

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Wednesday, December 14, 2011

Time: 9:01 a.m.

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

Present: Lance M. Marugame, Barber Member, Chairperson
Lee Ann Apao, Cosmetology Member, Vice-Chairperson
Alexander Choi, Public Member
Angela Howard, Public Member
June J. Takano, Public Member
Rodney J. Tam, Deputy Attorney General
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary

Excused: Carla M. Morioka, Cosmetology Member

Guests: Kenyatta Nichols, Executive Officer
Margaret Williams, Hawaii Institute of Hair Design

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 9:01 a.m. by Chairperson Marugame.

The Executive Officer introduced Kenyatta Nichols, Executive Officer, who would be observing the meeting proceedings as training for his new duties and responsibilities.

Additions/
Revisions to
Agenda: None.

Minutes of the
October 12, 2011
Board Meeting:

Chairperson Marugame stated that the minutes of the October 12, 2011 meeting, regarding the Legislative Proposals Relating to License Reciprocity, misquoted Ms. Nelson's statements. He requested that a correction be made to the minutes.

It was then moved by Vice-Chairperson Apao, seconded by Mr. Choi, and unanimously carried to approve the minutes of the October 12, 2011 Board meeting, with an amendment to the third sentence of the last paragraph beginning on page six (6) and continuing on page seven (7), to read:

"He asked whether one or the other or both proposals could be reviewed by the Board first; however, Ms. Nelson declined to respond, said that she did not like being [~~"bullied"~~] called a "bully" by the Chairperson, and abruptly left the meeting. The Chairperson was stunned and offended by Ms. Nelson's [~~characterization that he was acting like~~] accusation that he said that she was a "bully"." (Material to be repealed is bracketed and stricken. New material is double-underscored.)

Executive
Session:

At 9:06 a.m., it was moved by Vice-Chairperson Apao, seconded by Mr. Choi, 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 9:50 a.m., it was moved by Vice-Chairperson Apao, seconded by Mr. Choi, and unanimously carried for the Board to move out of Executive Session.

Applications:

A. Ratification of Issued Licenses

After discussion, it was moved by Vice-Chairperson Apao, seconded by Mr. Choi, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Examination and License

(1) ALDERSON, Shelley S.

After discussion, it was moved by Vice-Chairperson Apao, seconded by Mr. Choi, and unanimously carried to approve the application for examination and license, in the cosmetology category, for Shelley S. Alderson.

(2) BANNISTER, Myong Hui K.

After discussion, it was moved by Vice-Chairperson Apao, seconded by Mr. Choi, and unanimously carried to approve the application for a beauty shop license for Myong Hui K. Bannister dba Advance Hair Evergreen.

C. Beauty Shop License

- (1) HOT NAILS SALON INC. (No Trade Name)
- (2) HOT NAILS SALON INC. (Trade Name: Nicole's Nails & Spa)
- (3) HOT NAILS SALON INC. (Trade Name: Hot Nails Too)
- (4) HOT NAILS SALON INC. (Trade Name: Nicole's Nails & Skin Care)

Discussion ensued on the applications for four (4) beauty shop licenses for Hot Nails Salon Inc. and its various businesses. The Board expressed concern on the two beauty operators-in-charge designated for the four locations, and cited HRS section 439-17, which requires that a licensed beauty operator in the appropriate licensure category be in charge of the shop. Concern was raised on whether the arrangements of shuttling between two shops would impede the ability of the operator-in-charge to be "in charge" and overseeing operations of two shops at the same time. After discussion, it was moved by Vice-Chairperson Apao, seconded by Mr. Choi, and unanimously carried to defer decision-making on the four (4) beauty shop applications for Hot Nails Salon Inc., pending clarification on how the operators in charge can fully perform their responsibilities for two shops (each) at the same time.

D. Beauty School License

(1) Tram's LLC

After discussion, it was moved by Ms. Howard, seconded by Mr. Choi, and unanimously carried to approve the beauty school license of Tram's LLC.

E. Restoration of Licenses

(1) AGUIAR, Robin N. (BEO 11692)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator license of Robin N. Aguiar.

(2) APPLE, Julia A. L. (BEO 12662)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator license of Julia A. L. Apple.

(3) GOUVEIA, Shyla A. (BEO 11796)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator license of Shyla A. Gouveia.

(4) ISAKSEN, Lisa K. (BEO 16481)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator license of Lisa K. Isaksen.

(5) KIM, Nang Hui (BEO 10692)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator license of Nang Hui Kim.

(6) KONG, Jami Marie K. (BEO 9157)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator license of Jami Marie K. Kong.

(7) LAUKONG, Wendy-Ann K. (BEO 8353)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator license of Wendy-Ann K. Laukong.

(8) STRAHM, Jeanne D. (BEO 12043)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator license of Jeanne D. Strahm.

Legislative
Proposals
Relating to
License
Reciprocity:

Board members stated that more time was needed to review the two (2) legislative proposals relating to license reciprocity that had been provided by Mari'a Nelson at the Board's prior meeting; therefore, it was moved by Ms. Howard, seconded by Vice-Chairperson Apao, and unanimously carried to defer this agenda item to the Board's next meeting.

Examinations:

A. Results of Cosmetology Examinations Administered
October 5-12, 2011

Executive Officer Kai provided the following results of the cosmetology examinations administered October 5–12, 2011:

Total Examinations Scheduled	281
Total Examinations Administered	264
Total Examinations Passed	116
Total Passed Percentage	43%
Total Examinations Failed	148
Total Fail Percentage	57%

B. Use of Reader-Interpreters in Barber Licensing Examinations

Executive Officer Kai reported that the Board had requested that Prometric provide data from all barber examinations administered in 2011, reflecting the number of examinees who used reader-interpreters to take the examination, and the number of these exam candidates who passed or failed the exams. The results from Prometric were as follows:

exam date	candidates using reader-interpreters				
	total	# passed	%	# failed	%
March 2011	12	12	100%	0	0%
June 2011	9	6	66.7%	3	33.3%
Sept 2011	6	3	50%	3	50%
Total	27	21	77.8%	6	22.2%

Chairperson Marugame stated that the use of reader-interpreters for the barber licensing examinations has always been provided for in Hawaii Administrative Rule ("HAR") section 16-73-29 (Barbers), although it had been taken out of HAR chapter 16-78 (Cosmetologists). DAG Tam stated that the Board would need to do an administrative rules amendment if a change to this section was approved.

Chairperson Marugame asked Ms. Williams, in her capacity of owner and principal of Hawaii Institute of Hair Design (barber school) and as a licensed barber, about her opinion concerning the use of reader-interpreters in barber licensing examinations. Ms. Williams estimated that at least thirty percent of already licensed barbers would have needed reader-interpreters in order to pass the licensing examination. Executive Officer Kai commented that applicants, for whom English is a second language, who received their training through apprenticeship may need the services of a reader-interpreter in a licensing examination more than applicants who received their training from a barber school, since the school training is typically conducted

in the English language, whereas apprenticeship training may be conducted in the apprentice's language.

After further discussion, it was moved by Ms. Howard, seconded by Vice-Chairperson Apao, and unanimously carried to amend the barbering rules to specifically prohibit the use of reader-interpreters by barber applicants for the barber licensing examinations.

Executive Officer's Report: A. Request from Paul Mitchell Schools for Approval of a Beauty Schools as a Licensee Authorized to Provide Post-Secondary Education Programs

Board members were provided with copies of this request from Paul Mitchell Schools that requests an addition or change to the Board's laws and/or rules to establish a program or procedure for beauty schools to gain approval from the Board for authority to provide post-secondary education programs. Executive Officer Kai explained that the United States Department of Education's new Program Integrity Issues requires a beauty school, such as Paul Mitchell Schools, to demonstrate that it is licensed to provide post-secondary educational programs by State Charter, constitution, license, or other document.

DAG Tam stated the Board may not have jurisdiction on such a request, but that he will research the matter; therefore, he requested that the Board defer any action on this request, pending the results of his investigation.

It was moved by Mr. Choi, seconded by Vice-Chairperson Apao, and unanimously carried to defer action on this request from Paul Mitchell Schools pending DAG Tam's research.

Scope of Practice:

A. Application of Stickers to Fingernails and Toenails

Executive Officer Kai reported that the Board received an inquiry as to whether a license as a nail technician would be required for an individual to apply nail stickers to nails for compensation. There would be no application of artificial nails or coloring, and no other services would be provided. Ms. Kai reported that, in the past, the Board determined that any type of service that involves application of a product on

or to a fingernail/toenail constitutes activity that requires a nail technician's license.

DAG Tam read the definition of a nail technician in HRS section 439-1 as follows:

"'Nail technician' means any person who for compensation engages in the practice of: (1) Cutting, trimming, polishing, coloring, cleansing, or otherwise treating a person's fingernails and toenails; (2) Applying artificial fingernails and toenails; and (3) Massaging and cleansing a person's hands, arms, legs, and feet."

After further discussion, the consensus of the Board was that more information was needed before the Board could make a determination on the matter.

B. Licensed Esthetician Providing Waxing Services in a Chiropractic Office

Executive Officer Kai reiterated the telephone inquiry the Board received on whether an exemption from beauty shop licensure would apply to a chiropractic office providing waxing services by a licensed esthetician, pursuant to HAR section 16-78-36(8) which states that "Persons employed by health care facilities who are providing care to patients" are exempt from licensure. At the Board's previous meeting, the Board reached consensus that a chiropractic office may be a health care facility and therefore, exempt from licensure. The Board also noted that because the practice is done in a chiropractic office, this may be under the purview of the Chiropractic Board.

Executive Officer Kai stated that she was notified that the Chiropractic Board had discussed this issue at its most recent meeting, and informally opined that waxing for the removal of superfluous body hair is not within the scope of practice of a chiropractor; these services must be provided by a beauty operator licensee in licensed beauty shop facilities. Therefore, the chiropractic office where such hair removal services are offered and provided is not exempt from licensure, and in fact would be required to hold a beauty shop license.

Open Forum: Chairperson Marugame reported that he had attended an orientation meeting for board and commission chairpersons sponsored by this Department, and gave a brief summary of what had been presented. He stated that all board and commission members are employees of the State of Hawaii and, as such, need to be cognizant about what they say and do, because these words and actions reflect upon the board and the Department. He also mentioned that the orientation included information about the Attorney General's Office, the Regulated Industries Complaints Office, the Ethics Commission, and the Office of Information Practices, and in particular, the applicability of the Sunshine Law to the Board's meetings and actions.

Next Board Meeting: Wednesday, February 8, 2012
9:00 a.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 10:37 a.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Laureen M. Kai

Laureen M. Kai, Executive Officer

LMK:ln
01/13/12

[X] Minutes approved as is.
[] Minutes approved with changes. See Minutes of _____

LTYPE	LIC NUM	BP NAME PART 1
BEO	18950	SHANNA <RAMOS<
BEO	18951	WAYNETTE P M G <MATSUO<
BEO	18952	TAYNI A K <HASHIMOTO<
BEO	18953	SUSANA R <VERDIDA<
BEO	18954	SARAH M <SUTHERLAND<
BEO	18955	KUNIKO S <KAM<
BEO	18956	MEGUMI S <NAKANO<
BEO	18959	ANGELICA G <RAMIREZ<
BEO	18960	ROSITA T <ZAMBRANO<
BEO	18961	ALEJANDRA R <SANCHEZ<
BEO	18962	TOMIE <MORITA<
BEO	18963	JENNY Y <ADAMS<
BEO	18964	KAORI C <VAUGHN<
BEO	18965	ERIN M <ALICEA<
BEO	18966	ANNA N <MALONE<
BEO	18967	MALIA K <AMARAL<
BEO	18968	MARIA LUISA B <CALANTUAN<
BEO	18969	ALEXANDRA <CHEN<
BEO	18970	CHERRY LYN F <BOND<
BEO	18971	YOSHIMI <JENKINS<
BEO	18972	SHARLA R <BACHMAN<
BEO	18973	YUKI H <HAGINOYA<
BEO	18975	JULIE A <RISCOE<
BEO	18976	KARA M <HIGA<
BEO	18977	ELLARENE K <VOGELGESANG<
BEO	18978	THERESA D <TENISON<
BEO	18979	YOUNG OK <LIM<
BEO	18980	WHITNEY H L <ONISHI<
BEO	18981	JUNKO <NISHIGAKI<
BEO	18982	CAROL L <NICHOLAS<
BEO	18983	LAURA P <LINDER<
BEO	18984	NAOKO <OMURA<
BEO	18985	ALEXANDER S <RIETA<
BEO	18986	CAROLINE L <FLAGG<
BEO	18987	ISABELLE T <TRAN<
BEO	18988	SHARLA T <VIERNES<
BEO	18989	LANI K <DICKS<
BEO	18990	LISANDRA M <PRICE<
BEO	18991	MARIE L <PLATT<
BEO	18992	TRAVIS R M <WAKAYAMA<
BEO	18993	JASMINE M <OXENTINE<

LTYPE	LIC NUM	BP NAME PART 1
BSH	4781	JPS DRESSERS INCORPORATED
BSH	4782	SHEAR PLEASURE LLC
BSH	4783	ANNABELLE V <DEL ROSARIO<
BSH	4784	HONEY DEW SPA LLC
BSH	4785	NEZAMLOO AND BESARIO INC
BSH	4786	FAITH <PAGLINAWAN<
BSH	4787	NUUANU HAIR & NAIL CENTER LLC
BSH	4788	C4 HAIR & NAILS LLC
BSH	4789	VIHN DUNG <DONG<
BSH	4790	CHLOE & SO INC
BSH	4791	CODY M <DEVENPORT<
BSH	4792	TIFFANY'S SALON & SPA LLC
BSH	4793	JOE E <SEDILLO< JR
BSH	4794	VIVI SALON & SPA LLC
BSH	4795	ALICE <JOHNSON NAKAMOTO<
BSH	4796	MODERN MANAGEMENT SERVICES LLC
BSH	4797	LUXZ LIMITED LIABILITY COMPANY
BSH	4798	GINGER L <MELE<
BSH	4799	MILA <KUHAR<

LTYPE	LIC NUM	BP NAME PART 1
BAR	3338	CHERRY A U <CAMBE<
BAR	3339	JAMAR N <ADAMS<
BAR	3340	HANNAH I <LIM<
BAR	3341	LETITIA L <SAKAI<
BAR	3342	MARKUS M <TRAN<
BAR	3343	VANESSA L <BRANDSTETTER<
BAR	3344	CHARLES H <KARSTERS<
BAR	3345	ELENA THU <NGUYEN<
BAR	3346	BENA <SIVONGXAY<
BAR	3347	CARLOS J <ALERS TORO<
BAR	3348	SUNG KUN <CHO<

LTYPE	LIC NUM	BP NAME PART 1
BAS	1512	SOCIALITE INTERNATIONAL USA LLC
BAS	1513	GEORGE M <AGUILERA<
BAS	1514	MOJO UNION LLC
BAS	1515	RODEL R <CARNATE<