

## Small Business Regulatory Review Board

### MEETING MINUTES

March 10, 2022

- I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:03 a.m., with a quorum present, which was open to the public.

**MEMBERS PRESENT:**

- Robert Cundiff, Chair
- Mary Albitz, Vice Chair
- Jonathan Shick, 2<sup>nd</sup> Vice Chair
- Garth Yamanaka
- William Lydgate
- James (Kimo) Lee
- Mark Ritchie

**ABSENT MEMBERS:**

- Dr. Nancy Atmospera-Walch
- Taryn Rodighiero

**STAFF:** DBEDT

Dori Palcovich  
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF February 17, 2022 MINUTES**

Vice Chair Albitz motioned to accept the February 17, 2022 meeting minutes as amended. Mr. Yamanaka seconded the motion, and the Board members unanimously agreed.

III. **OLD BUSINESS** – After Public Hearing

- A. Discussion and Action on Proposed Amendments and the Small Business Statement After Public Hearing for HAR Title 16 Chapter 73, Barbers, promulgated by Department of Commerce and Consumer Affairs (DCCA)

Discussion leader and Second Vice Chair Shick explained that these after public hearing rule amendments are intended to clean-up procedures for emergency proclamations regarding health clearance for professionals working in medical fields; these changes should be helpful and beneficial to the industry.

Ms. Jenny Yam, Executive Officer at DCCA's Professional and Vocational Licensing Division, added that this proposal repeals the medical clearance rules which will eliminate the mandatory requirement for all instructor-trainees, students, etc., to obtain and provide medical clearance certified by a physician.

During the public hearing of both the Barbers and Cosmetology rules, five people attended with one providing testimony in support.

Second Vice Chair Shick motioned to recommend that the proposed amendments move forward to the Governor for adoption. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

B. Discussion and Action on Proposed Amendments and the Small Business Statement After Public Hearing for HAR Title 16 Chapter 78, Cosmetology, promulgated by DCCA

See discussion in Section III. A.

Second Vice Chair Shick motioned to recommend that the proposed amendments move forward to the Governor for adoption. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

#### **IV. ADMINISTRATIVE MATTERS**

A. Update on the Board's Proposed Phase II Website Project

Chair Cundiff stated that the last scheduled meeting with ETS was, again, postponed and a new meeting is now scheduled for April 7<sup>th</sup> with an expectation that the website project will move forward.

Vice Chair Albitz asked that the Board's website page, where meeting agendas, minutes and agenda packets are located, be defaulted to the year 2022; DBEDT staff will make this change.

B. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, HRS

Chair Cundiff stated that with the forthcoming post-pandemic new changes, this Board will likely perform more outreach and scheduling of meetings with agency directors. Due to the change in the Governor's proclamation and the revised Sunshine Law which becomes effective the end of March, we will be required to provide a public location along with live access to the Board meetings.

Deputy Attorney General Kato confirmed that next month this Board will be required to begin in-person meetings. Although there are no restrictions regarding member attendance at the meeting, it may be prudent to have hybrid meetings with some members live and some remote.

Conference room 436 at No.1 Capitol Building, 250 S. Hotel Street has been reserved for the board meeting in April; DBEDT staff and Chair Cundiff are expected to be in attendance. A trial run prior to the meeting will take place to make sure the equipment runs smoothly without any technical glitches.

In response to Mr. Lydgate's inquiry as to when neighbor island members may be able to attend live board meetings again, Chair Cundiff explained that because the state's budget request is currently being discussed in the legislative session, we are not yet aware of the

specific funds to be allocated to this Board. However, the budget process will be monitored with the hopes of receiving at least the amount of funds that had been allocated in the past so that at least neighbor island travel will be covered.

## **V. LEGISLATIVE MATTERS**

### **A. Discussion and Action on Governor's Message 726, Submitting for Consideration and Confirmation for the Gubernatorial Nomination of Mr. Sanford Morioka to the Small Business Regulatory Review Board to expire June 30, 2023**

Chair Cundiff stated that Mr. Sanford Morioka has been nominated to be a member of this Board, and thanked him for attending today's meeting; his resume is in the agenda packet for review. He is the current president of Edward Enterprises and a member of several organizations and boards.

Mr. Morioka expressed an honor to be asked to be a member of this Board. Prior to 20 years ago, he lived in Oregon and Washington working in the printing industry for several years; he hopes to add value to this Board based upon his extensive business background and experience.

Mr. Lydgate motioned that this Board provide testimony in support of Mr. Sanford Morioka's nomination to the Small Business Regulatory Review Board for a term to expire June 30, 2023. Second Vice Chair Shick seconded the motion, and the Board members unanimously agreed.

**VI. NEXT MEETING** - Thursday, April 21, 2022 at 10:00 a.m., held remotely and in conference room 436, 250 S. Hotel Street, Honolulu, HI 96813.

**VII. ADJOURNMENT** – Vice Chair Albitz motioned to adjourn the meeting and Mr. Ritchie seconded the motion; the meeting adjourned at 10:39 a.m.