

MINUTES

FLORIDA BARBERS' BOARD
THE POINT ORLANDO RESORT
7389 UNIVERSAL BLVD.
ORLANDO, FLORIDA 32819

Monday, February 28, 2011

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
Julie Rivera
Edwin Stewart
Thomas Vaughn

Board Members Absent

Andrew Raines

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Rachel Clark, Assistant Attorney General, Attorney General's Office
Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, DBPR
LeChea Parson, Assistant General Counsel, Office of the General Counsel, DBPR
Heather Howard, Court Reporter
Jonathan Velazquez
Eric Mathurin
Jorge Diaz
Julio Gomez
Sabrina Davis
Troy McDowell
Chris Pinks
Paula Tantillo
Alexander Gonzalez
Adam Hassani
Jason King
Brandon Terry
Antonio Harris
Jairus Rutherford

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

Vice Chair Carl Troup moved to accept the minutes from the November 15, 2010, board meeting. Mr. Thomas Vaughn seconded the motion and the motion passed unanimously.

Vice Chair Troup moved to accept the minutes from the January 14, 2011, board meeting. Mr. Vaughn seconded the motion and the motion passed unanimously.

DISCIPLINARY MATTERS

Informal Hearings

Loqui Styles; Lake Worth; Case No. 2010-020758

Ms. Kathleen Brown-Blake, Assistant General Counsel, informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$500 and

costs of \$70.74. Ms. Julie Rivera moved that the Respondent was properly served with the Administrative Complaint, 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 fine of \$500 and costs of \$70.74, to be paid over a period of six months, with the first payment of \$70.74 due within 30 days of the final order and five monthly payments of \$100 each. Vice Chair Troup seconded the motion and the motion passed unanimously.

Phillips & Son's Barber Shop; Pompano Beach; Case No. 2010-031090

Ms. Brown-Blake informed the board that the Respondent had elected an informal hearing in the matter. Mr. Phillips was unable to attend the meeting, Ms. Brown-Blake requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Daniel Pinero; Kissimmee; Case No. 2010-026570

Ms. Brown-Blake informed the board that the Respondent had elected an informal hearing in the matter. Mr. Pinero was not present for the meeting. Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$500 and costs of \$264. Ms. Rivera moved that the Respondent was properly served with the Administrative Complaint, 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 fine of \$500 and costs of \$264, plus revocation of barber license BB8893241. Vice Chair Troup seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Regarding Case No. 2010.024488 against Idris Abdur-Rasheed of Spring Hill, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$900 and costs of \$259.71. Mr. Abdur-Rasheed was not present for the meeting. Ms. Rivera moved that the board find 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 impose a fine of \$900 and costs of \$259.71, to be paid over a period of six months, with the first payment of \$259.71 due within 30 days of the final order and five monthly payments of \$180 each. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.059043 against Alberto's Hair Designs of Deltona, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$500 and costs of \$308.33. The Respondent was not present for the meeting. Ms. Rivera moved that the board find 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 impose a fine of \$500 and costs of \$308.33, to be paid over a period of six months, with the first payment of \$308.33 due within 30 days of the final order and five monthly payments of \$100 each. Vice Chair Troup seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.012487 against Eddie Carlos Brussard of Jacksonville, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$500 and costs of \$82.23. Mr. Brussard was not present for the meeting. Ms. Rivera moved that the board find 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 impose a fine of \$500 and costs of \$82.23, to be paid over a period of six months, with the first payment of \$82.23 due within 30 days of the final order and five monthly payments of \$100 each. Vice Chair Troup seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.016533 against Sabrina J. Davis of Valrico, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$500 and costs of \$110.43. Ms. Davis was present for the meeting and was sworn in by the Court Reporter. Mr. Stewart moved that the board dismiss the case based on insufficient evidence to support the allegations. Ms. Rivera seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.036098 against Francois Etienne of Lake Worth, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$2,000 and costs of \$479.14. Mr. Etienne was not present for the meeting. Ms. Rivera moved that the board find 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 impose a fine of \$2,000 and costs of \$479.14, plus revocation of barber license BB55323. Vice Chair Troup seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.025033 against Patrick Hart of St. Petersburg, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$500 and costs of \$127.38. Mr. Hart was not present for the meeting. Ms. Rivera moved that the board find 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 impose a fine of \$500 and costs of \$127.38, to be paid over a period of six months, with the first payment of \$127.38 due within 30 days of the final order and five monthly payments of \$100 each. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.016831 against Troy McDowell of Plant City, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$500 and costs of \$192.35. Mr. McDowell was present for the meeting and was sworn in by the Court Reporter. Mr. Stewart moved that the board dismiss the case based on insufficient evidence to support the allegations. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.058636 against New York Styles Allstar of Miami, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$700 and costs of \$266.15. The Respondent was not present for the meeting. Ms. Rivera moved that the board find 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 impose a fine of \$700 and costs of \$266.15. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.031260 against Northside Barber Shop of Miami, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$1,000 and costs of \$70.92. The Respondent was not present for the meeting. Ms. Rivera moved that the board find 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 impose a fine of \$1,000 and costs of \$70.92, to be paid over a period of six months, with the first payment of \$70.92 due within 30 days of the final order and five monthly payments of \$200 each. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.062694 against Perry's Barber Shop & Hair Care of Orlando, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$750 and costs of \$328.22. The Respondent was not present for the meeting. Ms. Rivera moved that the

board find 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 impose a fine of \$750 and costs of \$328.22, quarterly inspections of the barbershop, plus probation on the barbershop license BS8691 for a period of one year. Vice Chair Troup seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.003799 against Jarius Rutherford of Lakeland, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$500 and costs of \$99.17. Mr. Rutherford was present for the meeting and was sworn in by the Court Reporter. Mr. Stewart moved that the board dismiss the case based on insufficient evidence to support the allegations. Vice Chair Troup seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.052708 against The Oaks Barbershop of Ocala, Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$750 and costs of \$522.20. The Respondent was not present for the meeting. Ms. Rivera moved that the board find 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 impose a fine of \$750 and costs of \$522.20, to be paid over a period of six months, with the first payment of \$522.20 due within 30 days of the final order and five monthly payments of \$150.00 each. Vice Chair Troup seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.011622 against Spalding-Watts Ytterbium of Tallahassee, Ms. Brown-Blake requested that this disciplinary case be pulled from the agenda.

Department Attorney Report

Ms. Brown-Blake informed the board that as of January 18, 2011, there were 63 open barber cases in the legal section.

APPLICATIONS

Informal Hearings

Jorge A. Diaz Vazquez

Mr. Diaz Vazquez was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the November 1, 2010, meeting based on the noted criminal history. After review, Mr. Stewart moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Vice Chair Troup seconded the motion and the motion passed unanimously.

Alexander Gonzalez

Mr. Gonzalez was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the November 1, 2010, meeting based on the noted criminal history. After review, Mr. Stewart moved approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Initial Review

Brandon A. Terry

Mr. Terry was present for the meeting and was sworn in by the Court Reporter. Ms. Rivera recused herself from voting on this matter. After review, Mr. Stewart moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Mr. Troup seconded the motion and the motion passed unanimously.

Timothy G. Cochran

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

Franklin Donaldson

Mr. Donaldson was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Mr. Vaughn seconded the motion and the motion passed unanimously.

Julio A. Gomez

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

Antonio T. Harris

Mr. Harris was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Rivera moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Mr. Vaughn seconded the motion and the motion passed unanimously.

Adam J. Hassani

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

Jonathan Velazquez / Puerto Rico

Mr. Velazquez 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.

Jason C. King

Mr. King was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Mr. Vaughn seconded the motion and the motion passed unanimously.

Ronald Leske / Illinois

Mr. Leske 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.

Eric Mathurin

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

Elvis M. Perez

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

Christopher Pinks

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

Paula L. Tantillo / Maine

Ms. Tantillo 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.

Jorley Cabrera

Mr. Cabrera was not present for the meeting. After review, Vice Chair Troup moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Mr. Vaughn seconded the motion and the motion passed unanimously.

Continuing Education Provider and Course Application

Initial Review

Beauty Schools of America

Course Application

HIV/AIDS BA 101 Course – 3 Hours Live Study

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

Bene's International School of Beauty

Course Application

Barbering Continuing Education 2010-2011 Course – 2 Hours Live Study Group

After review, Vice Chair Troup moved to approve the application with the following contingency: replacing the reference of "cosmetology" in the course completion certificate and replacing it with "barbers". The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Vaughn seconded the motion and the motion passed unanimously.

New Business

Payment Plans

The board agreed to allow the department to enter into contracts with Respondents allowing for payment plans in final order matters.

Additional Educational Hours for Barber Endorsement

The board agreed to allow applicants coming from another state or country who document less than the required 1,200 hours of education to complete the remaining hours at a barber school in or out of Florida for the purpose of qualifying for endorsement.

Other Business

Executive Director's Report

Financial Report for Year Ending September, 2010

Ms. Robyn Barineau, Executive Director, reported that the balance in the board's operating account on December 31, 2010, was over \$970,000 and the balance in their unlicensed activity account was over \$267,000. She added that the financial projections show that both accounts should maintain a positive cash balance at least through June 30, 2015.

Board Attorney's Report

Rules Executive Order

Ms. Rachel Clark, Assistant Attorney General, gave an overview of Executive Order 11-01 relating to rulemaking.

Division of Regulation

Complaints and Investigative Statistics Report – July 2010 – January 2011

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

Bureau of Education and Testing

Barber Examination Summary – July 2010 – January 2011

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

Dates and Locations of Future Meetings

May 16, 2011 – Fernandina Beach

August 8, 2011 – Panama City

November 7, 2011 – Tampa

Elections

The board unanimously reelected Mr. Herman White, Chair, and Mr. Carl Troup, Vice Chair, of the Florida Barbers' Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:45 a.m.