:33 p.m., it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried for the Board to move out of Executive Session.

A. Ratification of Issued Licenses

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

B. Application for Exam & License – Beauty Operator

(1) Nguyen X. Phu

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the beauty operator application for exam & license of Nguyen X. Phu.

C. Application for License – Beauty Shop

(1) DHL Maui Opco, LLC

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to approve the beauty shop application of DHL Maui Opco, LLC subject to receipt of signature of officer Gregory J. Hartman of PHG Mahi, LLC.

D. Application for License – Beauty School

(1) Dr. Lashes Esthetics, LLC

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to approve the beauty school application of Dr. Lashes

Esthetics, LLC subject to verification of two full time licensed instructors.

E. Application for Restoration

- (1) Kanani N. Duarte (BEO-15466)
- (2) Meinette K. Castro (BEO-10103)
- (3) Nia Johansen (BEO-18516)
- (4) Rebecca J. Yu (BEO-11198)

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the four aforementioned beauty operator restoration applications.

Old Business:

A. Industry Bulletin regarding Invasive Procedures

Executive Officer Kleinhans stated that there were no further testimonies received since the last meeting on December 16, 2019. Executive Officer Kleinhans agreed to reach out to as many individuals within the industry to attend the next board meeting to provide testimony or demonstrations. The Board unanimously agreed to defer the discussion and decision making.

New Business:

A. Discussion of Barber Shop Application and Confirmation of Employment Form

The Board reviewed the proposed amended Barber Shop application form including the acknowledgment section and the new Barber/Beauty Operator Confirmation of Employment form.

The Board discussed amendments to the Barber/Beauty Operator Confirmation of Employment form of the Barber Shop application that included changing the word “qualifying” to “employed” or “employed by.” The Board also discussed amendments to the Confirmation of Employment section on page 2 of the instructions for filing Barber Shop application form.

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried by the Board to have Executive Officer Kleinhans amend the Barber/Beauty Operator Confirmation of Employment form for review and approval at the next board meeting.

Hawaii
Administrative
Rules (“HAR”):

A. Revisions to HAR Chapter 73 – Barbers (Draft #3)

The Board discussed proposing the following amendments to Draft 3:

- o *Adding “if the practice is performed within federal property” to “§16-73-4 Exceptions to place of practice.*

Executive Officer Kleinhans stated that the federal property exemption would fit more appropriately in this section.

[“Operator-in-charge” means the barber responsible for the shop.]”

Executive Officer Kleinhans noted this deletion is in response to the Board’s policy change in that an applicant for shop licensure should specify a licensee to qualify a shop to provide a particular service.

- o *Adding definition of “independent contractor or chair renter or both renter” to “§16-73-2.*

Executive Officer Kleinhans stated that the definition is provided in the beauty rules, but not the barber rules.

Executive Officer Kleinhans stated that technical, non-substantive amendments will also be included to Draft #4 for grammar purposes.

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to accept the aforementioned proposed amendments of HAR Chapter 73 Draft #3.

B. Revisions to HAR Chapter 78 – Beauty Culture (Draft #2)

The Board discussed proposing the following amendments to Draft #2:

- §16-78-40.5(a)(1) License applications. (a) An application for a beauty shop license shall include:
(1) The name and license number of a currently licensed beauty operator who shall practice at the shop [as the operator in charge] to qualify the shop for licensure;

Executive Officer Kleinhans noted this amendment was in response to the Board's policy change in that an applicant for shop licensure should specify a licensee to qualify the shop to provide a particular service.

- §16-78-45 [~~Employment~~] Practice of barbers. A barber with a valid and current license [~~shall be permitted to work~~] is qualified to practice barbering in a beauty shop [without meeting any additional cosmetology licensing requirements] however, training a barber apprentice in the beauty shop shall not be allowed.

Executive Officer Kleinhans reported that the amendment would help recognize cross-over training hours between barbers and hairdressers.

Executive Officer Kleinhans stated that technical, non-substantive amendments will also be included to Draft #3 for grammar purposes.

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to accept the proposed aforementioned amendments of HAR Chapter 78 Draft #2.

Executive Officer's Report: A. Results of the Barber Examination Administered December 2019

Executive Officer Kleinhans provided the following results:

Total Exams Passed	12	(30% pass rate)
Total Exams Failed	28	(70% fail rate)
Total Exams Passed	7	(78% pass rate)

(with interpreter)
Total Exam Failed 2 (22% fail rate)
(with interpreter)

B. 2020 Legislative Session Bills Relating to the Board

Executive Officer Kleinhans briefly discussed HB2435 which permits an applicant for a barber shop license to identify either a licensed barber or a licensed beauty operator to qualify barber shop for licensure. HB2435 will be put on the agenda for discussion and voting of the Board's position at the next board meeting.

Open Forum: None.

Next Board Meeting: Tuesday, February 11, 2020
12:00 p.m.
King Kalakaua 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 1:36 p.m.

Taken and recorded by:

/s/ Leanne Abe

Leanne Abe, Secretary

Reviewed and accepted by:

/s/ Kedin C. Kleinhans

Kedin C. Kleinhans, Executive Officer

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02/28/20

- Minutes approved as is.
- Minutes approved with changes