

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Wednesday, March 20, 2013

Time: 9:00 a.m.

Place: Queen Liliuokalani 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
Chad Nelson, Public Member
Christobal Quintana, Barber Member
Rodney J. Tam, Deputy Attorney General ("DAG")
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary

Excused: Angela Howard, Public Member

Guests: Lynnette F. McKay, Honolulu Community College
Joannie Rossiter, Paul Mitchell The School Honolulu
Margaret Williams, Hawaii Institute of Hair Design
Darryl Young, Bella Torre Academy

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.

Additions/
Revisions to
Agenda: None.

Minutes of the
February 13,
2013 Board
Meeting:

It was moved by Vice-Chairperson Apao, seconded by Mr. Quintana, and unanimously carried to approve the minutes of the February 13, 2013 Board Meeting as circulated.

Executive
Session:

At 9:01 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 9:35 a.m., it was moved by Vice-Chairperson Apao, 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) CARREIRA, Tracy R. (Beauty Operator – Hairdresser)

After discussion, it was moved by Mr. Quintana, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license for Tracy R. Carreira.

(2) NAKANO-DOMEN, Dysen (Beauty Operator – Hairdresser)

After discussion, it was moved by Mr. Quintana, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license for Dysen Nakano-Domen.

C. Restoration of Licenses

(1) DIEP, Lisa N.V. (BAR 2395)

After discussion, it was moved by Mr. Choi, seconded by Mr. Quintana, and unanimously carried to approve the restoration of the barber's license of Lisa N.V. Diep.

(2) NAKAO, Claire K. (BEO 9427)

After discussion, it was moved by Mr. Choi, seconded by Mr. Quintana, and unanimously carried to approve the restoration of the beauty operator's license of Claire K. Nakao.

(3) WADE, Nathan M. Jr. (BEO 12198)

After discussion, it was moved by Mr. Choi, seconded by Mr. Quintana, and unanimously carried to approve the restoration of the beauty operator's license of Nathan M. Wade Jr.

Chairperson Marugame requested that the Board take up agenda item #9, Open Forum, to allow Joannie Rossiter, who was present at the meeting, to address the Board about the Federal Government's State Authorization Regulations. There were no objections.

Open Forum:

Ms. Rossiter, State Liaison of the American Association of Cosmetic School ("AACCS") Government Relations Committee, gave a brief summary of the State Authorization Regulations issued by the U.S. Department of Education, which became effective on July 1, 2011, that concern State oversight and approvals for postsecondary institutions. These regulations set forth the requirements for an institution of higher education, a proprietary institution of higher education, and a postsecondary vocational institution to be considered legally authorized by a State under 34 CFR 600.9(a) and (b) to provide postsecondary education. The compliance date is July 1, 2013. After that date, postsecondary institutions that are not compliant with the state authorization regulations may lose their eligibility to participate in Title IV Federal Student Aid programs.

As the legal authority authorized by the State of Hawaii to grant licensure to institutions offering postsecondary educational programs in cosmetology, the Board must provide the following information to the U.S. Department of Education:

1. The Board is legally authorized by the State through its licensing statutes and administrative rules to provide the oversight and approval authority to grant licensure to postsecondary education programs in cosmetology;
2. The Board has processes in place to:
 - a. Assess the eligibility of institutions seeking its authorization approval and/or recognition;
 - b. Review and act upon complaints levied against the postsecondary schools that the Board licenses; and
 - c. Provide equitable adjudication of any adverse actions taken against an authorized (licensed) postsecondary institution; and
3. The authorizing document (license) that is granted to approved institutions upon recognition by the Board.

Ms. Rossiter further explained to the Board that beauty school students who receive federal student financial aid are affected; however, students at barber schools would not be affected as barber schools are regulated by the State Department of Education. She added that forty (40) states are already in compliance.

Discussion ensued on the notification by the Federal Government via "Dear Colleague" letter, which Margaret Williams commented was received by the Governor's office as it affects all postsecondary education programs, including Hawaii Pacific University, Remington College, etc. Ms. Williams commented that the Governor's office is taking action with legislation via Senate Bill No. 46.

Deputy Attorney General ("DAG") Tam asked Ms. Rossiter to provide the "Dear Colleague" letter to the Board via email to the Executive Officer, who will distribute it to all Board members and to DAG Tam. The Board decided to defer decision-making on the matter until DAG Tam reported back with his comments on this issue.

The Board thanked Ms. Rossiter for attending today's meeting.

Sanitation
Inspections of
Barber Shops,
Beauty Shops,
and Beauty
Schools by The
Department of
Health:

Executive Officer Kai informed the Board that, in letters dated February 12, 2013 and February 19, 2013, notification had been received from the Department of Health ("DOH") that it will no longer inspect barber shops and beauty shops for the purpose of issuing sanitation certificates after April 1, 2013. DOH no longer deems that routine inspections are needed to protect public health, and its statutes do not require the issuance of sanitation certificates to businesses regulated by the Department of Commerce and Consumer Affairs ("DCCA"). However, DOH will continue to regulate the sanitation requirements for barber and beauty shops, and will investigate health-related complaints from the general public or other agencies that the DOH feels may impact public health. The DOH also noted that it had consulted with its deputy attorney general on the legalities of the issue and that he is in agreement with these actions. DOH states that its position is a "compromise in lieu of DOH repealing HAR Title 11, Chapter 11, Sanitation – as it pertains to these professions."

DAG Tam commented that the Board's statutes and rules require verification that a barber shop or beauty shop complies with the sanitation requirements of the DOH. DAG Tam further commented that based on DOH's letter, an application cannot be denied for failure to submit a sanitation clearance from the DOH. DAG Tam suggested changing the language on the application concerning the sanitation inspection certificates and attaching a copy of the DOH letter to each application that will explain why the requirement for a sanitation clearance has not been met for each applicant's file.

After discussion, it was moved by Vice-Chairperson Apao, seconded by Mr. Quintana, and unanimously carried to institute the following course of action to be followed for the processing and approval of barber shop, beauty shop, and beauty school applications:

1. Effective April 1, 2013, an applicant for a barber shop, beauty shop, or beauty school license will not be required to provide a sanitation certificate from the DOH since the DOH has stopped issuing these certificates; thus, a copy of the February 12, 2013 and the February 19, 2013 letters from DOH shall be placed in each applicant's license file to provide an explanation as to why the requirement could not be met;

2. The license application forms and instructions for each license would be revised to reflect this new procedure;
3. The decision would be reflected on the Board's webpage; and
4. The requirement that shops and schools comply with the DOH's sanitation standards remains unchanged, with the DOH continuing to investigate health-related complaints from the public and other agencies that the DOH feels may impact public health.

At 9:57 a.m., DAG Tam left the meeting.

Examinations:

A. Results of Cosmetology Examinations Administered on February 15, 2013

Executive Officer Kai provided the following results of the cosmetology examinations administered on February 15, 2013:

	EXAMS ADM	PASSED	FAILED	% PASS	% FAIL
COSMETOLOGY	3	3	0	100%	0%
HAIRDRESSER	0	n/a	n/a	n/a	n/a
NAIL TECHNICIAN	3	1	2	33.3%	66.67%
ESTHETICIAN	3	0	3	0%	100%
INSTRUCTOR	0	n/a	n/a	n/a	n/a
TOTALS	9	4	5	44.4%	55.6%

2013 Legislative Session:

A. House Bill No. 1464, Relating to Hair Braiding

Executive Officer Kai reminded Board members of the purpose of House Bill No. 1464 to clarify that hair braiding by hand for commercial purposes is not subject to the licensing requirements for barbers, hairdressers, and cosmetologists under HRS chapters 438 and 439 and would establish less burdensome licensing requirements for hair braiders. The proposed bill was never scheduled for a hearing by the Legislature; and therefore, the bill is dead for this session.

Ms. Kai noted that because this bill was introduced in the first year of the legislative cycle, it may be considered during the 2014 session.

Executive Officer Kai announced that subsequent to the last Board meeting and in response to her inquiries, Prometric verified that it would be able to create a licensing examination for hair braiders only; however, the cost is still undetermined. Ms. Kai commented that the Cosmetology Program of the Honolulu Community College may want to formulate a hair braiding curriculum in anticipation of this bill being heard at the next Legislative Session; and mentioned the proposed curriculum for hair braiders that had been presented by Ms. Jessie Aki, Professor of Cosmetology for Honolulu Community College, at the last Board meeting.

Hawaii
Administrative
Rules ("HAR"):

A. Report from the Investigative Committee on Amendments to HAR Chapter 16-73 (Barbering)

The Investigative Committee reported that they will meet after this Board meeting and will report to the Board at the next Board meeting.

B. Report from the Investigative Committee on Amendments to HAR Chapter 16-78 (Cosmetology)

The Investigative Committee reported that they will meet after this Board meeting and will report to the Board at the next Board meeting.

Chairperson Marugame suggested that both committees review and discuss the definition of booth renter in their respective rules, and to consider a standard consistent with both areas.

Next Board
Meeting:

Wednesday, May 15, 2013
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements:

Mr. Choi announced that he would not be able to make the Board's May 15, 2013 meeting.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 10:18 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

04/09/13

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

LTYPE	LIC NUM	BP NAME PART 1
BEO	19519	RANDY C <RAMIREZ<
BEO	19520	SAORI <YOKOGAWA<
BEO	19521	NGUYET THI <DINH<
BEO	19522	SARAH K <LAUFILI<
BEO	19523	JOLENE D <LOVOLD<
BEO	19524	PUMEHANA M <AHN<
BEO	19525	ZYNFIA T <SAKUSINGHDUSIT<
BEO	19526	JESSICA N <JOHNSON<
BEO	19527	JO'ANNELI V <CACATIAN<
BEO	19528	KENDI S <CHING<
BEO	19529	MARY L <RAJSOMBATH<
BEO	19530	TUYEN THI MONG <NGUYEN<
BEO	19531	TRANG THI <LE<
BEO	19532	MIA-NICOLE A <ARROYO<
BEO	19533	THU-HUONG BUI <PHAM<
BEO	19534	CATHERINE <PETIT<
BEO	19535	KRISTAL-STACEY M <GURNEY<
BEO	19536	THERESA K <IOVINELLI<
BEO	19537	CARMEN <SUMNER<
BEO	19538	KYOKO <SAITO HESS<
BEO	19539	KELLY J <KEANY<
BEO	19540	VERONICA KIM <JAKOVAC<
BEO	19541	AIMEE L <RUST<
BEO	19542	BRANDI K M <AHLO<
BEO	19543	MASUMI <SKALMAN<
BEO	19544	MERIDITH M <PETRO<
BEO	19545	KELLY P <PARK<
BEO	19546	STACY <BRUNETTE<
BEO	19547	GINA R <CARTER<
BEO	19548	JANELLE G <ALONZO<
BEO	19549	TIFFANY ANN T <HOOTA<
BEO	19550	THUAN T <PHAM<
BEO	19551	TIFFANY R E <ALLEN<
BEO	19552	VIOLET R <JENSEN<
BEO	19553	TRICIA A <MESSIER<
BEO	19554	JASMINE K <BELL<
BEO	19555	NERBETHSON <TOLENTINO<
BEO	19556	KERI C <NELMS<
BEO	19557	STEPHANIE D <FOSTER<
BEO	19558	PANIDA <CHIENGMOON<
BEO	19559	ANNIE LE <NGUYEN<
BEO	19560	MARIE N <PREVO<
BEO	19561	AMBER L <PALISBO<
BEO	19562	EIKO M <LA ROSE<
BEO	19563	SHEYENNE W <UNDERWOOD<
BEO	19564	ERINA <EDWARDS<
BEO	19565	CANDACE L <ANDERSON<
BEO	19566	WHITNEY A <HOLCOMB<

LTYPE	LIC NUM	BP NAME PART 1
BSH	4983	LIEU THI <HUYNH<
BSH	4984	HOLLY E <DOLLAR<
BSH	4985	EMMA NAILS LLC
BSH	4986	K Y CORPORATION
BSH	4987	NEW IMAGE HAIR SALON LLC
BSH	4988	CARMEN C <ABRAHAM<
BSH	4989	MAYLEEN P <LAU<
BSH	4990	KAZUE <NAKAMOTO<
BSH	4991	EVA <WRIGHT< SALON & SPA LLC
BSH	4992	SANG Q <VU<
BSH	4993	DIANE <HONDA< LLC
BSH	4994	HAIR @ 1141 LLC
BSH	4995	KATHY K <MIYASHIRO< LLC

LTYPE	LIC NUM	BP NAME	PART 1
BAR	3423	ALEXIS L	<CARROLL<

LTYPE	LIC NUM	BP NAME	PART 1
BAS	1537	EZ HAIR.COM	LLC

LTYPE	LIC NUM	BP NAME PART 1
I	12390	MELINDA <MARRERO<
I	12391	SHARON M <WIDUP<
I	12392	KAREN D <DUNN<
I	12393	SHERI KAYLOR <MARRS<