

EXECUTIVE SUMMARY

Florida Barbers' Board

I. General Information

Meeting Type: General Business
Meeting Date: Monday, November 13, 2006
Meeting Location: The Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, Florida 32809

Attendees:

Peter "Dave" Magda, Chair
Herman White, Vice Chair
Roland Bordelon
Robert Collins
Jeri Scott
Secretary Simone Marstiller, Department of Business and Professional Regulation (DBPR)
Robyn Barineau, Executive Director, DBPR
Joy Tootle, Assistant Attorney General, Department of Legal Affairs
Charles Tunnicliff, Assistant General Counsel, Office of the General Counsel, DBPR
Tiffany Harrington, Assistant General Counsel, Office of the General Counsel, DBPR
Dana Ewaldt, Government Analyst, DBPR
Lyra Erath, Psychometrician, Bureau of Education and Testing, DBPR
Dianna Garcia, Court Reporter
Letty Milazzo, ASM Beauty World Academy
Lynda Calcano, International Services

II. Major Issues/Actions

- Chair Dave Magda welcomed Secretary Simone Marstiller and thanked her for attending the Florida Barbers' Board meeting. Secretary Marstiller addressed the board and indicated that the department supports the board's efforts in protecting the public. She added that her goal is to improve customer service, and she welcomes any comments, complaints or suggestions from the board members.
- The board granted the Petition for Variance and Waiver from Rule 61G3-19.011(17), Florida Administrative Code, submitted by Ms. Lucey Higginbotham, d/b/a Satey's Barber Shop, with the following conditions: Ms. Higginbotham must post a sign at the front of her barbershop informing patrons that they are not allowed to bring pets in the barbershop; and Ms. Higginbotham may keep her dog in the back room of her barbershop where no barbering services are conducted, behind a closed and locked door.
- Mr. Charles Tunnicliff, Assistant General Counsel, informed the board that there are currently 56 barbering cases in the Office of the General Counsel.
- Ms. Joy Tootle, Assistant Attorney General, advised the board that the amendment to Rule 61G3-16.0092, Florida Administrative Code, was effective November 1, 2006. This amendment changes the number of days a continuing education provider has to transmit course completion information to the department from five days to 30 days to comply with Chapter 455, Florida Statutes.

- Ms. Tootle indicated that she performed some preliminary research on other states' and other Florida professions' requirements for out-of-country endorsement procedures. She mentioned that there are professions that utilize credentialing and evaluation companies to certify information received from other countries. She added that she contacted J. Silney & Associates who performed sample evaluations of applications from Jamaica and Haiti, and she provided the board with these samples, as well as information about J. Silney & Associates. She added that J. Silney & Associates is willing to make a presentation to the board on the services they offer. Ms. Tootle informed the board that the process would require having an applicant contact the evaluation service prior to submitting their application to the department for review. The evaluation service would verify the entire documentation for authenticity and completeness, providing a detailed report of their findings. Any credential deficiencies would be documented and sent to the potential applicant for their response and resolution. The cost for J. Silney & Associates to provide this service to an applicant is approximately \$250. Ms. Tootle will further research the board's statutory authority to require such credentialing information, associated fees, and other areas of concern and provide her report to the board for further discussion at their February 2007 board meeting.
- The board will discuss proposed barbering definitions at the next board meeting. Ms. Joy Tootle, Assistant Attorney General, will review the board's rules to determine if there are key words or phrases that should be clearly defined in their rules. She will also check with the former Assistant Attorney General who previously mentioned the need for further definitions and report her findings at the next board meeting.
- Ms. Robyn Barineau, Executive Director, reported that as of June 30, 2006, the board's operating account balance was \$1.3 million and their unlicensed account balance was over \$140,000. She anticipates providing the board with their September 30, 2006, financial report and possibly their December 31, 2006, financial report at the February 2007 board meeting.
- Ms. Barineau again asked the board for suggestions on target areas for unlicensed activity stings or sweeps. The board will provide their suggestions to Ms. Barineau.
- Ms. Barineau reported that as of October 26, 2006, 87 percent of barber licensees complied with their continuing education requirements for the renewal period ending July 31, 2006.
- Ms. Barineau advised the board that the department is still attempting to address the board member vacancy situation and is seeking assistance from boards to assist with locating qualified applicants to fill vacancies on all its boards and commissions. Ms. Barineau suggested that interested applicants contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire.
- Chair Magda indicated that some of the topics at the National Association of Barber Boards of America (NABBA) annual conference included barber poles only being displayed in barbershops, discipline of licensees who are convicted sexual predators, and recognition of National Barbers Week. He would like to discuss these topics in greater detail at the February 2007 meeting.
- Chair Magda reminded the board that the 2007 NABBA annual conference will be conducted in Orlando during the third week of September, and he has asked that additional funds be incorporated into the board's 2007 travel plan to allow all board members and staff to attend this conference, since it will likely not be held again in Florida for many years.
- Ms. Lyra Erath, Psychometrician, Bureau of Education and Testing, reported that standardization of practical examiners was conducted on Sunday, November, 12, 2006, at Paul Mitchell – The School in Casselberry. She indicated that all practical examiners

were present for standardization with the exception of Mr. Scott Kinney whom Chair Magda excused because of an injury to his foot. Ms. Jeri Scott agreed to assist with standardizing Mr. Kinney in Tallahassee. Ms. Erath added that all the examiners were very helpful and all agreed that Standardization was a success. Ms. Erath mentioned that the written exam will soon undergo a content review, as a new barbering textbook has been circulated and the exam needs to be updated with the new textbook material. Ms. Erath indicated that she is still seeking assistance with locating some additional practical examiners in the Central and South Florida areas. She currently has three potential South Florida practical examiners who will need to be trained before they can be utilized for a practical examination. Chair Magda asked that the board be provided with a copy of the practical examiner and lead practical examiner manuals before they are circulated. After being questioned by Chair Magda, Ms. Erath added that at the very earliest, the South Florida exam site would be ready to staff and host a practical examination in six months.

- The board agreed to conduct its next board meeting on Sunday, February 4, 2007, and Monday, February 5, 2007, in Orlando, Florida. The necessity for a two-day meeting is to have sufficient time to handle all disciplinary cases, out-of-country endorsement application review, and other board meeting items that were not discussed at the November 13, 2006, meeting because of a time shortage.

III. Legislation/Rule Promulgation

- There was no legislation or rule promulgation at this meeting.

IV. Action Required

- Mr. Tunncliff and Ms. Tootle will prepare all final orders and forward to board staff for filing with the Agency Clerk.
- Mr. Tunncliff will initiate an investigation on unpaid citations when found while preparing a disciplinary case for board presentation.
- Ms. Tootle will provide the board with research on the board's authority to require that out-of-country applicants utilize an assessment service to verify their out-of-country education and credentials, associated fees, and other related information for discussion at their next board meeting.
- The board will discuss barbering definitions in detail at their next board meeting. Ms. Tootle will research and provide information on possible barbering definitions at the next board meeting.
- The board will provide Ms. Barineau with suspected areas of unlicensed activity for provision to the Division of Regulation for possible stings or sweeps.
- Chair Magda will discuss limitation of barber pole displays, discipline of licensees who are convicted sexual predators, and recognition of National Barbers Week at the February 2007 board meeting.

Robyn Barineau
Executive Director
November 28, 2006