

EXECUTIVE SUMMARY **Florida Barbers' Board**

I. General Information

Meeting Type: General Business
Meeting Date: Sunday, February 22, 2004
Meeting Location: Radisson Hotel Miami
1601 Biscayne Boulevard
Miami, Florida 33132

Attendees:

Peter "Dave" Magda, Chair
Herman White, Vice Chair
Robert Collins
Char Feliciano
Jeri Scott
Julie Malone, Executive Director, DBPR
Diane Guillemette, Assistant Attorney General, Department of Legal Affairs
Drew Winters, Assistant General Counsel, Office of the General Counsel, DBPR
Robyn Barineau, Government Analyst, DBPR
Joe Vargas, Court Reporter
Sam Humphries, Commission for Independent Education
Jackie Lombardi, Florida Barber Academy
Ryan Lombardi, Florida Barber Academy
Ruth Mandell, Florida Barber Academy
Abigaly Alvarenga, Florida Barber Academy
Jack Bragin, Boca Beauty Academy
Linda Schierbaum, Margate School of Beauty
Karen Silvia, Margate School of Beauty
Bobby Coffiero, Deerfield Buzz
Leona Coffiero, Deerfield Buzz
Ruby Edwards
Sarah Floyd, West 13th Street Barbershop, Respondent
Johnny Cassidy, Respondent
Salvatore Agapito, Respondent

II. Major Issues/Actions

- Chair Dave Magda mentioned the resignation of Mr. Darrell Wilson
- Chair Magda welcomed a new board member, Ms. Char Feliciano, and a new board counsel, Ms. Diane Guillemette
- Ms. Julie Malone, Executive Director, reported that the board was not assessed for costs for department personnel to attend the August 2003 board meeting in Tallahassee

- Ms. Diane Guillemette gave a brief overview of the Sunshine Law and reminded all board members that there should be no conversations between them regarding current or future board business; she asked board members to contact her, Ms. Malone or Ms. Robyn Barineau, Government Analyst, with any questions or concerns relating to board business
- The board considered 11 disciplinary cases
- The board considered one course renewal application, one providership application, and one course application
- Mr. Drew Winters, Assistant General Counsel, reported that there are 66 barber cases in the legal section
- Mr. Winters informed the board that Mr. Charles Tunnicliff has recently been appointed Chief Attorney over professions
- Mr. Winters informed the board that Ms. Susan Wilkinson, Staff Attorney, would be assisting him with future barber cases
- Chair Magda appointed Ms. Jeri Scott as the new temporary Legislative Committee Chair
- Chair Magda appointed Ms. Feliciano as the new temporary Examination Committee Chair
- Ms. Scott mentioned the high failure rate on the barber written examination
- Chair Magda indicated that textbooks used for development of written examination questions were approved by the former board and the approved textbooks may not have been reported to the schools
- Vice Chair Herman White indicated that a portion of the high failure rate could possibly be attributed to applicants who may not be able to read or comprehend the test questions
- Chair Madga informed Mr. Sam Humphries, Commission for Independent Education, of the lack of communication between the board and the schools and that the board has been asking for assistance for many years
- Ms. Ruth Mandell, Florida Barber Academy, stated that the board has no idea what textbooks are being used by the schools as the books and other documentation is never reviewed by the board and is submitted directly to the Commission for Independent Education
- Ms. Mandell suggested the board consider requiring all licensees to attend at least one board meeting per renewal cycle as a continuing education requirement
- Ms. Malone reported that she has suspended preparation of the board newsletter until the most recent rule changes are adopted so that these changes can be incorporated into the newsletter
- Ms. Malone reported that as of September 30, 2003, the board's cash balance was \$951,514
- Ms. Malone hopes to have the financial statements for the periods ending December 31, 2003, compared to December 31, 2002, within the next couple of weeks
- Ms. Malone provided the board with a copy of the cost allocation methodology distributed by the Bureau of Finance and Accounting at the August 2003 board meeting
- Ms. Malone mentioned the letter from Carmen Triggiano regarding a barber postal stamp
- Ms. Malone mentioned the minutes from the 77th Annual Conference of the National Barber Boards of America (NABBA) held in September 2003; Vice Chair White indicated that there should be a correction to these minutes as he never reported that the barber and cosmetology boards have merged

- Ms. Malone provided the board with a copy of a legislative proposal drafted by Representative Harper of West Palm Beach regarding apprenticeship programs for barbers and cosmetologists and asked the board members for their opinions on the proposal; overall, the board disapproved of the proposed legislative draft
- Ms. Guillemette mentioned a letter received from the Joint Administrative Procedures Committee (JAPC) relating to the following rules: 61G3-16.001 – Examination for Barber Licensure; and 61G3-16.006 – Examination for Restricted Licensure; Ms. Guillemette added that prior to her departure from the Department of Legal Affairs, Ms. Erica Glover contacted JAPC and prepared alternative language with no substantive changes that JAPC has approved; the board voted to approve the amendments to rules 61G3-16.001, 61G3-16.010, 61G3-16.006, and 61G3-16.007, Florida Administrative Code
- Ms. Guillemette advised the board that JAPC rejected their proposed suspension authority language contained in 61G3-21.014, Florida Administrative Code; after discussion, the board approved the following language:
 1. The Board shall suspend any license issued pursuant to Chapter 476, Florida Statutes, in a case where the licensee has engaged in:
 - a. Gross malpractice or gross incompetency in the practice of barbering;
 - b. Practice by a person knowingly having an infectious or contagious disease; or
 - c. Commission of any of the offenses described in section 476.194.
 2. The Board shall consider the aggravating and mitigating circumstances listed in 61G3-21.002, Florida Administrative Code, in applying this rule.
- Ms. Malone mentioned the complaints and investigations report included in the agenda
- Ms. Malone mentioned the report included in the supplemental information from the Bureau of Education and Testing regarding statistics for the written examinations, practical examinations and the practical reexaminations
- Per Ms. Malone's research, Ms. Scott reported that for the period July 1, 2002, through July 1, 2003, the department received 205 barber examination applications and 57 restricted barber applications; for the period July 1, 2003, to present, the department has received 141 barber examination applications and 42 restricted barber examination applications
- Mr. Jackie Lombardi, Florida Barber Academy, inquired about the monitoring of signatures on applications as he knows of individuals who are downloading applications from the Internet and signing as instructors on their own applications; Ms. Malone will research the possibility of changing the barber application forms require as attachments information such as transcripts or certified diplomas for validation purposes
- The board approved the barber examiner/trainee application of Mr. Robert Venci
- Chair Magda asked Ms. Feliciano to determine if there are any south Florida schools willing to offer the practical examination at their locations once the new examination rules are effective
- The board agreed to forego discussion on barbershop inspections being conducted by county health departments as Ms. Guillemette indicated the county health departments would possibly keep fines collected for violations

- Chair Magda asked that the following items be placed on the next board meeting for discussion: barbering schools, apprenticeship, barbering definitions, reciprocity, and standardization
- The board agreed to conduct its next board meeting in Orlando, Florida, on Monday, May 3, 2004, at 9 a.m.

III. Legislation/Rule Promulgation

- Ms. Malone will relay to the department the following concerns with the proposed legislation drafted by Rep. Harper regarding apprenticeship:
 - The proposal does not reach the goal of licensure;
 - The proposal allows for unlicensed activity with little or no training or testing;
 - The expense to monitor apprentices and sponsors exceeds the proposed fee and benefit to the barbering industry and the public;
 - The proposal does not allow the board to consider the competency of a sponsor;
 - The proposal allows a sponsor to circumvent board approval when a sponsor appoints a temporary sponsor in their absence;
 - The proposal lowers barbering standards in Florida; and
 - The proposal allows for cheap, substandard alternatives in the marketplace which will create an unnecessary salary cap
- Ms. Guillemette will file rules 61G3-16.001, 61G3-16.010, 61G3-16.006, and 61G3-16.007, Florida Administrative Code, as amended and approved by the board
- Ms. Guillemette will file the amendment to rule 61G3-21.014, Florida Administrative Code, regarding suspension authority and as voted on by the board

IV. Action Required

- Board staff will send Mr. Wilson a letter and plaque thanking him for his years of service on the board
- Mr. Winters will check on prior unlicensed activity against Mr. Johnny Cassidy and report his findings to the board at the next board meeting
- Mr. Winters will include on each future board meeting memo whether or not licenses are current when a delinquent license violation is alleged
- Ms. Malone will inform the board of 2005 legislative proposal deadlines whenever she is made aware of these dates
- Mr. Humphries will meet with staff at the Commission for Independent Education regarding the lack of communication between the board and the schools
- Ms. Malone will send a letter to NABBA correcting the information contained in their conference minutes regarding the merger of the barbers and cosmetology boards in Florida
- Ms. Malone will relay to the department the board's concerns with the legislative language drafted by Rep. Harper regarding apprenticeship
- Board members will thoroughly review Rep. Harper's proposal and contact Ms. Guillemette, Ms. Malone or Ms. Barineau with concerns or questions
- Ms. Malone will contact all board members with a status of his legislative proposal as she is made aware of any progress

- Ms. Guillemette will file all approved rule amendments
- Ms. Malone will research the possibility of changing the barber application forms to require information such as transcripts or certified diplomas for validation purposes
- Mr. Lombardi will prepare a letter to the department regarding his concerns relating to fraudulent barber applications
- Ms. Guillemette will research to determine whether or not other documentation can be accepted when countries do not offer licenses
- Ms. Guillemette and Mr. Winters will prepare and provide final orders to the board office for filing with the Agency Clerk
- The following items be placed on the next board meeting agenda for discussion: barbering schools, apprenticeship, barbering definitions, reciprocity, and standardization

Julie Malone
Executive Director
February 25, 2004