

MINUTES

**FLORIDA BARBERS' BOARD
Department of Business and Professional Regulation
Hilton Fort Lauderdale Beach Resort
505 North Fort Lauderdale Beach Boulevard
Fort Lauderdale, Florida 33304**

Monday, August 3, 2009 – 9 a.m.

GENERAL BUSINESS MEETING

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 9 a.m. by Vice Chair Carl Troup.

Board Members Present

Carl Troup, Vice Chair
Robert Collins
Julie Rivera
Edwin Stewart
Thomas Vaughn

Board Members Absent

Herman White, Chair

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Carrol Cherry, Assistant Attorney General, Attorney General's Office
LeChea Parson, Assistant General Counsel, DBPR
Elise Rice, Government Analyst, DBPR
Alex Bosque, Bureau of Education and Testing, DBPR
Kelly Torres, Bureau of Education and Testing, DBPR
Jerry Wilson, Interim Director, Division of Regulation, DBPR
Cheryl Biesky, Regional Program Administrator, Margate Field Office, Division of Regulation, DBPR
Eddie Garcia, Regional Program Administrator, West Palm Beach Field Office, Division of Regulation, DBPR
Bill Tejada, Regional Program Administrator, Miami Field Office, Division of Regulation, DBPR
Chris Lee, Investigation Supervisor, Margate Field Office, Division of Regulation, DBPR
Sonnya Roa-Zaiter, Investigator, Margate Field Office, Division of Regulation, DBPR
Norma Fishner, Investigator, Margate Field Office, Division of Regulation, DBPR
Roderick Payne, Investigator, Margate Field Office, Division of Regulation, DBPR
Andre Smith, Investigator, Margate Field Office, Division of Regulation, DBPR
Jeffrey Kaplan, Inspector, Margate Field Office, Division of Regulation, DBPR
Yadira Garcia, Inspector, Miami Field Office, Division of Regulation, DBPR
Jose Remon, Inspector, Miami Field Office, Division of Regulation, DBPR
Ella Francis, Investigator, Miami Field Office, Division of Regulation, DBPR

Garry Joinville, Investigator, Miami Field Office, Division of Regulation, DBPR
Cheryl Tabb, Investigator, Miami Field Office, Division of Regulation, DBPR

Interested Parties Present

Letty Milazzo, ASM Beauty World Academy
Sal Milazzo, ASM Beauty World Academy
Paul Whitfield, Pensacola Junior College
Edward Jackson, Beauty Schools of America
Lynda Calcano, International Services
Elvis Crooks, Respondent
Leroy Woodard, Sr., Quality Barbershop, Respondent
Johanna P. Maldonado, HSB Barber Shop, Inc., Respondent
Haker Apolinar, HSB Barber Shop, Inc., Respondent
Jose O. Torres-Figueroa, J. C. Barber Shop, Respondent
Jesse Barral, Manager of Just Blaze Barbershop, Respondent
Auburn Taylor, Taylor's Barbershop, Respondent
Alberto Pereda, Master Barbershop, Respondent
Mariela Heredia, Fade Master of Miami Corp., Respondent
Uvonka Scott, translator for Mr. Torres-Figueroa
Huazkar Lopez, translator for Mr. Pereda
Jorge Miranda, translator for Ms. Heredia
Quatayba Sabir, Applicant
Davit Baghramyan, Applicant
Marina Baghramyan, translator for Mr. Baghramyan
Leroy Woodard, Jr.
Derrick Woodard, Sr.
Frederick Britt
Maritza Monroe, Court Reporter

The meeting was opened with a roll call and a quorum was established. Vice Chair Troup excused Chair Herman White's absence from the meeting.

Approval of Minutes: Meeting of May 18, 2009

Mr. Edwin Stewart moved to accept the minutes from the meeting of May 18, 2009. Mr. Thomas Vaughn seconded the motion, and it passed unanimously.

Disciplinary Matters

Ms. Carrol Cherry, Assistant Attorney General, inquired if all the board members had received their board meeting materials and had reviewed the materials. All members responded in the affirmative to these questions.

Ms. LeChea Parson, Assistant General Counsel, introduced herself and indicated that she would be handling the barbering cases at this time.

Proposed Recommended Order

- Elvis O'Neil Crooks; Tampa
Case No. 2008-035275

Ms. Parson informed the board that a formal hearing in this matter was conducted on May 11, 2009, and the Administrative Law Judge issued a Proposed Recommended Order dismissing the Amended Administrative Complaint filed against Mr. Crooks. Ms. Parson indicated that the department filed eight exceptions to the Proposed Recommended Order and asked that the board consider each of the exceptions. The board moved to accept exceptions one, three, four and seven as they agreed that citations are issued by the Florida Barbers' Board and not the Department of Business and Professional Regulation. The board moved to reject exceptions two, five, six and eight since the department failed to meet the burden of proof of payment by Mr. Crooks. The board moved to adopt the Proposed Recommended Order as a Final Order as modified by the exceptions.

Informal Hearings

- Just Blaze Barber Shop; Apopka
Case Nos. 2008-008037 and 2008-034776

Mr. Jesse Barral was present on behalf of Just Blaze Barber Shop. Mr. Barral was sworn in by the court reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$2,000 and costs of \$164.31 in case no. 2008-008037 and a fine of \$1,500 and costs of \$169.85 in case no. 2008-034776. After discussion, Mr. Stewart moved to impose the fines and costs as suggested by the department and revocation of the barbershop license. Mr. Vaughn seconded the motion, and it passed unanimously.

- Leroy Woodard; Winter Haven
Case No. 2008-049587

Mr. Woodard was present and was sworn in by the court reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$1,500 and costs of \$130.45. After discussion, Mr. Stewart moved to impose costs of \$130.45 only. Mr. Vaughn seconded the motion, and it passed unanimously.

Motions for Waiver of Rights and Final Order

- Jose Omar Torres-Figueroa; Auburndale
Case No. 2008-047177

Mr. Torres-Figueroa was present along with Ms. Uvonka Scott, his translator. Both Mr. Torres-Figueroa and Ms. Scott were sworn in by the court reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$1,000 and costs of \$106.93. After discussion, Mr. Stewart moved to impose the fine and costs as suggested by the department, allowing the respondent to pay the total due over six months. Mr. Vaughn seconded the motion, and it passed unanimously.

- Taylor's Barber Shop; Orlando
Case No. 2008-042878

Mr. Auburn Taylor was present on behalf of Taylor's Barber Shop. Mr. Taylor was sworn in by the court reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$1,000 and costs of \$135.56. After discussion, Mr. Stewart moved to dismiss the case. Mr. Robert Collins seconded the motion, and it passed unanimously.

Stipulations

- H&B Barbershop; Lakeland
Case No. 2008-067580

Ms. Johanna Maldonado was present on behalf of H&B Barbershop along with her translator, Mr. Haker Apolinar. Both Ms. Maldonado and Mr. Apolinar were sworn in by the court reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$1,000 and costs of \$49.54. After discussion, Mr. Stewart moved to impose the fine and costs as suggested by the department, allowing the respondent to pay the total due over six months. Mr. Vaughn seconded the motion, and it passed unanimously.

- Master Barbershop; Miami
Case No. 2009-003465

Mr. Alberto Pereda was present on behalf of Master Barbershop along with his translator, Mr. Huazkar Lopez. Both Mr. Pereda and Mr. Lopez were sworn in by the court reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$1,000 and costs of \$51.07. After discussion, Mr. Stewart moved to impose the fine and costs as suggested by the department, allowing the respondent to pay the total due over six months. Mr. Vaughn seconded the motion, and it passed unanimously.

Motion for Reconsideration

- Fade Master of Miami Corp.; Miami
Case No. 2008-017098

Ms. Mariela Heredia was present on behalf of Fade Master of Miami Corp. along with her translator, Mr. Jorge Miranda. Both Ms. Heredia and Mr. Miranda were sworn in by the court reporter. Ms. Parson informed the board that the Respondent requested a reconsideration of the Stipulation presented to the board at a previous meeting. Mr. Stewart moved to reconsider this matter. Mr. Vaughn seconded the motion, and it passed unanimously. Ms. Parson indicated that the Respondent signed a Stipulation which imposed a fine of \$1,500 and costs of \$71.76. After discussion, Mr. Stewart moved to impose the fine and costs as suggested by the department, allowing the respondent to pay the total due over six months. Mr. Vaughn seconded the motion, and it passed unanimously.

Informal Hearings

Ms. Parson presented the following cases for consideration by the board. Mr. Stewart moved that the Respondent was properly served with the Administrative Complaint and elected not to dispute the alleged facts, that there is competent and substantial evidence in the investigative file to support the allegations, that the Respondent committed the offenses as outlined in the Administrative Complaint, and that the board impose a penalty on the Respondent as shown below:

- Desmond Stanley and Celebrity's Unisex Salon; West Palm Beach
Case Nos. 2008-050259 and 2008-050264

\$1,000 fine and \$246.28 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.

- Hollywood Unisex Barber Shop; Orlando
Case No. 2008-060706
\$500 fine and \$165.29 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- Jose A. Corona; Lantana
Case No. 2008-059397
\$1,000 fine and \$68.75 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- World Cut Salon & Barber; Gainesville
Case No. 2008-037255
\$1,500 fine and \$182.89, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.

Mr. Vaughn seconded the motion, and it passed unanimously.

Motions for Waiver of Rights and Final Order

Ms. Parson asked that case no. 2008-068592 against D'Ribeaux Barbershop, Inc., of Sweetwater be pulled from the agenda for presentation at a later date.

Ms. Parson provided additional documentation submitted to the department from Mr. Enrique Miranda; case no. 2008-054003. Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$103.06. After discussion, Mr. Stewart moved to impose the fine and costs as suggested by the department, allowing the Respondent to pay the total due over six months. Mr. Vaughn seconded the motion, and it passed unanimously.

Ms. Parson presented the following cases for consideration by the board. Mr. Stewart moved that the Respondent was properly served with the Administrative Complaint, that the Respondent failed to respond within 21 days, thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as state in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of this board, and that the board impose the penalty as recommended in the Petitioner's Motion for Finding of Waiver of Respondent's Right and for Final Order and that the board impose a penalty on the Respondent as shown below:

- Gabriel Torres; Lakeland
Case No. 2008-067583

\$500 fine and \$70.42 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.

- Giovanni Motos; Spring Hill
Case No. 2008-068671
\$500 fine and \$87.85 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- Jessica Rodriguez; Orlando
Case No. 2008-015296
\$500 fine and \$160.80 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- Redmon & Dallas; Perry
Case No. 2008-065527
\$500 fine and \$64.04 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- Sean Shakkour, d/b/a Royalty Barber & Beauty Salon; Stuart
Case No. 2008-045227
\$1,500 fine and \$121.37 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- St. Lucie's Finest Barber Shop and Christopher Fernandez; Port St. Lucie
Case Nos. 2008-022703 and 2008-022707
\$1,500 fine and \$243.38 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- Yetterbium Spalding-Watts; Tallahassee
Case No. 2008-042878
\$500 fine and \$94.86 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.

Mr. Vaughn seconded the motion, and it passed unanimously.

Settlement Stipulations

Ms. Parson presented the following cases for consideration by the board. Mr. Stewart moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a Final Order. The proposed penalties are stated below:

- Ancelmo Dejesus Marte; Pompano Beach
Case No. 2009-002697
\$500 fine and \$57.84 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- David A. Quiggle; Sebring
Case No. 2008-0618887
\$300 fine and \$60.03 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- Erick Barber Shop; Pompano Beach
Case No. 2009-002695
\$1,000 fine and \$71.20 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- Gene Figueroa; Pompano Beach
Case No. 2009-002699
\$500 fine and \$76.03 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.
- Jehovah Neto and Ultimate Barbers at Tradition; Ft. Lauderdale
Case Nos. 2008-045236 and 2008-045250
\$1,500 fine and \$229.94 costs, plus a suspension of the Respondent's license. The suspension will be stayed. However, if payment in full is not received within 30 days after issuance of the final order, the stay will be lifted, and the license will immediately be suspended until payment in full is received.

Ms. Julie Rivera seconded the motion, and it passed unanimously.

Prosecuting Attorney's Report

Status Report

Ms. Parson reported that as of July 9, 2009, there were 103 cases in the legal section.

The board agreed to allow Ms. Parson to proceed with handling the year-old cases.

Penalties for Violations

Ms. Parson and Ms. Cherry agreed to table this discussion until the next meeting.

Applications

Informal Hearing

Quatayba Sabir - Colombia

Mr. Sabir requested an informal hearing of the denial of his endorsement application. Mr. Sabir was present and was sworn in by the court reporter. The board denied his application at the February 23, 2009, meeting because he failed to demonstrate evidence that he satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Based on the additional information submitted by Mr. Sabir, Mr. Stewart moved to approved Mr. Sabir's endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Initial Review

Davit Baghramyan – Armenia

Mr. Baghramyan was present with his translator, Ms. Marina Baghramyan, and both Mr. and Ms. Baghramyan were sworn in by the court reporter. After discussion, Mr. Stewart moved to deny Mr. Baghramyan's application because his documentation did not verify passage of a written and practical examination and there was no evidence of completion of coursework in hair structure and chemistry. Mr. Vaughn seconded the motion, and it passed unanimously.

Informal Hearings

Gustavo Adolfo Vargas – Costa Rica

Mr. Vargas requested an informal hearing of the denial of his endorsement application. The board denied his application at the February 23, 2009, meeting because he failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; and shaving. Based on additional documentation provided by Ms. Letty Milazzo of ASM Beauty World Academy, Mr. Stewart moved to approved Mr. Sabir's endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Herbert Monroy – Guatemala

Mr. Monroy requested an informal hearing of the denial of his endorsement application. The board denied his application at the February 23, 2009, meeting because he failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; and shaving; he failed to demonstrate evidence that he had completed 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students; and that he failed to demonstrate that he had satisfactorily completed a written and practical examination comparable to or more stringent

than the examination given by the department. Ms. Milazzo provided additional documentation to the board on Mr. Monroy's behalf. Mr. Stewart moved to uphold the denial as there continued to be no evidence of Mr. Monroy having satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Mr. Vaughn seconded the motion, and it passed unanimously.

Jaime Andres Sarmiento – Colombia

Ms. Sarmiento requested an informal hearing of the denial of her endorsement application. The board denied her application at the February 23, 2009, meeting because she failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; and shaving; and she failed to demonstrate that she had satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Ms. Milazzo provided additional documentation to the board on Ms. Sarmiento's behalf. Mr. Stewart moved to uphold the denial as there continued to be no evidence of Ms. Sarmiento having satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Mr. Vaughn seconded the motion, and it passed unanimously.

Initial Review

Lamun Joyner – Thailand

Ms. Milazzo was present on Mr. Joyner's behalf. Mr. Stewart moved to approve Mr. Joyner's endorsement application. Mr. Vaughn seconded the motion, and the motion passed with Mr. Collins voting against the motion.

Informal Hearing

Maya Dadush – Israel

Ms. Dadush requested an informal hearing of the denial of her endorsement application. The board denied her application at the February 23, 2009, meeting because she failed to provide a detailed curriculum and she failed to demonstrate that she had satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Based on additional documentation provided by Ms. Dadush, Mr. Stewart moved to approved Ms. Dadush's endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Initial Review

Alexander Felix Garcia – Dominican Republic

Mr. Garcia was not present at the meeting. After review, Mr. Stewart moved to approve Mr. Garcia's endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Andy Treto – Colombia

Mr. Treto was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Treto's endorsement application as there was no evidence of a curriculum breakdown and no evidence of passage of a written and practical examination. Mr. Collins seconded the motion, and it passed unanimously.

Aqeel Shaheed – Jamaica

Mr. Shaheed was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Shaheed's endorsement application as he failed to demonstrate evidence that his school's program included hair structure and chemistry, nor did he provide proof that he has a current license in Jamaica. Mr. Vaughn seconded the motion, and it passed unanimously.

Blanca Guerrero – Colombia

Ms. Guerrero was not present at the meeting. After review, Mr. Stewart moved to approve Ms. Guerrero's endorsement application. Ms. Rivera seconded the motion, and it passed unanimously.

Cesar Reyes – Dominican Republic

Mr. Reyes was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Reyes' endorsement application as there was no evidence of a curriculum breakdown and no evidence of passage of a written and practical examination. Ms. Rivera seconded the motion, and it passed unanimously.

David Giglio – Jamaica

Mr. Giglio was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Giglio's endorsement application as he failed to demonstrate evidence that his school's program included hair structure and chemistry. Mr. Vaughn seconded the motion, and it passed unanimously.

Erickson Salcedo – Colombia

Mr. Salcedo was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Salcedo's endorsement application as there was no evidence of a curriculum breakdown. Ms. Rivera seconded the motion, and it passed unanimously.

Erson Rodriguez – Dominican Republic

Mr. Rodriguez was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Rodriguez's endorsement application as he failed to demonstrate evidence that his school's program included hair structure and chemistry, nor did it include chemical services. Mr. Collins seconded the motion, and it passed unanimously.

Jose Dominguez – Israel

Mr. Dominguez was not present at the meeting. After review, Mr. Stewart moved to approve Mr. Dominguez's endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Luz Diaz – Dominican Republic

Ms. Diaz was not present at the meeting. After review, Mr. Stewart moved to approve Ms. Diaz's endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Orlando Pagan – Dominican Republic

Mr. Pagan was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Pagan's endorsement application as there was no evidence of a curriculum breakdown and no evidence of passage of a written and practical examination. Mr. Vaughn seconded the motion, and it passed unanimously.

Richard Aybar – Puerto Rico

Mr. Aybar was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Aybar's endorsement application as there was no evidence of a curriculum breakdown. Mr. Vaughn seconded the motion, and it passed unanimously.

Scott Simpson

Mr. Simpson was not present at the meeting. After review, Mr. Stewart moved to approve Mr. Simpson's application so long as he provides a current HIV/AIDS course completion certificate to the department within 30 days. Mr. Collins seconded the motion, and it passed unanimously.

Bruce B. Williams

Mr. Williams was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Williams' application based on his criminal history. Ms. Rivera seconded the motion, and it passed unanimously.

Billy Williams

Mr. Williams was not present at the meeting. After review, Mr. Stewart moved to approve Mr. Williams' application. Mr. Vaughn seconded the motion, and it passed unanimously.

Informal Hearing

Lourdes Soto – Colombia

Ms. Soto requested an informal hearing of the denial of her endorsement application. The board denied her application at the May 18, 2009, meeting because she failed to provide a detailed curriculum and she failed to demonstrate that her program covered the subjects of hair

structure and chemistry and chemical services. Based on additional documentation provided by Ms. Soto, Mr. Stewart moved to approve Ms. Soto's endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Initial Review

Donna Marie Golfin – Jamaica

Ms. Golfin was not present at the meeting. After review, Mr. Stewart moved to deny Ms. Golfin's endorsement application as she failed to demonstrate evidence that her school's program included hair structure and chemistry. Mr. Vaughn seconded the motion, and it passed unanimously.

Lisandra Guevara – Dominican Republic

Ms. Guevara was not present at the meeting. After review, Mr. Vaughn moved to deny Ms. Guevara's endorsement application as she failed to provide a curriculum breakdown. Mr. Collins seconded the motion, and it passed unanimously.

Maria M. Pons – Dominican Republic

Ms. Pons was not present at the meeting. After review, Mr. Stewart moved to approve Ms. Pons' endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Maria G. San Miguel – Dominican Republic

Ms. San Miguel was not present at the meeting. After review, Mr. Stewart moved to approve Ms. San Miguel's endorsement application. Mr. Vaughn seconded the motion, and it passed unanimously.

Mario Balboa – Cuba

Mr. Balboa was not present at the meeting. After review, Mr. Stewart moved to deny Mr. Balboa's endorsement application as he failed to provide a curriculum breakdown, there was no proof of educational hours, and there was no proof of passage of a written and practical examination. Ms. Rivera seconded the motion, and it passed unanimously.

Michael Plattner – Colombia

Mr. Plattner was not present at the meeting. After review, Ms. Rivera moved to approve Mr. Plattner's endorsement application. Mr. Stewart seconded the motion, and it passed unanimously.

Jean Pierre Jean Chrisnold – Haiti

Mr. Chrisnold was not present at the meeting. After review, Ms. Rivera moved to deny Mr. Chrisnold's application as he failed to demonstrate evidence that his school's program included hair structure and chemistry. Mr. Vaughn seconded the motion, and it passed unanimously.

Informal Hearing

Elizabeth Gomez Cely – Colombia

Ms. Cely requested an informal hearing of the denial of her endorsement application. The board denied her application at the February 23, 2009, meeting because she failed to demonstrate evidence that her school's program included safety, sanitation, and sterilization and hair structure and chemistry; she failed to demonstrate evidence that she had completed 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students; and that she failed to demonstrate that she had satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Ms. Milazzo had provided additional documentation to the board on Ms. Cely's behalf. Mr. Stewart moved to uphold the denial as there continued to be no evidence of Ms. Cely having satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Ms. Rivera seconded the motion, and it passed unanimously.

Continuing Education Applications

Mattie J. Williams

Provider Application

Course Application

HIV/AIDS and Other Communicable Diseases – 2 Hours Live Group Study and Home Study/Video

After review of the application, Mr. Stewart moved that the board approve the providership application for Mattie J. Williams. Mr. Vaughn seconded the motion, and it passed unanimously.

After review of the application, Mr. Stewart moved to approve the course application submitted by Mattie J. Williams. Ms. Rivera seconded the motion. The motion passed unanimously.

Regulation Report

Mr. Jerry Wilson, Acting Director, Division of Regulation, informed the board that for the fiscal year ending June 30, 2009, the Division of Regulation completed 3,133 barbershop inspections. Mr. Wilson asked the board to consider amending their rule to require inspections every biennium rather than annually. He added that there would not be a reduction in services, but this change would actually enhance services. Mr. Wilson indicated that this initiative would give the inspectors more time to spend at an actual inspection, and it would give the inspectors the opportunity to re-inspect those barbershops which are not in compliance. He added that approximately 80 percent of barbershops current comply with all inspection requirements.

Mr. Stewart moved to approve the amendment to Rule 61G3-19.015, Florida Administrative Code – Inspections, changing the required inspections for barbershops from annually to biennially. Mr. Vaughn seconded the motion, and it passed unanimously.

Mr. Stewart moved to have Ms. Cherry open Rule 61G3-19.015, Florida Administrative Code – Inspections, for development. Mr. Vaughn seconded the motion, and it passed unanimously.

Rule 61G3-15.010, Florida Administrative Code – Examiners in Practical Examination; Criteria for Selection.

Mr. Stewart moved to approve the proposed repeal of this rule, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Mr. Vaughn seconded the motion, and it passed unanimously.

Rule 61G3-16.002, Florida Administrative Code – Reexamination.

The board agreed on the following amendments:

1) An applicant who fails the state examination for licensure ~~in whole or in part~~ shall be required to pay the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.

~~(2) An applicant shall be required to retake only the portion of the examination on which he or she failed to achieve a passing grade. However, an~~ An applicant must pass both portions of the examination within a one year period from the date of the first attempt ~~at either part licensure examination~~ in order to qualify for licensure.

~~(3) An applicant who fails the practical portion of the examination may apply to the Department to retake the practical portion of the examination at least 30 days prior to the next administration date, provided that the applicant pays the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.~~

~~(4) An applicant who fails the written portion of the examination may apply to the Department to retake the written portion of the examination by providing an application and paying the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.~~

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Ms. Rivera seconded the motion, and it passed unanimously.

Rule 61G3-16.005, Florida Administrative Code – Endorsement.

The board agreed on the following amendments:

The Department of Business and Professional Regulation shall issue a license by endorsement to a person who:

(1) Makes application and pays to the Department the fee specified in Rule 61G3-20.002, F.A.C.;

(2) Demonstrates that he or she possesses a current active license in another state or country;

(3) Demonstrates that he or she has satisfactorily completed a written ~~and a practical~~ examination comparable to or more stringent than the examination given by the Department;

(4) Demonstrates that he or she has completed:

(a) 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and, at a minimum, covering the subjects of Safety, Sanitation and Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or

(b) An apprenticeship program of 1,200 hours; or

(c) A combination thereof.

(5) Certifies that he or she has read and understood and will abide by Chapters 455 and 476, F.S., and Chapter 61G3, F.A.C.

(6) For purposes of demonstrating that the applicant has met the requirements of subsections (2), (3) and (4) above, the applicant must provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services.

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Mr. Collins seconded the motion, and it passed unanimously.

Rule 61G3-16.007, Florida Administrative Code – Examination for Restricted Licensure.

The board agreed on the following amendments:

(1) The examination for restricted licensure to practice barbering shall consist of ~~two parts,~~ a written examination and a practical exam. Applicants for a restricted license to practice barbering must achieve a passing grade on ~~both portions of~~ the examination to be eligible for a restricted license to practice barbering.

(2) The ~~written portion of the~~ examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida.

~~(3) The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. The practical examination for licensure shall have a maximum time limit of 1 1/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair and perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:~~

GRADING AREA	RELATIVE WEIGHT
Haircut	45%
Shampoo	5%
Safety and Sanitation	50%

~~The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:~~

~~(a) Haircut:~~

- ~~1. The top is even and without holes;~~
- ~~2. The top blends with the sides and back;~~
- ~~3. The front outline is even;~~
- ~~4. The haircut is proportional;~~
- ~~5. The sides and the back are without holes or steps;~~
- ~~6. The sides blend with the back;~~
- ~~7. The sideburns are equal in length;~~
- ~~8. The outlines are even;~~
- ~~9. The sideburns, outline, and neckline are clean shaven;~~
- ~~10. The model's skin was not cut or nicked during the haircut;~~
- ~~11. The neckline is properly tapered.~~

~~(b) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.~~

~~(c) Safety and Sanitation:~~

- ~~1. The candidate used the proper draping for the shampoo;~~

- ~~2. The candidate used the proper protection on the shampoo bowl;~~
 - ~~3. The candidate properly stored clean and dirty linen during the shampoo;~~
 - ~~4. The candidate washed his or her hands before beginning work on the model;~~
 - ~~5. The candidate used the proper draping for the haircut;~~
 - ~~6. The candidate properly stored clean and dirty linen during the haircut;~~
 - ~~7. The candidate placed tools in the sanitizer before and after each use;~~
 - ~~8. The candidate used all tools in a safe manner and without any blood contact during the haircut;~~
- ~~(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination shall result in the examinee losing the possible points assigned to that area.~~

~~(5) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five (75) percent out of one hundred (100) percent of the total possible points on the written examination. The score necessary to achieve a passing grade on the practical portion of the restricted licensure examination shall be no less than seventy-five (75) percent (based on the average of the examiners' scores) out of one hundred (100) percent of the total possible points on the practical examination. All examiner's scores will be averaged before any percentages are rounded according to the formula stated below. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.~~

Mr. Stewart moved to approve the rule as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Mr. Vaughn seconded the motion, and it passed unanimously.

Rule 61G3-16.008, Florida Administrative Code – Manner of Application.

The board agreed on the following amendments:

Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

(1) The applicant must present with the application two (2) 2" x 2" photographs taken within the past twelve (12) months and evidence of completion of barber training as defined in Chapter 476, F.S.

~~(2) Completed applications received later than thirty (30) days prior to the next available practical exam shall automatically be scheduled for the following available practical examination. The Department shall notify the applicant fourteen (14) days prior to the practical examination if the applicant is eligible to take the practical examination. A professional testing service qualified outside testing vendor shall notify applicants of their eligibility for a written examination within five (5) working days after receipt of Board notification of the applicant's eligibility.~~

(3) Applicants for an unrestricted license who have completed one thousand (1,000) actual school hours or more but less than one thousand two hundred (1,200) actual school hours are required to have the school or program attended certify on that portion of the application so designated that said applicant has completed the stated number of hours, the required services as established by Rule 61G3-16.001, F.A.C., and is competent to sit for the licensure examination.

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Ms. Rivera seconded the motion, and it passed unanimously.

Rule 61G3-16.0010, Florida Administrative Code – Examination for Barber Licensure.

The board agreed on the following amendments:

(1) The examination for licensure to practice barbering shall consist of ~~two parts~~, a written examination ~~and a practical examination~~. Applicants for a license to practice barbering must achieve a passing grade on ~~both portions~~ of the examination to be eligible for a license to practice barbering. An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002, F.A.C., will be admitted to the examination for licensure.

(2) The following subjects will be tested on the written examination ~~consisting of seventy-five questions~~ and will be weighted approximately as designated:

Category	Weight
(a) Florida Laws and Rules	25%
(b) Safety, Sanitation and Sterilization	30%
(c) Hair Structure and Chemistry	10%
(d) Hair Cutting and Hair Styling	40% 15%
(e) Shampooing	5%
(f) Chemical Procedures	15% 10%
(Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling)	
(g) Shaving, Beard and Mustache Trimming	5%

~~(3) The practical portion of the examination for licensure shall test the applicant's ability to perform the barbering services authorized by a license to practice barbering. The practical examination shall have a maximum time limit of 1 1/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair and perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:~~

Grading Area	Relative Weight
(a) Haircut	45
(b) Shampoo	5
(c) Safety and Sanitation	50

~~(4) The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment shall be drawn from the following criteria:~~

- ~~(a) Haircut:~~
 - ~~1. The top is even and without holes;~~
 - ~~2. The top blends with the sides and back;~~
 - ~~3. The front outline is even;~~
 - ~~4. The haircut is proportional;~~
 - ~~5. The sides and the back are without holes or steps;~~
 - ~~6. The sides blend with the back;~~
 - ~~7. The sideburns are equal in length;~~
 - ~~8. The outlines are even;~~

9. ~~The sideburns, outline, and neckline are clean shaven;~~
10. ~~The model's skin was not cut or nicked during the haircut;~~
11. ~~The neckline is properly tapered.~~

~~(b) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.~~

~~(c) Safety and Sanitation:~~

1. ~~The candidate used the proper draping for the shampoo;~~
2. ~~The candidate used the proper protection on the shampoo bowl;~~
3. ~~The candidate properly stored clean and dirty linen during the shampoo;~~
4. ~~The candidate washed his or her hands before beginning work on the model;~~
5. ~~The candidate used the proper draping for the haircut;~~
6. ~~The candidate properly stored clean and dirty linen during the haircut;~~
7. ~~The candidate placed tools in the sanitizer before and after each use during the haircut;~~
8. ~~The candidate used all of the tools in a safe manner and without any blood contact during the haircut;~~

~~(5) Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination shall result in the examinee losing the possible points assigned to that area.~~

~~(6) The score necessary to achieve a passing grade shall be no less than seventy-five (75) percent out of one hundred (100) percent (based on the average of the examiners' scores) on the practical examination and seventy five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.~~

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Ms. Rivera seconded the motion, and it passed unanimously.

Rule 61G3-16.010, Florida Administrative Code – Supervised Practice Exception.

The board agreed on the following amendments:

(1) Following the completion of ~~both the written and practical portions of~~ the first licensing examination by an applicant for licensure as a barber by examination who has completed the barber training required by Chapter 476, F.S. and Rule 61G3-16.001, F.A.C, the applicant is eligible to practice as a barber and perform barbering services temporarily in a current, actively licensed barbershop under the following conditions:

(a) In the event an applicant obtains a passing scores on the examination on the first attempt ~~of both the written and practical portions of the examination~~, the applicant shall be eligible, prior to having the application acted on by the Board, to practice in a licensed barbershop, provided that the applicant post the examination results ~~for both portions of the examination~~ at the work station with a recent photograph affixed thereto.

(b) In the event that the applicant fails to obtain a passing score on ~~either or both of the written or practical portion of~~ the examination on the first attempt, the applicant shall not be eligible to practice under this rule until the applicant:

1. Applies to the Department for authorization to retake ~~the failed portion(s) of the~~ examination; and

2. Presents the holder of the license for the barbershop a copy of both the reexamination application and the examination scheduling authorization letter from the department or the qualified outside testing vendor.

3. Upon completion of these conditions, the applicant is eligible to practice in a licensed barbershop subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results ~~for both portions of the examination~~ at the work station with a recent photograph affixed thereto. The applicant must discontinue practicing when 180 days have passed from the date ~~the written or practical portion of the first examination was taken, whichever portion was taken earlier~~, if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the department or the qualified outside testing vendor.

(c) All barbering services performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(2) In the event an applicant, who previously failed ~~either or both portions of the examination on the first attempt, fails to obtain a passing score on either or both portions of the second licensure examination~~, the applicant is no longer eligible to practice as a barber under this exception and must immediately discontinue practicing barbering services until the applicant has been issued a license to practice by the Department.

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Ms. Rivera seconded the motion, and it passed unanimously.

Rule 61G3-20.002, Florida Administrative Code – Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

The board agreed on the following amendments:

(1) The application fee for licensure by means of endorsement or examination and reexamination for barbers shall be as follows:

Method of Licensure:	Application Fee:
(a) Endorsement	The application fee for licensure by endorsement shall be one hundred and fifty dollars (\$150.00). All fees shall be payable to the Department.
(b) Examination and Reexamination	
1. Practical Portion	The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All fees shall be payable to the Department.
2. Written portion	The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00) <u>one hundred, fifty dollars and zero cents (\$150.00)</u> . Sixty-one dollars and fifty cents (\$61.50) of both the examination and reexamination application fee for the written portion of the examination shall be

~~paid to the Department and thirteen dollars and fifty cents (\$13.50) shall be paid to the professional testing service.~~

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure: Application Fee:

(a) Examination and
Reexamination

~~1. Practical Portion The application fee for both the examination and reexamination for the practical portion shall be seventy five dollars (\$75.00). All fees shall be payable to the Department.~~

~~2. Written Portion The application fee for both the examination and reexamination for the written portion shall be seventy five dollars (\$75.00) one hundred, fifty dollars and zero cents (\$150.00). Seventy dollars and fifty cents (\$70.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and four dollars and fifty cents (\$4.50) shall be paid to the professional testing service.~~

(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in Rule 61G3-20.014, F.A.C., and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) All fees payable to the Department shall be paid at the time the applicant submits his or her application for licensure by endorsement, examination or reexamination.

(b) All parts of the examination or reexamination application fee payable to a ~~professional testing service~~ qualified outside testing vendor shall be paid to that service upon notification that the applicant's application for licensure by examination or reexamination has been approved.

(c) In the event that a ~~professional testing service~~ qualified outside testing vendor is not used for examination or reexamination, all fees shall be paid to the Department.

Mr. Stewart moved to approve the rule as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Mr. Vaughn seconded the motion, and it passed unanimously.

Rule 61G3-20.0075, Florida Administrative Code – Examination Review Fee.

The board agreed on the following amendments:

The fee for an ~~written~~ examination review shall be thirty dollars (\$30.00) payable to a ~~professional testing service-qualified outside testing vendor~~ when the ~~written~~ examination is conducted by the professional testing service pursuant to Section 455.2171, F.S. ~~The fee for obtaining copies of practical grade sheets shall be ten dollars (\$10.00) payable to the Department.~~ In the event that a ~~professional testing service-qualified outside testing vendor~~ is not used for examination or reexamination, all fees shall be paid to the Department.

Other Business

Executive Director Report

Unlicensed Activity Media Campaign

Ms. Barineau mentioned the documentation included in the agenda regarding the department's unlicensed activity campaign.

Accelerate Florida Legislative Initiatives

Ms. Barineau referred to the letter from Secretary Drago forwarded to Chair White included in the agenda. The letter requested any legislative ideas the board may have which will Accelerate Florida. Ms. Barineau asked that board members provide her with their ideas immediately.

Removal of Mailing Addresses from Licenses

Ms. Barineau noted that due to various safety concerns, the department sought the board's approval to remove the mailing address from personal licenses which are posted for public view. Mr. Stewart moved that the board approve the removal of the licensee addresses from personal licenses. Ms. Rivera seconded the motion. The motion passed unanimously.

Criminal History Guidelines

Ms. Barineau referred to a list of criminal offenses which she suggested could be approved by the department and would not require review of an application by the board. After review, Mr. Stewart moved to approve the proposed criminal history guidelines list. Mr. Vaughn seconded the motion, and it passed unanimously.

Board Attorney Report

Barbers' Board Rules Report

Ms. Cherry provided an overview of the Barbers' Board Rules Report. She mentioned that she met with the department on the proposed amendment to Rule 61G3-21.009, Florida Administrative Code – Citations. She asked the board to review and consider approving the proposed amendment as follows:

(1)-(3)(a)-(i) No change.

(j) Failure to laminare and display current license or picture on license, in violation of Rule 61G3-19.009, F.A.C., shall result in a fine of \$50 for the first offense, and a fine of \$100 for each subsequent offense.

(3)(k)-(7) No change.

Mr. Stewart moved to approve the language as proposed. Mr. Vaughn seconded the motion, and it passed unanimously. Mr. Vaughn moved that the rule amendment would have a small business impact.

Ms. Cherry also mentioned a proposed change to Rule 61G3-21.001(12), Florida Administrative Code – Normal Penalty Ranges, as follows:

Rule 61G3-19.009, F.A.C.: ~~Failure to place license in a conspicuous place for public viewing. Display of license. \$50.00~~ \$100.00 fine per violation up to a ~~\$250.00~~ \$500.00 cap.

Mr. Stewart moved to approve the language as proposed and that the amendment would have a small business impact. Mr. Vaughn seconded the motion, and it passed unanimously.

Penalties for Violations

Ms. Cherry asked that this topic be deferred to the November meeting.

Rule 61G3-15.016, Florida Administrative Code – Time for Payment of Civil Penalties

Ms. Cherry asked that this topic be deferred to the November meeting.

Bureau of Education and Testing

Barber Examination Summary – January through June 2009

Ms. Barineau informed the board that this material was included in the agenda for their information.

Restricted Barber Examination Summary – January through June 2009

Ms. Barineau informed the board that this material was included in the agenda for their information.

Dates and Locations of Future Meetings

Ms. Barineau informed the board members of the following board meetings:

August 24, 2009 – Telephone conference call
September 29, 2009 – Telephone conference call
November 9, 2009 – Orlando, Florida
February 8, 2010 – St. Augustine, Florida
May 17, 2010 – Tallahassee, Florida

Adjournment

There being no further business, the meeting was adjourned at 2:15 p.m.