BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date:	Wednesday, July 24, 2013
<u>Time</u> :	9:00 a.m.
<u>Place</u> :	Queen Liliuokalani Conference Room King Kalakaua Building 335 Merchant Street, 1 st Floor Honolulu, Hawaii 96813
<u>Present</u> :	Lance M. Marugame, Barber Member, Chairperson Alexander Choi, Public Member Angela Howard, Public Member Lynnette F. McKay, Cosmetology Member Christobal Quintana, Barber Member Rodney J. Tam, Deputy Attorney General ("DAG") Laureen M. Kai, Executive Officer Lori Nishimura, Secretary
Excused:	Chad Nelson, Public Member
<u>Guests</u> :	Barbara Kokubun, BK's Barber Shop Jeff Sanchez, Makana Academy Malia Sanchez, Makana Academy
<u>Agenda</u> :	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.
<u>Additions/</u> <u>Revisions to</u> <u>Agenda</u> :	Executive Officer Kai requested the re-ordering of two agenda items as follows: Agenda item #6, Makana Esthetics Wellness Academy LLC (BSC 27), to be switched with Agenda item #5, Applications. After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to switch the order of the aforementioned agenda items.

Welcome and Introduction of New Member: Lynnette F. McKay:	Chairperson Marugame introduced and welcomed new member, Lynnette F. McKay to the Board. Ms. McKay will be one of two Board members who are mandated pursuant to HRS section 438-3 to represent the beauty operator profession.
<u>Minutes of the</u> <u>May 15, 2013</u> Board Meeting:	It was moved by Ms. Howard, seconded by Mr. Choi, and unanimously carried to approve the minutes of the May 15, 2013 Board Meeting as circulated.
<u>Executive</u> <u>Session</u> :	At 9:04 a.m., it was moved by Ms. Howard, 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 9:35 a.m., it was moved by Ms. McKay, seconded by Mr. Quintana, and unanimously carried for the Board to move out of Executive Session.

Makana Esthetics Malia Sanchez, Principal of Makana Esthetics Wellness Academy Wellness Academy LLC (BSC 27): LLC ("Makana"), and her husband Jeff Sanchez introduced themselves to the Board. Mr. Sanchez stated that they were present to appeal the Board's determination at the last meeting that Makana was not approved for the beauty instructor training curriculum on November 5, 2007, when Makana's beauty school license was approved by the Board.

> Mr. Sanchez presented all the documents that the Board had reviewed at the last meeting. He stated that based on the telephone conversation his wife had with the Executive Officer, they believe that the program outline, which was part of Makana's license file, which would clearly indicate a beauty instructor curriculum, may have been misplaced; he believed that this may have occurred when the department scanned Makana's licensing file. Mr. Sanchez commented that Makana should not be "held accountable for something that is out of their control".

> Discussion ensued on students who completed the beauty instructor program; it was noted that Karen I. Rivera, the first student to complete the beauty instructor-trainee program at Makana, was issued a beauty instructor license by the Board on June 13, 2012.

DAG Tam asked Mr. and Mrs. Sanchez if they could provide any other documents or information to support their claim. Mr. Tam noted that Makana's student handbook, which was part of its licensing file, included course descriptions for the esthetics curriculum only, and did not include course descriptions or curriculum information for a beauty instructor-trainee curriculum.

Ms. Sanchez stated that there had been additional paperwork together with that original student handbook that listed the beauty instructor curriculum. She commented that the handbook had been created for Makana's esthetics students; however, a beauty instructor-trainee student would have been given the handbook and the "additional paperwork" to which she referred.

ExecutiveAt 10:05 a.m., it was moved by Mr. Choi, seconded bySession: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 11:09 a.m., it was moved by Chairperson Marugame, seconded by Ms. Howard, and unanimously carried for the Board to move out of Executive Session.

Makana Esthetics
Wellness AcademyDAG Tam stated that the Board had thoroughly considered all of
the information and clarification received today from Mr. and Mrs.LLC (BSC 27):Sanchez as well as the information and documents contained in
the Board's files, and upon careful deliberation, has determined
that Makana possesses the qualifications required by the Board's
laws and rules to continue to offer its beauty instructor-trainee
curriculum, and confirmed that Makana's approval to teach this

> curriculum was effective on November 5, 2007, provided that Makana submits additional documents to the Board.

It was then moved by Chairperson Marugame, seconded by Ms. McKay, and unanimously carried to approve and acknowledge that Makana's beauty school license includes the provision of both an esthetics curriculum and a beauty instructor training curriculum, contingent upon the Board's receipt of all the following documents from Makana:

- Updated Student Handbook or School Catalog that includes both curricula in esthetics and beauty instructor training. The handbook/catalog must describe all the curricula that are offered by Makana to the public, as well as the standards and requirements for both programs. The separate documents that were provided to the Board relating to the beauty instructor-trainee program should be incorporated into the existing handbook or catalog that provides information on Makana's esthetics program;
- Statement of adequate facility for classroom teaching and clinical space for practical training for beauty instructor program;
- 3. Statement of adequate space (e.g., lockers) for all students to secure their belongings and property;
- 4. Statement of maintaining an adequate reference library for students of both training programs;
- 5. The following documents relating to the beauty instructor-trainee program (these documents may be included in Makana's handbook/catalog):
 - a. Copy of application, enrollment, or contract form for the beauty instructor program;
 - b. Sample certificate or diploma for the beauty instructor program;
 - Schedule of fees, tuition, and other student fees and charges relating to the beauty instructor program;
 - d. Courses of study for the beauty instructor program;
 - e. Itemized list of all materials in a beauty instructor-trainee's student kit;

- f. Statement that the beauty instructor course of study includes teaching the laws and rules of the Board of Barbering and Cosmetology that relate to the field of cosmetology (HRS chapter 439 and Hawaii Administrative Rules ("HAR") chapter 16-78) as well as the Professional and Vocational Licensing Act (HRS chapter 436B);
- Statement that Makana will have signage that conspicuously discloses that work shall be done by students of both curricula; and
- 7. Statement that Makana has the minimum equipment and appliances necessary for use by students of the beauty instructor-trainee program.

The motion further instructed the Executive Officer to provide written notification of these requirements to Makana, and delegated the approval of Makana's beauty school license to the Executive Officer.

Applications: A. <u>Ratification of Issued Licenses</u>

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

B. Examination and License

(1) EVANS, Jessica D. (Beauty Instructor)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to defer decisionmaking on the application for beauty instructor examination and license for Jessica D. Evans. In light of the Board's decision regarding Makana (at which the applicant gained her beauty instructor training), the applicant is to be notified of the Board's determination that Makana possesses the qualifications required by the Board's laws and rules to continue to offer its beauty instructor-trainee curriculum and has confirmed that Makana's approval to teach this curriculum was effective on November 5, 2007; provided that Makana submits additional documents to the Board. The motion further

> provided that the applicant would be informed that upon receipt of these additional documents, the Board has authorized the approval of her application and delegated the approval to the Executive Officer.

(2) KOYANAGI, Chris H. (Beauty Operator - Cosmetologist)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the beauty operator application for examination and license for Chris H. Koyanagi.

(3) NGUYEN, Minh Phu (Beauty Operator – Nail Technician)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the beauty operator application for examination and license for Minh Phu Nguyen.

- C. Beauty Shop License
 - (1) Kakaako Enterprises, LLC dba Norie Green

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the beauty shop application for license of Kakaako Enterprises, LLC dba Norie Green.

- D. Apprentice Registration
 - (1) MCKAY, Travis I.

After discussion, it was moved by Ms. Howard, seconded by Mr. Quintana, and unanimously carried (Ms. McKay recused herself from the vote) to approve the application for barber apprentice registration of Travis I. McKay.

- E. Beauty School License
 - PAFMO Hawaii Inc.
 dba MOE Academy of Aesthetics & Massage (BSC 35)
 Addition of Beauty Instructor Curriculum

> Discussion ensued on the beauty school license application of PAFMO Hawaii Inc. dba MOE Academy of Aesthetics & Massage. They currently hold a beauty school license (BSC-35) with an esthetics curriculum only, and is requesting to add the beauty instructor curriculum to their existing beauty school license.

After discussion, it was moved by Mr. Choi, seconded by Ms. McKay, and unanimously carried to approve the addition of a beauty instructor curriculum to the existing beauty school license of PAFMO Hawaii Inc. dba MOE Academy of Aesthetics & Massage.

(2) SAVOY INC. dba IBS School of Cosmetology and Massage

Discussion ensued on the beauty school license application of SAVOY INC. dba IBS School of Cosmetology and Massage. They are requesting five (5) curriculums to be approved with their beauty school license application, which includes: cosmetology, hairdressing, esthetics, nail technology, and beauty instructor-trainee.

After discussion, it was moved by Mr. Choi, seconded by Ms. McKay, and unanimously carried to approve the beauty school application of SAVOY INC. dba IBS School of Cosmetology and Massage.

- F. Restoration of Licenses
 - (1) KANCEVICIUS, Darla A. (BEO 13864)

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

(2) KIDO, Karen R. (BSH 3543)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty shop license of Karen R. Kido.

(3) MATSUDA, Valerie S. (BEO 12814)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator's license of Valerie S. Matsuda.

(4) MCGIVERN, Christopher L. (BEO 17872)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator's license of Christopher L. McGivern.

(5) ROCK, Eugene (BAR 1447)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the barber's license of Eugene Rock.

(6) STRAUSS, Peggy (BEO 15549)

After discussion, it was moved by Mr. Choi, seconded by Ms. Howard, and unanimously carried to approve the restoration of the beauty operator's license of Peggy Strauss.

Online Beauty
InstructorExecutive Officer Kai informed the Board that a request was
received from an applicant for Board approval of a proposed
internet-based course in beauty instructor training designed by an
instructor at Concentric Healing Institute in Colorado. The
proposed internet program is a combination of online lectures and
reading assignments from Milady's Standard Esthetics, Advanced.

Discussion ensued on the breakdown of the proposed curriculum, noting that it did not include any student/teacher interaction which, as Mr. Choi commented, is the most important part of the curriculum. After discussion, it was moved by Ms. McKay, seconded by Mr. Quintana, and unanimously carried to deny the approval of the proposed internet-based course in beauty instructor training because it does not meet the Board-approved instructor-trainee curriculum, as required in HAR chapter 16-78.

Executive
Officer's Report:A.Beauty Shop and Barber Shop License Requirement Relating to
Cessation of Sanitation Inspections by the Department of
Health

Executive Officer Kai reiterated that at the Board's last meeting, the Board approved new procedures relating to barber shop and beauty shop applications, due to the cessation of sanitation inspections by the Department of Health ("DOH"), and that the new procedures would become effective as soon as the applications are updated and available on-line. Ms. Kai stated that the updated forms and instructions were uploaded last week to the Board's website.

After discussion, it was moved by Ms. Howard, seconded by Mr. Choi, and unanimously carried to implement the new procedures, as outlined below, effective July 24, 2013:

- Application forms shall include a self-attestation that the applicant certifies that the applicant has read, understands, and agrees to comply with all laws and rules pertaining to the Board of Barbering and Cosmetology, including but not limited to HAR chapters 16-73, 16-78, and 11-11 (the DOH, sanitation rules), and HRS chapters 436B, 438, and 439. The Executive Officer informed the Board that such an attestation is already included in all applications for a barber shop, beauty shop, and beauty school license;
- Require a letter signed by the operator(s)-in-charge and owner(s), officer(s), director(s), partner(s), or member(s) of the entity, as applicable, that describes the beauty or barbering activity that will be performed;
- Require a copy of the written agreement with the owner(s), manager(s), or rental agent(s) of the venue citing to their knowledge and authorization for the activity, making certain that the name of the shop is cited in the agreement;
- Require a drawing or sketch of the venue showing the surrounding area and the stall(s)/booth(s) that the applicant will occupy, where the restroom(s) are located, and shall be on non-lined letter-sized paper;
- Require this of all types of premises not only "brick & mortar" type but also open-air markets, farmers' markets,

swap meetings, flea markets, shopping center kiosks or booths, tents, beach or pool cabanas, etc.; and

 Add a link to the DOH sanitation rules from the Board's website. The Executive Officer informed the Board that this link has already been added to the Board's website.

Ms. Kai further noted that all applicable license applications for barber shops, beauty shops, and beauty schools will be submitted to the Board for review and approval, and reiterated the Board's approval, at its prior meeting, of a Board member reviewing the applications prior to the Board meeting and providing recommendations to the Board at each meeting.

B. Upcoming Change in Licensee ID Cards

Executive Officer Kai reiterated that at the Board's last meeting, she had reported that the licensee's beauty operator category(ies) will be printed on the licensee's pocket ID card, effective April 23, 2013, whereby the category or categories that a licensee is licensed to practice (e.g., cosmetologist, hair dresser, esthetician, and nail technician) would be indicated on the pocket ID card, and that this change would assist the Regulated Industries Complaints Office and the public by providing an immediately visible and accessible way to determine whether a licensee is working within the licensee's category(ies) and scope(s) of practice.

Executive Officer Kai informed the Board that problems have been encountered with implementing this initiative, as outdated categories, such as manicurist and cosmetician, still exist within the licensee database. Ms. Kai stated that she is continuing to work with the Licensing Branch and the State Information and Communication Services Division, that maintains the database, to find a solution to the problem.

State Authorization Regulations Issued by the U.S. Department of Education: Executive Officer Kai reiterated the course of action that the Board would need to take relating to the state authorization issue that was presented at the March 20, 2013 Board meeting by Joannie Rossiter, State Liaison of the American Association of Cosmetic Schools Government Relations Committee. At that meeting, Ms. Rossiter had informed the Board that, as the legal authority authorized by the State of Hawaii to grant licensure to

> institutions offering postsecondary educational programs in cosmetology, it must provide information to the U.S. Department of Education ("US DOE") in accordance with the US DOE's State Authorization Regulations that concern state oversight and approvals for postsecondary institutions.

> Executive Officer Kai further reiterated that the US DOE granted states another one-year extension to the compliance date of July 1, 2013 (which had already been extended from July 1, 2012), after which postsecondary institutions in states that are not compliant may lose their eligibility to participate in Title IV Federal Student Aid programs.

As requested by the Board, DAG Tam reviewed the materials that had been provided to the Board by Ms. Rossiter, and presented his recommendation that the Board submit a letter to the US DOE, stating its belief that it is in compliance with the US DOE's requirements for the exclusion of beauty schools from its State Authorization Regulations, 34 CFR 600.9(a) and (b). After discussion, the Board's consensus was to accept DAG Tam's recommendation and approve the drafting and transmittal of such a letter to the US DOE.

DAG Tam left the meeting at 11:35 a.m.

Examinations: A. <u>Results of Cosmetology Examinations Administered on</u> <u>May 1-8, 2013</u>

Executive Officer Kai provided the following results of the cosmetology examinations administered on May 1-8, 2013:

Total Exams Scheduled	288
Total Exams Administered	270
Total Exams Passed	103
Total Exams Failed	167
Total Percentage Passed	38%
Total Percentage Failed	62%

B. <u>Results of Barber Examinations Administered on</u> June 3-7, 2013

Executive Officer Kai provided the following results of the barber examinations administered on June 3-7, 2013:

Total Exams Administered	40
Exams Passed 1 st Time	11
Exams Passed 1 st Time Percentage	28%
Total Exams Passed	16
Total Exams Failed	24
Total Percentage Passed	40%
Total Percentage Failed	60%

<u>Hawaii</u> <u>Administrative</u> <u>Rules ("HAR"):</u> A. <u>Report from the Investigative Committee on Amendments to</u> <u>HAR Chapter 16-73 (Barbering)</u>

The Investigative Committee reported that it is continuing its work on proposed amendments to HAR chapter 16-73, and will meet after the Board's September 18, 2013 meeting and report its findings to the Board at a future meeting.

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

The Investigative Committee reported that it is continuing its work on proposed amendments to HAR chapter 16-78, and will meet after the Board's September 18, 2013 meeting and report its findings to the Board at a future meeting.

<u>Open Forum</u>: Ms. McKay stated that several of her students, who completed their beauty training from the Honolulu Community College, had complained to her about the questions on the State cosmetology licensing exam. Discussion ensued on the testing administrator, Prometric, that utilizes subject matter experts to derive the questions from textbook(s) and the Board's applicable statute and rules. Ms. McKay questioned if the questions were "appropriate" even though they may have been derived from the respective textbook(s). Chairperson Marugame suggested for the Board to review the pool of questions that Prometric utilizes when creating the exams. The Executive Officer was instructed to contact the

local Prometric office to schedule this review at the November 20, 2013 Board meeting.

Next BoardWednesday, September 18, 2013Meeting:9:00 a.m.Queen Liliuokalani Conference RoomKing Kalakaua Building335 Merchant Street, 1st FloorHonolulu, Hawaii96813

Announcements: None.

<u>Adjournment</u>: There being no further business to discuss at this time, the meeting was adjourned at 11:45 a.m.

Taken and recorded by:

/s/ Lori Nishimura

Reviewed and approved by:

Lori Nishimura, Secretary

/s/ Laureen M. Kai

Laureen M. Kai, Executive Officer

LMK:In

08/22/13

[X] Minutes approved as is.

[] Minutes approved with changes. See Minutes of ______.

LTYPE LIC NUM BP NAME PART 1

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BSH	5029	CAROLE S Y <yee<< td=""></yee<<>
BSH	5030	GLITZ AND FEATHERS INCORPORATED
BSH	5031	BILLY V <nguyen<< td=""></nguyen<<>
BSH	5032	GAGA BEAUTY SALON LLC
BSH	5033	NHUNG T T <nguyen< llc<="" td=""></nguyen<>
BSH	5034	SOPHISTICUTS BY PHYLLIS LLC
BSH	5035	ARTISTIC EXPRESSIONS LLC
BSH	5036	LOVE MY DO BY MICHELLE LLC
BSH	5037	NAIL DESIGNS BY HANA INC
BSH	5038	SASSY NAIL ART LLC
BSH	5039	VISIONFORTH LLC
BSH	5040	LORIE R <soderholm<< td=""></soderholm<<>
BSH	5041	CASSIE R <lovell<< td=""></lovell<<>
BSH	5042	SHIRIN <fazeli<< td=""></fazeli<<>
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BSH	5046	GET FADED LLC
BSH	5047	PEARL ENTERPRISES LTD
BSH	5048	DR JANG ACUPUNCTURE CLINIC LLC
BSH	5049	HI LEVEL ASSOCIATES LLC
BSH	5050	AMY N <gallo<< td=""></gallo<<>
BSH	5051	SALON CITRUS LLC
BSH	5052	NIXIE INC
BSH	5053	JENNIFER K <kelley<< td=""></kelley<<>
BSH	5054	KAI KAUAI LLC
BSH	5055	HNLC INC
BSH	5056	ANGELA JINNY DANG SALON 808 LLC
BSH	5057	KM MASTER TRADING LLC
BSH	5058	SALON BELLINA LLC
BSH	5059	PANDORA NAILS & HAIR SALON LLC
BSH	5060	ARTISTIC NAILS & SPA LLC
BSH	5061	REFLE INTERNATIONAL INC
BSH	5062	LA BELLA NAILS BEAUTY SALON LLC
BSH	5063	CLOUD 9 SALON AND SPA LLC
BSH	5064	LOUISE T <taniguchi<< td=""></taniguchi<<>
BSH	5065	VU ENTERPRISES LLC
BSH	5066	VIVI SALON & SPA LLC
BSH	5067	CAM QUE <duong<< td=""></duong<<>

LTYPE LI	LC NUM	BP NAME PART 1
BAR	3438	LETICIA M <lucas<< td=""></lucas<<>
BAR	3439	DAO HONG <nguyen<< td=""></nguyen<<>
BAR	3440	SOLOSOLO J <kahili<< td=""></kahili<<>
BAR	3441	BLESSING P <elam<< td=""></elam<<>
BAR	3442	MARISSA J <terry<< td=""></terry<<>
BAR	3443	UYEN NGO <pham<< td=""></pham<<>
BAR	3444	ERIC <tang<< td=""></tang<<>
BAR	3445	TINA LE <dang<< td=""></dang<<>
BAR	3446	GINALYN S <parnapy<< td=""></parnapy<<>
BAR	3447	RYAN J <carney<< td=""></carney<<>
BAR	3448	THU ANH <nguyen<< td=""></nguyen<<>
BAR	3449	SHANICE K <cockett<< td=""></cockett<<>
BAR	3450	JUDY L M <mooney<< td=""></mooney<<>
BAR	3451	HIEU VAN <nguyen<< td=""></nguyen<<>
BAR	3452	LEOLANI S <mathewson<< td=""></mathewson<<>
BAR	3453	THU T <vo<< td=""></vo<<>
BAR	3454	ROSALIE O <acker<< td=""></acker<<>
BAR	3455	EMERALD <kha<< td=""></kha<<>
BAR	3456	ALEXIS Y <morales<< td=""></morales<<>
BAR	3457	KIMBERLY A <sibley<< td=""></sibley<<>

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LTYPE LIC NUM BP NAME PART 1

- I 12395 KRISTIN C A <RUPERT< I 12396 COLLEEN M <IKARI<

LTYPE LIC	NUM	BP NAME PART 1
BAS	1541	SIRENA A K <sylva<< th=""></sylva<<>
BAS	1542	MYRA Y <fujii<< th=""></fujii<<>
BAS	1543	MARODE M <huynh<< th=""></huynh<<>
BAS	1544	SELTEC HAWAII LLC
BAS	1545	NENITA B <ballesteros<< th=""></ballesteros<<>