

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

- Date: Wednesday, August 8, 2012
- Time: 9:00 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
Chad Nelson, Public Member
Christobal Quintana, Barber Member
Rodney J. Tam, Deputy Attorney General
Jonathan Spiker, Law Student, AG Intern
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary
- Guests: Saundy Bratton, Hair Braider
Lynnette F. McKay, Honolulu Community College
Thinh Nguyen, Bella Torre Academy
Gary Shigemura, Bella Torre Academy
Joy B.Y. Shimabuku, Past Board Member
Tamaki Torre, Bella Torre Academy
Darryl Young, Bella Torre Academy
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 9:00 a.m. by Chairperson Marugame.
- Chairperson Marugame welcomed and introduced newly appointed Board members, Chad Nelson and Christobal Quintana. Mr. Quintana was also welcomed back, as he is a past Board member.

Introduction of
Keali`i S. Lopez,
Director, DCCA:

Chairperson Marugame welcomed and introduced Keali`i S. Lopez, Director of the Department of Commerce and Consumer Affairs ("DCCA"). Director Lopez commented that since being appointed as DCCA Director a year and a half ago, she has come to realize the importance of the service that members of boards and commissions provide to the DCCA. She mentioned that the Governor now has a better understanding of the value of the work of regulatory boards and commissions to the State, especially with consumer-related issues.

Director Lopez informed the Board that DCCA is planning to hold an orientation for all members of the boards and commissions of DCCA in late October. She described the orientation that was held last year for board chairpersons which had been very well received. She commented that regulatory board issues are complex, especially scope of practice issues, and acknowledged that it is not always easy to dissociate opinions from board members' representation of their industry, when looking at such issues. She reminded the Board that as members they need to separate themselves from the industry and clearly realize that they are representing the State of Hawaii in all aspects of the public interest in professional and vocational regulation. She further stated that Board members have the support of staff and the Deputy Attorney General ("DAG").

Director Lopez expressed her appreciation for the Board members' commitment and service they are providing as volunteers.

At 9:04 a.m., DAG Tam arrived to the meeting.

Discussion ensued on the public reaching out to members of the Board on questions relating to their industry, to which DAG Tam advised that these questions should be referred to the Executive Officer.

Discussion ensued on topics which included the Sunshine Law, the advancement of technology, and the DCCA's position on the utilization of the latest technology, such as mobile apps, in regulating professions and vocations. Director Lopez commented that the DCCA is looking toward greater transparency in its activities, an initiative which may include audio and video recording of board and commission meetings. She noted that the DCCA would not want to make any changes just for the sake of making changes; rather, any changes or

initiatives that are proposed will need to be evaluated in terms of the staff time and resources that would be required.

At 9:15 a.m., Director Lopez was thanked by the Board for her presentation and left the meeting.

Additions/
Revisions to
Agenda:

None.

Minutes of the
May 30, 2012
Board Meeting:

It was moved by Vice-Chairperson Apao, seconded by Mr. Quintana, and unanimously carried to approve the minutes of the May 30, 2012 Board Meeting as circulated.

Executive
Session:

At 9:16 a.m., it was moved by Vice-Chairperson Apao, seconded by Mr. Quintana, 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 10:11 a.m., it was moved by Ms. Howard, seconded by Mr. Quintana, and unanimously carried for the Board to move out of Executive Session.

Applications:

A. Ratification of Issued Licenses

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

B. Examination and License

(1) CUTRER, Lisa M. (BEO 15872)

It was moved by Vice-Chairperson Apao, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator's license of Lisa M. Cutrer.

(2) Kahala Hotel Investors LLC (BSH 4113)

It was moved by Vice-Chairperson Apao, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty shop license of Kahala Hotel Investors LLC.

(3) LINDSEY, Marlene (BEO 4698)

It was moved by Vice-Chairperson Apao, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator's license of Marlene Lindsey.

(4) PASCUA, Cynthia M. (BEO 15132)

It was moved by Vice-Chairperson Apao, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator's license of Cynthia M. Pascua.

(5) STRAWN, Anne M. (BEO 10165)
(now known as: GAYLORD, Anne M.)

It was moved by Vice-Chairperson Apao, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator's license of Anne M. Strawn, now known as Anne M. Gaylord.

C. Beauty School License

(1) Bella Torre Academy, Inc.

Acknowledgement of representation from Bella Torre Academy, Inc., which included Gary Shigemura, Tamaki Torre, Thinh Nguyen, and Darryl Young was made. With a motion by Ms. Howard and seconded by Vice-Chairperson Apao,, the Board unanimously voted to approve the beauty school license for Bella Torre Academy, Inc.

Proposal by LAKA USA LLC for Boutique Kiosk Providing Nail Services:

Executive Officer Kai stated that the Board received a proposal by LAKA USA LLC ("LAKA") to provide nail filing and polishing services at boutique kiosk locations in high traffic retail locations. Ms. Kai provided a brief summary of the proposal and stated that LAKA contacted the Department of Health ("DOH") concerning the sanitation clearance that would typically be

required for a beauty shop license. Peter Oshiro, Sanitation Branch Environmental Health Program Manager of DOH responded with a letter stating that:

- The DOH has no variance process for non-conforming physical structures; therefore, no sanitation clearance certificates can be issued since the proposed kiosk would be unable to meet the provisions of the sanitation rules of the DOH, Hawaii Administrative Rules section 11-11-3, entitled "Barber shops and beauty parlors";
- After review of the proposed building plans and business model regarding manicures being done in open kiosks, DOH has determined that the proposed operation poses minimal concerns regarding the transmission of communicable diseases of public health importance;
- DOH currently has no objections to LAKA's proposal.

DAG Tam commented that the fact that DOH will not provide a sanitation clearance should not preclude LAKA from obtaining a beauty shop license as long as LAKA complies with all sanitation laws and rules and meets all other requirements for licensure.

After further discussion, it was moved by Mr. Quintana, seconded by Ms. Howard, and unanimously carried to grant to LAKA an exemption from the requirement to obtain a beauty shop DOH sanitation clearance.

Proposal by
HI VIBEZ
Entertainment LLC
to Present the 1st
Annual Pacific
Cosmetology
Convention on
September 21-23,
2012:

Executive Officer Kai stated that the Board received a proposal by HI VIBEZ Entertainment LLC ("HI VIBEZ") to present a cosmetology trade convention, to be called the "1st Annual Pacific Cosmetology Convention", on September 21-23, 2012, which would allow attendees (who are in the cosmetology industry) to participate in various types of classes and seminars. Ms. Kai informed the Board that educational sessions are regulated by the Board's laws and rules relating to beauty schools and beauty school instructors; however, HAR section 16-78-37 provides an exception to these requirements for "educational activities conducted in connection with any monthly, annual, or other special program from which the general public is excluded. This exception shall apply only to the specific days of the special program."

After further discussion, it was moved by Mr. Quintana, seconded by Ms. Howard, and unanimously carried to grant approval, pursuant to HAR section 16-78-37, for HI VIBEZ to

conduct classes (educational sessions) at its cosmetology convention.

Presentation by
Saundy Bratton
on Hair Braiding
and Hair
Wrapping:

Saundy Bratton distributed a handout and magazines to the Board on hair braiding and hair wrapping. Ms. Bratton stated that she wants to propose a new law to create a special category of licenses for professional hair braiders in order to regulate these services. She has encountered many different regulations for hair braiders in many different states; however, she has learned that license requirements in many of these states give mainstream cosmetologists a near monopoly on all forms of hairstyling services. Ms. Bratton believes that a separate license is required in order to promote hair braiding as a highly- specialized service.

Ms Bratton described hair braiding as interweaving real or synthetic hair into strands of a person's hair that can be formed into various styles. Women of many cultures are attracted to braided hair because their hair can be worn in a natural manner with no adverse effects caused by chemicals. Hair braids are extremely popular for all types of people, who will seek the service wherever it can be found. This is where the issues of safety, sanitation and unprofessional business practices become dangers to public health and welfare.

Further discussion ensued on the different methods through which a bill could be introduced to the State Legislature, such as a bill included in the administrative package submitted to the Governor's office by the DCCA, or requesting that a state legislator introduce the bill. Whichever method is used, thorough research of the issue will be required, including looking at whether beauty schools include this specialized service in their standard curriculum or would need to create a new curriculum solely for hair braiding, and whether specialized licensing examinations have been created. Ms. Bratton commented that she would see how other states regulate hair braiding and base her proposal on the laws of a state that has a separate and specialized hair braider's license, and thanked the Board for its time and consideration.

Examinations:

A. Results of Barber Examinations Administered June 5-8, 2012

Executive Officer Kai provided the following results of the barber examinations administered June 5-8, 2012:

Total Examinations Administered 40

Total Examinations Passed	17
Total Passed Percentage	42%
Total Examinations Failed	23
Total Fail Percentage	53%

Legislation
and Rules:

A. Hawaii Administrative Rules ("HAR")

Discussion ensued on statutory provisions for establishing investigative committees, which would allow two or more Board members, but less than the number that would constitute a quorum, to be assigned to investigate a matter relating to Board business. DAG Tam suggested that, pursuant to HRS section 92-2.5(b)(1), an investigative committee could be made to review and suggest amendments to the rules. Executive Officer Kai suggested establishing two (2) separate committees to review the two (2) chapters of administrative rules of the Board, with each committee to include two (2) professional members and one (1) public member.

DAG Tam stated that the following requirements need to be met when establishing an investigative committee:

- The scope of the investigation and the scope of each member's authority are defined at a meeting of the Board;
- All resulting findings and recommendations are presented to the Board at a subsequent meeting;
- Deliberation and decision making on the matter investigated, if any, can occur only at a duly noticed meeting of the Board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the Board.

(1) Proposed Amendments to HAR Chapter 16-73 (Barbering)

After discussion, it was moved by Vice-Chairperson Apao, seconded by Mr. Quintana, and unanimously carried to establish an Investigative Committee on HAR Chapter 16-73, to review, identify, and recommend revisions to the rules pertaining to Barbering, and to appoint the following members:

- Mr. Marugame
- Mr. Quintana
- Mr. Nelson.

(2) Proposed Amendments to HAR Chapter 16-78 (Cosmetology)

After discussion, it was moved by Vice-Chairperson Apao, seconded by Ms. Howard, and unanimously carried to establish an Investigative Committee on HAR Chapter 16-78, to review, identify, and recommend revisions to the rules pertaining to Cosmetology, and to appoint the following members:

- o Ms. Apao
- o Ms. Howard
- o Mr. Choi.

Open Forum: None.

Next Board Meeting: Wednesday, October 10, 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 11:03 a.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Lauren M. Kai

Lauren M. Kai, Executive Officer

LMK:ln
09/05/12

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

LTYPE	LIC NUM	BP NAME PART 1
BEO	19235	TUAN MINH <TRINH<
BEO	19236	TRANG T <DANG<
BEO	19237	HUNG QUOC <TRAN<
BEO	19238	TESHA S <MOSLEY<
BEO	19239	RIE <NOMURA<
BEO	19240	RAQUEL J <KEKONA<
BEO	19241	ELAINA I <VENTOZA<
BEO	19242	CAROL K <WONG<
BEO	19243	CHIHARU Y <RILEY<
BEO	19244	PETULA TUNG <MILLER<
BEO	19245	VICKY <TRAN<
BEO	19246	LEENA L <TALANIA<
BEO	19247	YOKO <SANDHU<
BEO	19248	KRYSTI S K <KATZ<
BEO	19249	BEATRIX <BABICKA<
BEO	19250	MICHELE K <POPEK<
BEO	19251	KAYLA M K <BAILEY<
BEO	19252	REIKO I <GAMBLE<
BEO	19253	TAMMY J <MARCHANT<
BEO	19254	AMBER C <CASMASS<
BEO	19255	JASON S <HARSIN<
BEO	19256	DANA M <CHILES<
BEO	19257	MARY M <STERNTHALL<
BEO	19258	YOSHIE H <SMITH<
BEO	19259	JOHN L <WILLIS< III
BEO	19260	SHARON M <WIDUP<
BEO	19261	EVELYN Y <OHASHI<
BEO	19262	ANNIE <VO<
BEO	19263	KATHERINE J <BLACK<
BEO	19264	ANH THI TRANG <NGUYEN<
BEO	19265	LEAH R <IRIMATA<
BEO	19266	TAMMY L <MCMULLEN<
BEO	19267	STEPHANIE <WALKEAPAA<
BEO	19268	MAKIKO N <LUU<
BEO	19269	CORIE H <NAKAMURA<
BEO	19270	KATIE B <LUCHSINGER<
BEO	19271	TAMAKI H <FUJIYAMA<
BEO	19272	WENDY <ST JOHN<
BEO	19273	REBECCA M <SARGENT<
BEO	19274	CRYSTAL M <HELGENBERGER<
BEO	19275	NGOC LAN THI <NGUYEN<
BEO	19276	MIYUKI <BELLARD<
BEO	19277	DEVRA S <MCVICAR<
BEO	19278	MARIAH J K <EMMETT<
BEO	19279	KAREN M <CLARK<
BEO	19280	KIMBERLY S <BAGNANI<
BEO	19281	SARAH <CHO<
BEO	19282	ELENA C <ETRATA<
BEO	19283	TERESA <LAMBERT<
BEO	19284	JOANNE T D <NGUYEN<
BEO	19285	VANESSA <ORTEGA<
BEO	19286	CHAU BAO <PHAM<
BEO	19287	YANILSA C <PIJUAN<
BEO	19288	JULIE A <QUE<
BEO	19289	SARAH K <RANABARGAR<
BEO	19290	DEBORAH <REA<
BEO	19291	RAINA E <RODRIGUEZ<

LTYPE	LIC NUM	BP NAME PART 1
BEO	19292	KAREN L <SCHLEHER<
BEO	19293	JEREMY J <SOARES<
BEO	19294	KRISTEN M <TODA<
BEO	19295	TAMARA L <PARKS<
BEO	19296	SHOHKO <WATANABE<
BEO	19297	MICHELLE S <MORRIS<
BEO	19298	ANDREA A <VALDEZ<
BEO	19299	MICHELLE L <RITTENHOUSE<
BEO	19300	DAWNEEN K <DOW<
BEO	19301	JAMES P <FORTENER<
BEO	19302	JILL M <FORTENER<
BEO	19303	TAWNY M <LUCAS<
BEO	19304	HANG THI <NGUYEN<
BEO	19305	YONY P R <STATES<
BEO	19306	KENDRA M <STRAND<
BEO	19307	JESHA M <TACLAS<
BEO	19308	BANDERA B <YORK<
BEO	19309	MAUREEN C <SHEFFLER<
BEO	19310	LOANN <THACH<
BEO	19311	MELISSA A <HALL<
BEO	19312	TRISHA K <IWANAGA<
BEO	19313	GIA N <KOENIG<
BEO	19314	ASHLEY R <SINNOTT<
BEO	19315	SUSAN E <BORTZ<
BEO	19316	NOELANI D <WORKS<
BEO	19317	LATOYA J <TUNNICLIFF<
BEO	19318	UNSIM <UYENO<
BEO	19319	MICHELLE L <DAVIS<
BEO	19320	SHARMAYNE L <AGBAYANI<
BEO	19321	MISA <MAWAE<
BEO	19322	KARINA K H <BONDALLIAN<
BEO	19323	NHUNG DUY <NGUYEN<
BEO	19324	ASHLEY C <CHILDS<
BEO	19325	CHANTHANLAY <PHANTHANOUVONG<
BEO	19326	KAZUKO <KAKUTA<
BEO	19327	KIMBERLY K <CAZIMERO<
BEO	19328	CATHERINE J <MARTINEZ<
BEO	19329	ANNE M <CARTER<
BEO	19330	HILLARY M <TOIFL<
BEO	19331	CHELSEI J <PLUMMER<
BEO	19332	CRYSTAL S <MACIAS<
BEO	19333	HEATHER K K <FREEMAN<
BEO	19334	ANN M <SHIMIZU<

LTYPE	LIC NUM	BP NAME PART 1
BSH	4880	VIVIAN UNIQUE NAILS LLC
BSH	4881	BEAUTY CENTER OF HAWAII LLC
BSH	4882	CHONG SUK <TURNER<
BSH	4883	MICHELLE M <KAYA<
BSH	4884	JULIE L <HITCHCOCK<
BSH	4885	LILLIAN LE-HOA <MORI<
BSH	4886	KYUNGJIN CORPORATION
BSH	4887	DR BODY INC
BSH	4888	KIMBERLY A <LENZ<
BSH	4889	MIYUKI <SUMIDA<
BSH	4890	YASUKO <BANVILLE<
BSH	4891	BEAUTI THERAPY LLC
BSH	4892	WARAKU INTERNATIONAL INC
BSH	4893	PREMKAMAL SPAS LLC
BSH	4894	CINDY H D <PHAM<
BSH	4895	US NAILS LLC
BSH	4896	KARINE V <STERNTHALL<
BSH	4897	MARLA D <BALES<
BSH	4898	STEPHANIE NAILS L L C
BSH	4899	ER BEAUTY BAR INC

LTYPE	LIC NUM	BP NAME PART 1
BAR	3380	SINIM <NEANG<
BAR	3381	YUWON <PARK<
BAR	3382	HOANG NHI TRAN <LE<
BAR	3383	TAMMY T <LE<
BAR	3384	SON HUNG <VU<
BAR	3385	HONG THI <PHAN<
BAR	3386	ANH T <HA<
BAR	3387	MARILYN A <GUSHIKEN<
BAR	3388	DANIELA J <FOURNIER<
BAR	3389	SONDREA S <MENA<

LTYPE	LIC NUM	BP NAME	PART 1
I	12386	CARLY K	<SAI<
I	12387	KAREN Y	<RIVERA<