

MINUTES

FLORIDA BARBERS' BOARD
Department of Business and Professional Regulation
Historic Harbor Front Hampton Inn & Suites
19 South Second Street
Fernandina Beach, Florida 32034
Monday, August 14, 2006
9:00 a.m.

General Business Meeting

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

Board Members Present

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

Board Members Absent

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (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

Interested Parties Present

Beth Masters, Court Reporter
Anthony Taliercio, Respondent
Jesse Barral, Respondent
Marie Taliercio
Letty Milazzo, ASM Beauty World Academy
Yuleidi Garcia, Endorsement Applicant
Margarita Almasque, Translator for Yuleidi Garcia
Yolanda Cuapio, Endorsement Applicant
Fernando Rojas, Translator for Yolando Cuapio
Olga Kovaleva, Endorsement Applicant
Eli Javier Diaz, Endorsement Applicant
Juan Calderon, Endorsement Applicant
Carlos Salinas, Translator for Juan Calderon
El Hassan Elfakiri, Endorsement Applicant
Abdel ElAmarci, Translator for El Hassan Elfakiri
Bernadette Metellus, Endorsement Applicant
Guillote Dor, Translator for Bernadette Metellus

Ilrick Moise, Endorsement Applicant

The meeting was opened with a roll call and a quorum was established. Chair Dave Magda thanked the audience members for attending the meeting.

Disciplinary Matters

Informal Hearings

Just Blaze Barbershop; Apopka; 2005-058122

The Administrative Complaint charged the Respondent with multiple violations of Section 476.194(1)(e)2, F.S., and multiple violations of Section 476.204(1)(i), F.S. Mr. Jesse Barral was present and was sworn in by the Court Reporter. Mr. Charles Tunncliff, Assistant General Counsel, informed the board that the case was originally agended as a Motion for Waiver of Rights, however Mr. Tunncliff requested the Board proceed with an informal hearing as the Respondent, Mr. Barral, was present for the meeting. Mr. Tunncliff presented the department's case and suggested assessing a fine of \$3,500 and costs of \$220.62. Discussion arose regarding the prior unpaid cases. In an attempt to address the prior disciplinary matters, Mr. Barral offered testimony of being the barbershop owner, however, he is not a licensed barber and does not work at the barbershop. During the timeframe of the prior violations, an employed manager was responsible for the operation of the business and the manager failed to inform him of the violations. Mr. Barral stated all noted violations have been corrected since the latest inspection. Ms. Jeri Scott moved that the board find the Respondent was properly served with the Administrative Complaint, and elected not to dispute the alleged facts, that there is competent and substantial evidence in the investigative file to support the allegations, that the Respondent committed the offenses as outlined in the Administrative Complaint, and that the board impose a penalty on the Respondent of a \$3,500 fine and costs of \$220.62 and grant a three month payment plan with the first payment of \$1,320.62 being due within thirty days of the date of the final order. Vice Chair Herman White seconded the motion and the motion passed unanimously. Mr. Tunncliff stated that he will present the prior/unpaid disciplinary matters at the next board meeting as settlement stipulations with payment plans incorporated.

Motions for Waiver of Rights and Final Order

Unless otherwise stated, by appropriate motion the board found that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, the board accepted the allegations as stated in the Administrative Complaint and adopted them as the findings of fact and conclusions of law of the board, and imposed the penalties shown below:

- Big Dog's Cuts; Orlando
Case No. 2004-061420
\$650 fine and \$83.91 costs
- Dale Mortimer Dixon; Golden Beach
Case No. 2005-043515
\$500 fine and \$137.07 costs
- Fade Station; St. Petersburg
Case No. 2005-012731
\$1,000 fine and \$140.60 costs

- Hall of Fame Barbershop II, Inc.; Coral Springs
Case No. 2005-037018
\$1,500 fine and \$63.15 costs
- Joane Souffrant; Ft. Lauderdale
Case No. 2004-026353
\$500 fine and \$34.29 costs

Settlement Stipulations

Anthony Taliercio; Bonita Springs; 2005-039804

The Administrative Complaint charged the Respondent with a violation of Section 476.194(1)(b), F.S., in that it is unlawful to engage in willful violations of Chapter 476 or of any of the rules adopted by the board. Mr. Anthony Taliercio was present for the meeting and was sworn in by the Court Reporter. Mr. Tunncliff informed the board that Mr. Taliercio attempted to obtain his Florida Restricted Barbers' license by falsifying the written examination grade notice from the computer-based-testing vendor, Promissor. Mr. Taliercio addressed the board offering an explanation of an act of weakness coupled with a family hardship. The department suggested assessing a fine of \$1,500 and costs of \$172.10. Mr. Tunncliff informed the board that Mr. Taliercio has entered into a stipulation agreement calling for the fines and costs to be paid-in-full prior to him being allowed the opportunity to reexamine. Ms. Scott moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all its terms into a final order. Vice Chair White seconded the motion. The motion passed unanimously.

Unless otherwise stated, by appropriate motion the board found the Respondent to have committed the offenses as alleged in the Administrative Complaint and adopted the Stipulation of the parties as the board's final action regarding a penalty to be imposed on the Respondent as follows:

- Article Barbershop; Miramar
Case No. 2005-043196
\$1,000 fine and no costs
- Cut-N-Corners Barbershop; Pembroke Pines
Case No. 2004-035109
\$1,000 fine and \$384.55 costs
- Cut-N-Corners Barbershop; Pembroke Pines
Case No. 2005-029395
\$800 fine and \$82.94 costs
- Diamond Cuts Barbershop; Ft. Lauderdale
Case No. 2005-027090
\$950 fine and \$70.03 costs
(This Stipulation granted a 5-month payment plan with the first payment of \$220.23 being due within 30-days of the date of the final order.)

Prosecuting Attorney's Report

Status Report

Mr. Tunnickliff introduced Ms. Tiffany Harrington, Assistant General Counsel, as the new attorney who will handle future barbering cases. Mr. Tunnickliff added that he intends to continue to assist with the barbering disciplinary cases for approximately one more year.

Mr. Tunnickliff reported that as of July 21, 2006, there were 53 barber cases in the legal section.

Discussion ensued regarding reference of unpaid prior citations that are noted on disciplinary case memos from the Office of the General Counsel. Mr. Tunnickliff informed the board that he will initiate an investigation on the unpaid citations.

Applications

Out-Of-Country Endorsement Applications

Ana Cecilia Ramirez / Columbia

Ms. Ana Cecilia Ramirez was not present for the meeting. Chair Magda noted the curriculum documentation did not demonstrate the required shaving services, chemical services or shampooing services, nor was there evidence of Ms. Ramirez having taken and passed a written and practical examination. After discussion, Ms. Scott moved to deny the application due to no examination information and the required shaving services, chemical services and shampooing services were not demonstrated in the supporting documentation. Vice Chair White seconded the motion and the motion passed unanimously.

Guildamise Andre / Haiti

Ms. Guildamise Andre was not present for the meeting. Ms. Andre's out-of-country endorsement application was continued from the May 15, 2006, board meeting due to no curriculum breakdown having been provided. After review of the documentation, Mr. Roland Bordelon moved to deny the application as there were no chemical services demonstrated in the documentation provided. Ms. Scott seconded the motion. Vice Chair White and Mr. Robert Collins opposed the motion.

Hubert Arnhold / Germany

Mr. Hubert Arnhold was not present for the meeting. Mr. Arnhold's out-of-country endorsement application was continued from the May 15, 2006, board meeting due to there being no curriculum breakdown provided demonstrating the required barbering subjects and services or the required minimum education hours. Mr. Arnhold did not provide additional documentation to support the endorsement application. Ms. Scott moved to deny the endorsement application as no additional documentation was provided demonstrating the required education hours or the required barbering curriculum. Mr. Bordelon seconded the motion and the motion passed unanimously.

Monika Arnhold / Germany

Ms. Monika Arnhold was not present for the meeting. Ms. Arnhold's out-of-country endorsement application was continued from the May 15, 2006, board meeting due to there being no curriculum breakdown provided demonstrating the required barbering subjects and services or the required minimum education hours. Ms. Arnhold did not provide additional documentation to support the endorsement application. Mr. Bordelon moved to deny the endorsement application as no additional documentation was provided demonstrating the required education hours or the required barbering curriculum. Vice Chair White seconded the motion and the motion passed unanimously.

Isabelle Arnhold / Germany

Ms. Isabelle Arnhold was not present for the meeting. Ms. Arnhold's out-of-country endorsement application was continued from the May 15, 2006, board meeting due to there being no curriculum breakdown provided demonstrating the required barbering subjects and services or the required minimum education hours. Ms. Arnhold did not provide additional documentation to support the endorsement application. Mr. Bordelon moved to deny the endorsement application as no additional documentation was provided demonstrating the required education hours or the required barbering curriculum. Vice Chair White seconded the motion and the motion passed unanimously.

Brunette R. Camille / Haiti

Ms. Brunette Camille was not present for the meeting. Ms. Camille's out-of-country endorsement application was continued from the May 15, 2006, board meeting due to the curriculum breakdown documentation not demonstrating the required subject matter of safety, sanitation and sterilization. After review of the supplemental documentation, Vice Chair White moved to approve the endorsement application. Ms. Scott seconded the motion. Mr. Bordelon opposed the motion. By majority vote, the motion passed approving Ms. Camille for licensure by endorsement.

Bernadette Metellus / Haiti

Ms. Bernadette Metellus was present along with her translator Mr. Guillote Dor. Ms. Metellus and Mr. Dor were sworn in by the Court Reporter. Ms. Metellus' endorsement application was continued from the May 15, 2006, board meeting due to no shaving services, or safety, sanitation and sterilization being demonstrated in the curriculum breakdown. Chair Magda noted a discrepancy in the curriculum and hours when comparing the first set of documents with the supplemental documents. After discussion, Ms. Scott moved to deny the application due to a discrepancy in the supplemental documentation in comparison to the documentation that was initially submitted. Mr. Bordelon seconded the motion. Vice Chair White opposed the motion to deny.

Chair Magda moved that the Board reconsider the denial of Ms. Bernadette Metellus' out-of-country endorsement application. Vice Chair White seconded the motion for reconsideration. The reconsideration motion passed unanimously. Upon further review, Chair Magda noted the documentation did indeed demonstrate the required barbering curriculum and services as well as evidence of Ms. Metellus having taken and passed a written and practical examination. Mr. Bordelon moved that the board approve the endorsement application based on the documentation demonstrating the required barbering curriculum and examination information. Mr. Collins seconded the motion. The motion passed unanimously approving Ms. Metellus for licensure by endorsement.

Ilrick Moise / Haiti

Mr. Ilrick Moise was present for the meeting and was sworn in by the Court Reporter. Mr. Moise's endorsement application was continued from the May 15, 2006, board meeting as the curriculum breakdown did not demonstrate the required shaving services. Vice Chair White moved to approve the application as the additional documentation demonstrated the required shaving services. Mr. Collins seconded the motion and the motion passed unanimously.

Anthoni M. Mergal / Dominican Republic

Mr. Anthoni Mergal's out-of-country endorsement application was denied at the May 15, 2006, board meeting since the documentation failed to demonstrate 1,000 hours of schooling as required by Rule 61G3-16.005, F.A.C., and the documentation failed demonstrate educational hours in hair structure and chemistry, and shampooing services. Mr. Mergal requested an informal hearing of the application denial. After review and discussion of the application and documentation, Vice Chair White moved to uphold the denial of the endorsement application due to there being no demonstration of the required educational hours in hair structure and chemistry, and shampooing services. Mr. Bordelon seconded the motion and the motion passed unanimously.

Gilberto Perez Sosa / Dominican Republic

Mr. Gilberto Perez Sosa was not present for the meeting. Chair Magda noted the curriculum documentation did not demonstrate the required coloring, bleaching and chemical services. Ms. Scott moved that the board deny the endorsement application due to there being no demonstration in the curriculum breakdown of the required coloring, bleaching and chemical services. Vice Chair White seconded the motion and the motion passed unanimously.

Juan Carlos Calderon / Honduras

Mr. Juan Calderon was present along with Mr. Carlos Salinas translating. Mr. Calderon and Mr. Salinas were sworn in by the Court Reporter. After discussion, Ms. Scott moved to deny the application based on the curriculum documentation not demonstrating the required shaving services, safety, sanitation and sterilization, and shampooing services nor did the documentation provide evidence of Mr. Calderon having taken and passed a written and practical examination. Mr. Bordelon seconded the motion. The motion passed unanimously.

Yolanda Cuapio / Mexico

Ms. Yolanda Cuapio was present along with Mr. Fernando Rojas translating. Ms. Cuapio and Mr. Rojas were sworn in by the Court Reporter. After review and discussion, Ms. Scott moved that the board deny the application based on the curriculum documentation not demonstrating the required facial shaving services nor was there evidence of Ms. Cuapio having taken and passed a written and practical examination. Mr. Bordelon seconded the motion. The motion passed unanimously.

Eli Javier Diaz / Dominican Republic

Mr. Eli Javier Diaz was present for the meeting and was sworn in by the Court Reporter. Chair Magda noted the translated documents were not certified, and noted a discrepancy in the supporting documents. The translated version provided a curriculum breakdown, however, there was no curriculum shown on the non-translated version of the documents there was a conflict with the dates of enrollment and graduation. Chair Magda also noted the school documents did not provide evidence of a written and practical examination. Mr. Diaz offered

testimony as to having taken and passed a State conducted written and practical examination in his country. After discussion, Mr. Bordelon moved that the board deny the endorsement application based on there being no evidence of Mr. Diaz having taken and passed a written and practical examination and based on the disparity between the translated and non-translated documents. Ms. Scott seconded the motion. The motion passed unanimously.

Ziad Dib / Brazil

Mr. Ziad Dib was not present for the meeting. After review of the documents provided, Ms. Scott moved to deny the endorsement application based on there being no evidence of shampooing services included in the curriculum breakdown. Vice Chair White seconded the motion. The motion passed unanimously.

El Hassan Elfakiri / Morocco

Mr. El Hassan Elfakiri was present along with Mr. Abdel El Amarci translating. Mr. Elfakiri and Mr. El Amarci were sworn in by the Court Reporter. Chair Magda noted the curriculum breakdown did not include evidence of the required safety, sanitation and sterilization. Mr. Elfakiri offered testimony stating that the subjects of safety, sanitation and sterilization were included with the facial shaving portion of the curriculum. Mr. Elfakiri indicated that he had earned a degree in biology from the university in Morocco. Ms. Scott moved that the board approve the endorsement application with a contingency of Mr. Elfakiri providing a copy of his biology degree which will be reviewed for approval by Ms. Scott. Mr. Bordelon seconded the motion and the motion passed unanimously.

Yuleidi Garcia / Cuba

Ms. Yuleidi Garcia was present along with Ms. Margarita Almasque translating. Ms. Garcia and Ms. Almasque were sworn in by the Court Reporter. An initial review of the application curriculum documents did not provide proof of shaving services. Ms. Scott moved that the board deny the application based on no proof of shaving service being provided in the curriculum breakdown. Vice Chair White seconded the motion. Mr. Collins opposed the motion. Ms. Garcia offered testimony that the shaving services were taught in conjunction with the hair cutting portion of the curriculum. Chair Magda asked Ms. Garcia to explain the steps involved when performing a face shave service. After Ms. Garcia's explanation, Mr. Bordelon moved that the board reconsider and withdraw the denial motion. Vice Chair White seconded the withdrawal motion. The withdrawal motion passed unanimously. Ms. Scott moved that the board approve Ms. Garcia for licensure by endorsement based on the testimony provided. Vice Chair White seconded the motion and the motion passed unanimously approving Ms. Garcia for licensure by endorsement.

Moises R. Gomez / Dominican Republic

Mr. Moises Gomez was not present for the meeting but was represented by Ms. Letty Milazzo of ASM Beauty World Academy. After review of the application documents, Vice Chair White moved that the board approve the endorsement application. Mr. Bordelon seconded the motion and the motion passed unanimously approving Mr. Gomez for licensure by endorsement.

Olga L. Kovaleva / Russia

Ms. Olga was present for the meeting along with Ms. Nonna Yedigarova translating. Ms. Kovaleva and Ms. Yedigarova were sworn in by the Court Reporter. After review of the application documents, Ms. Scott moved to approve the endorsement application. Mr. Collins

seconded the motion. The motion passed unanimously approving Ms. Kovaleva for licensure by endorsement.

Edna Marie Louissin / Haiti

Ms. Edna Louissin was not present for the meeting. After review of the application documents, Mr. Bordelon moved to approve the endorsement application. Vice Chair White seconded the motion and the motion passed unanimously.

Althea Arita Arnett / Jamaica

Ms. Althea Arnett was not present for the meeting. After review of the application, Mr. Bordelon moved to deny the application based on there being no demonstration of the required shaving services, hair cutting services and no shampooing services shown in the curriculum documentation. Ms. Scott seconded the motion and the motion passed.

Irma Ospina / Colombia

Ms. Irma Ospina was not present for the meeting. After review of the application documents, Vice Chair White moved to approve the endorsement application. Mr. Collins seconded the motion. The motion passed approving Ms. Ospina for licensure by endorsement.

Antonie Pierre / Haiti

Mr. Antonie Pierre was not present for the meeting. After review Vice Chair White moved that the board deny the application based on no evidence or demonstration in the application documentation of Mr. Pierre having taken and passed a written and practical examination. Mr. Bordelon seconded the motion and the motion passed unanimously.

Adonis Ramos / Dominican Republic and New York State

Mr. Adonis Ramos was not present for the meeting. After review of the application documents, Ms. Scott moved that the board approve the application. Mr. Bordelon seconded the motion and the motion passed approving Mr. Ramos for licensure by endorsement.

Argely Vargas / Dominican Republic

After review of the application documents, Ms. Scott moved that the board approve the application. Vice Chair White seconded the motion and the motion passed unanimously.

Richard A. Veitch / Jamaica

Mr. Richard Veitch was not present for the meeting. After review of the application documents, Vice Chair White moved that the board deny the endorsement application based on no evidence of chemical services for hair coloring and bleaching in the curriculum breakdown. Ms. Scott seconded the motion and the motion passed unanimously.

Franclaude Gilles / Haiti

Mr. Franclaude Gilles requested an informal hearing of his endorsement application that was denied at the May 15, 2006, board meeting, however, Mr. Gilles was not present for the meeting. Mr. Gilles provided additional curriculum documentation demonstrating the required shaving services and hours in the subject areas of safety, sanitation and sterilization. Vice Chair moved that the board approve the endorsement application based on the additional

documentation provided. Mr. Bordelon seconded the motion and the motion passed unanimously approving Mr. Gilles for licensure by endorsement.

Andrew H. Gillings / Jamaica

Mr. Andrew Gillings requested an informal hearing of his endorsement application that was denied at the May 15, 2006, board meeting, however, Mr. Gillings was not present for the meeting. Mr. Gillings provided additional curriculum documentation showing proof of the required shaving services and chemical services. Vice Chair White moved that the board approve the endorsement application based on the additional documentation provided. Ms. Scott seconded the motion and the motion passed.

Sandra Maria / Dominican Republic

Ms. Sandra Maria requested an informal hearing of her endorsement application that was denied at the May 15, 2006, board meeting, however, Ms. Maria was not present for the meeting. Ms. Maria provided a statement from the Dominican Republic government stating no license is issued in the Dominican Republic and that an individual is authorized to practice barbering upon completion of a barbering program. Vice Chair White moved that the board approve the endorsement application based on the additional documentation provided. Mr. Bordelon seconded the motion and the motion passed unanimously approving Ms. Maria for licensure by endorsement.

Miriam Joseph / Haiti

After review of the application documents Vice Chair White moved that the board approve the application. Mr. Collins seconded the motion. Ms. Scott and Mr. Bordelon opposed the motion. By majority vote, the motion passed approving Ms. Joseph for licensure by endorsement.

Ricardo LaPompe / Haiti

After review of the application documents, Vice Chair White moved that the board approve the endorsement application. Mr. Collins seconded the motion and the motion passed unanimously approving Mr. LaPompe for licensure by endorsement.

David McCarthy / Jamaica

After review of the application documents, Vice Chair White moved that the board approve the endorsement application. Mr. Bordelon seconded the motion and the motion passed unanimously approving Mr. McCarthy for licensure by endorsement.

Norberto Perez / Mexico

After review of the application documents, Ms. Scott moved that the board deny the endorsement application based on there being no evidence of the required shampoo services or of hair structure and chemistry shown in the curriculum breakdown. Mr. Bordelon seconded the motion and the motion passed unanimously.

Rosario Testaiuti / New York

After review of the application documents Vice Chair White moved that the board approve the endorsement application. Mr. Bordelon seconded the motion and the motion passed unanimously approving Mr. Testaiuti for licensure by endorsement.

Public Comments

Ms. Letty Milazzo mentioned that California and Texas utilize accrediting companies for out-of-country endorsement applicants and suggested the board consider doing the same for Florida endorsement applicants. Ms. Milazzo also suggested the board consider issuing a temporary license while an applicant awaits approval of their application.

Adjournment

The board agreed to conduct Standardization on Sunday, November 12, 2006. Chair Magda stated that Ms. Lyra Erath should be the one to conduct the standardization and the board would be in attendance for observation purposes.

Ms. Tootle reminded the board that she will research the legislative history of the endorsement law to see if the board has statutory authority to require endorsement applicants to take a rules and laws examination.

The board agreed to hold the next board meeting on Monday, November 13, 2006 in Orlando, Florida. There being no further business, the meeting was adjourned at 3:30 p.m.