

MINUTES

FLORIDA BARBERS' BOARD
EMBASSY SUITES ST. AUGUSTINE BEACH RESORT
300 A1A BEACH BLVD, ST AUGUSTINE BEACH, FL 32080

Sunday, January 5, 2020

The Florida Barbers' Board meeting was called to order at approximately 9:00 a.m., by Mr. Michelino Nibaldi, Chair.

Board Members Present

Michelino Nibaldi, Chair
Veronica Wold
Eddie Stewart
Russell Mayer

Board Members Absent

Antonett Munchalfen - unexcused

Other Persons Present

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Christopher Dierlam, Assistant Attorney General, Office of the Attorney General
Crystal Stephens, Assistant General Counsel, Office of the General Counsel, DBPR
Sharon Dunlap, Court Reporter
Peter Roman
Corey Peavy
Mark Rivera
Linda Rivera
Chris Bossio
Emmanuel Ortiz
Brian Everett
Britney Golden

The meeting was opened with a roll call and a quorum was established.

DISCIPLINARY MATTERS

Reconsideration

Ms. Crystal Stephens, Assistant General Counsel, presented the following cases for reconsideration by the Board. After discussion, the Board denied the Respondent's request for reconsideration.

- Top Notch Barbershop; Lake Worth; Case No. 2017041391
- Top Notch Barbershop; Lake Worth; Case No. 2017056807
- Top Notch Barbershop; Lake Worth; Case No. 2018011298
- Top Notch Barbershop; Lake Worth; Case No. 2018052512

Informal Hearing

Ms. Stephens presented the following case for consideration by the Board. The Board found that the Respondent was properly served with the Administrative Complaint, 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 the Board and imposed the penalty shown below:

- Kausa Barber Shop; Hollywood; Case No. 2019035844
\$ 300 fine and \$76.96 costs to be paid within six months

Motion for Waiver of Rights and Final Order

Ms. Stephens presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, the Respondents 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 the Board and imposed the penalties shown below:

- Top Barbershop; Lauderdale Lakes; Case No. 2019025933
\$250 fine and \$82.19 costs to be paid within six months
- Cliff_Clipppers; Ft. Pierce; Case No. 2018062279
\$850 fine and \$168.04 costs to be paid within six months
Re-inspection within 90 days
- Blades NYC Barbershop II; Lantana; Case No. 2019032198
\$500 fine and \$240.51 costs to be paid within six months
- Hair Junkies Hair Studio; Ocala; Case No. 2019009728
\$201.75 costs only to be paid within 30 days
- MG Luxury Salon & Barber Shop; Miami Beach; Case No. 2019023734
\$350 fine and \$64.77 costs to be paid within six months
- Elie Laurent; Lauderdale Lakes; Case No. 2019039012
\$250 fine and \$90.20 costs to be paid within six months
- Nebula's Barbershop & Lounge; Pembroke Pines; Case No. 2019036096
\$350 fine and \$84.98 costs to be paid within six months
- Roylech Moreno; Sarasota; Case No. 2019024845
\$500 fine and \$86.63 costs to be paid within six months
Revocation of license BR6255
- Ascencio Barber Shop; Orlando; Case No. 2018051109
\$500 fine and \$174.27 costs to be paid within six months
Revocation of license BS1083864
- Nazir Khan Jr.; Margate; Case No. 2019022112
\$250 fine and \$87.62 costs to be paid within six months
- Josh Burroughs; Pompano Beach; Case No. 2019014113
\$1,000 fine and \$145.93 costs to be paid within six months
- The End Barber Shop; West Palm Beach; Case No. 2018053820
\$250 fine and \$121.71 costs to be paid within six months

Settlement Stipulation

Ms. Stephens presented the following cases for consideration by the Board. The Board moved to 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 and imposed the penalties shown below:

- Herberth Martinez; Coral Springs; Case No. 2019026518
\$250 fine and \$38.31 costs to be paid within six months
- Daj Unisex Beauty Salon; Miami; Case No. 2019033601
\$600 fine and \$59.94 costs to be paid within six months
- VIPCUTS2OFSOUTHFLORIDA; Pembroke Pines; Case No. 2019040719
\$500 fine and \$85.47 costs to be paid within six months
- Raed Mohammad Ali Ali; Dade City; Case No. 2019017577
Settlement Stipulation rejected by the Board and remanded back to the Department for continued prosecution.

Department Attorney Report

Ms. Stephens informed the Board that as of November 27, 2019, there were 44 open barber cases in the legal section.

APPLICATIONS

Licensure Applications

Initial Review

Javier Arias, Jr.

Mr. Arias was not present for the meeting. After review, the Board moved to approve the application.

Brian Everett

Mr. Everett was present for the meeting and was sworn in by Ms. Sharon Dunlap, Court Reporter. After review, the Board moved to approve the application.

Corey Peavy

Mr. Peavy was present for the meeting and sworn in by the Court Reporter. After review, the Board moved to approve the application.

Peter Roman

Mr. Roman was present for the meeting and was sworn in by the Court Reporter. After review, the Board moved to approve the application.

Caleb Joseph

Mr. Joseph was not present for the meeting. After review, the Board moved to approve the application.

Alexander Astakhov

Mr. Astakhov was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

Annastashia Moran

Ms. Moran was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Britney Golden

Ms. Golden was present for the meeting and was sworn in by the Court Reporter. After discussion, the Board tabled the application until the April 19, 2020, Board meeting. Ms. Golden verbally waived the deemer clause to afford her time to collect additional information regarding her schooling.

OTHER BUSINESS

Board Attorney Report

Rule 61G3-19.011, Florida Administrative Code (FAC) – Barbershop Requirements

The Board approved the following language and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation.

(1) Prior to opening a barbershop, the owner shall:

(a) Submit an application on forms prescribed by the Department of Business and Professional Regulation;

(b) Pay the required registration fee as outlined in the fee schedule;

(c) Meet the safety and sanitary requirements as listed in the subsequent portions of this section, with said requirements to continue in full force and effect for the life of the barbershop.

(2) Each barbershop and each barber shall take reasonable steps to insure that the shop and individual service area, respectively is maintained and operated in a safe and sanitary manner. Such steps shall include the following:

(a) Compliance with all local code requirements and to eliminate all fire hazards and dangerous structural defects;

(b) Provisions for safe and unobstructed human passage in the premises; removal of garbage and refuse; removal of excessive hair from floor; and safe storage or removal of flammable materials. All garbage must be kept in a closed container or receptacle;

(c) Maintenance of at least one portable and operational fire extinguisher in each shop. The fire extinguisher shall be located so that it is visible to the public and barbers. Access to the fire extinguisher shall be unimpeded. Inspections of the fire extinguisher shall be kept current;

(d) Extermination of all vermin, insects, termites, and rodents on the premises;

(e) Maintenance of all equipment used to perform ~~barbering~~ services on the premises in a safe and sanitary condition, including the regular application of cleaners and bacterial agents;

(f) Assurance that materials furnished for the personal use of the customer, such as towels, are cleansed before reuse.

(3) Every person practicing in a barbershop ~~barbering~~ in any capacity shall wash his or her hands thoroughly with an anti-bacterial liquid or powdered soap and water before serving each patron.

(4) After the handling of a customer affected with an eruption, or whose skin is broken out, or is inflamed or contains pus, the hands of the attendant shall be disinfected immediately; this shall be done by thorough washing with soap and water, followed by rinsing in rubbing alcohol (70 to 80 percent) or the use of some equally efficient disinfectant.

(5) All towels and linens ~~used in the practice of barbering~~ are to be kept in a closed container or compartment.

(6) The barber shop must have one or more shampoo bowls equipped with hot and cold running water. The shampoo bowls shall be located in the area where barbering services are performed.

(7) Each headrest on each chair in every barbershop must be equipped with a relaundersed towel or a sheet of clean paper for each patron.

(8) Each patron shall have a clean strip of cotton, towel or neckband on the neck so that the haircloth does not come in contact with the neck or skin of the patron's body.

- (9) The use of a brush, comb, or other barbering tool on more than one patron without being sanitized is prohibited.
- (10) All barbershops shall be equipped with and shall utilize wet sanitizers, sufficient to allow for sanitizing practices. A wet sanitizer is any clear plastic or glass receptacle with a lid containing a disinfectant solution as specified below, and large enough to allow for immersion of the barbering tools, or those surfaces of said tools which come in contact with the patrons.
- (11) All ~~barbering~~ tools used in barbershops including, but not limited to, such as razors, scissors, tweezers, combs, rubber discs, or parts of vibrators shall be free from hair, cleansed and:
- (a) Immersed in a disinfectant registered with the Environmental Protection Agency (EPA) as a bacterial, virucidal and fungicidal disinfectant, and approved by that agency for use in hospitals, for one to five minutes; or
- (b) All combs, brushes, metallic instruments with a cutting edge, or implements which have come into contact with blood, or body fluids, shall be immersed in a disinfectant that indicates on its label that it has been registered with the Environmental Protection Agency (EPA) as a tuberculocidal disinfectant, in accordance with C.F.R. 1910. 1030; or
- (c) Cleansed and sanitized for use by any other method that shall be the equivalent in germicidal or organism destructive effect, as provided in paragraph (11)(a) or (b) above. The use of an ultraviolet ray sanitizing cabinet, by itself, is not sufficient to meet the requirements of paragraph (11)(a) or (b) above.
- (d) After complying with any of the above requirements, the razor, scissors, tweezers, combs, rubber discs or parts of vibrators shall then be placed and kept in a clean, closed cabinet or container until next ready for use. Storage in an ultraviolet ray sanitizing cabinet is preferred.
- (12) The use of styptic pencils or any other astringent that will come in contact with more than one patron is prohibited. If a slight cut or scratch drawing blood has occurred, the use of sterile cotton, styptic powder, or any suitable solution first applied to a sterile cotton ball or swab is approved.
- (13) All owners or managers or barbershops must provide at least two receptacles, one for the deposit of used towels, and one for the deposit of used shaving paper. All used towels and used shaving papers are to be deposited in the proper receptacle immediately after use.
- (14) All barbershops are to be equipped with adequate toilet and sink facilities on the premises or in the same building as, and within ~~300~~ 200 feet of the barbershop. To be adequate, such facilities shall have at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, sanitary towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle. Such facilities and all of the foregoing fixtures and components shall be kept clean, in good repair, well-lighted and adequately ventilated to remove objectionable odors and shall comply with the provisions of Rule 64E-10.044, Florida Administrative Code (F.A.C.).
- (15) Styling stations, styling bars, back bars, dresserettes, or working stations must be kept clean at all times to the sight and touch. All drawers and shelves of the above being used for the storage of rollers, brushes, combs, pins, nets, and equipment must have proper sanitation, and shall not be used for storage of nonrelated ~~barbering~~ equipment or supplies. One drawer or cabinet may be designated for storage of personal items.
- (16) Each barbershop shall be kept well ventilated. The walls, ceilings, furniture and equipment shall be kept clean and free from dust. Hair must not be allowed to accumulate on the floor of the barbershop. Hair must be deposited in a closed container.
- (17) No animals or pets shall be permitted inside a barbershop, with the exception, of closed aquariums or trained animals to assist the hearing or visually impaired, or the physically disabled.
- (18) A barbershop may be located at a place of residence. Barbershop facilities must be separated from the living quarters by a permanent wall construction. A separate entrance shall be provided to allow entry to the barbershop other than from the living quarters. Toilet and lavatory facilities shall comply with subsection (14) above, shall have an entrance from the barbershop other than the living quarters, and shall not be the same toilet and lavatory facilities as are used by the occupants of the residence.
- (19) No barbershop shall be operated in the same licensed space allocation with any other business which adversely affects the sanitation of the barbershop. In order to control the required space and maintain proper sanitation, where a barbershop adjoins such other business, there must be permanent walls separating the barbershop from other business and there must be separate and distinctly marked

entrances for each.

(20) For purposes of this rule, “permanent wall” means a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to a barbershop’s floor and ceiling, and which serves to delineate and protect the barbershop.

(21) A barbershop must contain a minimum of 100 square feet of floor space, excluding the toilet and lavatory facilities. No more than one (1) barber at any one time may perform barbering services in a barbershop which has only the minimum floor space. In addition, a barbershop in which more than one (1) barber performs barbering services at any one time must contain an additional forty (40) square feet for each such additional barber.

(22) A barbershop may contain less than 100 square feet of floor space if it complies with all the requirements set out above, except the square footage requirements, and:

- (a) Only one barber and one customer shall be in the barbershop at any one time;
- (b) No person shall wait at the barbershop for barbering services;
- (c) There shall be no waiting room or waiting area at the barbershop;
- (d) The barbershop shall not advertise;
- (e) There shall be no telephone listing for the barbershop;
- (f) A barbershop under this subsection shall contain a minimum of 75 square feet of floor space.

Rule 61G3-21.009, FAC – Citations

The Board approved the following language and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation.

(1) A citation and fine shall be issued for a violation of any of the provisions in this paragraph, except when a notice of non-compliance can be issued first, pursuant to rule 61G3-21.012, F.A.C.

- (a) Practicing barbering with a license that has been delinquent or inactive for no more than 3 months in violation of sections 476.194(1)(a), 476.204(1)(a), and 455.271(1), F.S.: fine of \$200.00;
- (b) Failure to post inspection report in violation of subsection 61G3-19.015(1), F.A.C.: fine of \$50.00;
- (c) Failure to properly display barber’s license in violation of subsection 61G3-19.009(1), F.A.C.: fine of \$50.00;
- (d) Failure to properly display barbershop’s license in violation of subsection 61G3-19.009(2), F.A.C.: fine of \$50.00;
- (e) Failure to post the barbershop requirements listed in rule 61G3-19.011, F.A.C., in violation of rule 61G3-19.012, F.A.C.: fine of \$50.00;
- (f) Failure to transfer ownership of barbershop license for not more than 3 months, in violation of rule 61G3-19.013, F.A.C.: fine of \$200.00;
- (g) Failure to maintain a portable fire extinguisher, in violation of paragraph 61G3-19.011(2)(c), F.A.C., provided the inspection is not more than 60 days overdue: fine of \$100.00; and
- (h) Failure to immediately deposit towels in the proper receptacle, in violation of subsection 61G3-19.011(13), F.A.C.: fine of \$50.00.

(2) A citation and fine shall be issued for a first violation of any of the statutes and rules listed in this paragraph.

(a) Holding oneself out as a barber while not licensed, in violation of Section 476.194(1)(a), F.S., shall result in a fine of \$250;

~~(b)(a)~~ Operating a barbershop with a license that has been expired for up to one year, no more than 3 months in violation of section 476.194(1)(d)1., F.S.: fine of \$200.00, shall result in a fine of \$50 per month to the maximum fine allowed by law;

~~(c)(b)~~ Relocating a barbershop in violation of sections 476.184(7) and 476.194(1)(d)1., F.S.: fine of \$200.00;

~~(d)(c)~~ Performing barber services outside a licensed shop in violation of rule 61G3-19.010, F.A.C.: fine of \$200.00; and

~~(e)(d)~~ A citation shall be issued for violation of any of the following safety, code, and structural provisions: paragraphs 61G3-19.011(2)(a)-(c), (6), and (15)-(22)(a)-(f), F.A.C.: The fine for violation of any one of

these provisions shall be \$50.00.

(3) A citation shall not be issued if more than three of the violations listed in (1) and (2) occur during the same inspection.

(4) At least three years must pass between the issuance of citations for violations of the same provision.

Rule 61G3-16.0010(3), FAC – Examination for Barber License

The Board approved the following language and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation.

(3) The score necessary to achieve a passing grade shall be no less than seventy five ~~(70 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.

Rule 61G3-16.007(2), FAC – Examination for Restricted License

The Board approved the following language and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation.

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

(2) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five ~~(70 75)~~ percent out of one hundred (100) percent on the 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.

Rule 61G3-16.0091(4), FAC – Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education

The Board approved the following language and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation.

(1) Each person licensed under chapter 476, F.S., shall complete a department or board approved HIV/AIDS education course as a condition of the renewal of his or her license as follows:

(a) Such course must be taken during the licensure period and prior to expiration of the license for a license to be renewed in an active status; or

(b) Any person whose license is listed as being in delinquent or inactive status shall take a department or board approved HIV/AIDS education course prior to reactivation of their license.

(2) The course shall consist of education on the modes of transmission, infection control procedures, clinical management and prevention of HIV and AIDS, with emphasis on appropriate behavior and attitude changes and with specific relevance to the practice of barbering and cosmetology including sanitary requirements. The course shall be a minimum of (2) hours of instruction.

(3) Courses may be presented as live presentation courses, home study courses, or video courses. All home study courses shall include a written post course examination which must be graded by the provider. Post-course examinations may be open-book examinations. Persons taking the course must achieve a 75% passing score on all post-course examinations in order to receive continuing education credit.

~~(4) Licensees shall retain proof of completion of the HIV/AIDS education course for at least three years.~~

(45) Licensees holding two or more licenses subject to the HIV/AIDS education course requirement shall present all license numbers to the provider of such course. Providers shall submit all license numbers for

attendees taking the HIV/AIDS education course.

(56) Licensees shall have until the expiration of the current licensure cycle to resolve disputes with the provider regarding his or her continuing education completion status and provide proof of courses taken to the Board or Department.

The Office of Fiscal Accountability and Regulatory Reform Directive

Mr. Christopher Dierlam, Assistant Attorney General, informed the Board that the Governor issued a directive that all agencies must include a sunset provision related to existing and proposed rules.

Correspondence

Complaints and Investigative Statistics – July 2019 – November 2019

Ms. Woodard informed the Board that the Complaints and Investigative Statistics Report was included in the agenda for informational purposes.

Barber Examination Summary – January 2019 – October 2019

Ms. Woodard informed the Board that the Barber Examination Summary was included in the agenda for informational purposes.

Dates and Locations of Future Meetings

April 19, 2020 – Sarasota

July 19, 2020 – Celebration

October 11, 2020 – Fernandina Beach

Elections

The Board unanimously elected Mr. Michelino Nibaldi, Chair, and Mr. Eddie Stewart, Vice Chair, of the Florida Barbers' Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:00 p.m.