

# **MINUTES**

**FLORIDA BARBERS' BOARD**  
**Department of Business and Professional Regulation**  
**The Florida Mall Hotel**  
**1500 Sand Lake Road**  
**Orlando, Florida 32809**  
**Sunday, February 12, 2006**  
**10:00 a.m.**

## **General Business Meeting**

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 9:00 a.m., by Mr. Peter "Dave" Magda, Chair.

### **Board Members Present**

Peter "Dave" Magda, Chair  
Herman White, Vice Chair  
Robert Collins  
Jeri Scott

### **Board Members Absent**

Char Feliciano

### **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Charles Tunncliff, Office of the General Counsel, DBPR  
Daniel Biggins, Assistant Attorney General, Department of Legal Affairs  
Dana Ewaldt, Government Analyst, DBPR

### **Interested Parties Present**

Dennis Yecke, Deputy Secretary of Professional Regulation DBPR  
Lynda Calcano, International Services  
Marlene Melendez, International Services  
Aileen Torres, Aileen's Salon & Spa  
Elisa Figueroa, Applicant  
Jose Mendez, Applicant  
Migulena Mendez  
Ines Villamuel  
Jiducor Vidale  
Monica Scalph, Applicant  
Derwin Scalph, Licensed Barber

The meeting was opened with a roll call and a quorum was established. Chair Magda noted Ms. Char Feliciano's absence from the meeting. Chair Magda stated that Ms. Feliciano's absence was excused as she contacted board staff prior to the meeting. Chair Magda thanked

the audience members for attending the meeting.

Deputy Secretary Dennis Yecke introduced himself, gave a brief overview of his background and experience, and thanked the board for the opportunity to participate in the meeting. Deputy Secretary Yecke stated it was Secretary Simone Marstiller's goal for the department to place an emphasis on customer service to board members and to licensees while continuing to serve and protect the public. Deputy Secretary Yecke addressed the issue of board member vacancies which can result in quorum issues at board meetings. Deputy Secretary Yecke has met with the Governor's Appointments Office and is currently working toward filling the vacancies in the near future. He encouraged board members to contact him with suggestions or comments. Deputy Secretary Yecke also informed the board of his intention for restructuring and reorganization within the department.

### **Approval of Minutes: Conference Call Meeting on December 5, 2005**

Mr. Robert Collins moved to accept the minutes from the December 5, 2005, Conference Call Board meeting. Mr. Herman White, Vice-Chair, seconded the motion and the motion passed unanimously.

### **Old Business**

#### **2006 Legislative Proposal – Finalized Draft**

Ms. Jeri Scott indicated that she has not heard anything further from Senator Linn's office regarding the board's proposed internship legislation. Ms. Scott stated that she will follow up with other possible contacts. Chair Magda noted that the proposal is equally positive for schools and students. Chair Magda has requested the board office contact the Department of Education and the Commission for Independent Education in order to ensure that the schools received copies of the draft legislative proposal.

#### **Barbering Definitions**

Chair Magda tabled this matter for discussion at the next Barbers' Board meeting.

### **New Business**

#### **Barber Endorsement Application Review Process**

Chair Magda asked the members to please keep in mind the intent of the law, which is to protect the health, safety and welfare of the public. He wants to ensure that out-of-country endorsement applicants are being asked to demonstrate or provide the same type of information and documentation as United States endorsement applicants. The review process of all endorsement applications must be consistent and fair.

Discussion ensued regarding establishing a set of guidelines for review of the endorsement applications as per the endorsement rule 61G3-16.005, F.A.C. Chair Magda stated that a "certificate" or "diploma" can be considered for use in place of a "license", however, the supporting documentation must include a statement from the school, country or government licensing authority that a license is not issued or required to practice barbering in that state or

country. Vice Chair White noted terminology of another state or country may not be verbatim to what is stated in the barber statute. He believes that a “beauty specialist”, “grooming specialist”, or “hair dresser” is considered to be the same as Florida’s definition of a barber.

Vice Chair White stated that an endorsement applicant’s curriculum breakdown should demonstrate the required barbering services, however, the exact number of hours per service can vary. Chair Magda reiterated that the total overall curriculum hours are required but that the review committee should not get bogged down with an hour-for-hour comparison. The endorsement requirement is 1,000 or more hours plus the passing of a written and practical examination.

Mr. Collins expressed his concern over endorsement applicants not being fully knowledgeable of Florida barbering law; i.e., sanitization and sterilization.

Ms. Robyn Barineau, Executive Director, read aloud the language on the endorsement application that the applicant agrees to when signing the endorsement application. The application affidavit states that the applicant has read, understands and agrees to comply with the statutes and rules applicable to the practice of the profession in Florida. If the laws and rules of the barbers’ statute are not being adhered to, then the inspection process would remedy that situation.

Mr. Dan Biggins, Assistant Attorney General, drew the board’s attention to two draft versions of Rule 61G3-16.005, F.A.C., for licensure by endorsement. After discussion of the two draft versions, it was decided to amend the rule to read as follows:

“The Department of Business and Professional Regulation shall issue a license to a person without examination (except as provided in subsection (5) below) who:

- (1) Makes application and pays to the Department the fee specified in Rule 61G3-20.002, F.A.C.;
- (2) Demonstrates that he or she possesses a current active license to practice barbering in another state or country;
- (3) Demonstrates that he or she has satisfactorily completed a written and a practical examination comparable to or more stringent than the examination given by the Department
- (4) Demonstrates that he or she has completed:
  - (a) 1,000 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and covering the subjects of safety, sanitation and sterilization; hair structure and chemistry; hair cutting; shampooing; chemical services and shaving services, as specified by the Barbers’ Board; or
  - (b) An apprenticeship program of 1,000 hours; or
  - (c) A combination thereof.
- (5) Certifies that he or she has read and understood and will abide by Chapters 455 and 476, F.S., and Chapter 61G3, F.A.C.”

Ms. Scott made a motion to accept the amendments to Rule 61G3-16.005 (4)(a), F.A.C., as provided by Board Counsel. Vice Chair White seconded the motion. The motion passed unanimously. Mr. Biggins will amend and proceed with filing Rule 61G3-16.005, F.A.C.

As a recap, the board agreed that the following information must be provided by an out-of-county endorsement applicant:

1. If an out-of-country license is not issued and the country authorizes the individual to practice barbering based on a certificate or diploma upon the completion of an educational program, there must be a statement to this effect from the qualifying

- school or country.
2. If the license, certificate or diploma does not specify “barber” a similar name on the document can be accepted; i.e. beauty specialist, hair dresser, etc.
  3. The curriculum breakdown must show proof of at least 1,000 education hours which includes proof of shaving services; safety, sanitation and sterilization; haircutting; shampooing; and chemical services.

## **Other Business**

### **Executive Director’s Report**

Ms. Barineau gave an overview of the Financial Reports of the Operating Account and Unlicensed Activity Report for the period ending September 30, 2005, noting that both accounts show a positive balance. The ending balance of the Operating Account is in excess of one million dollars and the unlicensed activity account in excess of \$98K.

Ms. Barineau informed the board of the various unlicensed activity stings / sweeps currently underway throughout the state. She will be prepared to provide a status report at the next board meeting. Chair Magda extended his appreciation of the inspectors and their efforts in ensuring compliance in the areas of sanitation and sterilization. Chair Magda would like the department to utilize local law enforcement in dealing with repeat offenders in an attempt of placing unlicensed barbershops out-of-business.

Ms. Barineau noted that the complaints and investigative statistics report for July 2005 through December 2005 was included in the agenda for informational purposes only.

Ms. Barineau informed the board that the email from DBPR Secretary Simone Marsteller regarding funding recommendations for hurricane preparedness, response and recovery was included in the agenda for informational purposes only. Chair Magda inquired if the initiatives would sweep the Board’s funds. Deputy Secretary Yecke addressed the board stating that was not the Governor’s intent.

Ms. Barineau directed the board’s attention to the continuing education initiative flyer included in the agenda. In an attempt to better inform licensees, the flyers will be distributed to barbershops during routine inspections as well as being included with the mailed renewal notices. As per the board’s rule, a license will not be renewed until completion of the continuing education requirement.

Ms. Barineau informed the board that the DBPR Unlicensed Activity Complaint Line Press Release was included in the agenda for informational purposes. DBPR has launched a hotline as a tool for citizens to lodge complaints against unlicensed individuals and businesses. Ms. Barineau plans to include this information in the next Barbers’ Board newsletter. Ms. Barineau solicited the board for their assistance with articles to be included in upcoming newsletters.

Ms. Barineau informed the board that the announcement from Governor Bush regarding the 2006 – 2007 Executive Budget was included in the agenda for information purposes.

### **Board Attorney Report**

Mr. Dan Biggins, informed the board that the changes to Rule 61G3-20.002, F.A.C.,

went into effect on January 1, 2006.

Mr. Biggins drew the board's attention to the suggested draft language for changes to Rule 61G3-19.011(6), F.A.C., Barbershop Requirements. The drafted language will eliminate the sink to chair ratio requirement. Chair Magda expressed concern that the barber remain mindful of the requirement to wash their hands before serving each patron. Ms. Barineau stated that she will include that reminder in the next newsletter. Rule 61G3-19.011 (6), F.A.C., was drafted to read as follows:

~~"The barbershop must have sinks available and installed in the locations most convenient to one sink for each two barber chairs and such sink shall be installed in the most convenient place for the barber chairs. All such sinks must be adequate for the shampooing of hair."~~

Ms. Scott moved to accept the amendment to Rule 61G3-19.011(6), F.A.C., as provided by Board Counsel. Vice Chair White seconded the motion. The motion passed unanimously. Mr. Biggins will proceed with filing the rule amendment.

The board was presented with four requests for formal hearings regarding the endorsement applications of Luisa Ortiz DeLa Rosa, Raysa Manuela Maldonado, Wendy Venecia Pimental and Javier Tobaos. The endorsement applications were denied by the full board at the December 5, 2005, conference call meeting. Upon further review with using the established endorsement application review process, the board approved these applications for licensure.

### **Bureau of Education and Testing**

Ms. Barineau noted the standardization scheduling report in the agenda which was provided by Ms. Lyra Erath. Ms. Erath is encouraging the board to consider conducting standardization during the 2006 calendar year. Chair Magda would like to have the standardization scheduled in conjunction with the November practical examination in Casselberry.

Ms. Erath provided the board with information regarding South Florida schools that are currently being investigated for use as practical examination sites. Ms. Erath is coordinating efforts with Ms. Jeanne Smith, the Bureau's Miami Examination Supervisor. Ms. Erath will be prepared to report further as to the results of the investigation at the next meeting. Chair Magda requested that Ms. Erath attend the next board meeting scheduled for May 15, 2006.

Chair Magda said that he was contacted by one of the Casselberry who expressed concern with the environment of the examination site. The examiner reported that during the last examination, there did not appear to be security measures in place by the school; i.e., loud music was playing, excessive traffic coming through the examination room going back and forth to the restrooms. This examiner stated the school situation presented a distracting exam environment. Chair Magda will gather more details of the situation and report back to Ms. Erath.

Chair Magda requested Ms. Erath prepare a pass / fail rate report of the Tallahassee and Casselberry examination sites.

### **Chairperson Report / Comments**

Chair Magda reminded the board that the National Association of Barber Boards of

America (NABBA) will host the 2007 annual convention in Orlando, Florida. Chair Magda would like for all board members and staff to participate in the 2007 NABBA annual convention.

### **Adjournment**

The board agreed to conduct their next general business meeting on Monday, May 15, 2006, in Orlando, Florida.

There being no further business, the meeting was adjourned at approximately 3:30 p.m.