

MINUTES

**FLORIDA BARBERS' BOARD
FOUR SEASONS RESORT
2800 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480**

Monday, August 9, 2010, 9:00 a.m. (EST)

General Business Meeting

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
Julie Rivera
Edwin Stewart

Board Members Absent

Tommy Vaughn

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
Jason White, Assistant General Counsel, DBPR
Mary Desiderio, Court Reporter
Yvonne Grutka, Inspector, DBPR
Lou Plocker, Inspector, DBPR
Hector Claudio
Alma Maldonado
Kevin Olivo
Archelaus Johnson
Joffre Perez
Javier Cuadro
Sean McCarthy
Bryan Hannan
Isloda Albert
Derrick Elleby
Debra Edwards
Kewan Banks
Waynise Govar

The meeting was opened with a roll call and a quorum was established. Chair White excused Mr. Tommy Vaughn's absence from the meeting.

Vice Chair Carl Troup moved to accept the minutes from the General Business Meeting of May 17, 2010. Ms. Julie Rivera seconded the motion and it passed unanimously.

DISCIPLINARY MATTERS

Reconsideration of Final Order

Andrea Della Vernon; Crawfordville
Case No. 2009-011402

Mr. Jason White, Assistant General Counsel, informed the board that the case was presented at the February 8, 2010, meeting in error. Mr. White recommended that the board vacate the final order that was filed on March 9, 2010, imposing a fine of \$500 and costs of \$159.99. Mr. Edwin Stewart moved to vacate the final order. Vice Chair Troup seconded the motion and the motion passed unanimously.

Informal Hearings

Barber Stars; Orlando
Case No. 2009-019886

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$325.79. Mr. Stewart 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 \$325.79, plus six months stayed suspension against the Respondent's barbershop license BS1077127. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barbershop license will be suspended. Vice Chair Troup seconded the motion and the motion passed unanimously.

William N. Benford; Lakeland
Case No. 2009-019886

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. Benford was not present for the meeting. Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$147.94. Mr. Stewart 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 \$147.94, plus six months stayed suspension against the Respondent's barber license BB18345. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barber license will be suspended. Vice Chair Troup seconded the motion and the motion passed unanimously.

Bottoms Best Barbers; Homestead
Case No. 2009-035078

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$163.93. Mr. Stewart 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 \$163.93, plus six months stayed suspension against the Respondent's barbershop license BS1078346. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barbershop license will be suspended. Vice Chair Troup seconded the motion and the motion passed unanimously.

Chris Stylez Salon; Sebring
Case No. 2009-028203

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Mr. White presented the department's case and suggested imposing a fine of \$300 and costs of \$223.76. Mr. Stewart 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 \$300 and costs of \$223.76, plus six months stayed suspension against the Respondent's barbershop license BS1079069. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barbershop license will be suspended. Vice Chair Troup seconded the motion and the motion passed unanimously.

Booker Eckles; Ft. Pierce
Case No. 2009-039701

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. Eckles was not present for the meeting. Mr. White presented the department's case and suggested imposing a fine of \$650 and costs of \$65.28. Mr. Stewart 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 \$650 and costs of \$65.28, plus six months stayed suspension against the Respondent's barber license BB8892101. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barber license will be suspended. Vice Chair Troup seconded the motion and the motion passed unanimously.

Fade King; Miami
Case No. 2009-051976

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Mr. White presented the department's case and suggested imposing a fine of \$250 and costs of \$39.38. Mr. Stewart 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 \$250 and costs of \$39.38, plus six months stayed suspension against the Respondent's barbershop license BS1079123. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barbershop license will be suspended. Vice Chair Troup seconded the motion and the motion passed unanimously.

Marcus Leggett; Tampa
Case No. 2009-052069

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. Leggett was not present for the meeting. Mr. White presented the department's

case and suggested imposing a fine of \$500 and costs of \$64.27. Mr. Stewart 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 \$64.27, plus six months stayed suspension against the Respondent's barber license BB54851. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barber license will be suspended. Vice Chair Troup seconded the motion and the motion passed unanimously.

Alma Maldonado and Tony Barber Hairstyling; West Palm Beach
Case Nos. 2009-032258 & 2009-032253

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Ms. Maldonado was present for the meeting and was sworn in by the Court Reporter. Mr. White presented the department's case and suggested imposing a fine of \$1,100 and costs of \$275.75. Mr. Stewart 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 \$1,100 and costs of \$275.75 to be paid over a period of six months, with the first payment of \$275.75 due within 30 days of the final order and five monthly payments of \$300, \$200, \$200, \$200, \$200, plus six months stayed suspension against the Respondent's barbershop license BS1078832 and barber license BR828. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barbershop license and barber license will be suspended. Vice Chair Troup seconded the motion and the motion passed unanimously.

Ashley Marie Wilkins; Spring Hill
Case No. 2009-048340

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Ms. Wilkins was not present for the meeting. Mr. White presented the department's case and suggested imposing a fine of \$250 and costs of \$491.40. Mr. Stewart 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 costs of \$491.40 only. Vice Chair Troup seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Ismael Rivera Diaz; Haines City
Case No. 2009-035237

This case was pulled from the agenda.

R D Holland; Titusville
Case No. 2009-039685

This case was pulled from the agenda.

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:

- Chauncey Augliar; West Palm Beach
Case No. 2009-034678
\$1,000 fine and \$113.66 costs
- Barberos, Inc; Kissimmee
Case No. 2009-039718
\$500 fine and \$108.74 costs
Six month stayed suspension
- Ivan St. Charles; Lauderdale Lakes
Case No. 2009-027197
\$500 fine and \$521.19 costs
- Kings Barbershop; Orlando
Case No. 2009-032773
\$500 fine and \$70.29 costs
Six month stayed suspension
- Bernadette Metellus; Delray Beach
Case No. 2009-052017
\$500 fine and \$86.92 costs
Six month stayed suspension
- Desmond Stanley and Celebrity's Unisex Salon; West Palm Beach
Case Nos. 2009-028062 & 2009-027973
\$2,000 fine and \$252.55 costs
Six month stayed suspension
- Carlton Thomas; Tallahassee
Case No. 2008-047759
\$2,000 fine and \$95.23 costs
Six month stayed suspension
- Levy Woody; Tallahassee
Case No. 2009-058070
\$500 fine and \$87.52 costs
- World Cut Salon and Barber; Gainesville
Case No. 2009-051504
\$500 fine and \$180.54 costs
Six month stayed suspension

Vice Chair Troup seconded the motion and the motion passed unanimously.

Settlement Stipulations

Unless otherwise stated, by appropriate motion the board found the Respondent to have committed the offenses as alleged in the Administrative Complaint and adopted the Stipulation of the parties as the board's final action regarding a penalty to be imposed on the Respondent as follows:

- Badd Boys Barber Shop; Orange Park
Case No. 2009-036753
\$1,000 fine and \$73.83 costs to be paid over a period of two months
- DADA Unisex Beauty Salon and Isloda Albert; West Palm Beach
Case Nos. 2009-032248 & 2009-032250
\$500 fine and \$138.89 costs
- Superb Cuts; Jacksonville
Case No. 2009-045544
\$500 fine and \$174.93 costs

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. Vice Chair Troup seconded the motion and the motion passed unanimously.

Department Attorney Report

Mr. White informed the board that as of August 4, 2010, there were 108 open barber cases in the legal section.

APPLICATIONS

Informal Hearings

Richard Gonzalez

Mr. Gonzalez was present for the meeting. The board denied his application at the May 17, 2010, meeting based on the noted criminal history. After review, Mr. Stewart moved to approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Archelaus Johnson

Mr. Johnson was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the May 17, 2010, meeting based on the noted criminal history. After review, Mr. Stewart moved to approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Sean McCarthy

Mr. McCarthy was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the May 17, 2010, meeting based on the noted criminal history. After review, Ms. Rivera moved to approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed with Mr. Stewart voting against the motion.

Cavenchy Sepulveda

Mr. Sepulveda was not present for the meeting. The board denied his application at the March 23, 2010, meeting because he failed to provide a curriculum breakdown. After review, Mr. Stewart moved to uphold the denial because he failed to provide a curriculum breakdown. Vice Chair Troup seconded the motion and the motion passed unanimously.

Initial Review

Bobby Abreu Jr.

Mr. Abreu 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.

Jessie Allen

Mr. Allen 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.

Kewan Banks

Mr. Banks 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.

Glen Cole / United Kingdom

Mr. Cole 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. Vice Chair Troup seconded the motion and the motion passed unanimously.

Javier Cuadro

Mr. Cuadro 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 probationary period. Vice Chair Troup seconded the motion and the motion passed unanimously.

Derrick E. Elleby Jr.

Mr. Elleby 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.

Wesley Isbell

Mr. Isbell 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.

Kevin Olivo

Mr. Olivo 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.

Kim Simon

Ms. Simon was not present for the meeting. After review, Mr. Robert Collins moved to approve

the application. Vice Chair Troup seconded the motion and the motion passed unanimously.

Fernando Torres / Columbia

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

Hector Claudio Jr.

Mr. Claudio 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.

Kevionta Hinson

Ms. Hinson 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.

Hugo Riesgo

Mr. Riesgo 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.

Joffre Perez

Mr. Perez 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.

Continuing Education Provider and Course Application

Initial Review

Fortis Institute

Provider Application

Course Application

HIV/AIDS and other Communicable Diseases – 2 Hours Live Study

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

New Business

CS/CS/CS/HB 713 and CS/CS/SB 1330 – DBPR Bill

Ms. Robyn Barineau, Executive Director, informed the board that the department is moving forward with the implementation of CS/CS/CS/HB 713 and CS/CS/SB 1330. This legislation allows the department to approve qualified applicants whose military spouses are assigned to Florida duty stations to obtain a temporary license for up to six months. Ms. Barineau advised the board that the department has developed the application form and rules for this initiative.

Petition for Waiver and Variance of Rules 61G-19.011(19) and (20), F.A.C., (476.184, F.S.) – Michael Froncek

Ms. Barineau informed the board that Mr. Froncek withdrew his petition for waiver and variance of this rule.

Other Business

Executive Director's Report

Financial Report for Year Ending March, 2010

Ms. Barineau reported that the balance in the board's operating account on March 31, 2010, was \$140,000, and the balance in their unlicensed activity account was \$184,000.

NABBA Annual Conference

The Board voted to send Vice Chair Troup and Ms. Barineau to the September 2010 annual meeting of the National Association of Barber Board of America (NABBA).

Board Attorney's Report

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

Mr. Stewart made a motion to approve the language as provided by Board Counsel. Vice Chair Troup seconded the motion and the motion passed unanimously.

Division of Regulation

Complaints and Investigative Statistics Report – July 2009 - June 2010

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

Ms. Barineau informed the board that Mr. Michael Green, Unlicensed Activity Administrator, Division of Regulation, is working on the development of a pamphlet for distribution to barbering schools and barbershops. He will have a draft available for the board's review at the November meeting.

Bureau of Education and Testing

Barber Examination Summary – January 2010 - June 2010

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

Dates and Locations of Future Meetings

November 15, 2010 – Tampa
February 28, 2011 – Orlando
May 16, 2011 – Fernandina Beach

ADJOURNMENT

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