

# MINUTES

FLORIDA BARBERS' BOARD  
BOHEMIAN HOTEL  
700 BLOOM STREET  
CELEBRATION, FLORIDA 34747

Sunday, August 27, 2017

The Florida Barbers' Board meeting was called to order at approximately 9:00 a.m., by Ms. Monica Smith, Chair.

## **Board Members Present**

Monica Smith, Chair  
Michelino Nibaldi, Vice Chair  
Edwin Stewart  
Lionel Rodriguez  
Antonett Munchalfen  
Bill Gilbert  
Veronica Wold

## **Board Members Absent**

## **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Julie Rowland, Government Analyst, DBPR  
Marlene Stern, Assistant Attorney General, Office of the Attorney General  
Rebecca Hayes, Chief Attorney, Office of the General Counsel, DBPR  
Angela Williams-Rivera, Assistant General Counsel, Office of the General Counsel, DBPR  
Cindy Green, Court Reporter

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

## **APPROVAL OF MINUTES**

The Board approved the minutes from the July 16, 2017, Board meeting.

## **APPLICATIONS**

### **Licensure Applications**

#### **Initial Review**

##### **Carlos Ana-Castillo**

Mr. Ana-Castillo was not present for the meeting. Upon reconsideration, Mr. Eddie Stewart moved to deny the application based on discrepancies in the documentation provided. Mr. Lionel Rodriguez seconded the motion and the motion passed unanimously.

##### **Maikel Alfonso**

Mr. Alfonso was not present for the meeting. Upon reconsideration, Mr. Stewart moved to deny the application based on discrepancies in the documentation provided. Ms. Veronica Wold seconded the motion and the motion passed unanimously.

##### **Joshua Alvarez**

Mr. Alvarez was not present for the meeting. Upon reconsideration, Vice Chair Michelino Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Henry Barzaga

Mr. Barzaga was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Stewart seconded the motion and the motion passed unanimously.

Adonis Bujan

Mr. Bujan was not present for the meeting. Upon reconsideration, Mr. Bill Gilbert moved to deny the application based on discrepancies in the documentation provided. Vice Chair Nibaldi seconded the motion and the motion passed unanimously.

Fredy Caceres

Mr. Caceres was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Gilbert seconded the motion and the motion passed unanimously.

Pedro Cala

Mr. Cala was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Candida Hernandez

Mr. Hernandez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Gilbert seconded the motion and the motion passed unanimously.

Helmes Leiva

Mr. Leiva was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Gilbert seconded the motion and the motion passed unanimously.

Alejandro Cardona

Mr. Cardona was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Wilkins Castillo

Mr. Castillo was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Marcelo Diaz Esparza

Mr. Esparza was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Marco Martinez

Mr. Martinez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Gilbert seconded the motion and the motion passed unanimously.

Joan Moral Angeles

Ms. Angeles was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Ariel Espinosa

Ms. Espinosa was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Gilbert seconded the motion and the motion passed unanimously.

Ivan Lopez Espin

Mr. Espin was not present for the meeting. Upon reconsideration, Ms. Antoinett Munchalfen moved to deny the application based on discrepancies in the documentation provided. Chair Smith seconded the motion and the motion passed unanimously.

Ian-Manuel Medina

Mr. Medina was not present for the meeting. Upon reconsideration, Chair Smith moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Odracir Fernandez Del Pozo

Mr. Del Pozo was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Bryan Fernandez

Mr. Fernandez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Enelbys Fernandez

Mr. Fernandez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez the motion and the motion passed unanimously.

Edwin Romero

Mr. Romero was not present for the meeting. Upon reconsideration, Ms. Wold moved to deny the application based on discrepancies in the documentation provided. Chair Smith seconded the motion and the motion passed unanimously.

Miller Rodriguez

Mr. Rodriguez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Enelbys Fernandez

Mr. Fernandez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Brian Munoz

Mr. Munoz was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Yurina Tapanes

Mr. Tapanes was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Franklin Monegro Alegria

Mr. Alegria was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Hamleth Garcia

Mr. Garcia was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Nelson Gomez

Mr. Gomez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Raul Hidalgo

Mr. Hidalgo was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Demetrius Segars

Mr. Segars was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Candida Hernandez

Mr. Hernandez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Abraham Sardinias

Mr. Sardinias was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Prince Trinidad

Mr. Trinidad was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Javier Sanchez

Mr. Sanchez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

Yandiletiudis Valdez

Ms. Valdez was not present for the meeting. Upon reconsideration, Vice Chair Nibaldi moved to deny the application based on discrepancies in the documentation provided. Ms. Wold seconded the motion and the motion passed unanimously.

**OTHER BUSINESS**

**Board Attorney Report**

2017-2018 Annual Regulatory Plan

Ms. Marlene Stern, Assistant Attorney General, provided the Board with the proposed Annual Regulatory Plan. The Board approved the plan as provided by Ms. Stern.

Rule 61G3-15.0215, F.A.C. – Motion for Reconsideration

The Board agreed to repeal the rule.

Rule 61G3-21.001, F.A.C. – Normal Penalty Ranges

The Board approved the following language, they agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation. They also 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.

The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to the other provisions of this chapter.

	<b>Minimum Fine</b>	<b>Maximum Fine</b>
(1) Section 476.204(1)(a), F.S.: Holding oneself out as a barber while not duly licensed as same.	\$250.00	\$500.00
(2) Section 476.204(1)(b), F.S.: Operating any unlicensed barber shop, if a license has never been obtained prior to discovery by the Department.	\$250.00	\$500.00
Section 476.204(1)(b), F.S.: Operating any unlicensed barber shop, if previously licensed and said license not renewed.	\$50.00 fine per unlicensed month.	\$500.00 cap
(3) Section 476.204(1)(c), F.S.: Permitting an unlicensed employee to practice barbering, if employee has never been licensed prior to discovery by the Department.	\$250.00	\$500.00
Section 476.204(1)(c), F.S.: Permitting an unlicensed employee to practice barbering, if employee previously licensed and said license not renewed.	\$50.00 fine per unlicensed month.	\$500.00 cap
(4) Section 476.204(1)(d), F.S.: Presenting as one's own the license of another. Fine to both the unlicensed presenter and the licensed individual who permitted his license to be used in such manner.	\$250.00	\$500.00
(5) Section 476.204(1)(e), F.S.: Giving false or forged evidence to the Department in order to obtain a license.	Denial of licensure or alternatively if license issued as a result of false information said license to be revoked.	
(6) Section 476.204(1)(f), F.S.: Impersonating any other license holder. Fine to both the impersonator and the individual who permitted the impersonation of himself.	\$250.00	\$500.00
(7) Section 476.204(1)(g), F.S.: Using or attempting to use a <b>suspended</b> or revoked license.	\$250.00	\$500.00
(8) Section 476.194(1)(d), F.S.: Obtain or attempt to obtain a license for money other than the required fee or for any other thing of value or by fraud.	\$250.00	\$500.00
(9) Section 476.214(1)(a), F.S.: Gross malpractice or		9 month

gross incompetency in the practice of barbering.

(10) Section 476.214(1)(b), F.S.: Engaging in the practice while knowingly having an infectious or contagious disease.

**(11) Violation of any provision of 455.227(1), Florida Statutes.**

~~(11)~~ (12) Rules 61G3-19.011 & 61G3-19.012, F.A.C.: Sanitation violations in barbershops.

One or two rule violations.

Three or more rule violations.

If rule violation is one which presents clear harm to the consumer.

~~(12)~~ (13) Rule 61G3-19.009, F.A.C.: Display of License.

**(14) Rule 61G3-19.015(2), F.A.C., Inspections**

~~(13)~~ (15) Section 476.204(1)(i), F.S.: Failing to pay a citation within 30 days or violating a final order.

~~(14)~~ (16) Penalties imposed by the Board pursuant to Rule 61G3-21.001, F.A.C., may be imposed in combination or individually but may not exceed the limitations enumerated below:

(a) Revocation or suspension of any license or registration issued pursuant to Chapter 476, F.S.

(b) Issuance of a reprimand or censure.

(c) Imposition of an administrative fine not to exceed \$500 for each count or separate offense.

(d) Placement on probation for a period of time and subject to such reasonable conditions as the Board may specify.

(e) Refusal to certify to the Department an applicant for licensure or registration.

3 month suspension.  
Suspension until licensee can prove that he is no longer infectious or contagious.  
**Letter of reprimand**

suspension.  
**Revocation or \$500**

\$50.00 per violation

\$200.00

\$200.00

\$100.00 fine per violation.

**Letter of Reprimand**

\$250.00

\$300.00

\$300.00

\$500.00 cap.

**\$500.00**

\$500.00

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 10:00 a.m.