

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Wednesday, February 8, 2012

Time: 9:03 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
Carla M. Morioka, Cosmetology Member
Rodney J. Tam, Deputy Attorney General
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary

Excused: June J. Takano, Public Member

Guests: Sandra Bratton
Barbara Kokubun, Barber
Chad Nelson, Fantastic Sams
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 9:03 a.m. by Chairperson Marugame.

Additions/
Revisions to
Agenda: It was moved by Ms. Howard, seconded by Vice-Chairperson Apao, and unanimously carried to revise the agenda by moving agenda item #5(B)(2), applicant Dennis C. Hong, to agenda item #5(C), with appropriate renumbering, as Mr. Hong is seeking approval of his apprenticeship registration.

Minutes of the
December 14,
2011 Board
Meeting:

It was moved by Vice-Chairperson Apao, seconded by Mr. Choi, and unanimously carried to approve the minutes of the December 14, 2011 Board Meeting.

Chairperson Marugame recessed the meeting at 9:04 a.m. to discuss and deliberate on the following adjudicatory matter pursuant to HRS chapter 91:

Chapter 91, HRS,
Adjudicatory
Matters:

Deputy Attorney General ("DAG") Tam reiterated the proceedings for adjudicatory matters pertaining to a Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, stating that the Board will review the allegations and sanctions and either accept or reject the agreement.

A. In the Matter of the Beauty Shop License of Holley D. Warner, dba Lahaina Hair & Nails, and the Beauty Operator's License of Holley D. Warner; BAR 2011-1-L

Ms. Kai provided a brief summary of the case:

- RICO issued citations for unlicensed beauty operator activity to two (2) employees of the shop which is a violation of HRS section 439-19(a)(3), permitting an unlicensed person to perform activities which require a license.

The terms of the Settlement Agreement ("SA"):

- Respondents agree that only properly licensed beauty operators and properly supervised apprentices or temporary permittees will be allowed to engage in beauty operator activity;
- \$500 fine;
- Should Respondents fail to make payment of fine and to timely comply with the terms of the SA, Respondents' licenses shall be automatically revoked without a hearing upon RICO's filing of an affidavit with the Board attesting to such failure; and
- The Board may pursue additional disciplinary action as provided by law as the Board deems appropriate.

After discussion, it was moved by Ms. Howard, seconded by Mr. Choi, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

At 9:11 a.m., the Board reconvened its scheduled meeting and immediately followed with the Executive Session.

Executive Session:

At 9:11 a.m., it was moved by Ms. Morioka, seconded by Ms. Howard, 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 10:12 a.m., it was moved by Ms. Morioka, seconded by Mr. Choi, and unanimously carried for the Board to move out of Executive Session. The Board immediately recessed the meeting.

At 10:21 a.m., the meeting reconvened.

Applications:

A. Ratification of Issued Licenses

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

B. Examination and License

(1) HAAKE, Angela K.

After discussion, it was moved by Ms. Howard, seconded by Ms. Morioka, and unanimously carried to approve the requested substitution of two "Apprentice Progress Reports" provided by Ms. Haake, in lieu of a "Completion of Apprenticeship Training" form as appropriate verification of apprenticeship training hours. The Board noted that this decision applied solely to the issue of verification of training hours, and did not apply to any subsequent application for examination and license, in the cosmetology category, for Angela K. Haake.

C. Apprentice Registration

(1) GARCIA, Gregory K.

After discussion, it was moved by Ms. Morioka, seconded by Vice-Chairperson Apao, and carried (Ms. Howard recused herself from the vote) to approve the application for apprenticeship registration for Gregory K. Garcia.

(2) HONG, Dennis C.

After discussion, it was moved by Ms. Morioka, seconded by Vice-Chairperson Apao, and unanimously carried to approve the application for apprenticeship registration for Dennis C. Hong.

D. 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)

Executive Officer Kai reiterated the Board's deferral of the 4 (four) beauty shop applications received at the previous Board meeting pending clarification on how the operators in charge would be able to fully perform their responsibilities for two shops (each) at the same time.

Executive Officer Kai stated that subsequent to the Board's request to the applicant for clarification, an email response was received on December 29, 2011, stating that each of the four (4) shops would employ a separate operator-in-charge, thereby alleviating the concerns the Board expressed. It was moved by Ms. Morioka, seconded by Ms. Howard, and unanimously carried to approve the four (4) beauty shop licenses of Hot Nails Salon Inc.

E. Renewal of Licenses

(1) DAGUPTION, Monica E. (BAR 3215)

After discussion, it was moved by Ms. Howard, seconded by Ms. Morioka, and unanimously carried to approve the barber license renewal of Monica E. Dagupion.

- (2) WARNER, Holley D. (BEO 16301)

After discussion, it was moved by Ms. Morioka, seconded by Mr. Choi, and unanimously carried to approve the beauty operator license renewal of Holley D. Warner.

- (3) WARNER, Holley D. (BSH 4780; Trade Name: Lahaina Nails)

After discussion, it was moved by Ms. Morioka, seconded by Mr. Choi, and unanimously carried to approve the beauty shop license renewal of Holley D. Warner, trade name: Lahaina Nails.

F. Restoration of Licenses

- (1) HENDRICKSON, Christine R. (BEO 8087)

After discussion, it was moved by Ms. Howard, seconded by Mr. Choi, and carried (Vice-Chairperson Apao recused from the vote) to approve the restoration of the beauty operator license of Christine R. Hendrickson.

- (2) MCCOWN, Shannon J. (BEO 13619)

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 Shannon J. McCown.

- (3) MENDOZA, Victoria (I 10175)

After discussion, it was moved by Ms. Howard, seconded by Mr. Choi, and carried (Ms. Morioka opposed the motion) to approve the restoration of the beauty instructor license of Victoria Mendoza.

- (4) PLA, Cynthia A.M. (BEO 15028)

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 Cynthia A.M. Pla.

Legislation
and Rules:

A. 2012 Legislative Proposals

(1) Senate Bill No. 2007 (2012), Relating to Cosmetology

Executive Officer Kai informed the Board of Senate Bill No. 2007, which proposes to amend HRS section 439-12(f), by authorizing the Board to accept the prior experience of an applicant for a beauty operator's license in lieu of beauty instructor training to fulfill the educational requirements for an Instructor's license; and to adopt administrative rules that would establish the standards that would need to be met for the substitution. Currently, an instructor applicant needs to provide evidence of: (1) 600 hours of training in beauty culture instruction; and (2) experience of at least one year as a beauty operator.

Discussion ensued that the bill references beauty operators rather than beauty instructors, and also that the language is vague; however, the Board supported the concept proposed by the measure. Therefore, it was moved by Ms. Morioka, seconded by Ms. Howard, and unanimously carried to support Senate Bill No. 2007 with the change which would authorize the Board to accept prior experience of an applicant as a licensed Instructor in lieu of beauty instructor training to fulfill the educational requirements for an Instructor's license.

B. Hawaii Administrative Rules ("HAR")

(1) Repeal of HAR Section 16-73-29

Executive Officer Kai reconfirmed the Board's desire to repeal HAR section 16-73-29, the reader/interpreter section, which the Board concurred.

(2) Other Amendments to HAR Chapter 16-73

Executive Officer Kai inquired if there were any other amendments the Board wanted for HAR chapter 16-73; such as HAR section 16-73-30 which makes references to part of an examination. Ms. Morioka volunteered to review the red line working draft of the rules for further amendments the Board may propose to be included in a more comprehensive revision of this rules chapter.

Examinations: A. Results of Barber Examinations Administered
December 6-9, 2011

Executive Officer Kai provided the following results of the barber examinations administered December 6–9, 2011:

Total Examinations Administered	38
Total Examinations Passed	8
Total Passed Percentage	21%
Total Examinations Failed	30
Total Fail Percentage	79%

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

Executive Officer Kai reiterated the Board's deferral of action concerning the request from Paul Mitchell Schools for 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. DAG Tam stated that the current statutes and rules do not address this issue.

Discussion ensued concerning the general education requirement; whereby applicants need to be a high school graduate or possess an education equivalent to a high school graduate. It was moved by Ms. Morioka, seconded by Vice-Chairperson Apao, and unanimously carried to decline the request from Paul Mitchell Schools.

B. Correspondence

Executive Officer Kai stated that the Board received a letter from a barber applicant who was qualified to take the barber exam in June 2009, and who did not obtain a barber license within four consecutive examination administrations. The applicant requested a hearing to address the Board concerning this situation as the applicant claimed that he had not failed the exam, but had registered and was a no-show .

Executive Officer Kai stated that she had sent a reply to the applicant informing him that because he had not obtained licensure after four consecutive examinations offered by the Board, he would be required (in accordance with HRS section

438-7(e)) to apply and train as a barber apprentice for a six month period before qualifying for another round of barber examinations. To date, the Board has not received a response from the applicant.

Open Forum: Vice-Chairperson Apao stated that she would not be able to attend the Board's June 13, 2012 meeting. DAG Tam also stated that he may not be available on that day. Executive Officer Kai stated that she will check on other meeting dates in the month of June.

Next Board Meeting: Wednesday, April 11, 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 11:14 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
03/07/12

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

LTYPE	LIC NUM	BP NAME PART 1
BAR	3349	THE HOANG <TRAN<
BAR	3350	HONG THI <TRAN<
BAR	3351	MYONG NAM <MIYOGA<
BAR	3352	JENNY H <TRAN<
BAR	3353	SHELEE G <STINSON<
BAR	3354	DANIELLE H <GWALTNEY<
BAR	3355	JED N A <GANAL<
BAR	3356	TRISHA <CASTILLO<
BAR	3357	DELWIN G <TAYLOR<

LTYPE	LIC NUM	BP NAME	PART 1
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BAS	1516	NICOLAS K W K	<KANEAKUA<
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LTYPE	LIC NUM	BP NAME	PART 1
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BEO	18958	MICHELLE D	<NICOLAY<
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LTYPE	LIC NUM	BP NAME PART 1
BEO	18994	MARGARET N <ARAGON<

LTYPE	LIC NUM	BP NAME PART 1
BEO	18993	JASMINE M <OXENTINE<
BEO	18994	MARGARET N <ARAGON<
BEO	18996	SUN YOUNG <KIM<
BEO	18997	NAOMI R <HENDERSON<
BEO	18998	SHAWN O <KEARNEY<
BEO	18999	ANNA K <MACK<
BEO	19000	RAN YOUNG <YOO<
BEO	19001	MAKIKO <MATSUKI<
BEO	19002	KATHRYN M <MOYLAN<
BEO	19003	CHELSEA P <AKE-SALVACION<
BEO	19004	MUOI THI <HUYNH<
BEO	19005	CHRISSY S L <OKUMURA<
BEO	19006	THALIA H <HERNANDEZ<
BEO	19007	CARELLI J <VALENTINE<
BEO	19008	MICAELA C <CARIJA<
BEO	19009	KARI D <MARCHANT<
BEO	19010	HUE THIEN <VO LE<
BEO	19011	CONNIE <YI<
BEO	19012	MARLO R <CHAPMAN<
BEO	19013	MIKAYLA J <AMICI<
BEO	19014	ANDREA D <JACOBS<
BEO	19015	AUTE R <WARNER<
BEO	19016	KELSIE M <ADAMS<
BEO	19017	CHELSEA K <SWANSON<
BEO	19018	YOSHITAKA <ISHIWARI<
BEO	19019	ZEMIRA C <ROBITAILLE<
BEO	19020	ROBYN J <MCDONALD<
BEO	19021	JENNIFER A <GINGRICH<
BEO	19022	RONDELL <BONDOC<
BEO	19023	SARA M <SASSE<
BEO	19024	DANIELLE N <PENA<
BEO	19025	AMY S <PETERSON<
BEO	19026	MASAMI M <DEWITT<
BEO	19027	YOLANDA S <DODD<
BEO	19028	HEATHER J <MOON<
BEO	19029	DONGHEE <CRUDUP<
BEO	19030	GRACE L <ANTIPALA<
BEO	19031	LAURA A <SNYDER<
BEO	19032	LOLA L B <SUZUKI<
BEO	19033	NGOC DIEM MAI <BUI<
BEO	19034	DAPHNE K S <PEA<
BEO	19035	CHAU L <BERRY<
BEO	19036	KIMBERLY K <AKAMINE<
BEO	19037	NEHIR <MULLEN<
BEO	19038	MANAKA <KOJIMA<
BEO	19039	NAOMI <WARABI<
BEO	19040	HYEON SUK <KIM<
BEO	19041	DOAN TRANG NGUYEN <HO<
BEO	19042	AI <VILLARREAL<
BEO	19043	ALICIA M <MANUTAI<
BEO	19044	KRISTI A <CELEBRADO<
BEO	19045	SURAYA N <NAGY<
BEO	19046	HIROKO <OKUNO<
BEO	19047	AWAPUHI N <GIBSON<
BEO	19048	CHIZUKO <KONDO<
BEO	19049	TIFFANY M <PABST<
BEO	19050	CHELCEY R <FURTADO<

LTYPE	LIC NUM	BP NAME PART 1
BEO	19051	REBECCA L <PELLETIER<
BEO	19052	JOHN K <LONO<
BEO	19053	KU'ULEIIMINA'AUAO <MEDEIROS<
BEO	19054	MAMI <KAYAMA<
BEO	19055	JURI Y <LEJEUNE<
BEO	19056	ELLEN R <YATES<
BEO	19057	JOSSILYN C <MILLER<
BEO	19058	AJA L <HIGHLAND<
BEO	19059	JAMIE M <GEIS<
BEO	19060	LESLIE A <HAINSWORTH<
BEO	19061	AYA <SAKAI<
BEO	19062	LEIMOMI L <PALOMARES<
BEO	19063	MINDY J <GILBERT<
BEO	19064	STACIA A <BAEK<
BEO	19065	RACHEL K <MARUMOTO<
BEO	19066	YOUNG BIN <LEE<
BEO	19067	MARIA V A <LAGAZO<
BEO	19068	MELISSA R <DELA CRUZ<
BEO	19069	CHERMAINE Y L <RAYMOND<
BEO	19070	MARI W <CHISHAKI<
BEO	19071	INTIRA <SAIYUT<
BEO	19072	EMILY M <KLINE<
BEO	19073	KASIE M K <HOLT<
BEO	19074	EMILEE R <HUTMAN<
BEO	19075	LISA P <MIYASHIRO<
BEO	19076	KATHERINE E <OROPALLO<
BEO	19077	MARY R R <ROMAN<
BEO	19078	ANTHONY M <HAUGEN<
BEO	19079	CHERISE L <KUKUA-JOSE<
BEO	19080	TRACI A <EDWARDSSEN<
BEO	19081	NORA L <GUTIERREZ<
BEO	19082	CHOMPHUNUT <THINNABUT<
BEO	19083	KATHY K <FOSTER<
BEO	19084	MADOKA <FRANKLIN<
BEO	19085	JESSICA L <FREITAG<
BEO	19086	ELIZABETH R <SCOTT<
BEO	19087	KENDRIA M K <TANGJIAN<
BEO	19088	BEATRIZ G <LOO<
BEO	19089	JANICE <FRANCIS<
BEO	19090	ALICIA C <PERREIRA<
BEO	19091	MICHELLE K P <LEE<
BEO	19092	CRISTINE C <PARK<
BEO	19093	KARRIE L <BIRRENKOTT<
BEO	19094	HEATHER M <PUNG<
BEO	19095	TASHA A L <TIQUI-GUILLERMO<

LTYPE	LIC	NUM	BP NAME PART 1
BSH	4800	JND SERVICES INC	
BSH	4801	SHARLA T <VIERNES<	
BSH	4802	MONSOON INC	
BSH	4803	THE <BEAUTY< SPOT LLC	
BSH	4804	SALON 253 LLC	
BSH	4805	GINA <WALKER<	
BSH	4806	KANDY INC	
BSH	4807	VERA L <CANALES-CLOSE<	
BSH	4808	QUYNH HAWAII LLC	
BSH	4809	TTTL COMPANY INC	
BSH	4810	SUNG HEE <IM<	
BSH	4811	THE <COLOR< BAR LLC	
BSH	4812	JEANNY P <NGUYEN<	
BSH	4813	TROPICS ISLAND THERAPY LLC	
BSH	4814	PETER <BUI<	
BSH	4815	ACCENTUATE SALON LLC	
BSH	4816	CLEVER CLIPS & COLOR LLC	
BSH	4817	SHEAR ARTISTRY INC	
BSH	4818	PIPER M <CLOSE<	
BSH	4819	ISLAND BEAUTY SALON LLC	
BSH	4820	NU BEAUTY ZONE LLC	
BSH	4821	THANH T <CORDEIRO<	
BSH	4822	KAREN M <AMPER<	
BSH	4823	JENNIFER K <LE<	
BSH	4824	FRANCISCA C <ACASIO<	
BSH	4825	MAUI MASSAGE & WELLNESS LLC	
BSH	4826	NORA'Z DEZINES LLC	