

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Tuesday, December 22, 2020

Time: 2:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/93795730774>

Present: Lynnette F. McKay, Cosmetology Member, Chairperson
Margaret Williams, Barber Member, Vice-Chairperson
Amanda Severson, Cosmetology Member
Leslie Murata, Public Member
Andrew Goff, Deputy Attorney General (“DAG”)
Kedin C. Kleinhans, Executive Officer
Leanne Abe, Secretary
Micah Cadalzo, Secretary

Excused: None.

Guest(s): Raynette Hall
Adiel Cline
Yuko Ho
Marc
Raquel N.
Tori Lowry
Kelly
Grace

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).

A brief video was played to explain procedures for this virtual meeting and how members of the public can participate and interact with the Board during the meeting.

Call to Order: There being a quorum present, the meeting was called to order at 2:24 p.m. by Chairperson McKay.

Chairperson McKay proceeded with roll call. All Board members were present.

Introduction of
New Board
Member and
Staff:

Chairperson McKay welcomed new Board member Leslie Murata to the Board of Barbering and Cosmetology. Mr. Murata briefly introduced himself. Executive Officer Kleinhans introduced new Board staff, DAG Goff. DAG Goff is taking over DAG Kato's assignment during the interim. The new DAG Suzuka is tentatively scheduled to be assigned to the Board in 2021.

Election of
Officers:

Chairperson McKay asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Chairperson McKay referenced HRS section 436B-6(a), which states:

"Immediately upon the qualification and appointment of the original members, and annually thereafter, the board shall elect one member as chair and one member as vice-chair. In the absence of both the chair and vice-chair to preside at a meeting, the members present shall select a chair pro tem."

Chairperson McKay stated that the Board is required to hold an election of officers annually. She requested that Board members could either indicate their interest in or nominate member(s) for the position of Board Chairperson and Vice-Chairperson.

Chairperson McKay moved to nominate herself for the position of Board Chairperson, seconded by Ms. Williams, and unanimously carried to elect Chairperson McKay as Board Chairperson.

Ms. Williams moved to nominate herself for the position of Board Vice-Chairperson, seconded by Ms. Severson, and unanimously carried to elect Ms. Williams as Board Vice-Chairperson.

Minutes of the
January 28, 2020
& February 11,
2020 Board
Meeting:

Chairperson McKay asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

After discussion, it was moved by Chairperson McKay, seconded by Vice-Chairperson Williams, and unanimously carried to approve the minutes of the January 28, 2020 and February 11, 2020 meetings as circulated.

Chapter 91, HRS
Adjudicatory
Matters:

Chairperson McKay asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Chairperson McKay called for a recess from the meeting at 2:35 p.m. to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS (Board members and staff entered into Microsoft Teams).

- A. In the Matter of the Barber License of Ross J. Pacheco; BAR 2016-188-L
- B. In the Matter of the Barber Shop License of Trinh H. Van, doing business as Trinh's Barber Shop, and the Barber's License of Trinh H. Van; BAR 2019-163-L
- C. In the Matter of the Beauty Shop License of Lisabeth A. Fletcher, doing business as Paradise Beauty Center, and the Beauty Operator's License of Lisabeth A. Fletcher; BAR 2020-17-L & BAR 2020-19-L

After discussion, it was moved by Vice-Chairperson Williams, seconded by Mr. Murata, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order relating to the Matter of the Barber License of Ross J. Pacheco; BAR 2016-188-L, the Matter of the Barber Shop License of Trinh H. Van, doing business as Trinh's Barber Shop, and the Barber's License of Trinh H. Van; BAR 2019-163-L, and the Matter of the Beauty Shop License of Lisabeth A. Fletcher, doing business as Paradise Beauty Center, and the Beauty Operator's License of Lisabeth A. Fletcher; BAR 2020-17-L & BAR 2020-19-L.

Following the Board's review in these matters pursuant to Chapter 91, HRS, Chairperson McKay announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 3:20 p.m.

Applications:

Chairperson McKay asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

- A. Ratification of Issued Licenses
- B. Applications

- (1) Chazz Moleta – Barber Apprentice Registration
- (2) Robbie D. Savidge – Beauty Operator Examination & License

It was moved by Chairperson McKay, seconded by Vice-Chairperson Williams, and unanimously carried to ratify the list of issued licenses attached (see, attached list) and to approve the barber apprentice registration of Chazz Moleta and the beauty operator application for examination & license of Robbie D. Savidge.

Executive Officer's Report: A. Governor's Executive Orders, Emergency Proclamations, and Supplementary Proclamations Related to the COVID-19 Emergency; and Rules Relating to Safety Guidelines for Barbers and Beauty Operators

Executive Officer Kleinhans stated that in response to the COVID-19 pandemic, Governor David Y. Ige issued the Seventeenth Supplementary Emergency Proclamation Related to the COVID-19 Emergency, which included Exhibit G, "Rules Relating to Safety Guidelines for Barbers and Beauty Operators." These rules were initially introduced and provided in Governor David Y. Ige's Eighth Supplementary Emergency Proclamation Related to the COVID-19 Emergency on May 18, 2020. Executive Officer Kleinhans and other executive officers from various state boards of barbering and cosmetology created a national working group to discuss and share various resources. Examples of resources include recommendations from Barbicide, recommendations from national regulatory associations the Board is a member of (National Association of Barber Boards of America "NABBA" and National Interstate Council of State Boards of Cosmetology "NIC"), and Georgia rules. Resources were forwarded for the Governor's Office to consider and promulgate rules.

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item.

Ms. Cline raised her hand and was recognized by Chairperson McKay to present oral testimony.

Ms. Cline introduced herself and stated that she is with the Hawaii Salons Forum. She inquired if all board members were involved in the proclamation.

Executive Officer Kleinhans replied that the Board was not able to meet, and he was able to forward all the resources for the Governor's Office to consider and promulgate rules in the proclamation.

B. County Emergency Orders, Rules, Directives, and Proclamations

Executive Officer Kleinhans explained the difference between State and County rules. Each county has the authority to adopt its own emergency orders, rules, directives, or proclamations in addition to the State's requirements and rules.

1) Hawaii County

Executive Officer Kleinhans stated Emergency Rule No. 13, section 3, Exhibit 3, generally requires following the State rules (all services allowed).

2) Honolulu County

Executive Officer Kleinhans stated the current Emergency Order No. 2020-30, currently in Tier 2 dated November 19, 2020 (all services provided).

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item.

Ms. Hall raised her hand and was recognized by Chairperson McKay to present oral testimony.

Ms. Hall introduced herself. She inquired if the Board has advised Mayor Kirk Caldwell that the practice of an Esthetician should be allowed if Honolulu County goes back to Tier 1.

Executive Officer Kleinhans responded that Governor David Y. Ige's Emergency Proclamation gives the Mayor the

authority to adopt emergency orders, rules, directives, or proclamations that may be more stringent than the State's requirements and rules. In contrast from a State regulatory board established for consumer protection, such as the Board of Barbering and Cosmetology, a professional association may be more appropriately suited to recommend changes to a Mayor's orders.

Ms. Cline raised her hand and was recognized by Chairperson McKay to present oral testimony.

Ms. Cline introduced herself and inquired about the guidelines for in-room services outside of a beauty shop.

Executive Officer Kleinhans responded that Mayor Caldwell's rules require services to also comply with State laws and rules.

Ms. Cline stated that she will email Executive Officer Kleinhans directly regarding further questions and concerns.

3) Kauai County

Executive Officer Kleinhans stated Emergency Rule No. 19, Amendment No. 1, generally requires following the State rules (all services allowed).

4) Maui County

Executive Officer Kleinhans stated Public Health Emergency Rules Amended December 8, 2020, Exhibit A No. 18, generally requires following the State rules (all services allowed).

C. Board Bulletins

1) FAQ's Regarding COVID-19 – Reopening of the Barber and Beauty Industry

Executive Officer Kleinhans stated that the Board of Barbering and Cosmetology COVID-19 FAQs was issued on July 7, 2020 and available on the Board's website.

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

2) Announcements Regarding Expiration Dates of Issued Temporary Permits and a Barber Applicant's Eligibility for Examination

Executive Officer Kleinhans stated that licensing law requires the terms of temporary permit and Barber examination to be based on scheduled examinations offered. Prior to each year, the Board schedules three Beauty Operator examination dates and four Barber examination dates. The temporary permits are structured based on those dates. Although the Board switched to an appointment-based system for the NIC examination, the dates are now scheduled to provide the framework for temporary permits. When examinations are cancelled or postponed, the temporary permit expiration dates and barber eligibility terms are required to be amended to the next scheduled date. Bulletins regarding expiration dates of issued temporary permits and a barber applicant's eligibility for examination were issued, which may be placed next to temporary permits to indicate correct expiration dates.

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

D. National-Interstate Council of State Boards of Cosmetology ("NIC") Examination

1) Transition and Administration of Examinations

Executive Officer Kleinhans stated that the Board switched to the NIC examination on March 24, 2020. Examinations are theory and computer-based format for Barber, all Beauty Operator license classes, and Beauty Instructor.

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

2) Prometric Test Center Locations and Closures

Executive Officer Kleinhans stated that the only Prometric test center location currently open is the Honolulu location on Oahu. Neighbor island locations are temporarily closed. Prometric plans to reopen and open more test center locations on neighbor island and an additional location on Oahu.

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

3) Candidate Information Bulletins and References

Due to time constraints, this agenda item was deferred to the next meeting.

4) Results of the State NIC Barber and Beauty Operator Examinations Administered from May 2020 to November 2020

May 2020	passed	passing %	failed
Cosmetology	-	-	-
Hairdresser	-	-	-
Nail Technician	-	-	-
Esthetician	1	100%	0
Instructor	-	-	-
Barber	-	-	-

June 2020	passed	passing %	failed
Cosmetology	3	50%	3
Hairdresser	-	-	-
Nail Technician	2	33%	4
Esthetician	4	66%	2

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Instructor	-	-	-
Barber	1	50%	1

July 2020	passed	passing %	failed
Cosmetology	10	48%	11
Hairdresser	1	50%	1
Nail Technician	5	50%	5
Esthetician	15	65%	8
Instructor	2	100%	0
Barber	1	20%	4

August 2020	passed	passing %	failed
Cosmetology	11	61%	7
Hairdresser	3	50%	3
Nail Technician	2	29%	5
Esthetician	14	58%	19
Instructor	-	-	-
Barber	3	25%	9

September 2020	passed	passing %	failed
Cosmetology	2	18%	9
Hairdresser	1	100%	0
Nail Technician	3	60%	2
Esthetician	17	63%	10
Instructor	-	-	-
Barber	1	16%	5

October 2020	passed	passing %	failed
Cosmetology	10	50%	10
Hairdresser	2	50%	2
Nail Technician	-	-	-
Esthetician	16	52%	15
Instructor	-	-	-
Barber	2	33%	4

November 2020	passed	passing %	failed
Cosmetology	16	53%	14
Hairdresser	5	83%	1
Nail Technician	15	65%	8
Esthetician	28	57%	21
Instructor	-	-	-
Barber	8	47%	9

5) New License Pathway via Examination Waiver

Executive Officer Kleinhans stated that applicants that have previously taken and passed the NIC examination in another state/jurisdiction would not be required to take the NIC examination again. Applicants must attach proof of passing the NIC examination, such as a “Score Report” or “Pass Report” with their application and pay respective licensing fees for licensure.

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

New Business:

A. Requirements for Licensure via Examination Waiver

Executive Officer Kleinhans reiterated that applicants that have previously taken and passed the NIC examination in another

state/jurisdiction would not be required to take the NIC examination again. He added that the Board may consider further discussion on this matter if changes are necessitated.

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item.

Ms. Cline raised her hand and was recognized by Chairperson McKay to present oral testimony.

Ms. Cline introduced herself and stated that there are 26 states that administer the NIC examination. She is licensed in the states of California and Utah via reciprocity after taking the NIC examination.

Ms. Ho raised her hand and was recognized by Chairperson McKay to present oral testimony.

Ms. Ho introduced herself and stated she was with the Honolulu Nail and Esthetics Academy. She inquired if the NIC examination waiver includes the international applicants.

Executive Officer Kleinhans responded that the examination waiver would apply if international applicants have taken and passed the NIC examination in the respective country.

Due to time constraints, this agenda item was deferred to the next meeting.

B. Licensed Schools and Instruction Provided via Distance Learning

Executive Officer Kleinhans stated that the Board previously approved a practical curriculum via distance learning at its May 22, 2017 meeting which set the following standards:

- Instructors provide information and demonstrations either via live video or uploaded videos;
- Students are required to take still photos of their work (“before” and “after”);
- Students are required to take a video of their work, with the camera panning from their face to their hands; and
- Instructors provide feedback of submissions.

After discussion, it was moved by Chairperson McKay, seconded by Vice-Chairperson Williams, and unanimously carried to approve licensed schools and instruction provided via distance learning during the period of the COVID-19 pandemic provided schools comply with standards from the May 22, 2017 meeting.

C. Legislative Delegation for the 2021 Legislative Session

Due to time constraints, this agenda item was deferred to the next meeting.

D. Tentative Administration Bill for the 2022 Legislative Session

Due to time constraints, this agenda item was deferred to the next meeting.

Public Comment: None.

Next Board Meeting: Tuesday, January 26, 2021
12:00 p.m.
Virtual Videoconference Meeting
Zoom Webinar

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 4:32 p.m.

Taken and recorded by:

/s/ Leanne Abe

Leanne Abe, Secretary

Reviewed and accepted by:

/s/ Kedin C. Kleinhans

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Kedin C. Kleinhans, Executive Officer

KCK:la

01/15/21

- Minutes approved as is.
- Minutes approved with changes