

# Draft Minutes – Board to Approve at Next Meeting

## MINUTES

**FLORIDA BARBERS' BOARD**  
**Department of Business and Professional Regulation**  
**The Florida Mall Hotel**  
**1500 Sand Lake Road**  
**Orlando, Florida 32809**  
**Monday, November 15, 2004**  
**9:00 a.m.**

### **General Business Meeting**

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 9:00 a.m. by Mr. Peter "Dave" Magda, Chair.

#### **Board Members Present**

Peter "Dave" Magda, Chair  
Herman White, Vice Chair  
Robert Collins  
Char Feliciano  
Jeri Scott

#### **Other Persons Present**

Julie Malone Garofalo, Executive Director, Department of Business and Professional Regulation (DBPR)  
Diane Guillemette, Assistant Attorney General, Department of Legal Affairs (DLA)  
Daniel Biggins, Assistant Attorney General, DLA  
Charles Tunnickliff, Assistant General Counsel, Office of the General Counsel, DBPR  
Lyra Erath, Psychometrician, Bureau of Education and Testing, DBPR  
Robyn Barineau, Government Analyst, DBPR

#### **Interested Parties Present**

Jessa Drummond, Court Reporter  
Jackie Lombardi, Florida Barber Academy  
Maya Thomas, Maya's School of Beaute and Different Strokes  
Manuel Chavous, Maya's School of Beaute and Different Strokes  
Edwin Stewart  
Carol Collins  
David Thomas, Ebony Barbershop, Respondent  
Nicola Italico, Best Value Barbershop, Respondent  
Raphael Vedrine, Reflection Barbershop, Respondent

# Draft Minutes – Board to Approve at Next Meeting

The meeting was opened with a roll call and a quorum was established. Chair Magda thanked the audience members for attending the meeting.

## **Approval of Minutes: Legislative Workshop of 08/01/04, and Board Meeting of 08/0204**

Mr. Herman White, Vice Chair, moved to accept the minutes from the August 1, 2004, legislative workshop and the August 2, 2004, board meeting as presented. Ms. Jeri Scott seconded the motion and the motion passed unanimously.

## **Disciplinary Matters**

### **Informal Hearings**

#### **Reflection Barber Shop; Ft. Lauderdale; Case No. 2003-046325**

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(c), Florida Statutes, in that it is unlawful for any person to hire or employ any person to engage in the practice of barbering unless such person holds a valid license as a barber; a violation of section 476.194(1)(e)(1), Florida Statutes, in that it is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop which is not licensed under the provisions of this chapter; and a violation of section 476.194(1)(b), Florida Statutes, in that it is unlawful for any person to engage in willful or repeated violations of this act or of any of the rules adopted by the board. The department suggested assessing a fine of \$1,150 and costs of \$436.61. Mr. Charles Tunnicliff, Assistant General Counsel, informed the board that the owner of Reflection Barbershop, Mr. Raphael Vedrine, was present and provided him with a Settlement Stipulation for consideration. Mr. Vedrine also asked that he be allowed to pay this matter in full within 60 days. He has previously paid \$500 toward this matter and was prepared to make an additional \$500 payment at the meeting with the final payment to be due in 60 days. Vice Chair White moved that the board accept the Settlement Stipulation and allow Mr. Vedrine the opportunity to pay \$500 today with the final payment due in 60 days. Ms. Char Feliciano seconded the motion and the motion passed unanimously.

### **Settlement Stipulations**

#### **Nicola Italice; Boca Raton; Case No. 2003-080051**

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(a), Florida Statutes, in that it is unlawful for any person to engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this act by the department; and a violation of section 476.204(1)(i), Florida Statutes, in that it is unlawful for any person to violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the board. The department suggested assessing a fine of \$600 and costs of \$169.28, all of which has been paid in full. Vice Chair White 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. Ms. Scott seconded the motion and the motion passed unanimously.

## Draft Minutes – Board to Approve at Next Meeting

Chair Magda asked Mr. Tunncliff if a case was opened against the barbershop in this matter for operating on a suspended license. Mr. Tunncliff indicated he was uncertain but would research Chair Magda's inquiry and report his findings to the board at the next meeting.

### **Motions for Waiver of Rights and Final Order**

David L. Thomas; Pensacola; Case No. 2003-068462

The Administrative Complaint charged the Respondent with a violation of section 476.204(1)(b), Florida Statutes, in that it is unlawful to operate a barbershop with a delinquent license. The department suggested assessing a fine of \$500 and costs of \$212.97. Ms. Scott moved that the board find 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 stated 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 of \$500 and costs of \$212.97. Vice Chair White seconded the motion and the motion passed unanimously.

Chair Magda asked Mr. Tunncliff to inform the board at the next meeting whether or not Mr. Thomas's prior citation from 1995 had been paid.

### **Informal Hearings (continued)**

Super Look Barbershop; Tamarac; Case No. 2004-027511

The Administrative Complaint charged the Respondent with a violation of section 476.204(1)(i), Florida Statutes, in that it is unlawful for any person to violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the board. The department suggested assessing a fine of \$500 and costs of \$247.69. Vice Chair White moved that the board find 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 of a \$500 fine and costs of \$247.69; that the barbershop have their sink to chair ratio in compliance with the law within 30 days; and a payment plan be granted allowing the Respondent to pay \$227.69 immediately, \$220 within 30 days, and the balance of \$300 within 60 days. Ms. Scott seconded the motion and the motion passed unanimously.

Chair Magda asked why there was no count included in the Administrative Complaint for unlicensed activity. He asked Mr. Tunncliff to address this situation with the department and provide his findings to the board at the next board meeting.

# Draft Minutes – Board to Approve at Next Meeting

## **Motions for Waiver of Rights and Final Order (continued)**

### Marangelly Mendez; Boca Raton; Case No. 2003-088602

The Administrative Complaint charged the Respondent with multiple violations of section 476.194(1)(e)2, Florida Statutes, in that it is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop in which a person not licensed as a barber is permitted to perform services; and a violation of section 476.204(1)(i), Florida Statutes, in that it is unlawful for any person to violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the board. The department suggested assessing a fine of \$1,400 and costs of \$162.62. Vice Chair White moved that the board find 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 stated 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 of \$1,400 and costs of \$162.62. Ms. Scott seconded the motion and the motion passed unanimously.

Chair Magda asked Mr. Tunncliff to research how long an unpaid citation remains open before a separate case is opened for failure to comply with the citation. Mr. Tunncliff will report his findings to the board at the next meeting.

### Tennyson Ross Young; Tamarac; Case No. 2004-020293

Mr. Tunncliff asked that this case be pulled from this agenda for presentation at the next board meeting.

### Marlene Theodore; West Palm Beach; Case No. 2003-081430

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(e)2, Florida Statutes, in that it is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop in which a person not licensed as a barber is permitted to perform services; a violation of section 476.194(1)(e)1, Florida Statutes, in that it is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop which is not licensed under the provisions of this chapter; and a violation of section 476.194(1)(b), Florida Statutes, in that it is unlawful to operate a barbershop with a delinquent license. The department suggested assessing a fine of \$1,000 and costs of \$152.79. Ms. Scott moved that the board find 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 stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of this board, and that the board impose a penalty of \$1,500 and costs of \$152.79. Vice Chair White seconded the motion and the motion passed unanimously.

## Draft Minutes – Board to Approve at Next Meeting

### Kenneth Negron; Orlando; Case No. 2004-009654

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(a), Florida Statutes, in that it is unlawful for any person to engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this act by the department. The department suggested assessing a fine of \$500 and costs of \$123.29. Vice Chair White moved that the board find 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 stated 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 of \$500 and costs of \$123.29. Ms. Feliciano seconded the motion and the motion passed unanimously.

### Men's in Black Barber Shop; North Miami Beach; Case No. 2003-088948

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(e)1, Florida Statutes, in that it is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop which is not licensed under the provisions of this chapter. The department suggested assessing a fine of \$500 and costs of \$31.42. Vice Chair White moved that the board find 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 stated 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 of \$500 and costs of \$31.42. Mr. Robert Collins seconded the motion and the motion passed unanimously.

### Anthony Lopez; Deland; Case No. 2003-055952

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(a), Florida Statutes, in that it is unlawful for any person to engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this act by the department. The department suggested assessing a fine of \$500 and costs of \$417.78. Ms. Scott moved that the board find 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 stated 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 of \$500 and costs of \$417.78. Ms. Feliciano seconded the motion and the motion passed unanimously.

### Pierre Flossie; Pompano Beach; Case No. 2004-024715

Mr. Tunnick asked that this case be pulled from this agenda for presentation at a later meeting.

## Draft Minutes – Board to Approve at Next Meeting

### James Lester; Pensacola; Case No. 2003-078988

The Administrative Complaint charged the Respondent with a violation of section 476.204(1)(b), Florida Statutes, in that it is unlawful to operate a barbershop with a delinquent license. The department suggested assessing a fine of \$450 and costs of \$188.42. Vice Chair White moved that the board find 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 stated 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 of \$450 and costs of \$188.42. Mr. Collins seconded the motion and the motion passed unanimously.

### Badd Boyz Barbershop III; Jacksonville; Case No. 2002-009451

The Administrative Complaint charged the Respondent with multiple violations of section 476.204(1)(h), Florida Statutes, in that it is unlawful for any person to violate a rule of the board or the department. The department suggested assessing a fine of \$300 and costs of \$180.13. Ms. Scott moved that the board find 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 stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of this board, and that the board impose a penalty of \$350 and costs of \$180.13. Ms. Feliciano seconded the motion and the motion passed unanimously.

### Henry Jerome Mays; Monticello; Case No. 2003-062792

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(a), Florida Statutes, in that it is unlawful for any person to engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this act by the department. The department suggested assessing a fine of \$500 and costs of \$463.19. Vice Chair White moved that the board find 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 stated 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 of \$500 and costs of \$463.19. Ms. Feliciano seconded the motion and the motion passed unanimously.

### **Settlement Stipulations (continued)**

#### Jacquesson Pierre; Miami; Case No. 2003-075359

Mr. Tunnicliff indicated his office received a signed Settlement Stipulation from the Respondent subsequent to the preparation of the board meeting agenda and asked that this case be moved from a Motion for Waiver of Rights and Final Order matter to a Settlement Stipulation matter. The Administrative Complaint charged the Respondent with multiple violations of section 476.194(1)(c), Florida Statutes, in that it is unlawful for any person to hire or employ any person to engage in the practice of barbering unless such person holds a valid

## Draft Minutes – Board to Approve at Next Meeting

license as a barber; and a violation of section 476.194(1)(e)(1), Florida Statutes, in that it is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop which is not licensed under the provisions of this chapter. The department suggested assessing a fine of \$1,500 and costs of \$24. Mr. Tunncliff indicated the Respondent has asked for a payment plan calling for payment of \$324 initially and the remaining payments to be paid in four equal installments of \$300 each. Vice Chair White 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, allowing the Respondent to pay \$324 initially and the balance to be paid in full in four equal installments. Mr. Collins seconded the motion and the motion passed unanimously.

### Thuy Hang Dang; Marietta, Georgia; Case No. 2004-034344

Mr. Tunncliff asked that this case be pulled from the agenda as the proper jurisdiction would be the Board of Cosmetology.

### Joel Junco; Pembroke Pines; Case No. 2003-080421

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(a), Florida Statutes, in that it is unlawful for any person to engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this act by the department. The department suggested assessing a fine of \$100 and costs of \$50.99. Ms. Scott 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. Ms. Feliciano seconded the motion and the motion passed unanimously.

### Abdurrafi Muhammad; Interlachen; Case No. 2004-030288

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(e)1, Florida Statutes, in that it is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop which is not licensed under the provisions of this chapter. The department suggested assessing a fine of \$500 and costs of \$143.64. Vice Chair White 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. Ms. Scott seconded the motion and the motion passed unanimously.

### Harvey Sencion; Pembroke Pines; Case No. 2003-081579

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(a), Florida Statutes, in that it is unlawful for any person to engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this act by the department. The department suggested assessing a fine of \$500 and costs of \$49.82. Vice Chair White 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. Ms. Scott seconded the motion and the motion passed unanimously.

# Draft Minutes – Board to Approve at Next Meeting

## City Barber Shop; New Smyrna Beach; Case No. 2004-010067

The Administrative Complaint charged the Respondent with a violation of section 476.194(1)(e)1, Florida Statutes, in that it is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop which is not licensed under the provisions of this chapter. The department suggested assessing a fine of \$500 and costs of \$116.81. Vice Chair White 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. Ms. Scott seconded the motion and the motion passed unanimously.

## Cut Above the Rest; Miramar; Case No. 2002-012231

The Administrative Complaint charged the Respondent with multiple violations of section 476.194(1)(c), Florida Statutes, in that it is unlawful for any person to hire or employ any person to engage in the practice of barbering unless such person holds a valid license as a barber. The department suggested assessing a fine of \$2,000 and costs of \$229.22. Vice Chair White 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. Ms. Feliciano seconded the motion and the motion passed unanimously.

## **Department Attorney Report**

Mr. Tunnick reported that as of October 5, 2004, there were 64 barber cases in the legal section.

## **Applications**

### **Out of Country Endorsement Application**

#### **Raymond Jean Jacques; Haiti**

Ms. Scott, Chair of the Application Review Committee, indicated that this application was included in the agenda because of some concerns with the applicant's Haitian credentials. Subsequent to preparation of the board meeting agenda, clarification has been received on Mr. Jacques' application information and he should now be approved for licensure by endorsement.

## **Committee Reports**

### **Legislative Committee/Ms. Jeri Scott, Chair**

Ms. Scott deferred to Old Business for legislative initiative discussions.

### **Examination Committee/Ms. Char Feliciano, Chair**

Ms. Feliciano indicated she visited Florida Barber Academy in Pompano Beach for possible use of this school as a practical examination site. She indicated that the school had adequate workstations and sinks and offered a waiting area for candidates. Ms. Feliciano indicated the school was very clean and is in a good location convenient to the highway and

## **Draft Minutes – Board to Approve at Next Meeting**

area hotels. She also mentioned that the school would be willing to offer the exam site at no cost to the board and could be used on Mondays for practical examination administrations. Mr. Edwin Stewart reminded the board that they should consider the costs associated with a south Florida examination site such as travel for examiners and an examination supervisor as well as the need to locate south Florida proctors. He added that Pensacola Junior College has offered their location as an examination site at no charge to the board.

### **Budget Committee/Mr. Robert Collins, Chair**

Mr. Robert Collins deferred to Ms. Julie Malone Garofalo's budgetary reports included in the agenda which will be discussed under her report.

### **Newsletter Committee/VACANT, Chair**

Chair Magda asked if the newsletter had been mailed to all barbershops as there were several board members who never received the newsletter at their barbershop. Ms. Malone Garofalo will inquire about the newsletter mailing and a report will be provided at the next board meeting.

### **Continuing Education Committee/Mr. Herman White, Chair**

Vice Chair White had no report.

### **Application Review Committee/Ms. Jeri Scott, Chair**

Ms. Scott had no additional report.

## **Old Business**

### **Barbering Definitions**

Chair Magda asked that the members provide Ms. Robyn Barineau, Government Analyst, with their proposed barbering definitions by the end of the board meeting.

### **Reciprocity**

The board agreed to discuss this initiative at the February 2005 board meeting. Chair Magda will research this initiative and work with Mr. Daniel Biggins, Assistant Attorney General, on drafting reciprocity language. Chair Magda will also contact the National Association of Barber Boards of America regarding reciprocity as this topic was discussed in detail at the recent annual conference.

### **Apprenticeship**

Ms. Guillemette mentioned that the Department of Education (DOE) has multiple concerns with the apprenticeship legislative language drafted by the board. She indicated that DOE has stated that all apprenticeship programs should be controlled by their agency and that apprentices cannot be paid for services while performing apprentice duties. DOE has suggested the board consider utilizing an internship as opposed to an apprenticeship program

## Draft Minutes – Board to Approve at Next Meeting

as the board could establish internship requirements. Ms. Malone Garofalo reminded the board that they will need to seek an independent sponsor of this legislation as the department will only pursue legislative initiatives that affect the entire department during the 2005 legislative session unless legislation is introduced that is detrimental to the board. Mr. Biggins will work with Ms. Guillemette and research how federal funding would affect either an apprenticeship program or an internship program. The board agreed that Senator Siplin may need to be contacted to determine if he might be interested in possibly sponsoring their legislative proposal in the future. Mr. Jackie Lombardi, Florida Barber Academy, informed the board that federal funds exist for schools to offer workforce programs. Mr. Lombardi agreed to provide Mr. Biggins and Ms. Guillemette with information and names and telephone numbers of Federal Workforce Program contacts. Mr. Biggins and Ms. Guillemette will work together and provide a proposal to the board at the next board meeting.

### Other Business

#### Executive Director Report

##### Financial Reports for Years Ending 06/30/04 and 06/30/03

Ms. Malone Garofalo informed that board that this report was included in the agenda for informational purposes. She added that the financial report for the quarter ending September 30, 2004, should be available and included in the next board meeting agenda.

##### Operating Account Statement of Revenues, Expenses and Changes in Net Assets for the Years Ended 06/30/01 Through 06/30/09

Ms. Malone Garofalo informed the board that so long as the board's financial position stays as it is currently running, the board should be in a sound financial situation through June 30, 2009. Mr. Collins agreed that the board's financial picture looks positive so long as the provided figures are a reality.

##### Anonymous Complaint Regarding Fees

Ms. Malone Garofalo indicated that this complaint was included in the agenda for informational purposes.

#### Board Attorney Report

##### Rule 61G3-16.0010, Florida Administrative Code – Examination for Barber Licensure Rule 61G3-16.007, Florida Administrative Code – Examination for Restricted Licensure

Ms. Guillemette informed the board that these rules were noticed so the board could clarify the exam criteria areas and the possible points associated with the criteria. After some discussion the board agreed to the following changes:

Rule 61G3-16.0010, F.A.C.

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

# Draft Minutes – Board to Approve at Next Meeting

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

Rule 61G3-16.007, F.A.C.

“(3) ...The areas to be tested and the relative weights are as follows:

GRADING AREA	RELATIVE WEIGHT
<u>(a)</u> Haircut	45%
<u>(b)</u> Shampoo	5%
<u>(c)</u> Safety and Sanitation	50%

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

~~“(4)(5) Failure of the examinee to complete the services required in a particular category tested in an individual criteria of the practical examination shall result in the examinee losing the possible points assigned to that area.”~~

“(6) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less...”

Vice Chair White moved to approve rules 61G3-16.007 and 61G3-16.0010, F.A.C., as amended. Ms. Scott seconded the motion and the motion passed unanimously.

## Commission for Independent Education/School Inspection Reports

Ms. Guillemette distributed copies of some school inspection reports provided to her by the Assistant Attorney General for the Commission for Independent Education. These reports were requested by the board at the August 2004 board meeting.

Chair Magda asked that Barber Instructors be placed on the next board meeting agenda for discussion.

## Regulation

Ms. Malone Garofalo informed the board that the Complaints and Investigative Statistics Report for the period July 1, 2004, through September 30, 2004, was included in the agenda for informational purposes.

Ms. Malone Garofalo informed the board that this would be her last meeting as their Executive Director and thanked the members for the opportunity to work with them.

## Bureau of Education and Testing

### Standardization

Ms. Lyra Erath, Psychometrician, informed the board that Mr. Rod Milton and Mr. Ross Nicholson have now been standardized and are available for use as examiners at future practical examinations.

# Draft Minutes – Board to Approve at Next Meeting

## Examination Sites

Ms. Erath informed the board that she visited West Side Tech in Winter Haven. She added that the school is a very nice facility and can accommodate up to 20 candidates per examination administration. Ms. Erath informed the board that West Side Tech is willing to forego any cost to the board for use of their facility and the examination could be offered on Mondays at their facility. She added that the school has a candidate waiting area and there is adequate parking. Her only concern is the type of sanitizers used by the school as she did not see any sanitizers when visiting the school.

Ms. Feliciano restated her findings when she visited the Florida Barber Academy in Pompano Beach. She added that there are 39 workstations in one classroom.

Vice Chair White visited Paul Mitchell – The School while in Orlando.

Ms. Erath will check on the contracted cost to utilize Lively Vocational-Technical School for practical examination administrations and report her findings to the board at the next board meeting.

Ms. Erath will also check on the availability of proctors and examination supervisors for a south Florida practical examination and report her findings to the board at the next board meeting.

Ms. Erath added that there is an option to cancel the Sunstate Academy or the Lively Vocational-Technical School examination site contracts without penalty to the board.

Ms. Erath will research other possible practical examination sites in the Tallahassee area and report her findings to the board at the next board meeting.

Ms. Erath will check on the need for proctors at examination sites and if this is a department requirement and report her findings to the board at the next board meeting.

## New Written and Practical Examinations Launched in August 2004

Ms. Erath indicated that the new examinations have been running very smoothly. She added that the department is attempting to completely fill all spaces in the first three practical examination administrations to shorten or eliminate a required fourth session.

Ms. Erath added that with the recent rule changes, two exam items have been eliminated from the restricted barber written examination due to inappropriate item content. Ms. Erath indicated that she has received some negative comments from restricted barber candidates because they started the examination process with a shorter laws and rules examination and having failed that examination, are now required to take a longer laws and rules examination because of the recent rule changes. She added that this mostly affects candidates who work well with their hands and are crafty but do not test well on written examinations and candidates who are unable to endorse from out of state and have been practicing in another state for many years.

# Draft Minutes – Board to Approve at Next Meeting

## South Florida Examiners

Ms. Erath reported that Ms. Feliciano provided the names of two potential south Florida examiners. One of the individuals is currently not eligible as they have not held a license for at least five years. The other individual is in the contracting process.

## Quarterly Pass/Fail Reports to Schools

Ms. Erath reported that the Bureau of Education and Testing is currently working with the department’s Bureau of Technology in creating this report. Further information will be provided at a later meeting.

## Written Examinations Content Information

Ms. Erath distributed materials relating to examination content areas. She asked the members to review the old examination content information and compare the new examination content information and related rules and provide her with any comments on their comparisons within the next two weeks. Once she has received all board member comments, she will prepare a final version and provide the finalized version to the board at the next board meeting.

Ms. Erath asked that the board consider amending rule 61G3-16.0010(2), F.A.C, so that the examination area designations are the same as rule 61G3-16.007(2), F.A.C. Ms. Scott moved to amend rule 61G3-16.0010(2), F.A.C., to the following:

“Category	Weight
(f) <del>Chemical Procedures</del> <u>Shaving, Beard and Mustache Trimming</u> ( <del>Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling</del> )	<del>15%</del> <u>5%</u>
(g) <del>Shaving, Beard and Mustache Trimming</del> <u>Chemical Procedures</u> ( <del>Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling</del> )”	<del>15%</del> <u>5%</u>

Ms. Feliciano seconded the motion and the motion passed unanimously.

## **Board Member Reports/Comments**

Since Vice Chair White was unable to attend the National Association of Barber Boards of America Annual Conference due to Hurricane Ivan, there was no report on the annual conference.

Chair Magda indicated he will inquire about the costs for hosting a NABBA annual conference when he contacts NABBA about the reciprocity discussion as their recent conference.

## **Chairperson Report/Comments**

Chair Magda inquired about the department not requiring photographs to be submitted with licensure applications and how exam administrators were ensuring that the individual examining is the individual who applied for licensure. Ms. Malone Garofalo ensured Chair Madga that proper photo bearing identification was required at examination sites.

# Draft Minutes – Board to Approve at Next Meeting

## **Public Comments**

Mr. Lombardi asked about a barbershop application he submitted to the department several months ago. He indicated he received notification from the department that his barbershop kiosk was not compliant because he did not have permanent walls or a ceiling. Mr. Lombardi indicated he asked that this matter be placed on this board meeting agenda for resolution. Ms. Guillemette informed Mr. Lombardi that she nor the board office have seen a letter from him requesting this matter come before the board. She suggested he submit a letter requesting a declaratory statement or a petition for variance and waiver so this matter can be discussed and addressed by the board. Mr. Lombardi will submit his request to Mr. Biggins for further review and action.

## **Dates/Locations of Future Board Meetings**

The board agreed to conduct its next meeting on Monday, February 21, 2005, at 9:00 a.m., in Orlando, Florida.

There being no further business, the meeting was adjourned at approximately 3:50 p.m.

JMG/rb