

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: May 25, 2021

Time: 12:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j98690942250>

Present: Lynnette F. McKay, Cosmetology Member, Chairperson
Margaret Williams, Barber Member, Vice-Chairperson
Amanda Severson, Cosmetology Member
Leslie Murata, Public Member
Kelly Suzuka, Deputy Attorney General (“DAG”)
Candace M. Y. Ito, Acting Supervising Executive Officer
Jenny Yam, Executive Officer
Kedin C. Kleinhans, Executive Officer
Leanne Abe, Secretary
Christine Dela Cruz, Office Assistant
Stephanie Karger, Office Assistant

Excused: None.

Guest(s): Arielle
Raynette Hall
Yuko Ho

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: Due to technical difficulties, the meeting was called to order at 12:14 p.m. by Chairperson McKay, at which time a quorum was established.

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

Minutes of the
May 3, 2021
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 May 3, 2021 meeting as circulated.

Licensing:

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

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

Executive Officer's
Report:

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

A. Ethics Commission 2021 Annual Financial Disclosure

Executive Officer Yam reminded board members to file their annual financial disclosures by June 1, 2021. New board members will have until August 2, 2021 to file their initial financial disclosures. The Ethics Commission emailed instructions on how to file on March 16, 2021 that was forwarded to all board members by secretary Leanne Abe on March 19, 2021.

New Business:

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

A. Supporting Documents Required for Restoration Request Made after Three Years from the Date of Forfeiture

Executive Officer Yam received an inquiry regarding the current instructions required for license restoration request made after 3 years from the date of forfeiture, which states:

- (2) *Verification from your current and any prior employer(s) that you were engaged in cosmetology activities during the period of delinquency;*

She explained that individuals with an expired license cannot practice in Hawaii and those who did not move out-of-state to continue their practice would not be able to provide such documentation. To address this matter, she recommended the current instructions required for license restoration request made after 3 years from the date of forfeiture be updated to the following proposed instructions pursuant to HAR 16-78-5.5 and HAR 16-73-48:

After three years, *your request for the restoration of your license MUST be accompanied by:*

- (1) *Written explanation for the period of delinquency; and*
- (2) *Supporting documentation:*
 - (A) *(If applicable) A copy of your out-of-State license and verification from your out-of-State employer(s) that you provided barber or cosmetology services during the period of delinquency of your Hawaii license; OR*
 - (B) *Letter of recommendation from at least two clients for whom you have provided cosmetology services;*
- (3) *Any other documentation that would assure the Board that you have maintained and updated your skills as a Barber or Beauty Operator during the period of delinquency.*

Based on what you provided, the Board will determine whether your license will be restored or if you must reapply for licensure as a new applicant.

Vice-Chairperson Williams requested further information regarding the inquiry.

Executive Officer Yam further explained that the current requirements request for documentation verifying the licensee provided barbering or cosmetology services; however, provided services with a delinquent license may be considered unlicensed activity resulting in disciplinary action against the licensee.

After discussion, it was moved by Chairperson McKay seconded by Ms. Severson, and unanimously carried to update the restoration instructions to require the aforementioned supporting documents of the proposed instructions.

B. Proposed Administration Bill to amend Hawaii Revised Statutes Chapters 438 and 439

Executive Officer Kleinhans reported three concerns he received regarding the proposed administration bill, and recommended amendments to resolve the issues:

- (1) Current Board policy provide that schools may provide instruction to students via online means with several stipulations; however, this may give rise to schools providing instruction completely online. He added that a lack of a staffed physical premise may be difficult for students and the Regulated Industries Complaints Office to reach school principals/owners should a school suddenly close. The Board may consider amending proposed section -5(d):

The board[, as prescribed by rules] may adopt rules pursuant to chapter 91 relating to the standards and requirements for apprenticeship training and courses of training provided by schools.

- (2) Hawaii Administrative Rules section 16-73-29 provides that Barber applicants may use a reader/interpreter during examination. The Board discussed this matter over the past several years and discovered the pass rate of applicants who used a reader/interpreter was notably higher than the pass rate of applicants who do not use a reader/interpreter.

The Board may consider amending proposed section -8(b):

The professional testing service shall administer the examination approved by the board. Examinations shall be given on a regular basis, a part of which shall consist of those aspects of barbering and cosmetology common to the State, and no applicant shall be permitted the use of an interpreter.*

Executive Officer Kleinhans stated that there may be ADA implications with the above language and further research may be required of the proposed language.

Vice-Chairperson Williams recommended not including proposed language regarding the use of interpreter and address this matter in a future administrative bill or administrative rule changes.

- (3) Current proposed bill language may preclude the Board from enumerating additional sanitation requirements. The Board may consider amending proposed section 10(a)(4) and adding a definition of “adequate sanitary facilities” in proposed section -2:

*Demonstrate that the applicant has adequate sanitary facilities as defined in section -2;
~~including toilets located in suitable and properly ventilated rooms with doors, hot and cold running water, sinks or wash basins. Toilets shall be located in suitable and properly ventilated toilet rooms with doors~~];*

“Adequate sanitary facilities” means toilets located in suitable and properly ventilated rooms with doors, hot and cold running water, sinks or wash basins, and other requirements as may be prescribed by the rules of the board;

Executive Officer Kleinhans stated that the public should be afforded more time to review the proposed bill to provide testimony as appropriate. He added that the issue of

including or excluding State laws/rules in the NIC examination still needs to be addressed and reiterated his recommendation to exclude questions on State laws/rules as the questions may impact the Board's ability to participate in an interstate compact developed by the federal reserve board due to the requirements being different. He explained that the difference between the interstate compact and reciprocity is that the interstate compact would still require applicants to submit an application and meet all State requirements for training hours regardless of the states within the compact.

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

Ms. Hall inquired if the reason for excluding State laws/rules in the examination is so that military spouses can work in the State of Hawaii.

Executive Officer Kleinhans responded that the Board currently require all applicants to obtain a passing score on the National-Interstate Council of State Boards of Cosmetology ("NIC") examination. Of those NIC exam participating states, only a few states require examination on their applicable State licensing laws and rules. The inclusion of State laws/rules in the examination may be a concern if the licensure requirement is seen as a barrier.

Ms. Hall is of the opinion that an applicant applying from out-of-state should be required to be knowledgeable of the Hawaii state laws/rules.

Executive Officer stated that when an individual submits an application for licensure, the applicants certify that they have read and will abide by the provisions of the laws and rules. Failure to abide by the Hawaii laws and rules will be subject to disciplinary action.

Executive Officer Kleinhans stated that if there are any additions or corrections requested to proposed administration bill to amend Hawaii Revised Statutes Chapters 438 and 439, please submit written testimony or email Executive Officer Yam at the Board's email.

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Public Comment: None.

Next Board Meeting: Tuesday, June 29, 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 12:55 p.m.

Reviewed and accepted by:

Taken and recorded by:

/s/ Jenny Yam

/s/ Leanne Abe

Jenny Yam, Executive Officer

Leanne Abe, Secretary

JY:la

06/22/21

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

**BOARD OF BARBERING AND COSMETOLOGY
RATIFICATION LIST – MAY 25, 2021**

**BARBER
BAR**

3960 MARK CHRISTIAN J DELA CRUZ

**BEAUTY
OPERATOR
BEO**

**23220 JAVLYN K WILSON
23221 JAIMIE LYNN DELOS REYES
23222 AYANNA R ROSE KREBS
23223 MARYBETH P JENKINS
23224 TIANA E TOWNSEND
23225 RACHEL M HARRELL
23226 MARLENE A MARCOS
23227 ARIEL RAICENE OLLIVIER
23228 BOBBI PATRICIA GINGERY
23229 CHRISTI LIPPMAN
23230 SARA LOUISE TRAHAN
23231 Mollie Jennifer Grodjesk
23232 SHANTEL K KIMI
23233 MARIEDELLE PAGUIRIGAN
23234 MELODY MAYAN LIU
23235 THI TUYET HOA NGUYEN
23236 NIRYANNE K SANTIAGO
23237 LIEN TU TIET
23238 PHOI Y QUAN
23239 AILYN M PRESLAR
23240 VANESSA MARIE FERRY
23241 LINDSEY K HOBSON
23242 BICH T LE
23243 AN Q NGUYEN
23244 ANNA UYEDA
23245 TRINH MONG THI LUONG
23246 QUANG THI HO
23247 ARIEL JOSEPH C CABREROS
23248 TRANG THI THU MAI
23249 TRINITY EVE SHIELDS
23250 SUSAN MICHELLE POMROY
23251 BRANDI L BUTLER**

23252 DULCE MARIE A APANA
23253 MY LINH THI PHAN
23254 KAYLA L ANTONIO
23255 SARA ANN OKIE
23256 TRANG THI MY LA
23257 SHANNON J FLOWER
23258 THANH SON THI NGUYEN
23259 SALLY J LANNERS

**BARBER SHOP
BAS**

1720 PENTHOUSE LLC
1721 ON TOP BARBERSHOP LLC
1722 HIGH AND TIGHT LLC

**BEAUTY SHOP
BSH**

6084 FAUZIA A MORGAN
6085 JOE E SEDILLO JR
6086 RARE BEAUTY, LLC
6087 WIKI NAILS SPA LLC
6088 PHUONG DINH TRINH
COLBY UILANI SANDI UILANI SANDI
6089 CALDERON
6090 SIGNATURE BEAUTY BY MARIEL INC.
6091 ADORE HAIR & NAILS SALON LLC
6092 SOHO NEW YORK LLC

INSTRUCTOR

I
12456 ANH THU NGUYEN TRAN
12457 JAIMIE M HELSHAM