

MINUTES

FLORIDA BARBERS' BOARD
ONE OCEAN RESORT
1 OCEAN BOULEVARD
ATLANTIC BEACH, FL 32233

Monday, August 10, 2015

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

Board Members Present

Herman White, Chair
Bill Gilbert, Vice Chair
Edwin Stewart
Monica Smith
Veronica Wold
Lionel Rodriguez

Board Members Absent

Julie Rivera

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Marlene Stern, Assistant Attorney General, Office of the Attorney General (OAG)
Stephen Johnson, Assistant General Counsel, Office of the General Counsel (OGC), DBPR
Julie Rowland, Government Analyst, DBPR
Sandra Rentfrow, Division of Regulation, DBPR
Angela Reichenbaugh, Court Reporter
Yvonne Turner
James Nieva Jr.
Richard Bisbee
Ritchie Sandoval
Paula Canovas
Calvin Gonzalez
Eribin Michel
Assif Bagirov
Micheal Chatman

The meeting was opened with a roll call and a quorum was established. Chair White excused the absence of Ms. Julie Rivera from the meeting.

APPROVAL OF MINUTES

The Board approved the minutes from the May 18, 2015, Board meeting.

DISCIPLINARY MATTERS

Informal Hearing

Mr. Stephen Johnson, Assistant General Counsel, presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint and adopts them as the findings of fact and conclusions of law of the Board and imposed the penalties shown below:

- Eduardo Cortez; Wimauma
Case No. 2012007744
\$103.24 costs only
Revocation of license BB8894922
- James Nieva Jr.; Clearwater
Case No. 2012047169
\$151.41 costs only
Revocation of license BB8892646, the three year time period to reapply for licensure was waived
- Brooklyn Cutz; Hollywood
Case No. 2013034507
\$900 fine and \$94.34 costs
Revocation of license BS1077438
- VIP Barbershop and Ritchie Sandoval; West Palm Beach
Case Nos. 2014025375, 2014025790 & 2014027656
\$2,100 fine and \$645.33 costs
Re-inspection within 30 days
- Proline Cuts; Riviera Beach
Case No. 2014048055
\$900 fine and \$152.23 costs
- TNT Barber Shop; Naranja
Case No. 2013015811
\$500 fine and \$204.97 costs
- Phat Fades Barbers; Riviera Beach
Case No. 2014003869
\$500 fine and \$152.23 costs
Revocation of license BS1076496

Motion for Waiver of Rights and Final Order

Mr. Johnson 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:

- 3GS Barbershop and Leandro Grullon; Davie
Case Nos. 2013043494 & 2013043210
\$900 fine and \$483.32 costs
- The Hair Tavern; Tavernier
Case No. 2014008180
\$500 fine and \$44.24 costs
- Jose Dionicio Cruz; Miami Beach
Case No. 2014024931
Mr. Johnson requested that the case be pulled from the agenda
- Antonio Rivero; Tampa
Case No. 2014034476
\$500 fine and \$136.17 costs

- SND Signature Cut & Salon; Miramar
Case No. 2014024888
\$300 fine and \$306.35 costs
- Derrick Pernell; Miami
Case No. 2014026300
\$500 fine and \$234.39 costs
- Robert Taylor; Wildwood
Case No. 2014032135
\$500 fine and \$214.41 costs
- Yassen Rodriguez; Kissimmee
Case No. 2014031453
\$500 fine and \$436.73 costs
Re-inspection within 30 days
- Exclusive Cuts League and Jose Salcedo; Miramar
Case Nos. 2014039136 & 2014042616
\$1,500 fine and \$350.85 costs
Revocation of licenses BS1080124 and BB8894727, and re-inspection within 30 days
- Central Barber Shop; Miami
Case No. 2014023788
\$500 fine and \$75.54 costs
Revocation of license BS7589, and re-inspection within 30 days
- Herard Barber Shop; West Palm Beach
Case No. 2014041863
\$350 fine and \$75.54 costs
- Roger Woomer; Labelle
Case No. 2014047270
\$500 fine and \$64.06 costs
- Anthony Hendrix; Ft. Lauderdale
Case No. 2014033965
\$500 fine and \$427.94 costs
- Gamboa Barbershop; Miami
Case No. 2014045357
\$300 fine and \$39.04 costs
Re-inspection within 30 days
- Clippers and Scissors; Miami
Case No. 2014046548
\$400 fine and \$23.93 costs
- Clippers and Scissors; Miami
Case No. 2014045846
Mr. Johnson requested that the case be pulled from the agenda
- Eribin Michel; Dover, DE
Case No. 2014025316
Mr. Johnson requested that the case be pulled from the agenda

Settlement Stipulation

Mr. Johnson 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:

- Natural Beauty & Barber Salon; Sunrise
Case Nos. 2014008736 & 2014033969
\$800 fine and \$636.29 costs to be paid within six months
- D-Best Barber Beauty Salon; Ft. Pierce
Case No. 2014025398
\$900 fine and \$119.56 costs to be paid within six months
- Marion Oaks Palace Barber Shop; Ocala
Case No. 2014032035
\$500 fine and \$464.76 costs to be paid within six months
- Stay Sharp Barbershop; Orlando
Case No. 2014053225
\$500 fine and \$343.38 costs to be paid within six months
- You Are Next Barbershop and Juan Blanco; Jupiter
Case Nos. 2014039562 & 2014039803
\$600 fine and \$285.33 costs to be paid within six months
- Cut-N-Edge Barber Shop; Jacksonville
Case No. 2015008279
\$2,800 fine and \$184.39 costs to be paid within six months

Recommended Order

- Martin Rosalez; Wimauma
Case No. 2014038871
\$500 fine and \$131.12 costs to be paid within six months

Appeal

- Ritchie Sandoval; Sunrise
Case No. 2013005380
\$800 fine and \$153.39 costs
Probation on license BR417 for five years

Department Attorney Report

Mr. Johnson informed the Board that as of July 8, 2015, there were 101 open barber cases in the legal section.

APPLICATIONS

Licensure Applications

Informal Hearing

Calvin Gonzalez

Mr. Gonzalez was present for the meeting and was sworn in by Ms. Angela Reichenbaugh, Court Reporter. Ms. Robyn Barineau, Executive Director, informed the Board that the application was denied at the May 18, 2015, Board meeting, based on the noted criminal history. After review, Ms. Monica Smith moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation. Mr. Eddie Stewart seconded the motion and the motion passed unanimously.

Hareton Tejada

Mr. Tejada was not present for the meeting. Ms. Barineau informed the Board that the application was denied at the May 18, 2015, Board meeting, because the application failed to demonstrate he successfully completed 1,200 hours of barber training at a barbering school. After review, Mr. Stewart moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Initial Review

Abijah Spence / New York

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

Ibtisam Hamdan / Palestine

Mr. Hamdan was not present for the meeting. After review, Mr. Stewart moved to deny the application as the application fails to demonstrate that the applicant meets the requirements of Rule 61G3-16.005, Florida Administrative Code. Ms. Smith seconded the motion and the motion passed unanimously.

Fidelina Garcia / El Salvador

Mr. Garcia was not present for the meeting. After review, Mr. Rodriguez moved to approve the application. Vice Chair Bill Gilbert seconded the motion and the motion passed unanimously.

Antonio Russo / New York

Mr. Russo was not present for the meeting. After review, Vice Chair Gilbert moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Michael Cunningham

Mr. Cunningham was not present for the meeting. After review, Vice Chair Gilbert moved to deny the application based on unsatisfied previous discipline. Ms. Veronica Wold seconded the motion and the motion passed unanimously.

Steven Orengo

Ms. Yvonne Turner 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 for five years. Mr. Lionel Rodriguez seconded the motion and the motion passed unanimously.

Renold Marcelin

Ms. Turner was present for the meeting. After review, Mr. Stewart moved to approve the application. The Board also imposed probation on the license for five years. Mr. Rodriguez seconded the motion and the motion passed with Vice Chair Gilbert voting against the motion.

James Amelio

Ms. Turner was present for the meeting. After review, Ms. Smith moved to approve the application. The Board also imposed probation on the license for five years. Ms. Wold seconded the motion and the motion passed unanimously.

Jason Doland

Ms. Turner was present for the meeting. After review, Mr. Stewart moved to approve the application. The Board also imposed probation on the license for five years. Mr. Rodriguez seconded the motion and the motion passed unanimously.

William Upperman, III

Ms. Turner was present for the meeting. After review, Mr. Stewart moved to approve the application. The Board also imposed probation on the license for five years. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Decire Verdecia Barbat / Cuba

Ms. Barbat was not present for the meeting. After review, Vice Chair Gilbert moved to deny the application as the application fails to demonstrate that the applicant meets the requirements of Rule 61G3-16.005, Florida Administrative Code. Mr. Stewart seconded the motion and the motion passed unanimously.

Yitzhak Isaschar / Spain

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

Assif Bagirov / Uzbekistan

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

Peter Patrick

Mr. Patrick was not present for the meeting. After review, Mr. Stewart moved to deny the application as the application fails to demonstrate that the applicant successfully completed 1,200 hours of barber training at a barbering school. Ms. Smith seconded the motion and the motion passed unanimously.

James Anthony Martin / Haiti

Mr. Martin was not present for the meeting. After review, Mr. Stewart moved to deny the application as the application fails to demonstrate that the applicant meets the requirements of Rule 61G3-16.005, Florida Administrative Code. Ms. Smith seconded the motion and the motion passed unanimously.

Eric Rivera / New York

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

OTHER BUSINESS

Board Attorney Report

Rule 61G3-16.002, Florida Administrative Code – Reexamination

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.

~~(1) An applicant who fails the state examination for licensure in whole or in part and wishes to retake the examination, shall be required to pay the reexamination fee as set forth in Rule 61G3-20.002, F.A.C., and submit a completed re-examination application, a link to which can be found at Rule 61-35.006, F.A.C.~~

~~(2) An applicant must pass the examination within a one year period from the date of the first licensure examination in order to qualify for licensure.~~

~~(3) An applicant who fails the examination may apply to the Department to retake the examination by providing an application and paying the reexamination fee as set forth in Rule 61G3-20.002, F.A.C. Rulemaking Authority 455.217(2), 476.064(4), 476.114(3) FS. Law Implemented 455.217(2), 476.114(3) FS. History—New 7-16-80, Amended 4-6-82, 4-21-83, Formerly 21C-16.02, Amended 11-12-87, Formerly 21C-16.002, Amended 11-12-00, 2-11-10.~~

Rule 61G3-20.022, Florida Administrative Code – Special Assessment Fee

The Board agreed that this rule should be repealed and that the repeal would have no negative impact on small business.

Correspondence

Complaints and Investigative Statistics – July 2014 – June 2015

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

Barber Examination Summary – January 2015 – June 2015

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 2, 2015 – Destin

January 10, 2016 – Howie-in-the-Hills

April 17, 2016 – Brandon

July 17, 2016 – Naples

October 17, 2016 – Orlando

Elections

The Board unanimously elected Mr. Herman White, Chair, and Mr. Bill Gilbert, Vice Chair, of the Florida Barbers' Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:35 p.m.