

# **MINUTES**

**FLORIDA BARBERS' BOARD**  
**Department of Business and Professional Regulation**  
**Florida Hotel and Conference Center**  
**1500 Sand Lake Road**  
**Orlando, Florida 32809**

**Sunday, September 16, 2007**  
**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. Herman White, Vice Chair.

### **Board Members Present**

Herman White, Vice Chair  
Robert Collins  
Jeri Scott  
Carl Troup

### **Board Members Absent**

### **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation  
Joy Tootle, Assistant Attorney General, Department of Legal Affairs  
William Oglo, Assistant Attorney General, Department of Legal Affairs  
Elizabeth Duffy, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation  
Dana Ewaldt, Government Analyst, Department of Business and Professional Regulation  
Cindy Green, Court Reporter

### **Interested Parties Present**

Letty Milazzo, ASM Beauty World Academy, Inc.  
Lynda Calcano, International Services  
Anthony P. Do Prado, Endorsement Applicant  
Jason Oliveria, Translator for Anthony P. Do Prado  
Michael Bello, Endorsement Applicant  
Maria Regner, Endorsement Applicant

The meeting was opened with a roll call and a quorum was established. Vice Chair Herman White thanked the audience members for attending the meeting.

## **Approval of Minutes: Conference Call Meeting of July 15, 2007**

Mr. Carl Troup moved to accept the minutes from the July 15, 2007, conference call board meeting. Ms. Jeri Scott seconded the motion. The motion passed unanimously.

## **Disciplinary Matters**

### **Motions for Waiver of Rights and Final Order**

#### **Christopher H. Fernandez; Port St. Lucie; 2006-016868 and 2006-032779**

Regarding Case Nos. 2006-016868 and 2006-032779 against Christopher H. Fernandez of Port St. Lucie, Ms. Elizabeth Duffy, Assistant Attorney General, requested these disciplinary matters be pulled from the agenda to be considered at a later date.

#### **Compound Barber, Inc.; Fort Lauderdale; 2006-040443**

Regarding Case No. 2006-040443 against Compound Barber, Inc., of Fort Lauderdale, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,500 and costs of \$50.02. The Respondent was not present for the meeting. Discussion ensued regarding the Respondent's history of non-compliance, history of non-payment and history of willful and repeated violations. Ms. Scott moved that the board find the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$1,500 and costs of \$50.02 plus a suspension of the Respondent's barbershop license, BS12715, until the fine and costs are paid in full. Mr. Troup seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-026862 against Just Blaze Barbershop, Inc., of Casselberry, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,250 and costs of \$249.23. The Respondent was not present for the meeting. Ms. Scott moved that the board find the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$1,250 and costs of \$249.23. Mr. Troup seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-034894 against Keldrick Bailey of Miami, Ms. Duffy presented the department's case and suggested assessing a fine of \$500 and costs of \$132.29. The Respondent was not present for the meeting. Ms. Scott moved that the board find the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the

Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$500 and costs of \$132.29. Mr. Troup seconded the motion. The motion passed unanimously.

Regarding Case Nos. 2006-060995 and 2006-061065 against Miracle in Motion and Elvis O'Neal Crooks of Tampa, Ms. Duffy presented the department's case and suggested assessing costs of \$150.10. Ms. Duffy requested the board's assistance in determining the fine in this matter. The Respondent was not present for the meeting. Discussion ensued regarding the Respondent's history of non-compliance and acts of willful and repeated violations. Ms. Scott moved that the board find the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose costs of \$150.10 plus a six-month suspension of the Respondent's restricted barber's license BR393 and the Respondent's barbershop license, BS1076594. Mr. Troup seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-058279 against Platinum Hair & Nails, Inc., and Jean Ricot Bolivar of Delray Beach, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,000 and costs of \$114.39. Ms. Duffy informed the board that all fines and costs are paid in full. The Respondent was not present for the meeting. Ms. Scott moved that the board find the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$1,000 and costs of \$114.39. Mr. Robert Collins seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-035487 against Reynoldo Alvarado of Orlando, Ms. Duffy presented the department's case and suggested assessing a fine of \$500 and costs of \$25.71. The Respondent was not present for the meeting. Ms. Scott moved that the board find the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$500 and costs of \$25.71. Mr. Troup seconded the motion. The motion passed unanimously.

### **Settlement Stipulations**

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:

- Dashawn Patterson; Jacksonville  
Case No. 2006-068805

\$500 fine and \$152.15 costs

- Eric Donovan Stewart; West Palm Beach  
Case No. 2006-042258  
\$1,000 fine and \$149.06 costs
- Giscard Rousseau, d/b/a Trendsetterz; Gainesville  
Case Nos. 2007-007255 and 2007-022653  
\$1,500 fine and \$433.03 costs
- Melvin Cartagena; Ft. Myers  
Case No. 2006-056816  
\$500 fine and \$90.63 costs

## **Prosecuting Attorney's Report**

### **Status Report**

Ms. Duffy reported that as of September 12, 2007, there were 62 barber cases in the legal section.

## **Applications**

### **Out-of-Country Endorsement Applications**

#### **Errol A. Bonner / Jamaica**

Mr. Errol A. Bonner's out-of-country endorsement application was denied at the May 7, 2007, board meeting since the documentation failed to demonstrate completion of course work covering the subjects of hair structure and chemistry, and safety, sanitation and sterilization as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Bonner requested an informal hearing in the application denial matter. Mr. Bonner was not present for the meeting. Ms. Scott moved that the board uphold the denial since no additional documentation was submitted demonstrating completion of course work covering the subjects of hair structure and chemistry, and safety, sanitation and sterilization as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion. The motion passed unanimously.

#### **Antonio P. Do Prado / Brazil**

Mr. Antonio P. Do Prado's out-of-country endorsement application was denied at the May 7, 2007, board meeting since there was no evidence of written and practical examinations, no evidence of his completion of course hours in shaving services, safety, sanitation and sterilization, and hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Do Prado requested an informal hearing in the application denial matter. Mr. Do Prado was present for the meeting with

Mr. Jason Oliveria translating. Mr. Do Prado and Mr. Oliveria were sworn in by the Court Reporter. After review and discussion of the application, Ms. Scott moved that the board uphold the denial since the additional documentation submitted did not demonstrate evidence of a written and practical examination, nor evidence of completion of course hours in shaving services as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Delroy Lothian / Jamaica

Mr. Delroy Lothian's out-of-country endorsement application was denied at the May 7, 2007, board meeting since there was no supporting documentation provided demonstrating completion of the course work and examinations as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Lothian requested an informal hearing in the application denial matter. Mr. Lothian was not present for the meeting. After review and discussion of the application, Ms. Scott moved that the board uphold the denial since no additional documentation was submitted to demonstrate completion of the course work and examinations as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Collins seconded the motion and the motion passed unanimously.

Edison W. Pena / Dominican Republic

Mr. Edison W. Pena's out-of-country endorsement application was denied at the May 7, 2007, board meeting since the documentation failed to provide evidence of Mr. Pena having completed course work in hair structure and chemistry, shaving services and no proof of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Pena requested an informal hearing in the application denial matter. Mr. Pena was not present for the meeting. After review and discussion of the application, Ms. Scott moved that the board uphold the denial since the additional documentation did not demonstrate completion of course hours in hair structure and chemistry or evidence of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Inan Bien-Aime / Haiti

Mr. Ian Bien-Aime was not present for the meeting. Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion. The motion passed unanimously.

Marie K. Avril / Haiti

Ms. Marie K. Avril was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation failed to demonstrate completion of course work covering the subjects of hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion. The motion passed unanimously.

Jose M. Baez / Dominican Republic

Mr. Jose M. Baez was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation failed to demonstrate completion of course work in shaving services as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Collins seconded the motion and the motion passed unanimously.

Michael DeJesus Bello / Dominican Republic

Mr. Michael DeJesus Bello was present for the meeting and was sworn in by Vice Chair White. Vice Chair White noted that the curriculum breakdown did not demonstrate completion of course work covering the subject of hair structure and chemistry. Mr. Bello offered testimony stating that the subject of hair structure and chemistry was included with the chemical services portion of the curriculum. Ms. Scott moved that the board approve the application based on the documentation provided and based on the testimony offered. Mr. Collins seconded the motion and the motion passed unanimously.

Ursulia Benel / Haiti

Ms. Ursulia Benel was not present for the meeting. Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion. The motion passed unanimously.

Ana J. Cabrera / Dominican Republic

Ms. Ana J. Cabrera was not present for the meeting. Ms. Scott moved that the board deny the application based on the documentation provided not demonstrating completion of course work covering the subject of shaving services and no proof of a written and practical examinations as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Collins seconded the motion and the motion passed unanimously.

Hosny Cazeau / Haiti

Mr. Hosny Cazeau was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation provided did not demonstrate completion of course work covering the subject of hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Caleb Cherefrere / Haiti

Mr. Caleb Cherefrere was not present for the meeting. After review, Ms. Scott moved that the board approve the application. Mr. Troup seconded the motion and the motion passed unanimously.

Flavie Denais / France

Ms. Flavie Denais was not present for the meeting, however, she was represented by Ms. Letty Milazzo with ASM Beauty World Academy, Inc. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Roosevelt Felix / Haiti

Mr. Roosevelt Felix was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Fritz Francois / Haiti

Mr. Fritz Francois was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Ferdinand Hernandez / Dominican Republic

Mr. Ferdinand Hernandez was not present for the meeting, however, he was represented by Ms. Lynda Calcano with International Services. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Nathalie Francois-Isaac / Haiti

Ms. Nathalie Francois-Isaac was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation provided did not demonstrate completion of course work covering the subjects of hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Jean-Mary Jeanty / Haiti

Ms. Jean-Mary Jeanty was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Jean M. Noelsaint / Haiti

Mr. Jean M. Noelsaint was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation provided did not demonstrate completion of course work covering the subjects of hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Oscar R. Arredondo / Colombia

Ms. Robyn Barineau, Executive Director, informed the board that this application was added to the agenda in error. The application was previously approved by the Review Committee Member.

Pierre J. Joseph / Haiti

Mr. Pierre J. Joseph was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Poline Juslaine / Haiti

Ms. Poline Juslaine was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Johanna Ramos / Dominican Republic

Ms. Johanna Ramos was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation provided did not demonstrate completion of course work in shaving services as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Maria Ester Regner / Argentina

Ms. Maria Ester Regner was present for the meeting and was sworn in by Vice Chair White. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Chenet Remelus / Haiti

Mr. Chenet Remelus was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Maria F. Rios / Colombia

Ms. Maria F. Rios was not present for the meeting, however, she was represented by Ms. Milazzo. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Mr. Troup seconded the motion and the motion passed unanimously.

Myrtha Tarius / Haiti

Ms. Myrtha Tarius was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation provided did not demonstrate completion of course work covering the subjects of hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

Dionicia Izquierdo Torres / Venezuela

Mr. Dionicia Izquierdo Torres was not present for the meeting; however, he was represented by Ms. Calcano. Vice Chair White noted a discrepancy in the total number of education hours completed. The documentation reflected 1,450 education hours completed, however, when calculated, the sum was 1,400 education hours. Ms. Scott moved that the board deny the application based on the discrepancy of the curriculum documentation as the board is unable to verify the authenticity of the documentation. Mr. Troup seconded the motion. The motion passed unanimously.

Lisset Vivas / Dominican Republic

Ms. Lisset Vivas was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation provided did not demonstrate completion of course work covering the subjects of hair structure and chemistry, shaving services and no proof of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Troup seconded the motion and the motion passed unanimously.

**Continuing Education Applications**

North Florida Institute – HIV/AIDS & Other Communicable Diseases

Ms. Scott made a motion to approve the provider application and the *HIV/AIDS & Other Communicable Diseases* course application for North Florida Institute. Mr. Troup seconded the motion. The motion passed unanimously.

Cosmetologycampus.com – HIV/AIDS Prevention and Sanitation

Ms. Scott made a motion to approve the provider application and the *HIV/AIDS Prevention and Sanitation* course application for Cosmetologycampus.com. Mr. Troup seconded the motion. The motion passed unanimously.

ArcMesa Educators – HIV/AIDS Course

Ms. Scott made a motion to approve the *HIV/AIDS Course* renewal application for ArcMesa Educators. Mr. Troup seconded the motion and the motion passed unanimously.

### ASM Beauty World Academy, Inc. – HIV/AIDS Course

Ms. Scott made a motion to approve the *HIV/AIDS Course* renewal application for ASM Beauty World Academy, Inc. Mr. Troup seconded the motion and the motion passed unanimously.

### Florida Medical Educational Services – HIV/AIDS Course

Ms. Scott made a motion to approve the *HIV/AIDS Course* renewal application for Florida Medical Educational Services. Mr. Troup seconded the motion and the motion passed unanimously.

### Go To Learn, LLC, d/b/a FAB – HIV/AIDS Course

Ms. Scott made a motion to approve the *HIV/AIDS Course* renewal application for Go To Learn, LLC, d/b/a FAB. Mr. Troup seconded the motion and the motion passed unanimously.

### Informed – HIV/AIDS Update for Barbers

Ms. Scott made a motion to approve the *HIV/AIDS Update for Barbers Course* renewal application for Informed. Mr. Troup seconded the motion and the motion passed unanimously.

## **Old Business**

Mr. Melvin O'Neal Crooks with Miracle In Motion, Case Nos. 2006-060995 and 2006-061065, arrived for the meeting at approximately 11:00 a.m. Ms. Joy Tootle, Assistant Attorney General, stated that the agendaed disciplinary matters were presented before the board at the start of the meeting and that the board had made their ruling on the matter. Ms. Tootle explained to Mr. Crooks that he would receive a final order and that appeal rights were included on the final order should he choose to proceed in that manner.

Ms. Barineau informed the board that since August 20, 2007, the department began requiring all endorsement applicants to comply with the new endorsement rule where all applicants are now required to have an education evaluation, conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), attached to their application.

## **New Business**

### Renewal Fee Holiday

Ms. Barineau informed the board that since the board's cash account balance is hearty, the department has suggested that all license renewal fees for the 2008 license

renewal period be waived with the exception of the \$5 unlicensed activity fee as required by law. Taking the renewal fee holiday into consideration, the department expects that the board will continue to operate in a positive cash position through the fiscal year ending June 30, 2011.

## **Other Business**

### **Executive Director's Report**

#### **Financial Report Period Ending June 30, 2007 - Operating Account**

Ms. Barineau reviewed the board's financial report for the period ending June 30, 2007, and reported that the account balance was \$1,573,756. The projection provided by the Budget Office indicates that the board will remain in a positive cash position at least through June 30, 2011.

#### **Financial Report, June 30, 2007 - Unlicensed Activity Account**

Ms. Barineau noted that the unlicensed activity account balance was \$207,468 for the period ending June 30, 2007.

#### **DBPR Barbers' Board Newsletter – Spring 2007**

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

### **Board Attorney's Report**

Ms. Tootle introduced Mr. William Oglo, Assistant Attorney General, to the board members. Ms. Tootle indicated that she has been reassigned to other boards and that Mr. Oglo will now be serving as counsel to the Florida Barbers' Board, however, she will be assisting him during the transition. Ms. Tootle thanked the board for the opportunity to work with them.

#### **Rule 61G3-16.0092, Florida Administrative Code – Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements**

This matter will be continued to the next meeting.

#### **Rule 61G3-19.009, Florida Administrative Code – Display of License**

As an attempt to deter license fraud, the board agreed to amend their Rule 61G3-19.009(1), Florida Administrative Code, to require licensees to laminate their licenses with a current picture for posting at their workstations. Ms. Tootle presented the board with the amended language as follows:

A current personal license shall be displayed at all times at the barber's place of employment in plain view of the work station. The license or registration on display shall be the original certificate or a duplicate issued by the Department and shall have attached a 2" by 2" photograph taken within the previous two years of the individual whose name appears on the certificate. The certificate with photograph attached shall be permanently laminated as of July 1, 2008. A photograph of the licensee, approximately two inches by two inches and less than two years old, shall be attached to the displayed license.

Ms. Scott made a motion to accept the amended language for Rule 61G3-19.009, Florida Administrative Code, as provided by Board Counsel. Mr. Troup seconded the motion. The motion passed unanimously. Mr. Oglo will proceed with filing Rule 61G3-19.009, F.A.C.

#### Continuing Education – Laws and Rules Requirement

In response to a letter from Mr. Gary Rhodes, instructor with Lively Vocational-Technical Institute, the board asked Ms. Tootle to research whether or not they have statutory authority to require continuing education on the board's laws and rules. Ms. Tootle reported that the board does not have authority to require a laws and rules course as part of the continuing education requirements.

#### Regulation Report

##### Complaints and Investigative Statistics Report July 2006 – June 2007

Ms. Barineau noted that the Complaints and Investigative Statistics Report for July 2006 through June 2007 was included in the agenda for informational purposes.

#### Bureau of Education and Testing

Since the next board meeting will be conducted in Tallahassee, the board asked that the new barber Psychometrician, Ms. Kelly Torres, attend the meeting for introductory purposes.

#### Board Member Comments

Mr. Troup mentioned that he had spoken with several employees in the Bureau of Investigative Services Tampa Regional Office who have suggested that the supervised practice exception rule be more narrowly defined. Currently, there are no specific time parameters in Rule 61G3-16.010, Florida Administrative Code, as to how long a student can work under the supervision of a licensed barber after the completion of the licensing examination. This matter will be placed on the next agenda for further discussion.

The board agreed to pursue legislation during the 2008 legislative session relating to barber internship programs. Ms. Barineau stated that she will advise the

department of the board's intention to pursue legislation in 2008 and inquire how the board should proceed with seeking sponsorship of the legislation.

### **Public Comments**

There were no public comments to report.

### **Dates and Locations of Future Meetings**

The board will conduct future meetings as follows:

- Monday, November 5, 2007, 9:00 a.m. in Tallahassee
- Monday, February 25, 2008, 9:00 a.m. in Ocala
- Monday, May 19, 2008, 9:00 a.m. in Orlando

### **Elections**

Mr. Troup moved to elect Vice Chair White as Chair of the Barbers' Board. Mr. Collins seconded the motion and the motion passed unanimously.

Mr. White moved to elect Mr. Troup as Vice Chair of the Barbers' Board. Ms. Scott seconded the motion and the motion passed unanimously.

### **Adjournment**

There being no further business, the meeting was adjourned at 12:45 p.m.