

MINUTES

FLORIDA BARBERS' BOARD
INTERCONTINENTAL HOTEL
4860 WEST KENNEDY BLVD.
TAMPA, FLORIDA 33609

Monday, November 15, 2010, 9:00 a.m.

General Business Meeting

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 9:00 a.m., by Vice Chair Carl Troup.

Board Members Present

Carl Troup, Vice Chair
Robert Collins
Julie Rivera
Edwin Stewart
Thomas Vaughn

Board Members Absent

Herman White, Chair

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
John Miranda, Inspector, DBPR
Stephanie Walters, Court Reporter
Glenn Cole
Todd Saldana
Steve Stefanec
Roberty Fong
William Brown
Ivette Mercado
Nocolas Boffil
Jamal Brown
Albert Carswell
Edward Bello
Vimla Upadhya
Shannon Jackson
Adonis Hartsfield

The meeting was opened with a roll call and a quorum was established. Vice Chair Troup excused Chair Herman White's absence from the meeting.

Mr. Edwin Stewart moved to accept the minutes from the General Business Meeting of August 9, 2010. Mr. Thomas Vaughn seconded the motion and the motion passed unanimously.

Mr. Stewart moved to accept the minutes from the General Business Meeting of November 1, 2010. Ms. Julie Rivera seconded the motion and the motion passed unanimously.

DISCIPLINARY MATTERS

Informal Hearings

Fade Citi Barber and Dwight Williamson; Port St. Lucie Case Nos. 2009-011693 and 2009-011688

Mr. Jason White, Assistant General Counsel, 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 \$1,500 and costs of \$311.57. 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 \$1,500 and costs of \$311.57. Mr. Vaughn seconded the motion and the motion passed unanimously.

Fade Kings; Miami Case No. 2009-051981

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 \$26.33. 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 \$26.33 only. Ms. Rivera seconded the motion and the motion passed unanimously.

Marlin's Barber Shop; Miami Case No. 2010-024850

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 \$102.29. 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 \$102.29. Mr. Vaughn seconded the motion and the motion passed unanimously.

Mustafa Sibai; Miami Case No. 2009-052491

Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. Sibai was not present for the meeting. Mr. White presented the department's case and suggested imposing a fine of \$250 and costs of \$36.36. 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 \$36.36 only. Mr. Robert Collins seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Regarding Case No. 2009.032749 against ATL's Fadez and Braids Barber Shop of Orlando, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of

\$68.86. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$500 and costs of \$68.86. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.063777 against Blue Print Unisex of Miami, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$96.36. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$500 and costs of \$96.36. Ms. Rivera seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.009733 against Ismael River Diaz and King of New York Barbershop of Haines City, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$150.39. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$500 and costs of \$150.39. Ms. Rivera seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.031525 against Felix Touch of Class Barbershop of Bradenton, Mr. White presented the department's case and suggested imposing a fine of \$250 and costs of \$526.17. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$250 and costs of \$526.17. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.006388 against Raul Gurdian of Miami, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$19.95. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$500 and costs of \$19.95. Mr. Collins seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2009.041976 and 2009.038441 against Ronald Kelsey and Next Level Barbershop of Jacksonville, Mr. White presented the department's case and suggested imposing a fine of \$1,500 and costs of \$149.87. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$1,500 and costs of \$149.87. Ms. Rivera seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2009.065615 and 2009.065634 against Carlos Medero and Major League Cuts of Hialeah, Mr. White presented the department's case and suggested imposing a fine of \$2,000 and costs of \$99.25. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$2,000 and costs of \$99.25. Ms. Rivera seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.055440 against Miami Fades Barber Shop of Miami, Mr. White presented the department's case and suggested imposing a fine of \$2,500 and costs of \$123.58. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$2,500 and costs of \$123.58. Ms. Rivera seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.000565 against Miguel Angel Mirete of Miami, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$39.38. The Respondent was not present for the meeting. Ms. Rivera moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$500 and costs of \$39.38. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2010.012477 and 2010.012469 against Jeffrey Glenn Rivers II and Superb Cuts of Jacksonville, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$198.58. The Respondent was not present for the meeting. Mr. Stewart moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$500 and costs of \$198.58. Mr. Vaughn seconded the motion and the motion passed unanimously.

Mr. White presented the following cases for consideration by the board. Ms. Rivera moved that the board close the following cases as full compliance has been met:

- Elvis Crooks; Tampa
Case No. 2009-039963
- Excelsior Barber; Naples
Case No. 2009-052065

- Hair Syndicate; Jacksonville
Case No. 2009-049390
- Just Blaze Barbershop; Casselberry
Case No. 2009-049393
- Edward Bello Lopez; Tampa
Case No. 2009-058616
- Edward Bello Lopez; Tampa
Case No. 2009-043704
- Ricardo Mendez; Greenacres
Case No. 2009-049245
- New York Styles Allstar; Miami
Case No. 2009-043696
- Rene Barber Shop; Miami
Case No. 2009-049552
- Sagy Arie Ben Shaul; Coral Springs
Case No. 2009.024915
- Ivette Torrens; Deltona
Case No. 2009-039691
- Unisex Phantom Barber Shop; North Miami
Case No. 2009-034993
- Wes Barbershop, Inc.; Miami
Case No. 2009-035071
- Who's Next Barbershop; Longwood
Case No. 2010.012426
- Wise Guy NYC; Coral Springs
Case No. 2009-035237

Mr. Vaughn seconded the motion and the motion passed unanimously.

Settlement Stipulations

Regarding Case Nos. 2009.023993 and 2009.023987 against Masters Barber Shop and Elisbet Hernandez of West Palm Beach, Ms. Rivera moved that the board find that the Respondent committed the offenses as alleged in the Administrative Complaint and 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 impose a fine of \$599.80 and costs of \$250.14. Mr. Vaughn seconded the motion and the motion passed unanimously.

Department Attorney Report

Mr. White informed the board that as of October 5, 2010, there were 82 open barber cases in the legal section.

APPLICATIONS

Informal Hearings

Bobby Abreu Jr.

Mr. Abreu was not present for the meeting. The board denied his application at the August, 2010, meeting based on the noted criminal history. After review, Mr. Stewart moved to uphold the denial based on the noted criminal history. Mr. Vaughn seconded the motion and the motion passed unanimously.

Glenn Cole / United Kingdom

Mr. Cole was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the August 9, 2010, meeting because he failed 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. After review, Ms. Rivera moved to approve the application based on the documentation provided. Mr. Vaughn seconded the motion and the motion passed unanimously.

Hugo Riesgo

Mr. Riesgo was not present for the meeting. The board denied his application at the August 9, 2010, meeting based on the noted criminal history. After review, Mr. Stewart moved to uphold the denial based on the noted criminal history. Mr. Collins seconded the motion and the motion passed unanimously.

Initial Review

Nicolas J. Boffil

Mr. Boffil was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Collins seconded the motion and the motion passed unanimously.

Jamal R. Brown

Mr. Brown 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.

William H. Brown

Mr. Brown 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.

Albert Carswell

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

Raven D. Daniels

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

Roberty Fong

Mr. Fong 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.

Giovanni Garayalde

Mr. Garayalde was not present for the meeting. After review, Mr. Stewart moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Mr. Vaughn seconded the motion and the motion passed unanimously.

Adonis B. Hartsfield

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

Shannon L. Jackson

Mr. Jackson 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.

Timothy Jones

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

Elijah Moore

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

Eduardo A. Rosello Jr.

Ms. Rivera recused herself from voting on this matter.

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

Todd M. Saldana

Mr. Saldana 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.

Robert Sanchez

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

Stefan J. Stefanec

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

Jonathan Vincson

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

Continuing Education Provider and Course Application

Initial Review

ASM Beauty World Academy, Inc.

Course Application

HIV/AIDS Prevention – 2 Hours Home Study/Video

After review, Mr. Stewart moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Community Casemanagement, Inc.

Course Application

HIV/AIDS Course – 2 Hours Home Study/Video

After review, Mr. Vaughn moved to approve the application. Mr. Stewart seconded the motion and the motion passed unanimously.

Paragon CET (formerly CME Resource)

Course Application

HIV/AIDS: Update for Florida Barbers

After review, Mr. Stewart moved to approve the application. Ms. Rivera 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.

Other Business

Executive Director's Report

Financial Report for Year Ending June, 2010

Ms. Barineau reported that the balance in the board's operating account on June 30, 2010, was \$329,000, and the balance in their unlicensed activity account was over \$209,000. She added that the financial projections show that both accounts should maintain a positive cash balance at least through June 30, 2015.

Florida Barbers' Board Newsletter – August 2010

Ms. Barineau informed the board that the Florida Barbers' Board Newsletter was included in the agenda for informational purposes.

Board Attorney's Report

Rule 61G3-16.005, Florida Administrative Code – Endorsement

The board approved the following language as provided by Ms. Rachel Clark, Assistant Attorney General, not requiring barbers endorsing from another state to go through the evaluation process as required for barbers endorsing from another country.

61G3-16.005 Endorsement:

The Department of Business and Professional Regulation shall issue a license by endorsement to a person who:

- (1) Makes application and pays to the Department the fee specified in Rule 61G3-20.002, F.A.C.;
- (2) Demonstrates that he or she possesses a current active license in another state or country;
- (3) Demonstrates that he or she has satisfactorily completed a written examination comparable to or more stringent than the examination given by the Department;
- (4) Demonstrates that he or she has completed:
 - (a) 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and, at a minimum, covering the subjects of Safety, Sanitation and Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or
 - (b) An apprenticeship program of 1,200 hours; or
 - (c) A combination thereof.
- (5) Certifies that he or she has read and understood and will abide by Chapters 455 and 476, F.S. and Chapter 61G3, F.A.C.
- (6) For purposes of demonstrating that an~~the~~ applicant from a territory or foreign country has met the requirements of subsections (2), (3) and (4) above, the applicant must provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services.

Division of Regulation

Complaints and Investigative Statistics Report – July 2010 - September 2010

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

Bureau of Education and Testing

Barber Examination Summary – July 2010 - September 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

February 28, 2011 – Orlando
May 16, 2011 – Fernandina Beach

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:40 a.m.