

MINUTES

FLORIDA BARBERS' BOARD
HUTCHINSON ISLAND MARRIOTT BEACH RESORT
555 NE OCEAN BLVD.
STUART, FLORIDA 34996

Sunday, October 15, 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

Board Members Absent

Bill Gilbert
Veronica Wold

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
Angela Williams-Rivera, Assistant General Counsel, Office of the General Counsel, DBPR
James Furgerson, Division of Regulation, DBPR
Yvonne Grutka, Division of Regulation, DBPR
Deborah Dew, Court Reporter
Alex Nunez
Engin Atkas
Samuel Milton
Hector Diaz
Todd Link
Ashley Coyle
Jahnee Todman

The meeting was opened with a roll call and a quorum was established. The Board excused the absences of Mr. Bill Gilbert and Ms. Veronica Wold from the meeting.

APPROVAL OF MINUTES

The Board approved the minutes from the August 27, 2017, Board meeting.

DISCIPLINARY MATTERS

Motion for Waiver of Rights and Final Order

Ms. Angela Williams-Rivera, 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, 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:

- Roderick Espinoza Rivas; Cooper City; Case No. 2016049894

Ms. Williams-Rivera requested that this case be moved to licensure application review

- Reiner Soto; Naples; Case No. 2016048523
Ms. Williams-Rivera requested that this case be moved to licensure application review
- Jorge Museguez; Homestead; Case No. 2016049374
Ms. Williams-Rivera requested that this case be moved to licensure application review
- Robert McCalla; Ft. Lauderdale; Case No. 2016048845
Ms. Williams-Rivera requested that this case be moved to licensure application review
- Top Notch Barbershop; West Palm Beach; Case No. 2016051594
\$900 fine and \$184.88 costs to be paid within six months
Suspension of license BS1082784 until all outstanding fines are paid in full
- Jovan Urdaz; West Palm Beach; Case No. 2016053837
\$500 fine and \$168.55 costs to be paid within six months
- Jose Rivera-Nieves; Avon; Case No. 2016058340
\$500 fine and \$113.78 costs to be paid within six months
- Ramon Acosta; Miami; Case No. 2016048073
Ms. Williams-Rivera requested that this case be moved to licensure application review
- Cleves Hair FX; Tampa; Case No. 2016045797
Ms. Williams-Rivera requested that this case be pulled from the agenda
- Eduardo Colbourne; Pembroke Pines; Case No. 2017004833
\$500 fine and \$187.32 costs to be paid within six months
- Giovanni Rojas; Davie; Case No. 2017004909
\$500 fine and \$157.61 costs to be paid within six months
- Bladerunners Barbershop; Orlando; 2016044327
Ms. Williams-Rivera requested that this case be pulled from the agenda
- Florida's Greatest Barbershop; Davie; Case No. 2017009265
\$500 fine and \$70.57 costs to be paid within six months
- A Cut Above 407; Kissimmee; Case No. 2017009788
\$500 fine and \$357.75 costs to be paid within six months
- Next Cut; Orlando; Case No. 2016056023
\$259.43 costs to be paid within six months

Settlement Stipulation

Ms. Williams-Rivera 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:

- Lopez Empire; Palm Beach Gardens; Case No. 2016056739
\$500 fine and \$144.39 costs to be paid within six months
- Empire Barbers; Coral Springs; Case No. 2017012579
\$600 fine and \$344.16 costs to be paid within six months

- Kleen Kutz Enterprises and Gerald Obry; N. Lauderdale; Case Nos. 2017012589 & 2017015839 \$500 fine and \$197.03 costs to be paid within six months

Voluntary Relinquishment

- Wilfredo Maldonado Jr.; Clearwater; Case No. 2015016129
Ms. Williams-Rivera requested that this case be pulled from the agenda
- Hector Diaz; Coral Springs; Case No. 2016047214
Voluntary relinquishment of license BR4210
- Samuel Milton; Coral Gables; Case No. 2016047319
Voluntary relinquishment of license BR4089

Department Attorney Report

Ms. Williams-Rivera informed the Board that as of September 13, 2017, there were 42 open barber cases in the legal section.

APPLICATIONS

Licensure Applications

Initial Review

Henry Florian

Mr. Florian was not present for the meeting. After review, Vice Chair Michelino Nibaldi moved to approve the application. Ms. Antonett Munchalfen seconded the motion and the motion passed unanimously.

Guillermo Perez

Mr. Perez was not present for the meeting. After review, Vice Chair Nibaldi moved to approve the application. Ms. Munchalfen seconded the motion and the motion passed unanimously.

Enrique Chavez

Mr. Chavez was not present for the meeting. After review, Vice Chair Nibaldi moved to deny the application based on unverifiable documentation. Mr. Eddie Stewart seconded the motion and the motion passed unanimously.

Noel Taveras

Mr. Taveras was not present for the meeting. After review, Vice Chair Nibaldi moved to approve the application. Ms. Munchalfen 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 Section 476.144(6), Florida Statutes, and Rule 61G3-16.005, Florida Administrative Code. Vice Chair Nibaldi seconded the motion and the motion passed unanimously.

Engin Aktas / Turkey

Mr. Aktas and Ms. Wilka Stone, translator, were present for the meeting and were sworn in by Ms. Deborah Dew, Court Reporter. After review, Mr. Stewart moved to approve the application. Ms. Munchalfen seconded the motion and the motion passed unanimously.

Maxmillion Littman

Mr. Littman was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Lionel Rodriguez seconded the motion and the motion passed unanimously.

Samuel Milton

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

Efren Rolon

Mr. Rolon was not present for the meeting. After review, Mr. Stewart moved to deny the application based on previous unsatisfied discipline. Ms. Munchalfen seconded the motion and the motion passed unanimously.

Mohammad Farraj / Palestine

Mr. Farraj was not present for the meeting. After review, Vice Chair Nibaldi moved to deny the application as the application fails to demonstrate that the applicant meets the requirements of Section 476.144(6), Florida Statutes, and Rule 61G3-16.005, Florida Administrative Code. Mr. Rodriguez seconded the motion and the motion passed unanimously.

Hector Diaz

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

Roderick Espinoza Rivas

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

Reiner Soto

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

Jorge Museguez

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

Robert McCalla

Mr. McCalla 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.

Ramon Acosta

Mr. Acosta 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.

OTHER BUSINESS

Board Attorney Report

Rule 61G3-19.013, Florida Administrative Code – Change of Ownership of Barbershops

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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation.

Prior to opening a shop which has new ownership the owner must:

- (1) File a new application on forms prescribed by the Department of Business and Professional Regulation in rule 61-35.006(5), F.A.C.;
- (2) Pay the appropriate fee;
- (3) Surrender the old license with applications;
- (4) Be issued a new barbershop license as outlined in Rule 61G3-19.011, F.A.C.

Correspondence

Complaints and Investigative Statistics – July 2017 – August 2017

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

Barber Examination Summary – January 2016 – August 2017

Ms. Barineau informed the Board that the Barber Examination Summary was included in the agenda for informational purposes.

Dates and Locations of Future Meetings

January 22, 2018 – Destin
April 15, 2018 – Altamonte Springs
July 15, 2018 – Lake Mary
October 7, 2018 – Daytona Beach

ADJOURNMENT

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