(Proceedings commenced at 9:03 a.m.)

MS. WOLD: I thought DBPR wasn't going to be allowed in here.

MR. MILNE: No, they're -- they're --

MR. FRIZZELL: They're not allowed in.

MR. MILNE: You're my client.

MS. WOLD: We are, but -- okay.

MR. MILNE: You -- the board is. They're -- they're merely the agency that supports your efforts, and they're not entitled to be here at the meeting today.

MR. FRIZZELL: The shade meeting statute limits it specifically to members of the board, their attorneys, their executive director, and a single court reporter.

MR. MILNE: Okay. Okay.

So at this point, we need to take the role again, please, Krista?

MS. WOODARD: Yes. Michelino Nibaldi?

MS. NIBALDI: Here.

MS. WOODARD: Veronica Wold?

MS. WOLD: Here.

MS. WOODARD: Eddie Stewart?

MR. STEWART: Here.

MS. WOODARD: Russell Mayer?
MR. MAYER: Here.

MS. WOODARD: Antoinette Montousin has requested to be excused.

MS. NIBALDI: So moved.

MR. STEWART: Second.

MS. NIBALDI: All in favor?

(Members respond "aye.")

MS. NIBALDI: Any opposed?

MR. MILNE: All right. My name is Robert Milne. I'm lead counsel in the litigation. I've been appointed by -- my boss is the head of the Administrative Law Bureau to defend you in this rule challenge brought by FACTS.

And FACTS, at this point, has proposed a settlement of this lawsuit. I believe that that settlement has been disseminated to you. It's before you for consideration.

There are three options, essentially: You can accept the settlement, reject the settlement and just tell me to keep on litigating, or counter propose --

MS. WOLD: I don't have that.

MR. MILNE: Okay. Allow me to give you the settlement agreement.

MR. FRIZZELL: Is it not in your folder?
MS. WOLD: It's not in my folder.

MR. MILNE: Here it is.

MR. FRIZZELL: Yeah. I brought -- I brought copies of that.

MS. WOLD: Is it on the agenda?

MS. WOODARD: No, that's it. That's it on the agenda.

MS. WOLD: What he has, I don't have.

MR. MILNE: Ms. Wold, there's -- there's --

MS. WOLD: Thank you.

MR. MILNE: -- a cover letter signed by Morris Scally Sheehan (ph), and there is a proposed amended rule --

MS. WOLD: Okay.

MR. MILNE: -- at 850 hours.

MR. STEWART: Do we not have that?

MR. FRIZZELL: I have -- I brought extra copies. So I'm handing you --

(Simultaneous speaking.)

MR. FRIZZELL: It may very well be, but --

MR. MAYER: I do have this.

MR. FRIZZELL: They're -- they're very similar. There are a lot of very similar documents.

(Simultaneous speaking.)
But that is different, you're right.

That is everybody, so everybody is on the same page.

MS. WOLD: Okay. Thank you.

MR. MILNE: All right. In -- in order for you, as a board, to consider the settlement proposal, it's also necessary for you to understand where we count the hour in the litigation.

And in the last week we have been taking depositions, and our offices had high level, detailed, and frank discussions with the Florida Department of Education, the count -- counsel independent education -- education, NACCAS, the accrediting body for the schools that are members of FACTS. And we've also spoken to the Atlanta office of the United States Department of Education tasked with disbursement of Title IV funding for accredited programs in the barbering context.

And all my comments today are confined exclusively to the settlement proposal, the status of the litigation so we can evaluate the merits of the settlement proposal. And I'm filing my comments to the restricted barbering
course. Because the rule does not have any impact on the 1,200 hours for the barbering course as the normal barbering course. It only has an impact on the restricted course. So that's what we'll be talking about today.

I'm going to give you some overview. In the lawsuit it's called a rule challenge. FACTS has alleged that its membership will be adversely impacted in the immediate future by the operation of a 500-hour minimum rule.

Yes, sir.

MR. STEWART: Can I ask a question before we get any further?

MR. MILNE: Yes.

MR. STEWART: FACTS, is this a school that's challenging us?

MR. MILNE: It's a trade association, yes.

MR. STEWART: Okay. All right.

MR. MILNE: And their membership is going -- they're saying their membership, a substantial amount of their membership is going to be damaged.

Now, to prevail in a rule challenge -- and this is about the most positive thing I can say about the litigation. I've been litigation --
litigating in the United Kingdom and here for 39 years. And my main function is to litigate and try and win cases. Right. So I'm telling you from what I now know.

And we have -- Tim and I have spent an enormous amount of time preparing for this and also fighting the case.

Here's where we are. We're going to go to trial on the 26th and 27th of this month in front of the Division of Administrative Hearings. The petitioner bringing the rule challenge is the trade association, FACTS, they have to win to actually get into court. Then they have the burden of proving that they have standing, which means a substantial amount of their members will be adversely impacted in the immediate future by the operation of this rule.

If they don't show that, we can knock them out. That's about the only positive thing I can say about the litigation at this point. And I'll go into the less pleasant things about our -- our position in due course.

But in our research and talking with the United States Department of Education and in talking with the Florida Department of Education,
trying to field witnesses who will support our
lawsuit, we were told by the -- by the Florida
Department of Education they will not testify in
support of a 500-hour rule.

We know now that from our depositions and
from research with the -- the United States
Department of Education and with NACCAS that if
they teach a course that exceeds by 50 percent,
the minimum required by a state regulation, they
will lose accreditation.

If they lose accreditation, they'll lose
Title IV funding access. And, in fact, if those
schools continue to pay up, they have to repay
the United States Department of Education.

So what does that do? It means at a stroke,
the moment this rule goes into effect of 500
hours, they will have to immediately start
teaching their courses that exceed 500 hours by
50 percent. That 50 percent in excess of 500
hours is 750 hours. They're teaching at 1,200.
They've all signed an agreement, which we've seen
in discovery. And all these schools do that have
access to Title IV funding and 90 percent of the
students rely on this funding to get their
education and enter into the profession. They
all sign an agreement saying that they will not teach in excess of 50 percent of the hours of the minimum requirement regulated -- required by state regulation.

So not only will they be in breach and they'll have to stop teaching that course, not the school, but that course will be disaccredited by NACCAS. If it's disaccredited, that's another double blow, because if it's disaccredited, United States Department of Education will not disburse Title IV funding to an uncredited course.

Their regulations are in lockstep and it's -- and we've spoken to the Atlanta office. We know that this is -- we've verified it in the penalty, and nobody in this room intended for that to happen when they were drafting this 500-hour rule. What we didn't know about, there's worse. At 500 hours, students can't get a Pell Grant.

Even though your intention was to cut through unnecessary red tape and get kids into school and to be complaint and in the professional with the least amount of money 'cause it's the right thing to do, at 500 hours
they don't even get a Pell Grant. So that's kind of self-defeating at that hour -- at that hour level.

The only edge I have at the moment in -- in good faith in the litigation is the damages -- the damage allegations raised by FACTS. Yes, we know that this regulatory scheme between USDOE and NACCAS will mean if you're teaching a 1,200 and you go to 500 minimum required by the state, those classes have to immediately stopped.

What does that mean? They can teach out the kids that are in the cohort on the day before the rule becomes effect. They can teach them out. They can't take another single student the moment that rule goes in effect.

In the meantime -- and Tim has had extensive phone conversations with all the stake holders in federal and state government on this. What happens, the schools can't teach that course for a year because it takes roughly a year to maybe 12, 13, 14, 15 months for a new compliant course for a restricted barber program to be approved, not only by NACCAS, but the United States Department of Education.

MR. FRIZZELL: NACCAS and NCIS.
MR. MILNE: NC - whatever. You know what I'm talking about.

Having said that, this can be fixed. CIE, the Commission of Independent Education, is quite happy to support a rule where there is 600 hours and a substandard amount of actual barbering skills being taught. It's also been very frank with us, it wants to have a sufficient amount of hours for the students to be safe in the salon when they're touching customers and sanitation and safety, how to hold sharp instruments, straight razors, scissors, that sort of thing.

So 500 hours, Florida Department of Education won't testify on our behalf. If they won't testify on our behalf and if inadvertently we deprive these students of the Pell Grant, and they have no actual barbering skills to be certified with internally in our rule, that's really not defensible.

My only shot is taking -- taking out the opposition at the initial threshold standing argument by saying, and our depositions show, substantial amount of your members works about 20 to 30 percent.

At the best it's 30 percent of your
membership will be affected when this rule goes in effect, 'cause they won't be able to teach out for a year. Apart from the kids they're teaching out, they can't bring in further Pell Grants.

MR. MAYER: They can't bring in new students --

MR. MILNE: Exactly.

MR. MAYER: -- for a year?

MR. MILNE: They're frozen. We're -- we understand that we've seen the documentation that the schools have to sign obliging themselves not to do that and also we know that those Title IV fundings immediately get cut off.

So -- and it appears that it's indefensible if our own Department of Education will not field witnesses to support me in this lawsuit at 500 hours, and our own rules require that the schools that graduate the students at 500 hours have to certify what their competency is in. And if we're not teaching any competencies, 'cause it's -- as it's currently drafted, its rules and laws and safety and sanitation, it's basically indefensible from a lawsuit position.

MR. MAYER: All right. So if they don't pass that first test, is it understood, then,
they have to go back for a certain amount of hours if they don't pass the state board tests?

MR. MILNE: No, no. What -- there is -- they can take the test again. But at 500 hours, they're not going to have the money to get into class, basically, 'cause they're -- they're shut from the Pell Grant. So we have glaring inconsistencies that can't really be justified, because DOE won't support us in this, but I need live witnesses to bring my case forward.

My only shot is -- is to fight them on standing. And at this point, they don't have any documentation to show the actual damages, but they've hired a professor at FSU whose specialty is damaged modeling analysis. They will fix that hole in their logic by the time we go to trial. I guarantee it.

Having said that, from Friday the Department of Education has advised us that they would be willing to go into court and support a rule of 600 hours. At 600 hours you have students that have access to a Pell Grant. At 600 hours they actually have -- and at 600 hours it's obviously half the cost of a 1,200-hour course. You have an attractive proposal to get back into
compliance or to enter into the profession. And you've cut through a lot of red tape, but you have minimum barbering schools embedded in your revised rule to address the inconsistencies within the rule. And it makes sense to go on that basis.

So from my discussions with -- with the elements in government involved in this part of the education, they would be happy to see a 600-hour course where the key components in barbering skills are actually taught that can be then certified by the schools and these kids actually have concrete skills and can go forward.

So -- and I can give you further chapter and verse and detail and documentation at a later time, if you -- if you like, from our discovery, which is public record at this point, as to the interlocking relationship with USDOE and NACCAS about their prohibition about 50 percent being more than 50 percent of ours being taught under the minimum regulation. So that's where we are.

And at this stage, it's appropriate to consider the settlement offer.

Now, I have some further information on the settlement. They're proposing an 850-hour
course. Well, guess what, at 850 hours they are not teaching in excess of 50 percent of the minimum if -- of 850. They can teach their 1,200 course -- 1,200 courses. But we also know their own experts have said, under oath, just for the regular barbering course, they could just professionally design a course that would please everybody at 900 hours, that has the 300 hours of chemicals that regular barbers need and -- I'm not an exert in this. I'm calling it "regular barbers" as opposed to "restricted barbers."

MS. WOODARD: Restricted, yes.

MR. MILNE: So it's 300 hours of chemicals, and then 600 hours of the rest of it, and you've got a regular barber program. They've just shaved it --

MR. MAYER: Shave it at 300 hours.

MR. MILNE: Yeah. They've shaved 300 hours at a stroke. They're offering 850, because even at 850 they can still have access to that Title IV, and they don't get discredited, and they're not in excess of the 50 percent internal prohibition and so forth.

MR. MAYER: Well, you would think the schools lowering the hours by 300 hours, it would
bring -- they're going to say they're going to lose money, but that's also to bring in more students. It will be more affordable --

MR. MILNE: Yes, certainly.

MR. MAYER: -- to cover those costs.

MR. MILNE: That's one of the arguments that we have considered.

MR. MAYER: Okay.

MR. MILNE: Literally you're on the money.

Okay. So there's -- we've heard a lot of pointing of the most bleak damage models, but what's really going to happen is, if we -- if they're in excess of the 50 percent, they're going to have to rapidly bring a new complaint, lesser downgraded, downscaled in hours course to bear. It takes about a year for that to happen.

So they're going to be a year out in lost revenue. And -- and that is -- I'm sure you didn't intend that to happen when you were drafting the rule. So you're looking to the students and trying to get the students unburdened from red tape, unburdened from the -- from unnecessary cost, and get them into the profession.

But since we now know that their own --
FACTS's own experts is -- of private -- well, private -- they have said under oath, We can do this at 900.

Well, we all know restricted barbers don't need chemicals. Restricted barbers need 600 hours, if we follow their math, and their math is from their own experts. So not only at 600 hours does that jive with what their experts says can be done professionally. And that's being -- taking the words out of the mouth of the opposition. It also gives the students access to a Pell Grant and it also means that our Florida Department of Education is -- is going to support that rule; so ...

MR. STEWART: That makes sense.

MR. MILNE: And it was inadvertent damage that we're causing that nobody intended this to -- to reap that sort of damage, but by the same token, we didn't know this really until we took three days -- two days of depositions down in Fort Lauderdale and we spent a lot of time researching this and then we verified this independently with USDOE, NACCAS, and our Department of Education. And it was telling to us that at -- on Friday they said, we can't --
we're not going to give you any witness, but if you do 600 hours, we're happy to testify, and this is what we'd like to see.

So before I go any further, is that clear to you, ladies and gentlemen?

MR. MAYER: Since I haven't attended any other meetings as a group here, we're for the State of Florida --

MR. MILNE: Yes.

MR. MAYER: -- right?

And what hours are we exactly hoping to set? Or is that -- do we have a number in mind yet?

MR. MILNE: We -- we had a rule of 500, but it means that, if at 500 you can't get kids to get a Pell Grant -- I mean, they've got to have money to start with -- the reality is you're not going to have any funding. Those courses will be out of funding, and they won't be attended.

MR. MAYER: That's what I was thinking, 500 is a little low --

MR. MILNE: Yeah.

MR. MAYER: -- definitely --

MR. MILNE: Yes, sir.

MR. STEWART: Excuse me. Could I ask: What does the governor's office think?
MR. MILNE: Well, the governor's office is, with great respect to them, relying on you, as the experts here, to find the right way forward. All I can tell you -- and because they've -- they've calibrated this settlement so that they're protecting the financial interests in getting access to Title IV monies, by having the 850. That's safe for them. Now, your task has been to get the students into the profession without having to spend unnecessary amounts of money or unnecessary amounts of clock hour time that they have to pay for. They're going into debt for this. To get that --

(Simultaneous speaking.)

MR. STEWART: Can -- can I say that I am a former teacher and program director of a barber school? I hate to tell you this, but Pell Grants is a way to make money for the students to buy cars to buy clothes to buy grass, whatever they choose to buy.

And the second thing is our programs, no matter what they are, no matter what the hours are -- not the -- not the rule. They are a suggestion.

DOA is not going to back you up one minute
on what you do, 'cause they just don't do that. They -- they say, I don't know. That person is out. You'll need to talk to Tim.

Well, I know two or three Tims that don't even work there that I can talk to, but the problem is we're talking about making restricted barbering achievable.

MR. MILNE: Correct.

MR. STEWART: They don't need to know anything about shampooing 'cause most of them don't even have a working shampoo bowl in their shops. Those regular barbershops are four chairs and a sink over there that they can't use.

MR. MAYER: Correct.

MR. STEWART: So the industry is loading people in, because they're getting Pell Grants, and they're working just long enough to find out this is not an easy business. You must be behind that chair --

MR. MAYER: Over half of the students -- you know, half of the students that graduate don't end up in barbering after a year. They've left to pursue the profession, they can't handle it. And so it's probably a little bit more than 50 percent now.
MR. MILNE: Gentlemen, if -- if I may. In the shade meeting it's an exception to our government in the sunshine law, and if we go outside discussing the settlement pros and cons -- and I've given you the context of our litigation for you to come to that decision -- we will breach the exemption, and then all this is public record. So I would ask that we stay within the protection of the shade meeting --

MR. STEWART: Yes.

MR. MILNE: -- and we restrict --

MR. STEWART: So basically what you're saying is you can give us information, but we can't give it to you?

MR. MILNE: No. I'm -- I'm saying for you to make a decision on whether to accept the 850 proposed or to reject it and to say to Timothy and me, Guys, just go (indiscernible) and keep on litigating.

And I'm happy to do that, but my only shot of winning does not come out of the threshold standing issue and say to the judge, Judge, they don't have a substantial amount of their board -- their -- their association members who are going to be affected, it's only 20 percent, and anyway,
that's going to happen a year from now.

If we get to the failure to adhere to basic rule-making process, such as having a rule that is internally inconsistent, well, because we did -- the State would have estimated regularly cost wrong, which we probably may have done.

It's open to criticism. We lose on those two.

We've got one shot, but the other two shots are probably indefensible. So if I don't get them out the door on the threshold issue of standing, as this rule is currently drafted, I don't have any live bodies from Department of Education to support it. I'm going to lose the case.

That's why in this context I believe your options, then, are to either accept this or make a counter proposal and --

MS. WOLD: That's my -- that was my thought.

MR. MILNE: Yeah, yeah. So I think rejecting it out of hand and just saying to me, Go litigate, Rob. It's fine to Rob, because that's what I do, and I'll do it to the best of my ability.

As to counsel, do I think that's achievable or even reasonable? Probably not. I would say
these guys, board members, given where we are and what we now know -- and we've known a lot of information of record for the short period of time, and we're giving you this from the highest levels of these institutions that we've talked to. The recommendations before you, in real terms, unless you decide otherwise, is either to accept the 850 hours or make a counter.

Now, on the 850, they have protected their interests financially, and they're very sanguine about that. But we know from what their own experts have said for restricted course, if you take out the 300 of the chemicals, you can do that in 600.

I have somebody who will testify on my behalf at 600. I've -- and in the last -- since I've been down in Fort Lauderdale litigating this, I met with Mike, our board chair. I've shared with him -- and he's seen the litigation documents, and we've kept him up -- up -- we've briefed him periodically on what we found out from leadership in these government agencies.

MR. MAYER: So he's saying that it can't be done professionally at 600 hours?

MR. MILNE: Yes, sir.
MR. MAYER: I agree with that if correct --

(Simultaneous speaking.)

MR. STEWART: Let -- let me just school both of you young fellows. In 1964 when I went to Tallahassee Barber School we went 600 hours.

MR. MILNE: Okay.

MR. STEWART: And I was trained, and I've been cutting hair 50 years.

MR. MILNE: Right.

MR. STEWART: Six hundred hours was all they required, and that was -- we did beard trims. We did light dying. We did -- we didn't do perms.

MR. MILNE: Right.

MR. STEWART: We didn't do the full color.

MR. MILNE: And -- and that would be consistent with the current restricted program.

MR. STEWART: Well, I said with the 500 hours, somebody went through a lot of trouble --

MR. MILNE: Right.

MR. STEWART: -- to get this 500-hour thing drawn up here, and just because you don't think -- well, I think you can. I don't -- I don't think that -- the only people that you're satisfying are -- you're playing to the schools.

MR. MILNE: I was what?
MR. STEWART: The schools, the barber colleges. They have been jerking the barber board around for 30 years. They have -- they do not have anything that associates them to the barber board. They do everything through DOAH. If they want hours, they go to DOAH. If they want funding, they go -- whatever they want, they go to DOAH. They don't ask the barber board to regulate them. They don't ask us to set their curriculum.

MR. MILNE: Are you saying, sir, that the school's approach is merely to litigate what they want?

MR. STEWART: They won't litigate what they want.

MR. MILNE: Well, if we can stay within the sphere of our litigation, I believe the realistic options are then to -- and to stay within our shade meeting, because nothing that I advise you on or your comments are public record until the end of the litigation has happened, because that protects our discussions and your directions to -- to me and Tim, as your trial counsel. That's attorney-client privileged for the moment.

MS. WOLD: So do we make a motion to deny?
MR. MILNE: What -- what we'll do is, you -- you have to come to a consensus as to what you guys want to do. You're either going to accept this 850, or there is a counter proposal. I don't think it's realistic just to reject them; tell them to go -- I can take ten more depositions and argument of the threshold issue, but if I lose, uncorrected as it is, I'm probably going to lose. And it's not the best use of your time or money. And if we don't have to have a judge make that decision, if we can fix this, I'd rather you have the power to fix it, then we give it to a third party who doesn't know anything about your profession.

MS. WOLD: So I'm okay with that. I'm okay with getting -- not taking 850 --

MR. MILNE: Right.

MS. WOLD: -- and changing it to 600.

MR. MILNE: Okay. On -- on that point, I have been in pains to tell your board chair where we are in lockstep. And the latest communication from DOE was -- sorry -- from -- well, we spoke to DOE on Friday, but then when we were told by our Florida Department of Education they can support 600, we did -- then did a whole new
analysis.

Michelino has taken the Department of Education's recommendations or suggestions and revised the rule for your consideration as a counter proposal, which Tim is going to show you now.

MR. STEWART: Do you know --

MR. MILNE: What's that?

MR. STEWART: I'm not sure what I'm allowed to say to you because you've just said you -- we can't talk about certain things, but the -- we don't require 1,200 hours as you've been saying. If you look in the law book, it's about the third or fourth page over, is it only requires, like, 750.

MR. MILNE: Well, we're dealing with a proposed rule challenge.

MS. WOLD: Why not --

(Simultaneous speaking.)

MR. STEWART: I understand that. What I'm saying we don't -- that's not the proposed -- that's not the law. We don't require 1,200 hours.

MR. MILNE: We're in the situation within the scope of this discussion where the realities
are, if this rule became effective, if they lose
the rule challenge as currently drafted, it will
go into 500. That will be the minimum. It
doesn't have to be the minimum. You could teach
longer than, but you can't teach more than
50 percent of 500. Based on that we --

MR. STEWART: Well, 50 percent of 500, does
that mean they can only do 250 additional?

MR. MILNE: Additional. So --

MR. STEWART: Or can they do 500 additional?

MR. MILNE: No, if -- if the minimum is 500
today, as a matter of law they can teach to 750.

MR. STEWART: That's what we would require
now?

MR. MILNE: Yes, sir. That's what this rule
would require.

MR. STEWART: And that's what -- okay. That
would get them their Pell Grants if that's
what --

MR. MILNE: Yes.

(Simultaneous speaking.)

MR. STEWART: -- if we do it for 500 hours,
as is proposed.

MR. MILNE: No, no. If as proposed, you
don't get a Pell Grant. If you go to 600, you
get a Pell Grant.

MR. STEWART: We -- we -- we can do 500. They can -- they can put the extra 250 hours on and get Pell Grants?

MR. MILNE: Yes.

MR. STEWART: So what's the big deal? Let's go to 500 --

MR. MILNE: Well --

MR. STEWART: -- make it easy for the guy that can't get a Pell Grant.

MR. MILNE: Okay.

MR. STEWART: You can't get a Pell Grant; you can't get a Pell. There's nobody in this room that can get a Pell Grant. So you're talking about people that are using the system to get Pell Grants.

MR. MILNE: Again, we're -- we're going outside the scope.

MR. STEWART: I understand. But you keep shushing me because you're a lawyer and that's how y'all do. I'm not a lawyer; I'm barber, and we talk.

MR. MILNE: Okay.

MR. STEWART: And I'm telling you that this 500-hour proposal is just fine. Let them get it.
They can put 250 extra hours on there, get all the money they want. And a man that's washing cars or greasing cars but his wife is a teacher's aide and their family income is too high, he can't get into the program because some person that's sitting home watching television, and As The World Turns, decides they need to get a little something something coming in, and they go to get a Pell Grant.

But I've got a school in my town that is almost loaded up with students, and they're the ones that can't get Pell Grants. They're the ones that can't go to Pensacola State at night. They're the ones that want to get into the school and get out so they can get into the barbershop.

It's -- it's called the Barber Academy owned by a nice, young, black man in Pensacola, and he's -- he's got all the students and all the business he can do.

And it's -- you know, this is -- this persons that are coming after the barber board, we've been come after with a lot better than that. And most of the time we lose because nobody backs us up.

MR. MILNE: If I can talk about losing at
500, and we're in the context of litigation and
we are in lockstep, I can't avoid the litigation,
we've got to go forward with the litigation 500.
If we don't prevail on standing and their
position, isn't that great -- it's not
undefensible, but they're going to improve their
position by the time we get to trial.

  MR. STEWART: I expected you to do the same
  thing.

  MR. MILNE: And so do I. And that's --
  (Simultaneous speaking.)

  MR. MILNE: I've got to say -- I've got the
  same attitude in litigation --
  (Simultaneous speaking.)

  MR. STEWART: Let's go get them.

  MR. MILNE: If -- if I don't get past
  that -- and let me advise you, the Court will
  hear the standing argument, but it will then hear
  the rest of the case anyway. And then come to
  the decision at the very end whether they lost on
  standing or not. But it's going to hear the
  whole case.

  Once it's heard the whole case, that's
  potentially going to give a different context to
  how the Court looks at the standing argument, and
our chances of prevailing, if we don't do anything to fix this rule, are not good.

MR. STEWART: Do you know how many hours or how many courses you've got to have to be a barber instructor?

MR. MILNE: No.

MR. MAYER: It's 1,500, isn't it?

(Simultaneous speaking.)

MR. STEWART: You've got to have a license for five years. That's it.

(Simultaneous speaking.)

MR. MAYER: Oh, I thought you had to have -- extend the hours over the five years.

MR. STEWART: Nope, nope, nope, nope, nope.

MR. MILNE: I'm the first one to say that I was, until about two weeks ago, ignorant of the -- I've had the benefit of your profession, but I have -- I don't know the internal relati-- --

MR. STEWART: Do you know who did that to us?

MR. MILNE: Who's this?

MR. STEWART: DOAH.

MR. MILNE: Okay.

MR. STEWART: The Department of Education.
Do you know that barber schools have no inspection? Do you know who did that to us? DOAH.

Do you know that we just heard 300 cases in the last year, year and a half -- and Walter was in the group where we had people that had gone to a barber school, stolen their template --

MR. MILNE: Yeah.

MR. STEWART: -- and wrote all the information they needed to get licensed from Florida based on their Cuban or Colombian education, and they'd never been to Cuban or Colombia. So there's nobody inspecting the school record.

Guess who did that to us? DOAH.

MR. MILNE: All right --

MR. STEWART: So we're -- we have had DOAH up to here.

Unfortunately, Ms. Woodard has only been with this group a short time. And Julie Roland is recovering from a tragic illness.

They could just tell you horror stories about the things we've gone through, but then they come back. They go to a real barber school for 200 hours.
MR. MILNE: Well, let's just -- let's --

(Simultaneous speaking.)

MR. STEWART: One month. Wait a minute, please.

One month. They go to school one month, and then they come back to the us 'cause the school has legally evaluated them. So they went to school basically, at the most, 200 hours and they're getting credit for having gone to barber school after they cheated us a year ago.

So this is not something we just started playing with. We've been playing with this ten years. And it had -- thanks to Julie and her -- she just enjoyed busting people's butts. And she -- she kept -- we got 300 illegals off the street.

Now, we go to board meetings every three months, and we sit there, and we do unlicensed activity. Do you know how many --

MR. MILNE: Mr. Stewart, if we're going to stay within the very narrow confines of our shade meeting and keep my and your discussion with the board members privileged and confidential until the end of the litigation, I urge you to please help me preserve that exception by addressing
what we can only address today. And I'm getting a lot more context from your comments, which only inform me better, and I appreciate your candor. Having said that, we really must draw the circle, stay within the circle.

MR. STEWART: Well, under that circumstance, why did we bother to come down to Tallahassee?

MR. MILNE: Because I have --

MR. STEWART: We could of done this on the telephone, just say, Well, do what you want to do.

MR. MILNE: Well, I have, currently, litigation going on, on the 26th and the 27th. I have a shot at winning on standing, but if I don't win on standing, it's all going to rapidly unravel and go badly.

We have an opportunity to --

MR. STEWART: How bad could it go? I've got a license.

MR. MILNE: Well, this is what will happen --

MR. STEWART: I've got a license.

MR. MILNE: The -- the judge will say, This is an invalid rule. He'll strike the rule. We'll start from scratch. Which is fine, we can
start from scratch. We'll be much better educated, but we will have to do a new rule. Or, because I'm in the middle of this litigation, it will be appropriate for you to consider a counter offer if that's your pleasure. And if that's your pleasure, you've seen the counter offer proposal drafted by Michelino Nibaldi.

I'm going to ask him to fill you in on this counter proposal, and then I'll finish with some comments of my own about where we are in the litigation. Okay?

Sir, I yield the floor.

MR. NIBALDI: Thank you.

Good morning, board members. I've had the opportunity to work with Rob and Tim on this and seeing a lot of their discovery and the litigation. From my personal take on this, I would prefer to reject Morris Scanley Sheehan's proposal of 850 hours, and now what you see in front of you today is a 600-hour course.

As you all know, or some of you may not, because two of you gentlemen are new today, the original proposal was for 500 hours. We were just learning Florida laws and rules and safety, sanitation and sterilization.
It's my personal opinion that this would work much greater in the sense of many points that Rob has made. The students will be able to get their Pell Grants. I believe, as a board, we'll see a lot less unlicensed activity, and they'll actually have some competency now where they'll learn practical skills.

As you see here, we have some hours in different areas with beard trimming, haircuts --

MR. MILNE: It would be useful to go through what you've suggested.

MS. NIBALDI: Okay. So we have No. 1, Florida's laws and rules at 50 hours; safety, sanitation, and sterilization at 175; hair structure and chemistry at 75.

MR. STEWART: Why do restricted barbers need hair structure and chemistry?

MR. NIBALDI: Well, let me finish, and then we'll --

MR. STEWART: I'm just asking.

MR. NIBALDI: Yeah, yeah.

MR. STEWART: Just making a note so you can underline that when you go back.

MS. NIBALDI: Absolutely.

MR. STEWART: They don't need to know one
minute of hair structure and chemistry, 'cause they can't do none of it. So knock that 200 --
that 75 off, and you're already down to almost the 500 that I suggested or that the governor suggested.

But I didn't mean to interrupt.

MR. NIBALDI: No. 4 is haircutting, 200 hours; shampooing at 25; and shaving, beard, and mustache trimming at 75. So you'll have a total of 600 hours.

Also, with this they will not be able to challenge the board, which I believe was at 300 hours at the initial proposal; correct? They would have to do the full 600 hours of the program. Which I, personally, am more comfortable with, as well.

Now, as far as the hours, I believe that is open up for discussion.

MR. MILNE: There -- there's also -- if I -- if I may also point out to -- and this counter proposal also addresses their damage complaint. And I know inadvertently there is going to be damage to 20 to 30 percent of these schools who will lose revenue over that year.

As drafted, this counter proposal
grandfathers in those schools for a year from when the rule goes into effect. So they can immediately get the compliant course up and for accreditation, which takes about 12 months, but in that 12 months, they can still teach the old course. But then that disappears after 12 months, and they can no longer teach it again. But that cuts out from under them the argument that we don't care about the fact that they lost profit and they can't teach their course. So the very limited grandfathering mechanism is to -- and we're in litigation, is to address their damage model.

So -- and that was my suggestion, because as a litigator, I'm trying to figure out how can I work around this, bypass that, fight on this, and win on that. So that's why that's come in there, because that might take the wind out of their sails, 'cause, at the end of the day, they're concerned about protecting their money.

Another thing that came out of the discovery is --

MR. STEWART: I can produce that training.

MR. MILNE: -- if they have a minimum of 500 -- as Mr. Stewart very correctly pointed out,
he skewered the point. He said, Well, they could teach up to 750.

We've heard testimony that, in reality, if the minimum is 600, all the schools are going to be teaching 600. They're not going to be teaching any more than that, 'cause they have to compete. But I -- I --

MR. STEWART: Their choice.

MR. MILNE: Their choice, but it's going to be marginal --

MR. STEWART: If they don't want the Pell Grant --

(Simultaneous speaking.)

MS. WOLD: I would like to know why a board member was -- is drafting -- and this is nothing against you -- why a board member is drafting hours without the board, as a whole?

MR. MILNE: Because it's only --

MS. WOLD: Because that's not how it's been done in the past.

MR. MILNE: For sure. We're in litigation mode. We got this information --

MS. WOLD: Then we should be on a conference call doing this stuff together.

MR. MILNE: Well --
MR. STEWART: You know, there's nothing in here about evaluation, getting the data, they can go back to the other one and evaluate somebody -- there's not one word in your evaluation.

MR. MILNE: If I may address your comment, ma'am.

I got back from South Florida on Friday. Other people in my office are tasked with dealing and -- and getting information back from USDOE, the accrediting organization, NACCAS, and from Florida Department of Education.

It came to a head by Friday afternoon when we got this information. It was not practical to address this and lay it out for you until --

MS. WOLD: So did you just choose a member, or how did that work?

MR. MILNE: The chair has been -- I've been reporting to him, because he's -- he's --

MS. WOLD: Co-chair or assistant chair?

MR. MILNE: Yeah, the assistant chair.

He's been accessible, and you are --

MS. WOLD: Because she's -- she's gone, he's in charge?

MR. MILNE: Yes. You are my client. He was accessible, and he came up to Tallahassee to help
educate me --

MS. WOLD: I understand.

MR. MILNE: -- and -- and work on this, but this is merely a draft. This is not carved in stone. This is taking on board comments from Department -- Florida Department of Education for your consideration, but it ultimately is for you to decide how to --

MS. WOLD: Well, I think No. 1 and No. 2 are way off, because the majority -- I -- I would say 90 percent of the problem you see, as a board, have to do with No. 1 and No. 2.

MR. MILNE: Okay.

MS. WOLD: Not chemistry and shampooing, at all.

MR. MILNE: And that's my ignorance, but also it may be the uninformed but well intentioned --

MS. WOLD: Well, I don't do hair. I'm a citizen.

MR. MILNE: -- comments from USDA.

MS. WOLD: I just know from being on the board what's come before us so many times that I also know --

MR. MAYER: I do think you have some good
points there. I agree with you. As a barber for 45 years, how long does it really take you to learn to shampoo somebody's hair if it's not long? I mean, it could work --

(Simultaneous speaking.)

MR. MILNE: And we all shampoo our own hair.

(Simultaneous speaking.)

MS. WOODARD: Wait. Can we hold? The court reporter can only get one person speaking at a time. I'm sorry.

MR. STEWART: You need to speed up.

What we're talking about is how did these laws and all get -- I was there when they drafted them, believe it or not. They did a lot of these numbers to keep cosmetology from being the only ones that could do perms. And they had to start teaching this, that, and the other; so they started assigning hours.

Well, in the book about ten years ago, they decided the hours wasn't how we needed to do this. It had to be weighted. Then of the test, 75 percent of it had to be about this; 25 had to be about this or however they -- so it was about the weight.

So you'll notice in the law book it changed
from hours to weight and percentage. They did this so that barbers could do perms, because the cosmetology department was coming after us. They were shutting down shops charging for doing perms. So we had the meetings and went through all the stuff.

We actually had to go before the board and convince them that we needed to be able to have shampoo girls, that we needed to be able to have perm -- do perms, stuff like this. So all this comes from there.

You never had to have 25 hours in shampooing until 20 years ago or 30 years ago when we started wanting to do perms. When men quit wearing nice, short haircuts, like you gentlemen are wearing, and they starting wearing hair down to their shoulders, and they wanted it to be permed so they -- these things have changed. And then somebody turned it all over to DOAH, bless their hearts.

MS. WOLD: Do we have the 500-hour ruling that we voted on as a board?

MR. FRIZZELL: Yes.

MR. MILNE: Yes.

MS. WOLD: What -- what was the hours?

MR. MILNE: It was 500.
MS. WOLD: Yes. And disseminated how?

MR. FRIZZELL: 350 in safety, sanitation, and sterilization, and 150 in Florida laws and rules.

MS. WOLD: I think we should take that and -- and add in -- or decrease it a little bit and add in maybe haircutting and --

(Simultaneous speaking.)

MR. MILNE: So I would say this --

MS. WOLD: But we voted on that as a whole, because that was where the majority of our cases are coming from.

MR. MILNE: Right. The -- the deficiency in the rule, as it stands, is you don't have any competencies in actual barbering skills.

MS. WOLD: Right.

MR. MILNE: And that is a glaring inconsistency in your rule and --

MR. STEWART: The not the intent of the barber board --

MR. MILNE: I know that.

MR. STEWART: -- at all to --

MR. MILNE: I know that, but it's a weakness in a lawsuit.

MR. STEWART: It's still not in the -- it's
not the barber board's duty --

MS. WOLD: I think that a hundred and or --

(Simultaneous speaking.)

THE COURT REPORTER: I can only take one

person at a time.

MS. NIBALDI: Guys, guys. Excuse me.

MR. MILNE: Please, ma'am.

MS. WOLD: Sorry.

I think that only 225 hours in the top two

is going to be a problem, a major problem. It's

going to cause us a lot of -- a lot of work,
because that's where we have our cases from.

MR. MILNE: Okay.

MS. WOLD: So I think that combined with

whatever you all think the minimum hair stuff

should be is where -- is where that should be

broken up.

MR. MILNE: If I may throw something out for

your consideration, remember we're in the

litigation --

MS. WOLD: Right.

MR. MILNE: -- context. To fix this rule, I

would have to show that there are actual

barbering skills being taught -- not to get a

good haircut, just basic skill level, so that
the -- the graduates of this program are safe to go out there and cut hair. That's all.

MR. STEWART: Are you aware that 95 percent of the students that come into a barber school, not cosmetology, a barber school, have been cutting hair for excess of a year, maybe five years?

MR. MILNE: Yes. We've heard testimony.

(Simultaneous speaking.)

MR. STEWART: You don't need to teach them anything about haircutting. You can't.

MS. WOLD: Sorry.

MR. STEWART: You can beat them in the head, and they're still going to put that line around the edge the start close haircuts, and honestly, that is as contrary as anything can be.

But people that are trying to teach haircutting in 75 hours or 200 hours, you can't teach haircutting in 200 hours. If a guy's got it, he's got it; if he don't, you can't teach it.

MS. WOLD: That was the point of it being a restricted barber program or not.

MR. MILNE: Right. They couldn't touch chemicals.

MS. WOLD: Right. In addition to they have
to work under somebody to learn.

MR. MILNE: But we don't have that in the rule.

MR. STEWART: They got rid of that. They've taken away that --

MR. MILNE: Which is unfortunate. The apprenticeship program is very much --

(Simultaneous speaking.)

MR. MILNE: Right. In Europe they're --

(Simultaneous speaking.)

MR. STEWART: It says nothing in the law that the barber board is to teach people to cut hair. It says to protect the public.

MS. WOLD: Correct, which is where the top two things came from.

MR. MILNE: And I think, also, it's a fair comment, and we can be attacked in the litigation if we don't address it, is -- if you aren't training the students how to correctly hold a straight razor, the clippers, the scissors, et cetera, not to get a perfect haircut, but just so that they're safe in the shop and they know basic administration of tools skills, you're putting them at a disadvantage and maybe putting the public at -- at risk and their safety.
So the criticism has been no schools have been taught. I understand from Mr. Stewart that there's a big element of this initiative to try and bring in the unlicensed into compliance and bring them within a licensed environment, which is a great thing to do. But for the students who have never done anything, they will definitely also have to be dealt with in this rule, and that will require some basic skills.

(Simultaneous speaking.)

MR. MILNE: And -- and I'm scrambling at the last minute being told by DOE what they would like to see and support in the litigation. And therefore --

MR. STEWART: I'd like to see -- I'd like to see DOE give us back the barber schools. Let us control what they teach.

MR. MILNE: In the best --

MR. STEWART: But that ain't going to happen either.

MR. MILNE: Well, that's the best case scenario --

MR. STEWART: I'm just saying that what we would like and what we're going to get is absolutely two different things.
MR. MILNE: Very, very true.

(Simultaneous speaking.)

MS. NIBALDI: Excuse me, guys. If I may --

MR. STEWART: You don't have to raise your hand to talk to me. I have to raise mine to talk to you.

Go ahead.

MR. MILNE: And then -- and I'm out of my depth on the --

MR. NIBALDI: Mutual respect.

MR. MILNE: -- on -- on the internal realities of your profession.

MR. STEWART: I think Michelino drafted a pretty good thing here, but I think he had the wrong influence. If he'd had me influence him ...

MR. MILNE: Anyway --

MR. STEWART: We can't put that in there.

MR. MILNE: Please, I'm not an expert in this profession. I would confer --

(Simultaneous speaking.)

MR. STEWART: And I want to let you all know I've had a cosmetology license for 25 years, along with my 50-year barber license.

MR. MAYER: I didn't know that.
MR. STEWART: You know that I've been a
director of a school -- two schools, and I've
been a barber instructor. I've seen this stuff
come and go.

MR. NIBALDI: And we've spoken about that.

MR. STEWART: Not much, though, because we
don't talk, except anything about your baby --

MR. MILNE: Board members --

MR. STEWART: -- and your wife.

MS. NIBALDI: No, no.

MR. MILNE: Board members, may we keep --
can we keep the circle focused on --

MS. NIBALDI: Yes.

MR. MILNE: -- a counter proposal.

If that's your pleasure, if you want to
reject the offer from FACTS, that's fine. If you
want to consider a counter proposal, you'll see
on the extreme right-hand column is left blank
for the board's pleasure. In the middle column
is only suggestions from DOE. It's for you to
decide what to fill those gaps with.

MR. STEWART: Can I give you one more fact?

MS. NIBALDI: And I just want to mention --

MR. STEWART: Governor Rick Scott stepped up
to the microphone, and in one minute's time
terminated the barber's test, practical test, because he wanted -- that was the worst thing that ever happened to the barbering industry. We cannot practically test. We have to take the school's word.

Governor DeSantis can do the same thing if he wants to make it 500 hours. If he wants to make it a six, go for it.

MR. MILNE: Sir, that is the problem that I'm facing within the litigation. The schools have nothing really to certify as to barbering schools, other than, yes, the barbers know about the -- the rules, and they know about safety and sanitation, but they don't know anything about barbering skills. And that's -- that's just --

MR. STEWART: That's not true.

MR. MILNE: And -- well --

MR. STEWART: They've got more skills the day they walked in --

(Simultaneous speaking.)

MR. STEWART: -- than most of the instructors.

MR. MILNE: That's not the --

MR. STEWART: Do you know a cosmetologist can --
(Simultaneous speaking.)

MR. NIBALDI: Eddie. Eddie.

(Simultaneous speaking.)

MR. MILNE: That's not the evidence I'll be able to use if I'm trying to win this lawsuit.

MR. NIBALDI: Let's stay in the content.

MR. MILNE: And -- and all my comments directed how to figure out how to fix the lawsuit. Nothing more than that, really. So I'm coming and -- and you're playing the devil's advocate very well.

MR. STEWART: Thank you, sir.

MR. MILNE: And I appreciate the depth, the knowledge, and the candor with which you impart that to me.

And I'm the first to say I am very ignorant of your profession. We're much more educated in the last two weeks then I ever knew I was going to be. I'm really focused on how I'm going to fix this lawsuit. Is there a way to fix the rule to make --

(Simultaneous speaking.)

MR. MILNE: -- make the position -- no, not -- not quite yet -- make the position go away. But before anything else --
(Simultaneous speaking.)

MS. WOLD: Mr. Milne has something to say.

MR. MILNE: Yes. And I want to stop talking.

There is the empty column on your right, and that's your experience, your knowledge, and your intelligence has to fill that with what you, as the board, want to do.

And now I'm -- please, let me shut up.

MR. NIBALDI: Okay, if I may.

So these hours that you see here, I think we all know and all of us have been barbers for a long time. Veronica's not, but she is very knowledgeable of this board. And what we want to do is just give basic competency, which -- which was originally proposed, is not there. Just so they, per se, know how to handle a clipper, a shear, a razor.

We all know, as barbers, I think, at a 1,200-hour program, most of them that come out of barbering school, maybe you can count on one hand of whom is ready to work in a barbershop and give a good haircut.

MR. STEWART: If they go to my barber school, they all know how to do it, or they don't
MR. NIBALDI: Okay. Thank you, sir.

MR. STEWART: You're welcome.

MR. NIBALDI: As Rob mentioned, this is open for discussion. This is -- none of these hours are concrete. So I believe we can open that discussion and listen to recommendations.

MR. STEWART: I think you did a --

MS. NIBALDI: Sir?

MR. STEWART: I think you did an extremely good job in --

MS. NIBALDI: Thank you.

MR. STEWART: -- drafting this thing. You just left out some stuff that you should have really put in there. And I think it's very -- it was a nice guideline, but it's way off.

For one thing, you -- 200 hours of haircutting is just so much, so much. Sometimes it takes 1,600 hours to teach somebody to cut hair.

Sometimes you can get a guy in there that can cut hair better than you and you go, God, look at that. That's just -- that's just so much crap to add to the page.

Twenty-five hours of shampooing, beard
trimming. You cannot teach shaving. That's something you've got to touch. You can work for your whole life -- and back when I got my license you had to sharpen the razor. Whoa, that was tough. And now you just --

(Simultaneous speaking.)

MR. STEWART: -- check the razor blade.
So I'm just saying that it's so much -- it's so much just added for -- for show.

MS. NIBALDI: So if I may interrupt --

MR. STEWART: In the 500 hours that they gave safety and sanitation, that's plenty for a restricted barber. For a full licensed barber, oh, no.

MR. NIBALDI: Eddie, so you have the -- sorry. Just real quick --

MR. STEWART: And I wonder why there's 2,500 for a Florida license --

MS. NIBALDI: We know that.

MR. STEWART: -- 'cause they think it's that important.

MS. NIBALDI: So that empty column there is open to however you would like to see the hours adjusted.

MR. MAYER: We can put our own hour
adjustment --

MS. NIBALDI: Absolutely, then it's open for discussion.

(Simultaneous speaking.)

MS. NIBALDI: Veronica, please.

MR. STEWART: We need to do that --

(Simultaneous speaking.)

MR. STEWART: -- we could just --

MS. NIBALDI: Please let her --

MR. STEWART: -- turn in the paper.

MS. WOLD: So there --

MR. STEWART: I'm being a lawyer now, I'm talking over you. Don't worry about it.

MS. NIBALDI: Veronica, please.

MS. WOLD: So the reason we voted the way we did was because the purpose of the board is to -- not to regulate, or it's really just for the safety of the public, bottom -- period.

So -- and the -- we went over the majority of the cases, and they were -- 90 percent of them were related to the top two.

So I understand what you're saying about litigation, but you're sounding like the other side. Because that's their biggest argument that they won't know how to cut hair.
So my proposal is that we keep Florida laws and rules at 150; safety, sanitation, and sterilization at 250; add haircutting at 150; and shaving at 50; and drop shampooing, hair structure, and chemistry. And that gives you the minimum 600 --

MR. MILNE: And -- and --

MS. WOLD: -- and still has some of what you need.

MR. MILNE: If you like to put those numbers in on your sheet so that can be discussed. Perhaps you want to take each one of those elements so that we can address the first, second, and all the elements and come to a consensus.

MR. NIBALDI: So is that okay? When everybody's done filling it out, we can collect it --

MR. STEWART: Yeah, and we'll have our --

MS. NIBALDI: -- analyze it.

(Simultaneous speaking.)

MS. NIBALDI: Just write your name on it, please.

MR. MILNE: So if you like to give some thought to what hours you would like to see on
these different categories, we can then discuss those.

MR. STEWART: Why do y'all got the law open for Jacks (ph). And I'd like to see us get control of the barber schools, as long as y'all are just lawyering.

MR. MILNE: Jacks is a process.

(Simultaneous speaking.)

MR. STEWART: Jacks is going to take that long.

(Simultaneous speaking.)

MS. NIBALDI: We have a suggestion to take a --

MR. MILNE: A break?

MR. NIBALDI: Yep. Five, ten minutes is fine, 15 minutes?

MS. WOLD: Yeah.

MR. MILNE: Why -- why doesn't everybody hang onto their paperwork --

MS. WOLD: Okay.

MR. MILNE: -- refine it and then we can come back and have a discussion on it?

MR. NIBALDI: Okay. We're going to take a short recess.

(Recess 10:05 a.m. until 10:15 a.m.)
MR. NIBALDI: We're going to reconvene. So I believe where we left off we're still open for discussion, and everyone is writing the time or the hours that they suggest or recommend. Did everyone get to finish?

(Simultaneous speaking.)

MR. STEWART: I did. Thank you so much. I didn't have to change anything. I like it as written.

MR. NIBALDI: Okay. So Eddie is as written. Veronica, you finished yours; correct?

MS. WOLD: Yes.

MS. NIBALDI: Would you mind handing it over, just --

MS. WOLD: Oh, yeah. I thought we were going to keep it.

MS. NIBALDI: -- so we can take a look and discuss it. At the time, I think we took a break.

So Eddie's is as is.

(Simultaneous speaking.)

MS. NIBALDI: Yeah. As is, yeah, the original proposal.

MS. WOODARD: Uh-huh.

MR. NIBALDI: Still working on yours?
MR. MAYER: No, I'm done.

MS. NIBALDI: Okay. Do you mind passing it --

MR. MAYER: Sure.

MS. NIBALDI: -- over, please.

MR. MAYER: Yes.

MS. NIBALDI: Thank you.

(Simultaneous speaking.)

MR. MILNE: Excuse me?

MR. STEWART: He needs to verbalize that, pass it forward.

(Simultaneous speaking.)

MR. NIBALDI: Okay. So I have Russell's, he is first. So it looks like you're keeping Florida laws and rules at 50 hours; safety, sanitation, and sterilization at 75; and then just changing haircutting to 300.

Am I correct?

MR. MAYER: Yes, and I got rid of the two other to add to the haircutting. I thought that needed a little more experience there.

MS. NIBALDI: Two Ss, two Ls; right?

MR. MAYER: Yes.

MR. MILNE: You -- you mean, for the record, that you would suggest getting rid of the
shampooing and shaving?

MR. MAYER: No, not shaving.

MR. MILNE: Okay.

MR. NIBALDI: Okay. So I didn't say shaving, mustache, and beard trimming. I apologize.

MR. MAYER: Yeah.

MR. STEWART: Do you know how many shaves that most people do in the barbershop?

(Simultaneous speaking.)

MR. STEWART: None. You got --

MS. NIBALDI: And this is a total of --

(Simultaneous speaking.)

MR. MAYER: When I was working, I was doing three or four every day. Every day.

MR. STEWART: Where?

MR. MAYER: Kennedy's All-American Barber Club.

MS. NIBALDI: Yeah, I heard of them.

MR. STEWART: I don't know where that is.

MR. MAYER: Yeah, a straight razor.

MR. MILNE: Does it take skill to use a straight razor?

(Simultaneous speaking.)

MS. WOLD: Does it take skill. That's --
MR. MAYER: I'm also fourth generation barber, and I take my profession as -- very seriously, and I hate to see it go where it's going --

MR. MILNE: Right.

MR. MAYER: -- 'cause it's not like it used to be, at all. And it's just getting where you getting all these people coming out, they've got -- have their license and they're not properly trained and the market's already flooded with people that are trying to get jobs. And they get the job, and they're not good enough to keep it, because they haven't been trained well enough.

(Simultaneous speaking.)

MS. NIBALDI: One-fifty -- this is --

(Simultaneous speaking.)

MS. NIBALDI: Eddie -- Eddie as the original proposal, and I am okay with --

(Simultaneous speaking.)
MR. MILNE: All right.

(Simultaneous speaking.)

MR. NIBALDI: But it's open --

MR. MILNE: I'm going to lose -- you give me paper, I will lose it.

MS. NIBALDI: Okay. I thought that's your favorite, paper.

(Simultaneous speaking.)

MS. WOLD: It's okay.

MS. NIBALDI: Okay. So, Tim, you're just writing down --

MR. FRIZZELL: I'm just putting together --

MS. NIBALDI: Okay.

MR. FRIZZELL: -- and this is -- and you're -- you will stay as written?

MS. NIBALDI: Yes.

MR. FRIZZELL: Okay. I'm just creating kind of a spreadsheet.

MR. STEWART: Well --

MR. NIBALDI: Okay.

MR. STEWART: -- I hope that we have settled the -- whatever we came here for.

MR. MILNE: If -- if we're ready to talk about each of the categories --

MR. NIBALDI: We are.
MR. MILNE: Okay.

MS. NIBALDI: Please.

MR. MILNE: After you, sir.

MR. MILNE: Okay. All right.

So everyone has differences here in the -- in the time. Three of us are okay, I can say, with 600 hours, just altering some hours.

Eddie is firm at the 500 of the original proposal.

MR. FRIZZELL: May I ask Ms. Krista a question?

MS. WOODARD: Yes.

MR. FRIZZELL: Ms. Krista, when we did a review as -- as Ms. Wold had requested, was the -- could -- would -- did you do a breakdown if there was an issue with the actual Florida laws and rules, or was the primary issues in safety, sanitation, and sterilization?

Were there -- were there violation being handed out for violations of Florida laws and rules? And I'm just trying to get an understanding --

(Simultaneous speaking.)

MS. WOODARD: I think it was violations of both of those, yes.
MR. FRIZZELL: Violations of both of those?

MS. WOODARD: Yes.

MR. FRIZZELL: Okay. Very good. Thank you.

MR. STEWART: I didn't understand what you just asked her.

MR. FRIZZELL: Basically where the violation -- like, the primary violation and that's actual --

(Simultaneous speaking.)

MS. WOLD: Can we look at the minutes from that maybe?

MR. FRIZZELL: We could.

MS. WOLD: Where we voted on --

MR. STEWART: See, I've been out for a year. I don't know anything about that --

MS. WOLD: I don't remember which date that was.

MR. FRIZZELL: Oh, I just -- just for -- just for my own personal --

MS. WOLD: I know, but it can be pulled up quickly.

MR. NIBALDI: Now, can I give my -- may I speak openly and give my suggestion?

MR. FRIZZELL: You're the chair, sir.

MS. NIBALDI: And there it is. Okay.
So, you know, to my fellow board members,
I'm okay with 600 hours, and the reason is
because I would like these students to be able,
you know, to get a Pell Grant to go. I don't
want the industry to go backwards and these folks
not take the opportunity to go to barbering
school, you know, for that -- for that reason.

And to Eddie's point that they can go and
reapply or -- or something like that, right, for
the accreditation, but --

MR. STEWART: That wasn't it. It was the
school can evaluate a student and they can go on.
That's nothing addressed in your thing about
that.

MS. NIBALDI: Okay. And I'm comfortable, as
well, with it, because they can't challenge the
board at 300 hours. So they would have to do
these whole 600 hours.

You know, it is my belief that it'll -- it
will be easier on all of us if we move forward at
600 hours. Of course, we can make some -- some
alterations.

I think we can all come to an agreement at
some point and, you know, as openly suggested of
everyone's opinion.
Sir?

MR. STEWART: Do you know why students are allowed to challenge the board?

MR. NIBALDI: I can't say I do.

MR. STEWART: Okay. The reason was back 20 years ago, when you passed a test, we did not have computers. You had to put your application in the mail, send it to Tallahassee, wait for them to work it through the system. They send your test date to you, which only happened once a month. Then you'd have to go take that test. It had to be evaluated and graded, mailed back to you.

So they did the evaluation so that a person could send their application a month ahead of time before they got -- they only had 1,000 hours. They could send it in, and by the time they got it back, filled it out, sent it back to Tallahassee, they have their 1,200 hours.

Now, when the computers came in and the people doing testing in your own hometown and the governor taking away our practical exam, it don't even need to have a challenge that need to actually take that out. You don't need to be able to challenge the board. You need to do
1,200 hours. You need to do 600 hours, not
challenge the board at 500, 'cause we do it all
instantly now. That was something that we've
been trying to get the law opened up when the
attorneys and Jacks who were fooling with it and
it changed and it just hasn't happened, because
Robin was --

MR. MILNE: Gentlemen, lady, as currently --
the counter proposal takes the challenge out.
This counter proposed the rule --

(Simultaneous speaking.)

MR. STEWART: Just take that 1,200 part.
MR. FRIZZELL: The 1,200 hours is part of
the statute.

MR. MILNE: And that's for the regular
barbering.

MR. FRIZZELL: Right.
MR. MILNE: Just within the context of --
MR. FRIZZELL: The rule.
MR. MILNE: -- the restricted barbering
rule, the challenge has been taken out in this
counter proposal.

MR. STEWART: Also, the evaluation -- these
barber schools -- I don't know if y'all know
this, I come in from North Carolina, bring my
North Carolina license -- and I'm just saying North Carolina. It doesn't have veracity -- go to a school, cut hair for the owner, he can evaluate him and give him 1,200 hours. And they can either take the test or ask for reciprocity.

What these schools can do is unbelievable. But it was made -- the rules were made by schoolteachers, not by barbers. And these schoolteachers are -- you got to admit, they're wonderful human beings, that they are bright-eyed --

MR. NIBALDI: And I know it as well as you do because, you know, I've taught, short time, but, you know, I think as, you know, Rob suggested, we should really just concentrate on this right here, what's proposed. And all your points are --

MR. STEWART: I agree.

(Simultaneous speaking.)

MR. STEWART: I agree with you, Mikey, and I agree 100 percent, but I think you ought to consider adopting what the full board sat down and voted on when I wasn't there. Rather than add hours, y'all had a full board meeting.

According to Veronica, y'all did everything
and y'all wrote it down. Why would you change that?

Okay, we don't need any more board meetings. We'll just get together in a shade meeting and fix it, and that's --

MR. MILNE: Well, we're in the context of being -- going to trial at the end of the month. That's why we're having this shade meeting.

You don't like the 850 hour, we have the opportunity to try and fix this, make a counter proposal and stall -- stop the litigation.

If they were to reject this, I'm -- it's still open for us to ask the Division of Administrative Hearings to relinquish jurisdiction so you can continue with your rule making at 600.

So if we can get to consensus of these categories, once there's a consensus, we will then open the meeting for a formal vote and present the counter proposal to these -- to opposing counsel, the public, if you like. And then our meeting will be done.

MR. STEWART: This was the consensus of opinion of the full board. Yes?

MS. WOLD: I'm looking at the minutes from
4/19, it's 150 laws and rules and 350 safety, sanitation, sterilization.

MR. NIBALDI: And that's what he has there.

MR. STEWART: That's with the full board, so four of us are going to come into a shade meeting and change what the full board wanted to do?

Okay.

MR. MILNE: In the context of we're in litigation now --

MS. WOLD: We're in litigation.

MR. MILNE: -- and this is a full board.

MS. WOLD: Right.

MR. FRIZZELL: Yes, you -- this -- this is the full board.

MS. WOLD: At this --

MR. MILNE: You have the control.

MR. STEWART: We have a consensus -- what do you call this? It's "quorum"?

MR. MILNE: Yes.

MR. STEWART: We have a quorum, but this ain't the full board.

MR. FRIZZELL: We're only missing one member; so ...

MS. WOLD: It is, right now.

MS. NIBALDI: It is now.
MR. MAYER: We have enough for a quorum, but --

(Simultaneous speaking.)

MR. FRIZZELL: We only missing one -- one board member missing. Unfortunately, you know, a couple of board members have resigned their position, but at the moment --

MR. STEWART: Didn't we just load it up?

MR. FRIZZELL: No, you replaced.

MR. STEWART: Yeah.

MR. MILNE: So we're missing one board member, but we do have a quorum.

MS. WOLD: Right.

MR. MILNE: Effectively this is the full board today.

MR. STEWART: Well, seven people or however many y'all get --

MS. WOLD: So we would like to keep it that way, but we have to come to a settlement to keep them from having to fight it in litigation.

MR. STEWART: I'm not -- yeah. We've already argued this. You know, I feel when this comes down to folk, just remember when y'all were all together several months ago and y'all -- I guarantee you had a lot of discussion. It wasn't
a five-minute meeting or an hour meeting. It was a day meeting. Y'all decided that this is what you want.

    MS. NIBALDI: Yes, and if I may, through --
    MR. STEWART: Why didn't you change it then? Why didn't you make it 650 then?
    MR. MILNE: Because we weren't in litigation.

    MR. STEWART: If it wasn't the best interest of the student, the board, and everybody else, why did y'all come up with 500 hours? I mean, why did y'all professionals and lay members not come up with 650 hours then, because we had -- because we had these learned attorneys here now twisting it around so that it fits better to their -- to the court.

    MR. MILNE: I -- I was in the context of merely saying, I have to go to trial at the end of the month. I like to litigate, that's my skill set. Here are the ups and the downs of going forward. There is a settlement proposal that you've been duty bound to consider, which you've rejected.

    The alternative, which I think is viable, is a counter proposal, but that's within your power.
I can't say anything further than that, 'cause I'm just the litigator. You're the board.

MS. WOLD: And I agree, I think, to -- to settle things down a little bit and work with them and show that we're here to help them in addition to protecting the safety of the state. We should change around the hours a little bit to fit the bare minimum, which is 600.

MR. STEWART: And I'm --

MR. MILNE: To -- to address the deficiency within the rule about competency.

MS. WOLD: Correct.

MR. STEWART: This whole restricted barber thing is a sham.

MR. NIBALDI: I'm sorry, is what?

MR. STEWART: It's a sham.

MR. NIBALDI: Oh, okay.

MR. STEWART: We decided 25 years ago, if you're going to be a barber, you need to be able to compete with a cosmetologist and do perms, colors, put it in our law. Then we took it out and created a restricted barber. We took away apprenticeship, we took away the test. We have watered our law down about as much as it needs to be watered, but together y'all decided we water
it down one more time and get 500 hours was enough hours.

Well, let's just leave it there. The government can change it. The DB -- the DOAH can change it. Jacks can change it. To me, that's the lowest common denominator, let's build from there. Then, if they want to put in two more hundred hours, they only got 700.

MR. NIBALDI: And if I may, I know this is your first meeting back, but again, this is my opinion. It's been a long and -- and -- and grueling process for something that we thought that wouldn't be this painful.

With everything you say it's completely valid, but the thing is we're here for this today. It's only 100 hours off from what you prefer and which was originally proposed. But at the same time, I personally would like it to end, and I think it would make everyone happy. And again, to the point you have -- the students will be able to -- you know, would be able to, you know --

MS. WOLD: No.

MR. NIBALDI: -- would be able to get their grant. You know, there's no challenge.
And as a board, we're probably going to see a lot less cases of unlicensed activity, 'cause I can tell you -- and I'm sure everyone knows my story, but I'll tell you again, that -- you know, really quick. I started at a young age, I lived in New Jersey, never got my license. When I came here, I did so. And I almost didn't complete the program, because I'm saying to myself, I'm going to waste $16,000 for what? Yes, they're going to show me some things, but I'm still -- I'm still paying that loan. And if I didn't have, you know, from my personal experience -- real quick, just let me finish please.

MR. STEWART: I just want you to know I'm in line.

MS. NIBALDI: Okay. And I didn't have family to stay with. There's no way that I would have been able to go -- you know, to barbering school and pay -- and pay for rent.

And I don't want to see the profession die. Things come about, things change, and we all have to compromise. I'm -- I'm stuck in my ways.

MR. STEWART: Yeah.

MS. NIBALDI: I like certain things a certain way. I'm -- I'm only 40, I'm getting
older now.

MR. MAYER: Yeah. I agree with that, yeah.

MS. NIBALDI: But they're not trying to take the license away. And I think, personally, that if we can all come to an agreement on -- on the hours at 600, I really, personally, don't think -- I think we have a good shot here of potentially ending this today or -- or in the -- or in the next few days.

MR. MAYER: Yeah, yeah.

MR. NIBALDI: I know these gentlemen have worked very hard, because I've -- personally have worked with them. They've done their due diligence. I mean, they've done a phenomenal job, and I'm not just saying that.

But again, everyone is just trying to come to a common ground, and I think initially, when it was proposed at the 500 hours, things come up as they start to litigate and do discovery that we say to ourselves, Oh wow, we didn't think of that. And then any one of us -- but now we kind of see it.

And we're just trying to make them competent, because I don't want to be part of a board in ten years -- and I may not. And then I
know these kids went through this program, and I say to myself, Wow, I made that decision. But at least I know that someone was able to show them how to hold the clipper, how to hold -- you know, how to hold a razor, even if it's just sliding the little metal thing out and placing a double-edged blade in there, you know, I feel a little bit better with it, even though my initial decision and my vote was on that 500 hours.

MR. STEWART: Can I do the work for you, you two?

MR. NIBALDI: Yes. They can do --

MR. STEWART: I like to call for the vote.

MR. MILNE: Well, before we do that, we need to know what the categories are, because we need to have some consensus to make a detailed counter offer. So we need to finish that up. So we need to finish that up, then we can open the meeting and have a formal vote on it.

So categories, please.

MR. NIBALDI: Yes.

MR. MILNE: So the first category is Florida laws and rules. What's your consensus?

MS. WOLD: I think --

(Simultaneous speaking.)
MR. NIBALDI: May I?

MR. MILNE: Please.

MR. NIBALDI: So Veronica has 150 hours. Russell is okay with the 50; so am I.

MR. FRIZZELL: And Mr. Stewart also as 150 hours.

MS. NIBALDI: No, theirs is 50. Oh, yeah. Eddie is the original proposal.

MR. FRIZZELL: Yes.

MR. MILNE: There are two 150s, and we've got two at 50.

MS. NIBALDI: So two -- sorry, 150 and two --

MR. MILNE: Add 50. That's my understanding on the first category.

MS. NIBALDI: Yes.

MR. MILNE: All right. How to you want to address that, board members? Is there room for movement? Is there room for further discussion?

MS. NIBALDI: I'm -- I'm open.

MS. WOLD: I guess -- I mean --

MR. MILNE: Well, what are your concerns, ma'am?

MS. WOLD: I think my concerns are just in what we see and that the majority are in those
first two categories, and if we reduce those
hours, they're really not going to know what
they're talking about or doing and --

MR. MILNE: It's a public safety issue, in
your view?

MS. WOLD: Yes.

MR. NIBALDI: And to that point, I totally
get it, because of course that's what we see, but
then when you started to -- to talk about it, I
started to think -- and I think my personal
opinion is it's them just being ignorant and
thinking -- just because I've -- I've personally
been in those shops, leaving the hair on the
floor, the neck strip on the -- you know, you're
not supposed to do that. Do you do that in your
house?

MS. WOLD: Yeah.

MS. NIBALDI: You know, do you take the
toilet paper and throw it on the floor, not in
the toilet?

I think it's just all a part of a maturation
process and -- and being responsible for who
in -- in your position. I mean, they -- they
know better than that. I mean, a lot of these
laws and rules are common sense.
I spoke to the -- you know, or attorneys about it. This is not construction and OSHA's involved and you're building scaffolds and things like that. I mean, a lot of these rules, you know, are common sense, and that's just my view on it.

But yes, I mean, the whole main thing is to protect everybody. I don't want to go in a dirty shop.

MS. WOLD: Yeah, it was 200, though. To drop it to 50, I --

MS. NIBALDI: No. I'm opening -- I'm open to -- if it has to come up, I'm -- I'm opening -- I'm open to it.

MR. STEWART: It's the entire safety and sanitation is the entire purpose of the barber board.

MS. WOLD: Well, that's the -- that's the second category. This is Florida laws and rules, but it's still part of it.

MR. STEWART: We need -- the second purpose is to know the law. Know when your license has got to be renewed.

MS. WOLD: Right.

MR. STEWART: Know who is going to be
renewing, knowing where you go if you need relief.

If you call the DBPR and ask that young lady a question, she's going to have to go ask somebody else, somebody else until she gets up to probably Julie.

MR. NIBALDI: Let me suggest this and this is just a suggestion. Eddie and Veronica are at the original proposal hours of 150 for Florida laws and rules. Okay? So that's 150 hours.

MS. WOLD: Uh-huh.

MR. NIBALDI: Eddie is with the original proposal of 350, and Veronica dropped hers from 350 to 250.

MS. WOLD: Which is a lot --

MS. NIBALDI: Yeah.

MS. WOLD: -- because it was 400.

MS. NIBALDI: Eddie, can I ask you: Would you be comfortable with 250 hours at safety, sanitation, and sterilization?

MR. STEWART: No. I think safety and sanitation ought to be at least 350 hours, simply because that's what we do. We do safety and sanitation. We don't do haircutting. We don't do shaving. Schools do that. Department of
Education sets all that up. They tell them what they've got to do; we don't.

MR. NIBALDI: And, Russell, are you opening to making those hours of safety, sanitation, and sterilization higher than 175, if need be, for everyone --

MR. MAYER: If need be.

MS. NIBALDI: -- to come in agreement?

MR. MAYER: Yeah. If need be, I would be, but --

MR. NIBALDI: Okay. So you have Veronica and Eddie with a combination of Florida laws safety, sanitation, and sterilization. I'm sure you wouldn't mind if it went up to 350, that will take us to 500.

Now, I'm going to just look over a couple other categories here.

(Short pause.)

MS. NIBALDI: Okay. So what I'm going to do is I am going to suggest something that came to my head, and then I have a question for you gentlemen, the attorneys here.

So if we have Florida laws and rules at 150, safety, sanitation, and sterilization at 350, that's 500, and we did haircutting at 100 hours,
which would make the 600. Now --

MR. STEWART: Now, you're just searching for
hours. You can't teach haircutting in 100.

MR. MILNE: How -- how long do it take to --

MR. STEWART: Twelve hundred if you
really --

(Simultaneous speaking.)

MS. WOLD: Yeah, but that's not reasonable.

(Simultaneous speaking.)

MR. MAYER: You -- you need more than 100,
definitely.

MR. STEWART: Yeah. That's -- you just --

MR. MAYER: Down here it's marked off to
200. I mean, that's -- I think 300 is low.

MR. NIBALDI: Gentlemen, let -- please, let
me just finish just so -- I just want to finish
what I was saying just to make my point.

MR. STEWART: This whole thing is stupid.
It takes 1,200 hours to teach a barber how to be
a barber.

MS. NIBALDI: Understood.

MR. STEWART: Now, y'all are trying -- we
are, the state is, the governor is, I don't know
who proposed this. They're trying to drop it
down.
You can't teach haircutting. Just say if they go to barber school they learn safety and sanitation. If they don't learn to cut hair, the public will get rid of them in a hurry. And if the public don't, the boss barber will.

So why do we worry about that?

MR. MILNE: Because the problem is I'm stuck in a litigation right now, and the focus of this meeting is to get a fix of the litigation and to get control back to your board so that you continue with your rule making and finesse it in the manner that you know best.

But for today, there's no escaping the fact we're in the litigation context. So we have to stay within that circle of focus to deal with that problem.

MS. NIBALDI: And that --

MR. MILNE: That's all this meeting is about today.

MR. STEWART: I understand what you're saying. I really do, but it's not fair.

MR. MILNE: I'm not saying it's fair.

MR. STEWART: It's just like going in front of an attorney or a policeman, and they're asking you all kinds of questions, and you turnaround
and say, blah, blah, blah, blah. And they ask questions --

MR. MILNE: Board members --

(Simultaneous speaking.)

MR. STEWART: I'm asking a question here.

(Simultaneous speaking.)

MR. MILNE: I don't have much ammunition to fight my fight. I'm asking for help.

MS. NIBALDI: Sure.

(Simultaneous speaking.)

MR. MAYER: I put next to haircutting was to add to it, not take away from it.

MR. NIBALDI: Okay. Yes.

MR. MAYER: Okay? That was to add to what was there. I added more hours to it --

MS. NIBALDI: And I was going to finish a point, if I may.

MR. MAYER: Okay.

MR. MILNE: The point that just occurred to you?

MS. NIBALDI: I believe -- yes.

The discussion that we had -- yeah, so with safety, sanitation, and sterilization, the school would be able to kind of, in confines, be able to teach haircutting that can fall under that
category, if they choose be, to make an
adjustment.

MR. MILNE: Doesn't matter what you call it, it's actually what the course is going to be.

MR. NIBALDI: Sure.

MR. STEWART: You -- you -- it's pointless trying to call a potato a chimpanzee. It doesn't work.

MS. NIBALDI: Sure.

MR. MILNE: You've got to call it for what it is.

MS. WOLD: So are you saying that going to litigation without what you all have come up with is not going to work? If it's not what DOE says should be, then it's not --

MR. MILNE: DOE is merely a suggestion, ma'am.

MS. WOLD: Okay.

MR. MILNE: It's not carved in stone, by any means. They -- they are not informed in this process as much as the board is. So it's just throwing out what they would, as a discussion balloon, be comfortable supporting if we were to litigate this.

MR. NIBALDI: And correct me if I'm wrong,
then you would not have a witness?

MR. MILNE: Without 1,500 --

(Simultaneous speaking.)

MR. NIBALDI: Well, without 600.

MR. MILNE: Yeah. And without a witness from our own Department of Education in my back, I might as well just fold the tent and walk away, because at this point I don't have a witness to support, to provide sworn testimony in support of our position. So I'm really -- my legs are cut out from under me.

MR. STEWART: Really defeatist attitude.

MS. WOLD: And so with the minimum hours of haircutting, do they feel comfortable litigating?

MR. MILNE: Say again?

MS. WOLD: With the minimum hours of haircutting added to it?

MR. MILNE: Yes, yes. They'll supported it at 600 if you've got competencies, which internally, as our rule requires the school to certify, they'd happy with that. And they want to see some basic tools, at least on -- on the rules, so that that's covered.

And actually, from the uninitiated, that makes sense. It would certainly make sense to
the Court.

Whereas certain of them, they've got a great argument saying, Hey, your rule for restricted doesn't even teach the basic competencies, and your internal rule says the schools have to certify these competencies.

MR. STEWART: You know what the problem is here is you are a professional arguer. And we came --

MR. MILNE: My wife's accused me of that more than once.

MR. STEWART: You tell your wife that I am sure she's right, but we can't argue with you.

MR. MILNE: Well, I don't know. My wife's a teacher. She --

MR. STEWART: Well, she's not here. But we -- we cannot --

(Simultaneous speaking.)

MR. STEWART: In a minute everybody's going to vote, and it's not going to make any difference anyways; so ... 

MR. NIBALDI: I don't know. I don't like to lose.

MR. MILNE: I'm just trying to tell you from my perspective, looking at the litigation, what I
need to do to fix it and give me an arguable chance of winning. And since this meeting is contemplating a counter proposal to maybe make the litigation go away, at least give that a shot, if you can, in good conscience.

MR. STEWART: Sure.

MS. NIBALDI: I mean, we're only 100 hours off. It's -- and I think that we can alter these hours, the four of us together, and figure something out.

MR. STEWART: Well, maybe the three of y'all together can.

MR. NIBALDI: Okay. That's fine.

MS. WOLD: Do we have to have a full agreement?

MR. MILNE: Well, we have to make a -- we have to make a counter proposal. To do that we need consensus, because once you decide what the counter proposal is, then we have to open the meeting to the public and have a vote in the public.

MS. WOLD: So what is going to be agreeable to you? Because we all have to be in consensus.

MR. MILNE: Well, you need to have a quorum, at least, which should be three out of four.
MS. WOLD: Nothing but the -- the original.

MR. STEWART: What y'all came up with when you were in that meeting. Veronica was -- when you are watering down our lawns --

MS. WOLD: But we weren't being sued at that point.

MR. STEWART: -- as the best watering down -- when -- if we go to this, then they can come back and negotiate and then he can agree or --

MS. WOLD: That's what they're doing.

MR. STEWART: That's right.

MS. WOLD: They're negotiating now. They've sued us.

MR. STEWART: So we -- if we start -- if we start out buying a used car and we start out at $20,000 it's only going to go up. So let's start out at ten.

MR. MILNE: Let -- let me say this: If your instructions, as my client, are to litigate anything more than 600, I will litigate that and I will litigate to my dying day.

I will not negotiate, I will not say, Well, they meant 600, but it really is 700.

It's 600. That's it. It doesn't go one
millimeter north of that. If those are your
instructions to me, I have to obey them, and
that's what I'll do.

MR. STEWART: That's -- that's just
politics. I don't know what we're --

MR. MILNE: This is not politics. This is
actually --

(Simultaneous speaking.)

MR. MILNE: -- litigation.

MR. STEWART: I've got to stick this whole
thing right in their ear. It's stupid. It takes
1,200 hours to teach a restricted barber. Why
they come up with 500? Why they want to come
to -- it's beyond me. Why aren't we going up to
25 like they are in California.

And then -- then you're also portable. You
will not be portable with this. You cannot take
your license to any other state except New York.

MS. WOLD: So if a consensus is not an
option --

MR. STEWART: And with this --

(Simultaneous speaking.)

MS. WOLD: -- is a quorum okay?

MR. MILNE: Yes.

MS. WOLD: Okay.
MR. MILNE: There will be consensus at a quorum level.

MS. WOLD: Okay.

MR. MILNE: And we -- we hear the passioned arguments that Mr. Stewart -- which will -- and the historical background to all this, which has informed debate.

MR. STEWART: It -- it -- just -- my mouth fell open when I read about this.

MR. MAYER: And so did mine.

(Simultaneous speaking.)

MR. MAYER: You're going to have all these other barbers from other states coming here, 'cause we don't require enough hours any more. We're going to be flooded.

MS. WOLD: But our job is not to regulate.

MR. MAYER: Well, I'm just saying in general, that's what's going to happen, but --

MR. STEWART: If we go down to 500 hours, they're going to come in here sweep licenses out by these --

MR. MAYER: All these students have went to school aren't going to be able to find a job. The market's going to be flooded, and it is now, but I know we need to make the ruling. I get
that. But in the end, it's not going to be good for Florida, and these kids are going to school thinking they can make a career out of it. They're not going to be able to make any money. The competition is going to be so hard for that. They're -- you know, if the ...

(Simultaneous speaking.)

MR. STEWART: If we go for the lowest common denominator here, then we can go up from there. And somebody way above our pay grade is going to make their decision, probably from DOAH.

MS. WOLD: Well, we already made the decision with the help of the governor and the executive directors, but they've sued us. So they're presenting a higher --

MR. STEWART: Well, that was their decision.

MS. WOLD: -- that would go 500 hours.

MR. STEWART: Okay.

MS. WOLD: And -- and then they have sued us and said they want to meet us at 850. So now we're trying to just come to a consensus to either not accept that or accept that. And if we're not, then what are we going to counter with?

MR. MILNE: And as I believe, Ms. Wold, we
are currently in the position where we're rejecting the 850 that they're offering. So then the option is, is there a counter offer? And I believe that's what you want to pursue, and that's --

MS. WOLD: Correct.

MR. MILNE: -- where, at least at a quorum level, the three of the four of you, you need to agree what the counter offer is going to be.

MS. WOLD: So there's no point in arguing the 500 at this point, because we're -- we're past that, 'cause --

MR. STEWART: No. That's what we're arguing, is the 500 or 600.

MS. WOLD: Six hundred, but we have to adjust the hours to fit.

MR. STEWART: Right after this meeting we're all going to be friends. It don't make any difference what we vote. I'm going to be friends with the attorneys. I'm going to make my -- make you buy me a whiskey drink, and I'm still going to vote for the 500.

MR. NIBALDI: This is true.

MR. STEWART: You can vote for 600.

MS. NIBALDI: I always respect everyone's
Mr. Stewart: It has no determination on anything. It's not going to make or break the world.

Mr. Nibaldi: So let me -- excuse me. Let me ask this: If Mr. Stewart is firm in his decision with what was originally proposed, if now the other three of us come to a conclusion on ours, can we still move forward, yes or no?

Mr. Frizzell: Yes.

Ms. Nibaldi: Okay.

Mr. Milne: Yes, you can come to a quorum decision, the three of you, with the descending vote from Mr. Stewart, but for this to be a workable counter offer, it has to be sufficiently precise so that they can take that to their people that they represent and discuss it. But it -- for -- for an offer to be valid, it has to be sufficiently precise. So we're going through the --

Mr. Nibaldi: Meaning everyone in agreement.

Ms. Wold: Right.

Mr. Milne: The quorum, the three of you. So it really is -- and if you can come to a decision on what these blank spaces are -- and
that's why they're left intentionally blank, because that's up to you. Once you come to the three-to-one vote on that, if that's the way this is trending, then we can -- once that's carved out, then we can go into an open meeting saying, This is our counter proposal.

MS. WOLD: Well, what's -- your the hair people. So what's the bare minimum on the hair part? Skip -- I mean, 'cause we just --

MR. NIBALDI: So I'm -- just I'm sure you probably have forgotten. Russell is at -- is at 300; so raising it from two to three. I'm okay with the proposal at two, but I'm open to adjusting it. And then you, Veronica, were okay -- or reducing it to 150.

MS. WOLD: Yeah. I mean, I'm okay with that coming up, but what --

MS. NIBALDI: So are you okay with raising --

MS. WOLD: Do you have to have shaving? Do you have to have -- you do have to have shaving. So how much is the bare minimum shaving and the bare minimum cutting? Right?

MR. MILNE: Just to -- to protect the safety of them. Right.
MS. WOLD: Correct.

MR. MAYER: Excuse me. Are you a barber, yourself, or --

MS. WOLD: No, I'm a citizen member.

MR. MAYER: Okay. Thank you.

MS. WOLD: That's why I'm deferring to you all.

MR. MAYER: Okay. Thank you.

MR. MILNE: And -- and --

MR. MAYER: I didn't know.

MR. MILNE: Mr. Mayer, we would be delighted to have any more information that you have on this subject.

MR. FRIZZELL: May I make a math point out? Okay. If we were to leave the Florida laws and rules at 150 and the safety, sanitation at 350, which is the 500 hours that were currently proposed, we're -- we're suggesting to raise it to 600 hours, that gives us an extra 100 hours. Two out of -- two out of the four members have -- agree with removing hair structure and chemistry and shampooing down to zero. That gives an additional 100 hours to play with. So that gives 200 hours to --

MR. MILNE: To barbering skills.
MR. FRIZZELL: -- to break -- to break into barbering skills. The rest of the --

MR. MILNE: Which is also kissing cousins with safety and sanitation.

MS. WOLD: Right.

MR. MILNE: Which is your concern, I believe, and everybody's concern.

MS. NIBALDI: And I'm okay with taking that -- that out, as well.

MR. FRIZZELL: With -- what out?

MS. NIBALDI: The -- excuse me.

MR. MILNE: Shampooing and --

MS. NIBALDI: The hair structure and chemistry and the shampooing. If it comes down, I'm -- I'm fine with taking those both out, as well.

MR. FRIZZELL: Okay. So that -- so without touching the original proposal --

MS. NIBALDI: Okay.

MR. FRIZZELL: -- you have -- if you want to propose 600 hours, that gives you 200 hours to break down into haircutting and shaving.

MR. NIBALDI: Okay. And then what hours, I'm sorry, are the Florida laws and rules of safety, sanitation, and sterilization?
MR. FRIZZELL: They would remain 500 at the original proposal, 150 for Florida laws and rules, 350 for the safety, sanitation, and sterilization.

MS. WOLD: So then how does that -- how did --

MS. NIBALDI: Yeah, that would make 700, because --

MS. WOLD: Yes.

MR. MAYER: No, it would not, because you're getting rid of 100 hours in hair structure and chemistry and -- you're getting rid of 75 hours in hair structure and chemistry and 25 hours in shampooing. You would break up these additional 200 hours.

So it would bring your -- your original proposal -- so --

MS. WOLD: That math doesn't add up.

MR. FRIZZELL: Oh, you're right, it does not. Never mind.

MS. WOLD: Yeah.

MR. FRIZZELL: Thank you.

MR. MILNE: Yes.

MR. FRIZZELL: It's 100 hours.

MS. WOLD: So we -- yeah. We -- that's why
I asked him what's the minimum hair stuff,
because if they're --

(Simultaneous speaking.)

MR. MILNE: It's okay. So Florida --

MS. WOLD: -- then we'll have to come down

on that one and two --

MR. MILNE: So if you have your Florida laws

and rules of safety --

MS. WOLD: -- to meet what they think is

required for.

MR. MAYER: That's what I thought. To add

an extra 100 hours to showing how to cut hair.

MS. NIBALDI: But if we -- if we take away

the hair structure, chemistry and the shampooing,

which is 100, Veronica is okay with taking

safety, sanitation, and sterilization down to

250.

So now you have that other 100, which will

bring you into 600 and have that extra 100 to

play with that Tim was suggesting.

(Simultaneous speaking.)

MR. NIBALDI: I'm okay -- I'm okay with the

150, Florida laws and rules. I'm okay with

safety, sanitation, and sterilization at 250.

And I am okay with taking away hair structure and
chemistry and shampooing. So if --

MS. WOLD: So where do you put the other

150 -- 150 haircutting and 50 --

MS. NIBALDI: Okay. Sorry. My brain's just
processing it all, and I'm --

MR. STEWART: Up to the written part, are
you going to add in there where it says, "No
Challenge"?

MS. NIBALDI: So wait, we have an extra --

(Simultaneous speaking.)

MR. NIBALDI: We have an extra 200, 'cause
you add 150, 250. That's 500. I'm sorry, no.

MS. WOLD: No, that's 400.

MS. NIBALDI: Four hundred. Sorry.

MR. FRIZZELL: Yeah. So you would be at

400 right now, yes.

MS. WOLD: That's two more hundred.

MR. FRIZZELL: Yes.

MS. WOLD: So 150 in haircutting and 50 in
shaving? Or do you --

MR. MILNE: Is that reasonable in that
scenario?

MS. WOLD: Or how do you want to divide
that? I don't know.

MR. MAYER: Well, I gave him my papers with
the numbers written down; so --

MS. NIBALDI: You have 50 in Florida laws and rules; 175 in safety, sanitation, and sterilization; 300 in haircutting; and 75 in shaving.

MR. NIBALDI: I -- I know Russell's at 300 for haircutting. Veronica's at 150. I would be okay with the 150 and the 50 in shaving, and the reason is because I believe, like Eddie said, it's more of a finesse thing, either you have it or you don't.

MR. STEWART: Why don't you just move shaving up into haircutting and shaving?

MS. WOLD: Can you do that?

MR. MILNE: It -- it has to be a separate category.

MR. NIBALDI: Yeah, 'cause then it becomes, I think, kind of like --

MS. WOLD: Do you want to reduce --

MS. NIBALDI: -- up in the air, per se.

MS. WOLD: -- Florida laws and rules to make more for haircutting or shaving?

MS. NIBALDI: Are you okay with that? I would be okay with it. I'm -- I'm very open on --
MR. STEWART: So haircutting --

MS. NIBALDI: -- so ... 

MR. STEWART: -- just put a slash

haircutting and --

MS. WOLD: Okay. I guess --

MR. STEWART: -- shaving and then you have

plenty of hours in there.

MS. NIBALDI: So are you coming onboard with

us now?

MR. STEWART: No.

MS. NIBALDI: Okay.

MS. WOLD: How much do you want to reduce

it?

MR. STEWART: I'm just trying help you all

sink your own ship.

MS. WOLD: Right -- the original -- so right

now you've only reduced Florida laws and rules by

50 from the original, but you've reduced safety,

sanitation, and sterilization by 150.

MS. NIBALDI: Okay.

MS. WOLD: And that's a lot.

MR. FRIZZELL: Yes.

MS. NIBALDI: Okay. So --

MS. WOLD: So if you reduce Florida laws and

rules, you just have to remember what the
original numbers were.

MR. NIBALDI: So how about -- so in a typical school week of barbering is 30 hours. So can we say that in 30 hours in a week they can pretty much learn the Florida laws and rules or get a good idea of what they are? I mean, it's only -- and this is just my suggestion. It's only 20 hours. They have a gist of it in 30. What is really an extra 20 going to do? I mean, that's just something I'm, you know, bringing up to have you guys think about it.

MS. WOLD: From 100 -- from 200 original hours to 30?

MS. NIBALDI: Yes. And then I think -- so allow me a moment.

MS. WOLD: I think that's way too low.

MR. STEWART: And now do you all realize that the students can take this stuff home and read it and learn it at home?

MS. WOLD: That's true, but are they going to?

MR. STEWART: If you introduce it to them at school --

(Simultaneous speaking.)

MS. NIBALDI: Okay. One person at a time.
MR. MILNE: Don't -- don't -- please, kindly not talk over each other, because our madam court reporter is going to have a very hard time, and we need a record.

MS. NIBALDI: Veronica.

MS. WOLD: I wasn't saying anything.

MS. NIBALDI: Oh, okay.

MS. WOLD: Mr. Mayer was.

MR. MAYER: I'm sorry if I interrupted.

Am I correct in to pass the state board, you have to take a written test?

MR. NIBALDI: Absolutely.

MR. MAYER: So you would have to know your sanitation rules and regulations to get your license?

MS. NIBALDI: Absolutely.

MR. MAYER: Okay. So then I would have to study at home or learn it or I wouldn't pass.

MR. MILNE: Yeah. If you don't pass the test --

(Simultaneous speaking.)

MR. MAYER: But I do agree with her maybe a little more than 30 hours on that, maybe at least 50.

MR. FRIZZELL: Sixty would be two weeks.
MR. MAYER: And -- and then the rest, at least, go to haircutting.

MR. STEWART: Can I give y'all a practical example? I assigned one of my instructors to teach Florida law, the whole book, 19 pages in a week, one hour a night.

MS. WOLD: Okay. What if we did this --

MR. STEWART: That's five hours, by the way.

MS. WOLD: So it was originally 400, and we knocked it down to 250 on sanitation. That's 63 percent roughly. So what if we take Florida laws and rules and reduce it by that percentage?

MR. FRIZZELL: What is that number?

MS. WOLD: I don't know yet. I have to figure out how to figure it out the other way.

(Simultaneous speaking.)

MS. NIBALDI: And just because -- and this is my -- just because you are a consumer member, your opinion is valued --

MS. WOLD: 125?

MS. NIBALDI: -- just as much as all of us.

MR. STEWART: Suck up.

MS. NIBALDI: I'm not a suck up. She's very efficient at what she does.

MR. STEWART: You're right.
MR. FRIZZELL: So that would allow an additional 25.

MR. STEWART: My wife says --

(Simultaneous speaking.)

MS. WOLD: Yeah. That -- that's 100 -- 125 hours minimum, but that gives us a percentage to work with instead of just randomly coming up with numbers.

MR. MILNE: And -- and for this to really help the students, you have to bear in mind, and I'm sure you are looking at from just my perspective, that you can't set them up to fail. They need to be able to have enough instruction to be able to pass the written test.

Yes, they'll have self-study and all that, but how much do you really need to honestly be taught to know the parameters so that they can get on with their work and actually have a chance to pass the test?

MR. STEWART: It's really, really obvious you've never taught barber school.

MR. MILNE: Sir, I'm the first one to admit that.

MR. STEWART: It is unbelievable --

MS. WOLD: That -- that would be 375
hours --

MR. STEWART: -- how much hangover you can do --

(Simultaneous speaking.)

MS. WOLD: -- in the top two and leave you with 325 to disseminate among the haircutting. And then we could say we reduced one and two by 63 percent to try to help.

MR. NIBALDI: And then what does that come up with? Or what do you come up with?

MS. WOLD: If you reduce those two by 63 percent, it's 375, leaving you 325 for the haircutting portion.

MS. NIBALDI: Well, that would be 700, no?

MS. WOLD: Oh, shoot, 225. Sorry.

MR. NIBALDI: My brain works sometimes.

MS. WOLD: You're right.

MR. FRIZZELL: Better than mine here.

(Simultaneous speaking.)

MS. WOLD: I would say mine is three, but I took away one and I'm still --

MR. MILNE: You'll notice I'm not throwing any numbers out, because I can barely write.

MS. NIBALDI: Yeah.

(Simultaneous speaking.)
MS. NIBALDI: Okay. So let -- let me say this now --

(Simultaneous speaking.)

MS. WOLD: The one with the --

MR. NIBALDI: -- as we continue to talk and you're figuring out percentages and going back to the original proposal. Then if the whole main point of us being here today is Florida laws, rules, safety, sanitation, and sterilization, and we feel, as a whole, that the majority, if we go into a percentage, should be in that, then it would be my assumption that we would be comfortable with the haircutting and the shaving, beard and mustache trimming not be a significant amount of hours, because we're worried about protecting the safety of the public, and we feel like that falls under Florida laws and rules, safety, sanitation, and sterilization.

Anyone correct me if they feel differently.

MR. MILNE: As long as we're not playing games with what things to categorize, because that won't fly.

MS. NIBALDI: Yeah.

MR. MILNE: And that's not straight.

We have to address the deficiency, the
glaring deficiency in the rule as drafted that there are no competencies to be mentioned --

MS. NIBALDI: Correct.

MR. MILNE: -- and certified by the school.

And from what I now know in all truth, it would appear that basic barbering schools go hand-in-hand -- sorry -- that teaching of basic barbering skills, at the very least, go hand-in-hand with safety and sanitation, mostly safety.

And if you do put some measurable skill sets in there that can be certified, you are increasing the safety of the public, it would appear.

MR. NIBALDI: Thank you.

MR. STEWART: It would appear, but it -- it --

(Simultaneous speaking.)

MR. MILNE: And remember, we're in the litigation context, this may also make sense --

(Simultaneous speaking.)

MS. WOLD: I mean, he --

MS. NIBALDI: In the categories?

MS. WOLD: If we look --

(Simultaneous speaking.)

MR. STEWART: If you go safety and
sanitation 500 hours is gracious, but I mean could you just read -- the book is there. Everything is there. You just read it.

MR. MILNE: But to fix the rule -- to have a chance of honestly trying to settle this --

(Simultaneous speaking.)

MR. MILNE: -- with a counter proposal that's concrete and hits all those positive points that we don't have at 500, it's obvious that barbering skills have to be in there for our rule to work.

So that's up to you. I'm just trying to remain within the focus of what we're tasked with here today.

MR. NIBALDI: So if we keep it originally -- not originally -- as the new proposal, 50 hours Florida laws and rules, 175 safety, sanitation, and sterilization, we've gotten rid of hair structure and chemistry, which is 75 hours, and another 25 hours of shampooing. So that's 100 hours to disperse into other categories.

MS. WOLD: Oh, I don't have that one that you all did anymore, but I --

MR. STEWART: It seems like you don't need all that.
MS. WOLD: -- I don't agree with that.

MR. MILNE: What -- what part don't --

MS. WOLD: Those low numbers on one and two.

MR. MILNE: Florida laws, rules, regs, and sanitation.

(Simultaneous speaking.)

MS. WOLD: Yeah. 'Cause I don't have the numbers that you all -- yeah. I think that is too low.

MR. MILNE: And -- and for the record, these suggested numbers come from DOE. They're not our --

MS. WOLD: Right.

MR. MILNE: -- numbers. It's for you in the blank space to decide what those numbers would be.

MS. NIBALDI: So raising some of the hours in the first two categories --

MS. WOLD: Yeah. I think the first two --

MS. NIBALDI: -- and then we'd be --

MS. WOLD: -- dropping them from the original 500 is -- needs to be done very cautiously. And only to make sure that you have the basic haircutting required amounts. That's why I asked you what those are, but --
MR. STEWART: The -- the whole thing that you all are missing is that, when they dropped or decided they wanted to drop the restricted license from 1,200 hours or 1,000 down to 500, there's got to be a reason they're doing this. It's because you're bringing in people that already can cut hair and teaching them rules and sanitation so that they will be -- they'll know the law, they will know when to do their license and all of the other laws, and they will be clean. It wasn't about teaching them to cut hair, teaching them to shampoo hair.

MS. WOLD: Right.

MR. STEWART: You know that. And believe me, 500 hours is gracious, plenty. Because you could do 10,000 hours, and they're not going to do anything when they get in the shop except go back to their old habits.

So when you --

MS. WOLD: Right, but --

MR. STEWART: -- you know, you don't need to add -- when they get to the school, they want to cut hair. They're going to be begging to get out to the floor and cut hair.

MR. MILNE: And that may be the truth of it.
I won't be able to prove that in court.

MS. WOLD: Right. And how -- the bottom line was not to regulate as much, just to keep in mind the safety.

MR. NIBALDI: What about this one, it hasn't been broughten up, and you may say I'm crazy. What if -- we need 600; right? So we'll just cross it out here. It's 400 hours, safety, sanitation, and sterilization, and 200 hours Florida laws and rules. And then we have our 600 hours.

MR. MILNE: Say that again.

MS. WOLD: So no haircutting? No, because he said he can't -- he can't win that in court, we've got to have --

(Simultaneous speaking.)

MR. MILNE: And also that's a safety issue. You need basic skills.

MS. WOLD: Right. So what is the bare minimum and haircutting and beard --

MR. STEWART: I can tell you -- I can tell you, Mikey, when you came into the business and teach him in about a week and then the rest of it he picked up on his own.

You could take me when I came in the
business. I was 16 years old, I didn't have crap for an idea what I was doing. It took them 700 hours just to teach me to cut hair.

Then I went to the shop as an apprentice, worked 18 months. Then I worked another two years before I got good enough to go to a style shop and learn how to be a Sebring (ph) barber.

So now you got four years invested in me learning, and you got two weeks invested in Mikey. I just didn't have the skills.

MS. NIBALDI: So what if 150 hours in haircutting, 50 hours in shaving, and you have 400 hours to divide between Florida laws and rules, safety, sanitation, and sterilization?

MR. STEWART: Now you're dividing the one thing we do.

MS. WOLD: Yeah.

MR. MAYER: I'm okay with it.

MR. STEWART: Safety and sanitation you're dividing. It's the one thing we do.

MS. WOLD: Yeah.

MR. STEWART: We regulate safety and sanitation.

MR. FRIZZELL: It would be 400 hours in safety and sanitation.
MR. MILNE: It would divide --

(Simultaneous speaking.)

MS. NIBALDI: Well, no, Florida laws -- I'm sorry.

MS. WOLD: No.

MR. FRIZZELL: My understanding from what you're saying is, is -- what he's saying is, is that his proposal is 400 hours in those two categories.

MS. WOLD: So do you --

(Simultaneous speaking.)

MS. NIBALDI: A combination of the two.

MR. STEWART: If y'all are going to change anything, add two, don't -- don't cut down Florida -- the first two, one and two.

MS. WOLD: So you want to -- how do you want to divide that up?

(Simultaneous speaking.)

MS. NIBALDI: All right. Hold on. Just give me one second, sorry, because I have a lot of papers in front of me. And I just want to make sure --

MR. STEWART: Florida law and safety and sanitation's at 500 according to the old approach. For God's sake, don't cut that down.
MR. MILNE: Yeah ...

MR. STEWART: Even though I'm still not going to vote for it.

MR. NIBALDI: So if you look at it now, what we have in front of us today, which was suggested by DOE, if you combine those two numbers, it's only 225 hours. So now we're taking it up to 400. We are suggesting 150 for haircuts, 50 for shaving. And it seems like everyone would be more comfortable with that because we want to make sure and we feel that the public would be protected. And with 150 hours in haircutting and shaving, they would have the minimum competency. And that's what with -- you know, our attorneys would -- seems like they would prefer in moving forward.

MR. MILNE: That will help me fight my case then.

MR. NIBALDI: That would help to assist them fight their -- fight their case.

MS. WOLD: Yeah.

MR. NIBALDI: Does it seem doable for the majority of us under that suggestion?

MR. MAYER: That would be a total of 500 or six?
MS. NIBALDI: No, you have six, you have 150 haircutting --

MR. MAYER: Okay. I'm all for the six.

MR. MILNE: Let's just put it for the record then and consensus.

MS. WOLD: Now, how much --

MS. NIBALDI: Okay. I'm just --

MS. WOLD: -- Florida laws and rules versus safety?

MS. NIBALDI: What would you suggest? I would like to hear your suggestion, please, if you wouldn't mind.

MS. WOLD: So 75 hours in Florida laws and rules and the rest in safety, sanitation, and sterilization.

MS. NIBALDI: So 325, safety, sanitation, sterilization and 75 Florida laws and rules.

MS. WOLD: At the very least.

MS. NIBALDI: I'm okay with that.

MR. MILNE: And that's 400, yes.

MR. NIBALDI: I'm okay with that.

MR. MILNE: Mr. Mayer?

MR. MAYER: Yeah, I'm okay.

MR. MILNE: All right. What else? Then you've got 200 hours left; right?
MS. NIBALDI: Yeah, so 150 -- I apologize. 150 hours in haircutting, 50 hours in shaving, beard and mustache trimming. And remember we were X'ing out hair structure and chemistry and shampooing, those two categories.

(Simultaneous speaking.)

MR. MILNE: For consensus purposes --

MS. NIBALDI: Yes.

MR. MILNE: -- one last time, Florida rules, Mr. Mayer, ma'am, Michelino, what is the number?

MS. NIBALDI: Florida laws and rules, 75 hours; safety, sanitation, and sterilization, 375 hours.

MS. WOLD: No, 325.

MR. NIBALDI: I'm sorry, excuse me. Safety, sanitation, and sterilization 325 hours; haircutting 150 hours; and shaving, beard and mustache trimming 50 hours, for a total of 600.

MR. MILNE: Okay. And would you also agree to delete the challenge portion of the rule?

MS. WOLD: Yes.

MR. NIBALDI: Yes.

MS. WOLD: Definitely.

MR. MILNE: Mr. Stewart are you in agreement to delete the challenge part of the rule?
MR. STEWART: I -- I think that would be great.

MR. MILNE: Okay. Mr. Mayer?

MR. MAYER: I am -- I'm okay with that.

MR. MILNE: So we're unanimous -- you are unanimous on deleting the challenge part of the rule.

And then addressing that unintended damages that I know y'all didn't know about at the time, and certainly intend, are you okay with grandfathering them in so that they can bring up their other -- the new complaint course to come up to 600?

MR. NIBALDI: Yes.

MS. WOLD: I don't know what that means.

MR. MILNE: Well, if we grandfather them in -- in to teach their old courses from the second this rule goes in, they will be able to teach that for a year while they bring their new course online.

MS. WOLD: Okay. Yes.

MR. MILNE: And they won't be damaged. And that will help my argument.

MS. WOLD: Yes.

MS. NIBALDI: Yes.
MR. MILNE: Mr. Mayer?

MR. MAYER: I'm in favor.

MR. MILNE: Eddie? Mr. Stewart, sir?

MR. STEWART: Yes, I think I agree. I didn't hear you exactly, but --

MR. MILNE: And -- and -- and, you know, we don't want to damage people unintentionally and it's a fair thing to do.

MS. NIBALDI: Yes.

MR. MILNE: And people are grandfathered in. So we -- I believe you're unanimous.

MS. NIBALDI: Yes.

MR. MILNE: Okay. Before we open this up, can we just take one more comfort break?

MS. NIBALDI: Oh, please. I'm ready to --

MR. MILNE: You know, because this is very dynamic, and I'm ignorant about your profession, but this is -- I'm learning a lot from this, you know.

MS. NIBALDI: We will recess.

(Recess 11:16 a.m. until 11:28 a.m.)

MR. MILNE: I believe that if you have reached a consensus on a counter offer, the next step of the proceedings would be to open the meeting to the public and propose you counter
offer and have a vote on it.

And -- and -- well, before the final vote, propose a counter offer, get public comments and the vote. So that would be the next proceeding.

MS. NIBALDI: Okay.

MR. MILNE: And if it's your pleasure, I would advise that --

MR. NIBALDI: Please, thank you, sir.

(Simultaneous speaking.)

(Short pause in proceedings.)

MS. NIBALDI: Thank you.

(Simultaneous speaking.)

(Conclusion of Volume 2 at 11:29 a.m.)
CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF LEON

I, KAIRISA JOI MAGEE, PROFESSIONAL STENOGRAPHER, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 6th day of November, 2019.

KAIRISA JOI MAGEE, PROFESSIONAL STENOGRAPHER
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