

MINUTES

**FLORIDA BARBERS' BOARD
Department of Business and Professional Regulation
Hyatt Regency - Miami
400 S.E. Second Avenue
Miami, Florida 33131
Monday, May 7, 2007
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
Jeri Scott
Roland Bordelon
Carl Troup

Board Members Absent

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation
Joy Tootle, Assistant Attorney General, Department of Legal Affairs
Charles Tunnicliff, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation
Dana Ewaldt, Government Analyst, Department of Business and Professional Regulation
Shelly Kelly, Court Reporter

Interested Parties Present

Nicola Colonna, Endorsement Applicant
Roberto Colonna, Translator for Nicola Colonna
Rafael Medina, Endorsement Applicant
Edison W. Pena, Endorsement Applicant
Baraa Abdou, Endorsement Applicant
Zainab Zayed, Translator for Baraa Abdou
Lynda Calcano, International Services
Ian Spike, Endorsement Applicant
Narrelus Renoir, Endorsement Applicant
Luc Dore, Translator for Narrelus Renoir
Christopher Raymore, Endorsement Applicant
Endre Horvath, Endorsement Applicant
Anthony P. Do Prado, Endorsement Applicant

Jason Oliveria, Translator for Anthony P. Do Prado
Talbert Linwood, Sheridan Technical Center
Dania Beckwith, Respondent
Jack Lombardi, Florida Barber Academy
Ryan Lombardi, Florida Barber Academy

The meeting was opened with a roll call and a quorum was established. Chair Dave Magda thanked the audience members for attending the meeting. Chair Magda welcomed the newly appointed board member, Mr. Carl Troup.

Approval of Minutes: February 4, 2007 and February 5, 2007

Mr. Herman White, Vice Chair, moved to accept the minutes from the February 4, 2007, and February 5, 2007, board meeting. Ms. Jeri Scott seconded the motion and the motion passed unanimously.

Disciplinary Matters

Motions for Waiver of Rights and Final Order

DD's Mad Cutters; Miami; 2006-033870

The Administrative Complaint charged the Respondent with multiple violations of Section 476.194(1)(e)2, Florida Statutes. Mr. Charles Tunncliff, Assistant General Counsel, noted that the matter was originally agended as a Motion for Waiver of Rights and Final Order, however, since the Respondent, Ms. Dania Beckwith, was present, she requested the matter be handled as an Informal Hearing. Vice Chair White moved that the board proceed as an Informal Hearing in this matter. Mr. Roland Bordelon seconded the motion and the motion passed unanimously. Ms. Beckwith was sworn in by the Court Reporter. Mr. Tunncliff presented the department's case and suggested assessing a fine of \$1,000 and costs of \$159.68 to be paid over a period of six months, and with the first payment of \$359.68 due within 30 days of the final order. Vice Chair White moved that the board find the Respondent was properly served with the Administrative Complaint, and elected not to dispute the alleged facts, that there is competent and substantial evidence in the investigative file to support the allegations, that the Respondent committed the offenses as outlined in the Administrative Complaint, and that the board impose a penalty on the Respondent of a fine of \$1,000 and costs of \$159.68 to be paid over a period of six months. Mr. Roland Bordelon seconded the motion. The motion passed unanimously.

Ground Zero Barbershop, Inc.; Orlando; 2006-030069

The Administrative Complaint charged the Respondent with a violation of Section 476.194(1)(c), Florida Statutes, a violation of Section 455.227(1)(j), Florida Statutes, a violation of Section 455.227(1)(r), Florida Statutes, and a violation of Section 476.194(1)(b), Florida Statutes. The Respondent was not present for the meeting. Mr. Tunncliff presented the department's case and suggested assessing a fine of \$3,000 and costs of \$162.7,8 plus suspension of license BS1077287 upon issuance of the final order and until the matter is paid in full. Vice Chair White moved 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, 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 \$3,000

fine and costs of \$162.78 plus suspension of barbershop license number BS1077287 upon issuance of the final order. Mr. Bordelon seconded the motion and the motion passed unanimously.

Unless otherwise stated, by appropriate motion 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, the board accepted the allegations as stated in the Administrative Complaint and adopted them as the findings of fact and conclusions of law of the board, and imposed the penalties shown below:

- Lopez & Duenas Corporation; Miami
Case Nos. 2006-033489 and 2006-040417
\$500 fine and \$60.60 costs
- Impressionz Styling Studio; Boca Raton
Case No. 2006-041588
\$1,500 fine and \$76.77 costs
- Jean Wood Julien; North Miami Beach
Case No. 2006-040187
\$1,500 fine and \$154.90 costs
- Juan Jimenez; Orlando
Case No. 2006-011100
\$500 fine and \$73.95 costs
- World Cut Salon & Barber and Clifford Belle, Jr.; Gainesville
Case Nos. 2006-044969 and 2006-045510
\$1,000 fine and \$203.11 costs
- Perfection Plus Barbershop; Orlando
Case Nos. 2005-004403 and 2006-002328
\$950 fine and \$275.43 costs

Settlement Stipulations

Victor J. Villalobos; Margate; 2006-044447

The Administrative Complaint charged the Respondent with a violation of Section 476.194(1)(a), Florida Statutes and a violation of Section 476.194(1)(b), Florida Statutes. Mr. Tunnicliff noted that the matter was originally agended as Motion for Waiver of Rights and Final Order, however, the Respondent has entered into a Settlement Stipulation. The Respondent was not present for the meeting. The department suggested assessing a fine of \$1,000 and costs of \$136.97 to be paid over a period of six months, with the first payment of \$236.97 due within 30 days of the final order. 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 its terms into a final order. Mr. Bordelon seconded the motion. Ms. Scott opposed the motion. By majority vote, the motion passed approving the Settlement Stipulation for Case No. 2006-044447.

Latin Touch Barbershop; Kissimmee; 2006-012088

The Administrative Complaint charged the Respondent with multiple violations of Section 476.194(1)(e)2, Florida Statutes. The Respondent was not present for the meeting. The department suggested assessing a fine of \$1,250 and costs of \$458.46. Mr. Tunncliff informed the board that the fine and costs were paid in full. Mr. Bordelon moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all its terms into a final order. Vice Chair White seconded the motion and the motion passed unanimously.

Sarah Snavely; Sebring; 2006-002421

The Administrative Complaint charged the Respondent with a violation of Section 476.194(1)(a), Florida Statutes. The Respondent was not present for the meeting. The department suggested assessing a fine \$500. Mr. Tunncliff informed the board that payments have been made toward the amount due. 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 its terms into a final order. Mr. Bordelon seconded the motion and the motion passed unanimously.

Prosecuting Attorney's Report

Status Report

Mr. Tunncliff reported that as of May 1, 2007, there were 35 barber cases in the legal section.

Applications

Out-of-Country Endorsement Applications

Manuel Ramon Barrios / Venezuela

Mr. Manuel Ramon Barrios' out-of-country endorsement application was denied at the February 5, 2007, board meeting since the documentation failed to demonstrate a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Barrios requested an informal hearing in the application denial matter. Mr. Barrios was not present for the meeting. Ms. Lynda Calcano with International Services was present representing the applicant. Ms. Calcano was sworn in by the Court Reporter. Mr. Barrios provided additional documentation demonstrating that a written and practical was taken and passed as required. After review and discussion, Vice Chair White moved that the board approve the application based on the additional documentation provided. Mr. Robert Collins seconded the motion and the motion passed unanimously.

Endre Horvath / Hungary and New Jersey

Mr. Endre Horvath's out-of-country endorsement application was denied at the February 5, 2007, board meeting since the documentation failed to provide evidence of the barbering curriculum as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Horvath requested an informal hearing in the application denial matter. Mr. Horvath was present for the

meeting and was sworn in by the Court Reporter. Vice Chair White moved that the board approve the application based on the curriculum breakdown provided. Mr. Bordelon seconded the motion and the motion passed unanimously.

Rafael B. Medina / Dominican Republic

Mr. Rafael Medina's out-of-country endorsement application was denied at the November 13, 2006, board meeting since the curriculum documentation failed to demonstrate completion of course work covering the subjects of chemical services, safety, sanitation and sterilization and shampooing services. Mr. Medina was present for the meeting and was sworn in by the Court Reporter. Vice Chair White noted the additional school documentation appeared to be different than the documentation submitted with Mr. Medina's initial application and that the additional documentation did not demonstrate completion of course work covering the subject of shaving as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair White moved to uphold the denial based on the discrepancy of the documentation and based on no evidence of the required shaving services. Ms. Scott seconded the motion and the motion passed unanimously.

Ian Sean Spike / Jamaica

Mr. Ian Sean Spike's out-of-country endorsement application was denied at the November 13, 2006, board meeting since the documentation failed to demonstrate completion of course work covering the subject of hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Ian Spike was present for the meeting and was sworn in by the Court Reporter. After review, Vice Chair White moved to uphold the denial based on the additional documentation failing to demonstrate the completion of course work covering the subject of hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Bordelon seconded the motion. The motion passed unanimously.

Christopher Raymore / Jamaica

Mr. Christopher Raymore's out-of-country endorsement application was denied at the November 13, 2006, board meeting since the documentation failed to demonstrate completion of course work in chemical services as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair White moved that the board approve the application based on the additional documentation provided. Mr. Collins seconded the motion. The motion passed unanimously.

Carmen L. Abreu / Dominican Republic

Ms. Carmen L. Abreu was not present for the meeting, however, she was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. After review of the application, Vice Chair White moved that the board deny the application based on there being no signature on the school transcript and, therefore, the application was deemed incomplete. Mr. Carl Troup seconded the motion. The motion passed unanimously.

Richard Alliancin / Haiti

Mr. Richard Alliancin was not present for the meeting. After review of the documentation, Vice Chair White moved that the board deny the application since the documentation failed to demonstrate completion of course work in hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Bordelon seconded the motion and the motion passed unanimously.

Angel G. Amaro / Dominican Republic

Ms. Angel G. Amaro was not present for the meeting. After review of the application, Vice Chair White moved that the board deny the application since the documentation failed to demonstrate evidence completion of course work covering the subjects of safety, sanitation and sterilization and hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Jose Angel De Jesus / Dominican Republic

Mr. Jose Angel De Jesus was not present for the meeting, however, he was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. After review of the application, Vice Chair White moved that the board deny the application based on there being no signature on the school transcript and, therefore, the application was deemed incomplete. Mr. Troup seconded the motion. The motion passed unanimously.

Nirfa C. Diaz / Dominican Republic

Ms. Nirfa Diza was not present for the meeting, however, she was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. After review of the documentation, Vice Chair White moved that the board approve the application. Mr. Collins seconded the motion and the motion passed unanimously.

Antonio P. Do Prado / Brazil

Mr. Antonia P. Do Prado was present for the meeting with Mr. Jason Oliveria translating. Mr. Do Prado and Mr. Oliveria were sworn in by the Court Reporter. After review and discussion of the application, Vice Chair White moved that the board deny the application based on there being no evidence of written and practical examinations, no evidence of his completion of course hours in shaving services, safety, sanitation and sterilization, and hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Eladia Perez Duarte / Dominican Republic

Ms. Eladia Perez Duarte was not present for the meeting, however, she was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. Vice Chair White moved that the board deny the application based on discrepancies in the school official's signature on the documentation, and therefore, the board is unable to verify the authenticity of the documentation. Mr. Troup seconded the motion and the motion passed unanimously.

Fernando Ithier / Dominican Republic

Mr. Fernando Ithier was not present for the meeting, however, he was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. Vice Chair White moved that the board deny the application based on discrepancies in the school official's signature on the documentation, and therefore, the board is unable to verify the authenticity of the documentation. Mr. Troup seconded the motion and the motion passed unanimously.

Giovanni Matos / Dominican Republic

Mr. Giovanni Matos was not present for the meeting, however, he was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. Vice Chair White moved that the board deny the application based on discrepancies in the school official's signature on the documentation, and therefore, the board is unable to verify the authenticity of the documentation. Mr. Bordelon seconded the motion and the motion passed unanimously.

Brandon Maxwell / Dominican Republic

Mr. Brandon Maxwell was not present for the meeting, however, he was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. Vice Chair White moved that the board deny the application based on discrepancies in the school official's signature on the documentation, and therefore, the board is unable to verify the authenticity of the documentation. Mr. Troup seconded the motion and the motion passed unanimously.

Edison W. Pena / Dominican Republic

Mr. Edison W. Pena was present for the meeting and was sworn in by the Court Reporter. Vice Chair White moved that the board deny the application since the documentation failed to provide evidence of Mr. Pena having completed course work in hair structure and chemistry, shaving services and no proof of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Bordelon seconded the motion and the motion passed unanimously.

Marcos A. Quintana / Uruguay

Mr. Marcos Quintana was not present for the meeting. After review, Vice Chair White moved that the board approve the application. Mr. Troup seconded the motion and the motion passed unanimously.

Narrelus Renoir / Haiti

Mr. Narrelus Renoir was present for the meeting along with Mr. Luc Dore translating. Mr. Renoir and Mr. Dore were sworn in by the Court Reporter. After review, Ms. Scott moved that the board approve the application. Mr. Collins seconded the motion and the motion passed unanimously.

Virgilio Salomon, Jr. / Dominican Republic

Mr. Virgilio Salomon, Jr., was not present for the meeting, however, he was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. Vice Chair White moved that the board deny the application based on discrepancies in the school official's signature on the documentation, and therefore, the board is unable to verify the authenticity of the documentation. Mr. Troup seconded the motion and the motion passed unanimously.

Paquita Valenzuela / Dominican Republic

Ms. Paquita Valenzuela was not present for the meeting, however, she was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. After review, Vice Chair White moved that the board approve the application. Mr. Bordelon seconded the motion. Ms. Scott opposed the motion. By majority vote, the motion passed approving Ms. Valenzuela for

licensure by endorsement.

Ines M. Vidal / Dominican Republic

Ms. Ines Vidal was not present for the meeting, however, she was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. Vice Chair White moved that the board deny the application based on discrepancies in the school official's signature on the documentation, and therefore, the board is unable to verify the authenticity of the documentation. Mr. Troup seconded the motion and the motion passed unanimously.

Baraa Ahmad Abdou / Israel

Mr. Baraa Ahmad Abdou was present for the meeting along with Mr. Zainab Zayed translating. Mr. Abdou and Mr. Zayed were sworn in by the Court Reporter. Vice Chair White moved that the board approve the application based on the documents provided. Ms. Scott seconded the motion and the motion passed unanimously.

Alfredo Alvarez / Dominican Republic

Mr. Alfredo Alvarez was not present for the meeting, however, he was represented by Ms. Calcano. Ms. Calcano was sworn in by the Court Reporter. Vice Chair White moved that the board deny the application based on discrepancies in the school official's signature on the documentation, and therefore, the board is unable to verify the authenticity of the documentation. Mr. Collins seconded the motion and the motion passed unanimously.

Errol A. Bonner / Jamaica

Mr. Errol A. Bonner was not present for the meeting. After review, Vice Chair White moved that the board deny the application since the documentation failed to demonstrate completion of course work covering the subjects of hair structure and chemistry, and safety sanitation and sterilization as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Nicola Colonna / Italy and New York

Mr. Nicola Colonna was present for the meeting along with Mr. Roberto Colonna translating. Both gentlemen were sworn in by the Court Reporter. Vice Chair White moved that the board approve the application based on the documentation provided. Ms. Scott seconded the motion and the motion passed unanimously.

Octavia D. King / Jamaica

Ms. Octavia D. King was not present for the meeting. Mr. Bordelon moved that the board deny the application since no documentation was provided to demonstrate completion of the course work and examinations required by Rule 61G3-16.005, Florida Administrative Code. Mr. Collins seconded the motion and the motion passed unanimously.

Delroy Lothian / Jamaica

Mr. Delroy Lothian was not present for the meeting. Mr. Bordelon moved that the board deny the application since no supporting documentation was provided to demonstrate completion of the course work and examinations required by Rule 61G3-16.005, Florida

Administrative Code. Ms. Scott seconded the motion and the motion passed unanimously.

Continuing Education Applications

By appropriate motion, the board moved to approve the continuing education providers and courses identified on the ratification list, as read into the record by Ms. Robyn Barineau:

Bene's International School of Beauty
Course Application
HIV/AIDS 2007 Course

Community Casemanagement, Inc.
Provider Application
Course Application
HIV/AIDS Course

Elite CME, Inc.
Course Application
HIV/AIDS & Other Communicable

Old Business

Chair Magda reminded the board of the National Association of Barber Boards of America annual conference in September 2007 being conducted in Orlando. Chair Magda informed the board of information received regarding prices for booth rental, program advertisements, etc. Chair Magda requested each member and staff gather items to be used for gift bags, door prizes and raffle prize items.

Chair Magda requested Ms. Barineau relay to the department the Board's desire and interest in pursuing the proposed internship program legislation for the 2008 legislative session.

New Business

Mr. Bordelon stated he researched other states' barbering laws and penalty guidelines for violations. The penalty in Colorado for a first offense is a misdemeanor and felony for the second offense. Mr. Bordelon would like Florida to adopt similar misdemeanor and felony penalties. Ms. Tootle reminded the board that the pursuit of offenders beyond the enforcement authority of the Department of Business and Professional Regulation is under the purview of the State Attorney's Office and that unlicensed activity enforcement does not appear to be as high a priority in comparison to other criminal matters.

As an attempt in preventing fraudulent use of a barbers' license, Mr. Bordelon is interested in having the display of license rule, Rule 61G3-19.009, Florida Administrative Code, amended to require the license with a recent photograph attached be laminated. Ms. Tootle will research and provide draft language at the next meeting. The board asked Ms. Barineau to relay to the Division of Regulations their interest in having inspectors verify the individual's barbers' license against a drivers license or photo identification card during inspections.

Other Business

Executive Director's Report

Financial Report Period Ending December 31, 2006 - Operating Account

Ms. Barineau reviewed the board's financial report for the period ending December 31, 2006, and reported that the account balance was \$1.65 million. The projection provided by the Budget Office indicates that the board will remain in a positive cash position at least through 2011.

Financial Report, December 31, 2006 - Unlicensed Activity Account

Ms. Barineau noted that the unlicensed activity account balance was \$189K for the period ending December 31, 2006.

Board Attorney's Report

Rule 61G3-16.005, Florida Administrative Code – Endorsement

Ms. Joy Tootle, Assistant Attorney General, informed the board that the changes to the endorsement rule, Rule 61G3-16.005, F.A.C., should be adopted within the next 30 days.

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

The board agreed to table this matter until a later date.

Complaints and Investigative Statistics Report July 2006 - March 2007

Ms. Barineau noted that the Complaints and Investigative Statistics Report for July 2006 through March 2007 was included in the agenda for informational purposes.

Bureau of Education and Testing

Barber Examination Summary Restricted Barber Examination Summary Progress Report and Examination Summary

Ms. Barineau noted that these reports were provided by the Bureau of Education and Testing and were included in the agenda for informational purposes.

Ms. Barineau informed the board that the first practical examination that is slated to be conducted in July 2007 will be conducted at the Florida Barber Academy in Pompano Beach.

Public Comments

Letter from Mr. Gary H. Rhodes Regarding Restricted Barbers' Examination and Barbering Apprenticeship Program

In response to the inquiry from Mr. Gary H. Rhodes, Ms. Tootle will research the barbers' statutes for authority to increase continuing education requirements. Ms. Tootle will

also research and address the areas of concern with the restricted barbers' examination. Ms. Tootle will report her findings at the September 2007 board meeting.

Ms. Calcano requested that before each board meeting, board staff provide her with a list of incomplete or deficient applications so that she would have the opportunity to provide the board the missing documentation at the meeting. Chair Magda stated that board staff would not be able to provide the information as requested. Chair Magda reminded Ms. Calcano the current process is that the application processor reviews each application to ensure the application requirements are met and that the application is not deficient, i.e., the application was completed and signed, the application fees were paid, and that the required HIV/AIDS completion certificate is submitted. Should any of those items be incomplete, a deficiency letter is forwarded to the applicant. Once the deficiencies are satisfied, the application Review Committee member reviews the supporting documentation to ensure the applicant has met the qualifications for endorsement in accordance with the rule. If the supporting documentation fails to demonstrate the qualifications of endorsement as required by Rule 61G3-16.005, Florida Administrative Code, the application is presented to the full board for review. Chair Magda stated the process is established and will continue as is at this time.

Adjournment

The board agreed to conduct a conference call on July 16, 2007, to review out-of-country endorsement applications. There being no further business, the meeting was adjourned at 2:30 p.m.