

MINUTES

FLORIDA BARBERS' BOARD
THE SHORES RESORT & SPA
2637 SOUTH ATLANTIC AVENUE
DAYTONA BEACH SHORES, FL 32118

Sunday, October 7, 2018

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
Bill Gilbert
Paul Whitfield
Veronica Wold
Antonett Munchalfen
Lionel Rodriguez

Board Members Absent

Michelino Nibaldi, Vice Chair

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
Timothy Frizzell, Assistant Attorney General, Office of the Attorney General
Anthony Coniglio, Assistant General Counsel, Office of the General Counsel, DBPR
DeeDee Hannah, Court Reporter
Bret Fumando
Richard Hart
Keytter Sardinias

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Mr. Michelino Nibaldi from the meeting.

APPROVAL OF MINUTES

The Board approved the minutes from the July 15, 2018, Board meeting.

DISCIPLINARY MATTERS

Informal Hearing

Mr. Anthony Coniglio, Assistant General Counsel, presented the following case for consideration by the Board. The Board found that the Respondent was 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 penalty shown below:

- Ritchie Sandoval; Sunrise; Case No. 2017056686
\$1,450 fine and \$217.55 costs

Motion for Waiver of Rights and Final Order

Mr. Coniglio 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:

- Andy Baez; Sanford; Case No. 2017043523
\$40.65 costs only; Revocation of license BB8900506
- Juan Arache; Brandon; Case No. 2017043848
\$40.65 costs only; Revocation of license BB8900348
- Fredys Mejia; Tampa; Case No. 2017043487
\$40.65 costs only; Revocation of license BB8900501
- Jose Mendoza; Naples; Case No. 2017043497
\$61.03 costs only; Revocation of license BB8900516
- Billy Buchillon; Naples; Case No. 2017043513
\$40.65 costs only; Revocation of license BB8900369
- Hector Bermudez; Panama City; Case No. 2017035586
\$84.28 costs only; Revocation of license BR5082
- Michael Dominguez; Clermont; Case No. 2017030662
\$500 fine and \$267.45 costs to be paid within six months
- Rody Canton; Naples; Case No. 2017043517
\$61.03 costs only; Revocation of license BB8900205
- Johnny Wade III; Panama City; Case No. 2017030122
Mr. Coniglio requested that this case be pulled from the agenda
- Top Notch Barbershop; West Palm Beach; Case No. 2017041338
\$400 fine and \$171.33 costs to be paid within six months
Re-inspection within 30 days
- Jose Collazo; West Palm Beach; Case No. 2017043592
\$61.03 costs only; Revocation of license BB8900263
- David Delgado; Ft. Meade; Case No. 2017043599
\$40.65 costs only; Revocation of license BB8900525
- Miller Rodriguez; Miami; Case No. 2017039513
\$133.35 costs only; Revocation of license BR4318
- Kayro Campos; Cape Coral; Case No. 2017043515
\$40.65 costs only; Revocation of license BB8900333
- Noel Alvarez; Deltona; Case No. 2017043482
\$40.65 costs only; Revocation of license BB8900446
- Oscar Balbuena; Hollywood; Case No. 2017043490
\$40.65 costs only; Revocation of license BB8900473

- Yamisquier Camejo; Jacksonville; Case No. 2017043498
\$40.65 costs only; Revocation of license BB8900423
- Garvin Brown; Pembroke Pines; Case No. 2017043505
\$40.65 costs only; Revocation of license BB8800422
- Mark Brownlowe; Deltona; Case No. 2017043507
\$40.65 costs only; Revocation of license BB8900221
- Argelio Borrero; Miami; Case No. 2017043502
\$40.65 costs only; Revocation of license BB8900380
- Willie Bryant; Spring Hill; Case No. 2017043510
\$61.03 costs only; Revocation of license BB8900420
- Manuel Caraballo; Tampa; Case No. 2017043519
\$40.65 costs only; Revocation of license BB8900367
- Odalys Mejia; Orlando; Case No. 2017043686
\$40.65 costs only; Revocation of license BB8900416
- Renier Diaz; Naples; Case No. 2017043602
\$40.65 costs only; Revocation of license BB8900364
- Jariel Esquivel; Hialeah; Case No. 2017043605
\$61.03 costs only; Revocation of license BB8900070
- Omed Kareem Fattah; Nashville, TN; Case No. 2017043624
\$40.65 costs only; Revocation of license BB88900457
- Hipolito Fernandez; Winter Springs; Case No. 2017043626
\$40.65 costs only; Revocation of license BB8900271
- Bruce Ginjauma; Hollywood; Case No. 2017043636
\$33.93 costs only; Revocation of license BB8900288
- Roberto Murillo; Haines City; Case No. 2017043706
\$40.65 costs only; Revocation of license BB8900368
- Omar Karim; Jacksonville; Case No. 2017043669
\$61.03 costs only; Revocation of license BB8900366
- Eury Pichardo; Orlando; Case No. 2017043745
\$40.65 costs only; Revocation of license BB8900387
- Joel Pineda; Miami; Case No. 2017043747
\$61.03 costs only; Revocation of license BB8900161
- Alexander Franco; Jacksonville; Case No. 2017043630
\$81.30 costs only; Revocation of license BB8900050
- Javier Blanco; Lehigh Acres; Case No. 2017043751
\$61.03 costs only; Revocation of license BB8900528
- Julian Poole; Palm Harbor; Case No. 2017043746
\$61.03 costs only; Revocation of license BB8897634

- Tony Guardado; Miami; Case No. 2017043658
\$40.65 costs only; Revocation of license BB8899942
- Justin Diaz; Orlando; Case No. 2017043601
\$61.03 costs only; Revocation of license BB8900436
- Axel Iarrazabel; North Ft. Myers; Case No. 2017043663
\$61.03 costs only; Revocation of license BB8900059
- Joseph Gonzalez; Orlando; Case No. 2017043718
\$40.65 costs only; Revocation of license BB8900447
- Reisler Terrero; Naples; Case No. 2017043603
\$40.65 costs only; Revocation of license BB8900414
- Yomar Nieves; Jacksonville; Case No. 2017043675
\$40.65 costs only; Revocation of license BB8900300
- Omar Olmos; Bowling Green; Case No. 2017043715
\$40.65 costs only; Revocation of license BB8900039
- Jose Negron; West Palm Beach; Case No. 2017043707
\$40.65 costs only; Revocation of license BB8900227
- Adryel Matta; Kissimmee; Case No. 2017043683
\$40.65 costs only; Revocation of license BB8900144
- Juan Patricio; Tampa; Case No. 2017043739
\$54.20 costs only; Revocation of license BB8900124
- Amauri Heredia; Guymon, Oklahoma; Case No. 2017043662
\$40.65 costs only; Revocation of license BB8900281
- Emmanuel Izquierdo; Naples; Case No. 2017043664
\$61.03 costs only; Revocation of license BB8900565
- Vilnor Louissaint; Miami; Case No. 2017043672
\$40.65 costs only; Revocation of license BB8900260
- Jhonson Martinez; Orlando; Case No. 2017043680
\$61.03 costs only; Revocation of license BB8900270
- Ryan Palmer; Pembroke Pines; Case No. 2017043737
\$61.03 costs only; Revocation of license BB8900234
- Rusha Ramson; Orlando; Case No. 2017043752
\$40.65 costs only; Revocation of license BB8900072
- Aramis Roman; Jacksonville; Case No. 2017043817
\$40.65 costs only; Revocation of license BB8899788
- Dayan Guerra; Naples; Case No. 2017043831
\$40.65 costs only; Revocation of license BB8899620
- Justino Rodriguez; Bartow; Case No. 2017043758
\$40.65 costs only; Revocation of license BB8899975
- Misael Sanchez; Miami; Case No. 2017043835

- \$40.65 costs only; Revocation of license BB8900415
- Jean Serrano; Ft. Myers; Case No. 2017043839
\$40.65 costs only; Revocation of license BB8900332
 - Johan Soto; Tamarac; Case No. 2017043841
\$40.65 costs only; Revocation of license BB8900395
 - Jampier Dominguez; Jacksonville; Case No. 2017043855
\$61.03 costs only; Revocation of license BB8900475
 - Jorge Uria; Miami; Case No. 2017043858
\$40.65 costs only; Revocation of license BB8900252
 - Antonio Franco; Orlando; Case No. 2017043866
\$61.03 costs only; Revocation of license BB8900484
 - Trihtahn Williams; Sanderson; Case No. 2017043881
\$61.03 costs only; Revocation of license BB89000094
 - Michelangelo Recupero; Orlando; Case No. 2017043754
\$61.03 costs only; Revocation of license BB8900437
 - Alejandro Llabona; Tampa; Case No. 2017043836
\$40.65 costs only; Revocation of license BB8900474
 - Yusdeivy Perez; Miami; Case No. 2017043744
\$61.03 costs only; Revocation of license BB8900421
 - Luis Sanabria; Plant City; Case No. 2017043834
\$61.03 costs only; Revocation of license BB8900021
 - Saint Toussaint; North Miami; Case No. 2017043851
\$40.65 costs only; Revocation of license BB8900393
 - Chasity Vargas; Orlando; Case No. 2017043872
\$40.65 costs only; Revocation of license BB8900483
 - Olga Storck; Orlando; Case No. 2017043845
\$61.03 costs only; Revocation of license BB8900546
 - Jonathan Camilo; Kissimmee; Case No. 2017045573
\$500 fine and \$405.88 costs to be paid within six months
 - Narciso Rosas; Ocoee; Case No. 2017043821
\$40.65 costs only; Revocation of license BB8900386
 - Ideal Cutz; West Palm Beach; Case No. 2017049153
\$900 fine and \$194.18 costs to be paid within six months
 - Wilfredo Quintana; Orlando; Case No. 2017043749
\$61.03 costs only; Revocation of license BB8900232
 - Gilbert Santiago; Davenport; Case No. 2017043837
\$40.65 costs only; Revocation of license BB8900388
 - Devon Rolle; Sanford; Case No. 2017045832
\$40.65 costs only; Revocation of license BB8900570

- HBS Styles Barbershop; Winter Garden; Case No. 2017052527
\$1,200 fine and \$33.55 costs to be paid within six months

Settlement Stipulation

Mr. Coniglio presented the following case 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 penalty shown below:

- Five Star Cutz; Ocoee; Case No. 2017050127
\$650 fine and \$53.55 costs to be paid within six months

Voluntary Relinquishment

Mr. Coniglio 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:

- Joel Eiras; South Miami; Case No. 2017037346
\$40.65 costs only; Voluntary relinquishment of license BR4958, the three year time period to reapply for licensure was waived
- Pedro Cintron; Brooksville; Case No. 2017043586
\$40.65 costs only; Voluntary relinquishment of license BB8900201, the three year time period to reapply for licensure was waived
- Cristhian Cuenca; Bluffington, SC; Case No. 2017043596
\$40.65 costs only; Voluntary relinquishment of license BB8900458, the three year time period to reapply for licensure was waived
- Michael Deen; Jacksonville; Case No. 2017043597
\$61.03 costs only; Voluntary relinquishment of license BB8899553, the three year time period to reapply for licensure was waived
- Miguel Gil; Springhill; Case No. 2017043633
\$40.65 costs only; Voluntary relinquishment of license BB8900204, the three year time period to reapply for licensure was waived
- Angel Eiras; South Miami; Case No. 2017037294
\$123.79 costs only; Voluntary relinquishment of license BR4927, the three year time period to reapply for licensure was waived
- Dixon Rodriguez; St. Cloud; Case No. 2017043757
\$40.65 costs only; Voluntary relinquishment of license BB8900128, the three year time period to reapply for licensure was waived
- Orlando Rodriguez; Lehigh Acres; Case No. 2017043755
\$40.65 costs only; Voluntary relinquishment of license BB8900092, the three year time period to reapply for licensure was waived
- Luis Sanabria; Plant City; Case No. 2017043834
\$40.65 costs only; Voluntary relinquishment of license BB8900150, the three year time period to reapply for licensure was waived
- Rogelio Vaquero Jr.; Palm Harbor; Case No. 2017043861

\$40.65 costs only; Voluntary relinquishment of license BB8900476, the three year time period to reapply for licensure was waived

- Ronald Martinez; Miami; Case No. 2017043681
\$40.65 costs only; Voluntary relinquishment of license BB8900471, the three year time period to reapply for licensure was waived
- Melvin Cavallo; Orlando; Case No. 2017043581
Voluntary relinquishment of license BB8900396, the three year time period to reapply for licensure was waived
- Irving Cabassa; Orlando; Case No. 2017043628
\$61.03 costs only; Voluntary relinquishment of license BB8900297, the three year time period to reapply for licensure was waived
- Gregory Jean Claude; Jacksonville; Case No. 2017043665
\$40.65 costs only; Voluntary relinquishment of license BB8900452, the three year time period to reapply for licensure was waived
- Keytter Sardinias; Miami; Case No. 2017039503
\$92.77 costs only; Voluntary relinquishment of license BB8899331, the three year time period to reapply for licensure was waived
- Jimmy Dubon; Miami; Case No. 2017045218
\$61.03 costs only; Voluntary relinquishment of license BB8900160, the three year time period to reapply for licensure was waived

Department Attorney Report

Mr. Coniglio informed the Board that as of September 6, 2018, there were 160 open barber cases in the legal section.

APPLICATIONS

Licensure Applications

Initial Review

Richard Hart

Mr. Hart was present for the meeting and was sworn in by Ms. DeeDee Hannah, Court Reporter. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

Francisco Bonilla-Rodriguez

Mr. Bonilla-Rodriguez was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

Bret Fumando

Mr. Fumando was present for the meeting and was sworn in by the Court Reporter. After review, the Board moved to approve the application.

Joel Eiras

Mr. Eiras was not present for the meeting. After review, the Board moved to approve the application with the following contingency: all fines and costs must be paid to the Department prior to licensure.

Oscar Napoles Zaldivar

Mr. Zaldivar was not present for the meeting. After review, the Board moved to approve the application with the following contingency: all fines and costs must be paid to the Department prior to licensure.

Angel Eiras

Mr. Eiras was not present for the meeting. After review, the Board moved to approve the application with the following contingency: all fines and costs must be paid to the Department prior to licensure.

OTHER BUSINESS

Board Attorney Report

2018-2019 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 61G3-21.001, Florida Administrative Code – Normal Penalty Ranges

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.

The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to the other provisions of this chapter. The disciplinary guidelines are based on a single count violation of each provision listed. ~~When multiple counts of a violation of the same provision in the same administrative complaint occur, one of the counts will be treated as a first violation and the remaining counts will be treated as second and subsequent violations.~~ All penalties at the upper range of the sanctions set forth in the guidelines, such as suspension and revocation, include lesser penalties such as fine, probation or reprimand. Penalties increase with the severity of the violation and number of repeat violations. For the purposes of this rule, the descriptions of the violations in the table below are abbreviated and the statute or rule cited should be consulted for a complete description of the prohibited conduct.

Executive Director Report

Financial Report for Period Ending June 2018

Ms. Robyn Barineau, Executive Director, reported that the balance in the Board's operating account as of June 30, 2018, was over \$2.7 million, and the balance in their unlicensed activity account was over \$315,000 for the same period.

Correspondence

Complaints and Investigative Statistics – July 2018 – July 2018

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

Barber Examination Summary – January 2018 – August 2018

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 13, 2019 – Destin
April 7, 2019 – Fernandina Beach
July 22-23, 2019 – Celebration
October 13, 2019 – Orlando

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:00 p.m.