

**BOARD OF BARBERING AND COSMETOLOGY**

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

MINUTES OF MEETING

- Date: Monday, December 12, 2016
- Time: 1:20 p.m.
- Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813
- Present: Lynnette F. McKay, Cosmetology Member, Chairperson  
Alexander Choi, Public Member  
Anne Tokunaga, Cosmetology Member  
Margaret Williams, Barber Member  
Rodney J. Tam, Deputy Attorney General ("DAG")  
Laureen M. Kai, Executive Officer  
Lori Nishimura, Secretary
- Excused: Chad Nelson, Public Member
- 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 1:20 p.m. by Chairperson McKay.
- Minutes of the November 14, 2016 Board Meeting: After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the minutes of the November 14, 2016 Board meeting, as circulated.
- At 1:21 p.m., the Board recessed the meeting to discuss and deliberate on the following adjudicatory matter pursuant to HRS chapter 91.
- Chapter 91, HRS, Adjudicatory Matters: A. In the Matter of the Beauty Shop License of Soho NewYork LLC dba Soho NewYork Salon; BAR 2016-124-L
- DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's

Final Order regarding Soho NewYork LLC dba Soho NewYork Salon, Respondent. He stated that RICO alleges that the Respondent, who holds a beauty shop license:

- On or about August 2016, permitted unlicensed persons (Toshihiro Minami and Junya T. Sakurai) perform activities in Soho NewYork LLC dba Soho NewYork Salon which require a license.

To settle this matter, the Respondent agrees to the following terms of the Settlement Agreement:

- Administrative fine in the amount of one thousand (\$1,000.00) dollars; and
- Failure to fully and timely comply with terms of the Settlement Agreement shall result in the automatic revocation of Respondent's license.

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Soho NewYork LLC dba Soho NewYork Salon; BAR 2016-124-L.

B. In the Matter of the Beauty Shop License of Dung T. Tran dba Aloha Nail Studio; BAR 2016-116-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding Dung T. Tran dba Aloha Nail Studio, Respondent. He stated that RICO alleges that:

- Respondent's beauty shop license had expired on December 31, 2015, in July 2016; however, Respondent continued to operate as a beauty shop.

To settle this matter, the Respondent agrees to the following terms of the Settlement Agreement:

- Administrative fine in the amount of two hundred fifty (\$250.00) dollars; and
- Failure to fully and timely comply with terms of the Settlement Agreement shall result in the automatic revocation of Respondent's license.

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Dung T. Tran dba Aloha Nail Studio; BAR 2016-116-L.

C. In the Matter of the Beauty Shop License of The Fix LLC; BAR 2016-123-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding The Fix LLC, Respondent. He stated that RICO alleges that:

- Respondent's beauty shop license had expired on December 31, 2015; however, in August 2016, Respondent continued to operate as a beauty shop and failed to display its license in a conspicuous place.

To settle this matter, the Respondent agrees to the following terms of the Settlement Agreement:

- Administrative fine in the amount of five hundred (\$500.00) dollars; and
- Failure to fully and timely comply with terms of the Settlement Agreement shall result in the automatic revocation of Respondent's license.

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of The Fix LLC; BAR 2016-123-L.

D. In the Matter of the Beauty Shop License of Sylvester P. Nghiem, aka Sy P. Nghiem, dba Elegant Nails, And the Beauty Operator's License of Sylvester P. Nghiem, aka Sy P. Nghiem; BAR 2016-122-L

DAG Tam provided a summary of the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order regarding the beauty shop license of Sylvester P. Nghiem, aka Sy P. Nghiem, dba Elegant Nails, and the beauty operator's license of Sylvester P. Nghiem, aka Sy P. Nghiem, Respondent. He stated that RICO alleges that the Respondent:

- On or about August 17, 2016, a RICO investigator issued an administrative citation to an unlicensed individual who was engaged in providing nail services for compensation at Elegant Nails; and
- At the time the unlicensed person was engaged in such conduct, Respondent was not on the premises.

To settle this matter, the Respondent agrees to the following terms of the Settlement Agreement:

- Administrative fine in the amount of five hundred (\$500.00) dollars; and
- Failure to fully and timely comply with terms of the Settlement Agreement shall result in the automatic revocation of Respondent's license.

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of Sylvester P. Nghiem, aka Sy P. Nghiem, dba Elegant Nails, And the Beauty Operator's License of Sylvester P. Nghiem, aka Sy P. Nghiem; BAR 2016-122-L.

At 1:29 p.m., the Board reconvened its scheduled meeting. Immediately thereafter, it was moved by Ms. Tokunaga, 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 1:42 p.m., it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried for the Board to move out of Executive Session and to reconvene its scheduled meeting.

#### Applications:

##### A. Ratification of Issued Licenses

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

B. Examination and License

- (1) ABBOTT, Julianne  
( Beauty Operator – Hairdresser/Esthetician )

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Julianne Abbott.

- (2) EDGECOMB, Srita K. dba THE HONEY POT  
( New Beauty Shop )

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the beauty shop application of Srita K. Edgecomb dba THE HONEY POT.

- (3) QUIST, Courtney D.  
( Beauty Operator – Esthetician )

After discussion, it was moved by Ms. Williams, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Courtney D. Quist.

C. Beauty Shop/Barber Shop License

- (1) ADONAI SALON LLC ( New Beauty Shop )  
(2) AMPER, Karen M. dba KAREN-MARIE  
( Relocation of Beauty Shop: BSH 4822 )  
(3) AQUA HAWAII, INC dba MAULOA ( New Beauty Shop )  
(4) BEAUTY BY TRISHA LLC ( New Beauty Shop )  
(5) G BARBER INC dba G BARBER SHOP ( New Barber Shop )  
(6) INFUSE BEAUTY LLC dba INFUSE HAIR SALON  
( New Beauty Shop )  
(7) JULIE BARBER & HAIR STYLE LLC ( New Barber Shop )  
(8) N&J NAILS LLC ( New Beauty Shop )  
(9) NGUYEN, Lena H. dba LENA'S SALON AND SPA  
( New Beauty Shop )

- (10) OHANA CLIPS LLC dba GREAT CLIPS  
( New Beauty Shop )
- (11) PA'U LLC dba PA'U BARBERSHOP ( New Barber Shop )
- (12) PLUSH BEAUTY LOUNGE LLC ( New Beauty Shop )
- (13) SHARPE CUTZ LIMITED LIABILITY COMPANY  
( New Barber Shop )
- (14) SIACUNCO, Jennifer A. dba S AND J CUTTING EDGE  
( New Barber Shop )
- (15) SPARKLE NAILS CORP ( New Beauty Shop )
- (16) THE NEW EDGE BARBERSHOP LLC ( New Barber Shop )
- (17) THE OLIVE SALON AND SPA LLC ( New Beauty Shop )
- (18) VENERE CORPORATION dba ABHASA  
( Relocation of Beauty Shop: BSH 3516 )

The barber shop and beauty shop applications above were preliminarily reviewed by licensing branch staff, the Executive Officer, Chairperson McKay, and Ms. Williams (the designated Board members to review the barber shop and beauty shop applications for consideration for this Board meeting).

Chairperson McKay stated that she and Ms. Williams reviewed the eighteen (18) applications, and concluded that they met all requirements for barber shop and beauty shop licenses, and recommends approval.

After discussion, it was moved by Ms. Tokunaga, seconded by Mr. Choi, and unanimously carried to approve the eighteen (18) barber shop and beauty shop applications listed above.

D. Restoration of License

- (1) FAJARDO, Jennifer F. ( BEO 8670 )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Jennifer F. Fajardo.

(2) NGUYEN, Jordan ( BEO 16805 )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Jordan Nguyen.

(3) ROGSTAD, William D. ( BEO 11316 )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of William D. Rogstad.

(4) STEWART, Rachel N. ( BEO 12241 )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Rachel N. Stewart.

(5) THOMPSON, Helen L. ( BEO 3242 )

After discussion, it was moved by Ms. Williams, seconded by Ms. Tokunaga, and unanimously carried to approve the restoration of the beauty operator's license of Helen L. Thompson.

Executive  
Officer's Report:

A. Proposed Notice from the Department of Labor and Industrial Relations to Hawaii Barber Shops and Beauty Shops Regarding the Use of Unpaid Interns and/or Apprentices – Update

Executive Officer Kai inquired with DAG Tam if he had any updates on the proposed notice, from the Department of Labor and Industrial Relations ("DLIR") to Hawaii barber shops, beauty shops, and beauty schools, regarding the use of unpaid interns and/or apprentices, and to notify them that apprentices working in their establishments must be paid at least minimum wage. She also reiterated that the proposed notice would also recommend that barber shops, beauty shops, and beauty schools that have utilized unpaid interns and/or apprentices in the past conduct a self-audit, going back the last six years to calculate any unpaid wages due to former or current interns and/or apprentices, in order to

avoid the imposition of any interest charges and/or penalties. The proposed notice would also include the DLIR website address and telephone numbers to seek additional information on past applicable minimum wages. DAG Tam stated that he has been working together with DLIR's DAG and the proposed notice has been submitted to the DLIR for approval. And as previously mentioned, upon DLIR approval for dissemination, the Director of DLIR has decided to publicize the event to the media.

B. November 20, 2016 Email Inquiry from Jeff Mahon, Regarding Apprentice Programs; Paying Apprentices Minimum Wage.

Discussion ensued on the email the Board received from Jeff Mahon regarding apprentice programs; paying apprentices minimum wage. Mr. Mahon expressed concerns about the requirement that apprentices in barber shops and beauty shops be paid at least minimum wage.

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to refer Mr. Mahon to the DLIR as it is the laws and rules of the DLIR (not the Board's laws and rules) that mandate the compensation of apprentices by their employers – the beauty shop or barber shop.

C. November 18, 2016 Email Inquiry from Soshu Yokoi, Regarding Acceptability of Portable Sinks in a Beauty Shop.

Discussion ensued on the email inquiry the Board received from Soshu Yokoi regarding acceptability of portable sinks in meeting the sanitation requirements for a beauty shop. Mr. Yokoi stated that he plans to open a salon on Oahu that provides eyelash extension services; however, the location of the salon in a condominium has made it difficult to install a plumbing system in order to have hot and cold running water in providing the beauty services.

After discussion, it was moved by Mr. Choi, seconded by Ms. Tokunaga, and unanimously carried to make the following determination: based solely on the information that Mr. Yokoi provided in his email and Mr. Yokoi's representation that he would only be providing eyelash extensions, Mr. Yokoi would be allowed the use of portable

sinks in his proposed salon; provided that this determination is limited to the provision of eyelash extension services only, and Mr. Yokoi must strictly comply with all laws, rules, policies, and standards of the Department of Health.

Open Forum: None.

Next Board Meeting: Monday, February 13, 2017  
1:00 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Announcements: Mr. Choi stated that he will not be able to attend the next scheduled meeting due to a conflict in schedule.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 1:57 p.m.

Taken and recorded by:

/s/ Lori Nishimura

\_\_\_\_\_  
Lori Nishimura, Secretary

Reviewed and accepted by:

/s/ Laureen M. Kai

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Laureen M. Kai, Executive Officer

LMK:ln

01/10/17

[ X] Minutes approved as is.

[ ] Minutes approved with changes. See Minutes of \_\_\_\_\_.

.TYPE	LIC NUM	BP NAME PART 1
3EO	21015	SACHI <MUSASHI<
3EO	21016	OANH THI <HUYNH<
3EO	21017	KAWEHI B <PEDRINA<
3EO	21018	THUY H <LE<
3EO	21019	HEATHER K <HAKIKAWA<
3EO	21020	ANGELA C <DUNCAN<
3EO	21021	HIROKO <OYAKAWA<
3EO	21022	MIKA <MAGAURAN<
3EO	21023	NICOLE A <NICHOLSON<
3EO	21024	LEAH M M <SCHNABEL<
3EO	21025	NORIKO F <WHITE<
3EO	21026	RAQUEL I <GOOD<
3EO	21027	SANG K <CHAU<
3EO	21028	MAI N <WILKES<
3EO	21029	KAORI <YOSHIDA<
3EO	21030	NGOC KIM <LE<
3EO	21031	FEIFEI <GUO<
3EO	21032	DAKOTA R <TATOM<
3EO	21033	TAM LUC <TRINH<
3EO	21034	YEN PHAM <TRINH<
3EO	21035	AMANDA L C <KIMBRELL<
3EO	21036	SHEKAIBA <SAIDY<
3EO	21037	YUKIE <ITO<
3EO	21038	GLENDA A <CARBONERO<
3EO	21039	VICENTE V <FLORES<
3EO	21040	GLEN-MICHAEL A <CALAMAYAN<
3EO	21041	THANH <NGUYEN<
3EO	21042	THU LAN THIEU <SANCHEZ<
3EO	21043	LOREE L <MARTINELLI<
3EO	21044	RAQUEL N <TOSAYA<
3EO	21045	TIFFANY <GARCIA<
3EO	21046	RISA T <HONDA<
3EO	21047	SUNGHAE L <ESPIRITU<
3EO	21048	DEIDRE S <GARLAND<
3EO	21049	KOICHI <FUJINO<
3EO	21050	WEI <JACOBSMEIER<
3EO	21051	SARAH D <HERNANDEZ<
3EO	21052	TRUC HOANG <LE<
3EO	21053	THAO <TRINH<
3EO	21054	AZUMA <OGAWA<

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LTYPE	LIC NUM	BP NAME PART 1
3EO	21055	HONG NGA T <LE<
3EO	21056	KHANG N <SON<
3EO	21057	HIDEMI <YAMAGUCHI<
3EO	21058	AMY W <YEH<
3EO	21059	BELEN S <RAMIREZ<
3EO	21060	MICHAELA W <POOMAIHEALANI<
3EO	21061	ANDY <NGUYEN<
3EO	21062	MIKI <HENDRIX<
3EO	21063	ASHLEY M <JOHNSON<
3EO	21064	ASUKA <TAKAHASHI<
3EO	21065	LISA F <MCLAREN<
3EO	21066	SHERRY A <BOWERS<
3EO	21067	SHANNALE M <KAYA-BUENO<
3EO	21068	TOSHIHIRO <MINAMI<
3EO	21069	JADA D <MOUTON<
3EO	21070	MAI HUYEN <NGUYEN<
3EO	21071	LOUISE <SANTOS<
3EO	21072	AVIELLA K <MOORE<
3EO	21073	SHARNAY L <WONG<

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BAR	3658	DUYEN THI MY <PHAN<
BAR	3659	ANH TRAM <HUA VO<
BAR	3660	LIEN THI BICH <NGUYEN<
BAR	3661	ZHAN YING <LEI<
BAR	3662	VY THANH <DOAN<
BAR	3663	JOSEPH C <RANDAZZO<
BAR	3664	GABRIEL J <PAUU<
BAR	3665	SHARON T <HOLLISTER<
BAR	3666	RODNEY D <BALLESTEROS<
BAR	3667	STEVEN-PAUL V <SHIBATA<
BAR	3668	VINSON <TA<

I	12426	MARK I <MATSUKAWA<
I	12427	TIANALEE M <OKUMA<