

MINUTES

FLORIDA BARBERS' BOARD
CASA MONICA HOTEL
95 CORDOVA STREET
ST. AUGUSTINE, FLORIDA 32084

Monday, February 8, 2010, 9:00 a.m.

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 9:00 a.m., by Chair Herman White.

Board Members Present

Herman White, Chair
Carl Troup, Vice Chair
Robert Collins
Edwin Stewart
Tommy Vaughn

Board Members Absent

Julie Rivera

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Carrol Cherry, Assistant Attorney General, Attorney General's Office
Jason White, Assistant General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Katharine Dodson, Administrative Assistant, DBPR
Lisa Beauchamp, Court Reporter
Jason Boek
William Will
Octavious Gilliam
Kevin Ponce
Elton Mondesir
Marco Mastroianni

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

Mr. Edwin Stewart moved to accept the minutes from the General Business Meeting of October 9, 2009 and November 9, 2009. Mr. Carl Troup seconded the motion and it passed unanimously.

DISCIPLINARY MATTERS

Informal Hearings

Mr. Jason White presented the following cases for consideration by the board. Mr. Stewart moved that the Respondent was properly served with the Administrative Complaint and elected 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 outlined in the Administrative Complaint, and that the board impose a penalty on the Respondent as shown below:

- Eric Elizarraraz; Ruskin
Case No. 2009-018858
\$500 fine and \$75.12 costs
- The Oaks Barbershop; Ocala
Case No. 2009-027125
\$1,500 fine and \$148.61 costs
Six month stayed suspension
- Anderson Sanchez; Deerfield Beach
Case No. 2008-051386
\$500 fine and \$81.25 costs
- Stewarts Sophisticated Hair Salon; West Palm Beach
Case No. 2009-033454
\$500 fine and \$68.14 costs
Six month stayed suspension
- Andrea Della Vernon; Crawfordville
Case No. 2009-011402
\$500 fine and \$159.99 costs
Six month stayed suspension

Mr. Tommy Vaughn seconded the motion and the motion passed unanimously.

Motion for Waiver of Rights and Final Order

Entre Nous Barber Shop; Delray Beach
Case No. 2009-030068

Mr. White presented the department's case and suggested imposing a fine of \$250 and costs of \$80.86. 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 stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of the 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, plus revocation of the Respondent's barbershop license BS 1078827. Mr. Troup seconded the motion and the motion passed unanimously.

Mr. White presented the following cases for consideration by the board. Mr. Stewart moved that the Respondents were properly served with the Administrative Complaint, that 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 the 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:

- Classic Cuts of Miami Gardens; Miami Gardens
Case No. 2009-018759
\$2,000 fine and \$35.50 costs
Six month stayed suspension
- Do It Right; Miami
Case No. 2009-013210
\$1,000 fine and \$120.97 costs
Six month stayed suspension
- Ground Zero Barbershop, Inc.; Orlando
Case No. 2008-035093
\$1,000 fine and \$180.04 costs
Revocation of license BS1077287
- Manno Barber Shop; Coral Springs
Case No. 2009-018990
\$1,000 fine and \$98.43 costs
Six month stayed suspension
- Wolfgang A. Santiago; Tampa
Case No. 2009-010613
\$500 fine and \$177.19 costs
Six month stayed suspension

Mr. Troup seconded the motion and the motion passed unanimously.

Settlement Stipulations

Samuel Rivera; Ocala
Case No. 2009-027129

Mr. White presented the department's case and suggested imposing a fine of \$1,000 and costs of \$148.61 to be paid over a period of three months. 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. Mr. Troup seconded the motion and the motion passed unanimously.

DEPARTMENT ATTORNEY REPORT

Mr. White informed the board that as of January 15, 2010, there were 53 open barber cases in the legal section. The board agreed to allow Mr. White to proceed with handling the year-old cases.

APPLICATIONS

Barber Endorsement and Licensure Applications

Informal Hearings

Jason T. Boek

Mr. Boek was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the November 9, 2009, meeting based on the noted criminal history. After discussion, Mr. Vaughn moved to approve the application based on the documentation provided. Mr. Robert Collins seconded the motion and the motion passed with Mr. Stewart voting against the motion.

Elton S. Mondesir

Mr. Mondesir was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the November 9, 2009, meeting based on outstanding fines. After discussion, Mr. Stewart moved to uphold the denial as there was no evidence that the fines have been satisfied. Mr. Troup seconded the motion and the motion passed unanimously.

William L. Will

Mr. Will was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the November 9, 2009, meeting because he failed to demonstrate evidence that his school's program included hair structure and chemistry. After discussion, Mr. Stewart moved to approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Raymond E. Elson

Mr. Elson was not present for the meeting. The board denied his application at the November 9, 2009, meeting because he failed to demonstrate that he had satisfactorily completed a written examination comparable to or more stringent than the examination given by the department. After discussion, Mr. Stewart moved to uphold the denial as there was no additional documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Sandra P. Erazo

Ms. Erazo was not present for the meeting. The board denied her application at the May 18, 2009, meeting because she failed to demonstrate evidence that her school's program included hair structure and chemistry. After discussion, Mr. Stewart moved to approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Mark Mercado

Mr. Mercado was not present for the meeting. The board denied his application at the November 9, 2009, meeting because he failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; shaving; and he failed to demonstrate that he satisfactorily completed a written examination comparable to or more stringent than the examination given by the department. After discussion, Mr. Stewart moved to approve the application based on the documentation provided. Mr. Vaughn seconded the motion and the motion passed unanimously.

Cesar A. Reyes

Mr. Reyes was not present for the meeting. The board denied his application at the August 3, 2009, meeting because he failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; shaving; and he failed to demonstrate that he satisfactorily completed a written examination comparable to or more stringent than the examination given by the department. After discussion, Mr. Stewart moved to approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Andy Treto

Mr. Treto was not present for the meeting. The board denied his application at the August 3, 2009, meeting because he failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; shaving; and he failed to demonstrate that he satisfactorily completed a written examination comparable to or more stringent than the examination given by the department. After discussion, Mr. Stewart moved to approve the application based on the documentation provided. Mr. Vaughn seconded the motion and the motion passed unanimously.

Initial Review

Octavious D. Gilliam

Mr. Gilliam was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Marco V. Mastroianni

Mr. Mastroianni was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Troup seconded the motion and the motion passed unanimously.

Kevin E. Ponce

Mr. Ponce was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Robert Adams, III

Mr. Adams was not present for the meeting. After review, Mr. Stewart moved to approve the application. Mr. Troup seconded the motion and the motion passed unanimously.

Kovi Allen

Mr. Allen was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Troup seconded the motion and the motion passed unanimously.

Hector J. Claudio, Jr.

Mr. Claudio was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Vaughn seconded the motion and the motion passed unanimously.

John Fuschillo

Mr. Fuschillo was not present for the meeting. After review, Mr. Stewart moved to approve the application. Mr. Troup seconded the motion and the motion passed unanimously.

Jeff J. Genticcore

Mr. Genticcore was not present for the meeting. After review, Mr. Stewart moved to deny the application because he failed to demonstrate evidence that his school's program included hair structure and chemistry; chemical services; evidence of only 1,000 hours of schooling; and he failed to demonstrate that he satisfactorily completed a written examination comparable to or more stringent than the examination given by the department. Mr. Troup seconded the motion and the motion passed unanimously.

Maurice Holland

Mr. Holland was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Troup seconded the motion and the motion passed unanimously.

John V. Martinez

Mr. Martinez was not present for the meeting. After review, Mr. Troup moved to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Edgar Mendez

Mr. Mendez was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Troup seconded the motion and the motion passed unanimously.

Alton T. Mitchell

Mr. Mitchell was not present for the meeting. After review, Mr. Stewart moved to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Joseph W. Newton

Mr. Newton was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Troup seconded the motion and the motion passed unanimously.

Carlos A. Ruiz

Mr. Ruiz was not present for the meeting. After review, Mr. Stewart moved to deny the application for failure to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; shaving; and he failed to demonstrate that he satisfactorily completed a written examination comparable to or more stringent than the examination given by the department. Mr. Troup seconded the motion and the motion passed unanimously.

Winston L. Richards

Mr. Richards was not present for the meeting. After review, Mr. Stewart moved to deny the application for failure to demonstrate evidence that his school's program included hair structure and chemistry. Mr. Troup seconded the motion and the motion passed unanimously.

Continuing Education Applications

COE Continuing Education

HIV/AIDS Infection Control – 2 Hours Home Study/Video/Internet

After review, Mr. Stewart moved to approve the application. Mr. Troup seconded the motion and the motion passed unanimously.

NEW BUSINESS

Self Reporting of Criminal Convictions

Ms. Robyn Barineau informed the board of the department's new form for a licensee to report a criminal conviction. After discussion, the board will consider how to address disciplinary action for late reporting of a criminal conviction at the next board meeting.

OTHER BUSINESS

Executive Director Report

Ms. Barineau reported that the balance in the board's operating account on September 30, 2009, was \$284,572, and the balance in their unlicensed activity account was \$171,893.

Board Attorney Report

Ms. Carrol Cherry indicated that the Joint Administrative Procedures Committee (JAPC) objected to the proposed changes to Rule 61G3-19.011, Florida Administrative Code – Barbershop Requirements. JAPC objected to the actual cite to the Board of Cosmetology rule relating to the pedicure equipment sterilization and disinfection. Ms. Cherry will incorporate the actual language from the Board of Cosmetology rule in the board's rule and resubmit the language to JAPC for review.

Ms. Cherry informed the board that the amendment to Rule 61G3-19.015, Florida Administrative Code – Inspections, changing barbershop inspections from annually to biennially will be effective July 1, 2010.

Ms. Cherry informed the board that she will no longer serve as their board counsel as she had taken a position in the tax section of the Attorney General's Office. The board thanked her for her service.

Regulation Report

Complaints and Investigative Statistics

Ms. Barineau informed the board that the complaints and investigative statistics report was included in the agenda for informational purposes.

Barbers' Examination Summary

Ms. Barineau informed the board that the examination summary report was included in the agenda for informational purposes.

Board Member Comments

The board asked Ms. Barineau to research whether or not there were any funds available to prepare and distribute, at inspections and to barbering schools, a pamphlet informing licensees and potential applicants about specific laws and rules relating to sanitation, disinfection, reporting of criminal convictions, unlicensed activity, and other important information. She informed the board that this information can be included in the newsletter. She will report her findings at the next board meeting.

Dates and Locations of Future Meetings

May 17, 2010 – Tallahassee
August 9, 2010 – Palm Beach
November 15, 2010 – Tampa

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:30 a.m.