

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: April 26, 2022

Time: 12:00 p.m.

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

Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/97135688123>

Present: Margaret Williams, Barber Member, Chairperson
Raynette Hall, Beauty Operator Member, Vice-Chairperson
Leslie Murata, Public Member
Jamie Yap, Public Member
John E. Cole, Deputy Attorney General (“DAG”)
Jenny M. Yam, Executive Officer
Leanne K. Abe, Secretary
LaJoy Lindsay (Technical Support)

Excused: None.

Guest(s): Carly Sai
Joannie Rossiter
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: The meeting was called to order at 12:10 p.m. by Chairperson Williams, at which time a quorum was established.

Chairperson Williams proceeded with roll call. All Board members confirmed that they were present and alone.

Approval of the
March 29, 2022 It was moved by Chairperson Williams, seconded by Vice-Chairperson Hall, and unanimously carried to approve the meeting minutes of the

Board of Barbering and Cosmetology
Minutes of the April 26, 2022 Meeting
Page 2

Minutes: open session and the meeting minutes of the executive session of the March 29, 2022 meeting as circulated.

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

Chairperson Williams called for a recess from the meeting at 12:15 p.m., to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS (Note: Board members and staff entered the Microsoft Teams meeting).

- A. In the Matter of the Beauty Shop License of MAUI NAILSPA LLC, dba, MAUI NAIL BAR; BAR 2016-184-L; BAR 2018-91-L; BAR 2019-87-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

After discussion, it was moved by Chairperson Williams, seconded by Vice-Chairperson Hall, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chairperson Williams announced that the Board reconvenes to its regular Chapter 92, HRS, meeting at 12:40 p.m. Board members and staff returned to the Zoom meeting.

Licensing: Chairperson Williams 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 Williams, seconded by Vice-Chairperson Hall, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

Executive Officer's Report: Chairperson Williams asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

- A. Results of the NIC Examination Administered in March 2022

Executive Officer Yam provided the following results:

| March 2022 | Passed | Failed | Passing % |
|-------------|--------|--------|-----------|
| Barber | 7 | 5 | 58% |
| Cosmetology | 8 | 6 | 57% |

| | | | |
|-----------------|----|---|-----|
| Esthetician | 17 | 4 | 81% |
| Hairdresser | 4 | 1 | 80% |
| Instructor | - | - | - |
| Nail Technician | 11 | 8 | 58% |

B. Hawaii State Ethics Commission – Financial Disclosure Statement

Executive Officer Yam reminded board members that the financial disclosure statement for State officials must be filed directly with the State Ethics Commission no later than May 31, 2022.

2022 Legislation:

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

A. SB3077, SD1, HD2 Relating to the Barbering and Cosmetology Licensing Act

The Board discussed this bill.

Executive Officer Yam informed the Board that SB3077, SD1, HD2, was heard by Conference Committee on April 25, 2022. The Conference Committee recommended to pass this measure with amendments: (1) the effective date was changed from January 1, 2050 to July 1, 2022; and (2) the definition of “beauty instructor” was amended for the purpose of consistency:

“Beauty instructor” means a person licensed in the State who teaches the practice of cosmetology ~~[any of the cosmetology license practice categories]~~. “Beauty instructor” does not include a beauty operator who teaches a barber apprentice or beauty apprentice in a barber shop or beauty shop.

The Board supports this bill.

Board Member Orientation:

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

A. Hawaii State Ethics Code – A Quick Guide for New Employees and Board/Commission Members

B. Hawaii State Ethics Code – A Quick Guide on Gifts

Executive Officer Yam reported that these agenda items were for

informational purposes only. She disseminated the documents to the Board members for review. There was no discussion.

C. Administrative Boards Process

DAG Cole referred to the document entitled "BOARD or COMMISSION", and informed members that:

- A board or commission is like a mini government. There are the executive, legislative, and judicial functions.

The executive function is subject to HRS chapter 92, the Sunshine Law, and is open to the public (voting and open session minutes). Executive session, HRS section 92-F, is not open to the public. The Board may enter the executive session to: (1) consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9; or both (2) consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

- The legislative function or rule making function.

- The judicial function is where the Board acts as the judge of an HRS chapter 91 matter. An adjudicatory matter does not have to be an item on an agenda; however, the Board includes adjudicatory matters on its agendas for purposes of transparency. Minutes are not necessarily taken, and the Board deliberations are not open to the public.

DAG Cole referred to the document entitled "Disciplinary Process for Board Administrative Boards", and informed members that:

- Complaints are received by the Regulated Industries Complaint Office ("RICO") and is investigated by a RICO investigator.
- The investigative records are then sent to the Legal Section for review by a staff attorney. If expert advice is required, the RICO staff member will consult with an advisory committee member.

At the time the file is sent to a RICO staff attorney for review, one of three things will occur: (1) a settlement agreement is negotiated between the parties (RICO and the Respondent(licensee)); (2) the matter may go to hearing before an administrative hearings officer; or (3) the matter is closed because it is determined that the board has no jurisdiction, there is insufficient evidence/no violation found, etc.

Settlement agreements are presented to the Board and the Board may accept or reject the settlement agreement. The Board may not

Board of Barbering and Cosmetology
Minutes of the April 26, 2022 Meeting
Page 5

change the agreement because the terms are agreed to by the parties.

If the Board accepts the settlement agreement, then it becomes the Board's final order. If the Board rejects the settlement agreement, RICO may: (1) take the case to hearing; (2) bring an amended settlement agreement back to the Board; or (3) drop/dismiss the case.

Public Comment: None.

Next Board Meeting: Tuesday, May 31, 2022
12:00 p.m.

In-Person: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting
Zoom Webinar

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 12:53 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

4/29/2022

[X] Minutes approved as is.

[] Minutes approved with changes. See Minutes of _____

**BOARD OF BARBERING AND COSMETOLOGY
RATIFICATION LIST – April 26, 2022**

BARBER

| | |
|----------|---------------------------|
| BAR-4031 | ANTHONY P DOAN |
| BAR-4032 | BRIANNA M LAIMANA-WHITNEY |
| BAR-4033 | MAI NGOC TRAN |
| BAR-4034 | HUONG THI KIM TRIEU |
| BAR-4035 | EDMUND J GANOTISI |
| BAR-4036 | FREDERIC B DALAN |
| BAR-4037 | TERI SCHMIDT |

BEAUTY OPERATOR

| | |
|-----------|----------------------------|
| BEO-23816 | ELIZABETH N JAMES |
| BEO-23817 | MELISSA DANIELLE JANSEN |
| BEO-23818 | TIANA E K DOLBEARE |
| BEO-23819 | Hope Rivera |
| BEO-23820 | Madison Kijowski |
| BEO-23821 | MARCUS J DEMORAY |
| BEO-23822 | DAU THI NGUYEN |
| BEO-23823 | TU CAM DUONG |
| BEO-23824 | CHRISTINE MARIE ROSEWOOD |
| BEO-23825 | EMILY L MALLARI |
| BEO-23826 | GUERLINE HUEBNER |
| BEO-23827 | Emily V Nguyen |
| BEO-23828 | HUILING LU |
| BEO-23829 | Kayla Marie Ramelb Bitanga |
| BEO-23830 | LOAN THI NGUYEN |
| BEO-23831 | YVONNE LUANA TATOM |
| BEO-23832 | NATALIE M MORROW |
| BEO-23833 | Katie A Horen |
| BEO-23834 | MADELINE AUSTRALIE PRICE |
| BEO-23835 | MARINA IRENE DUTRO |
| BEO-23836 | THUY TRANG THI CHAU |
| BEO-23837 | Kristine Aimee Valdez |
| BEO-23838 | JOVIN-LEE K KAN-HAI |
| BEO-23839 | Malia K Rokero |

Board of Barbering and Cosmetology
Minutes of the April 26, 2022 Meeting
Page 7

| | |
|-----------|--------------------------------|
| BEO-23840 | SONG YEE HAN |
| BEO-23841 | HUONG THI THANH TRAN |
| BEO-23842 | ADRIANNE K ROBINSON |
| BEO-23843 | AMANDA CHEYENNE CLARK |
| BEO-23844 | TINA TIEU |
| BEO-23845 | KHANH AN NGUYEN |
| BEO-23846 | LINH THI TRAN |
| BEO-23847 | ALANI PUAKEA VIETS |
| BEO-23848 | MANELLE ROSE BOTUYAN |
| BEO-23849 | Nicole Korin Wiedemann |
| BEO-23850 | BICH PHUONG NGUYEN MAI |
| BEO-23851 | YUJIN KIM |
| BEO-23852 | JAYDEN HOLMES |
| BEO-23853 | MAHEALANI STAYCI-YOSHIYE LYONS |
| BEO-23854 | Jaelyn Sachie Sabado Cruz |

BEAUTY SHOP

| | |
|----------|--|
| BSH-6289 | ESTHETICS BAR HAWAII LLC |
| BSH-6290 | SK BEAUTY HI, LLC |
| BSH-6291 | Beauty Works By Vee LLC |
| BSH-6292 | SERENE AESTHETICS LLC |
| BSH-6293 | NAILS BY KT LLC |
| BSH-6294 | LAHI LASH STUDIO LLC |
| BSH-6295 | ANDI KIMIKO HAIR AND MAKEUP ARTISTRY LLC |

INSTRUCTOR

| | |
|---------|------------------------|
| I-12468 | LESLIANNE E SUGANO |
| I-12469 | DENYSE G GALVEZ |
| I-12470 | MARIN M PANG |
| I-12471 | CHASE Y UWAINA |
| I-12472 | LINDSAY M LECKER-OLSEN |
| I-12473 | LILLIAN LE-HOA MORI |