

MINUTES

**FLORIDA BARBERS' BOARD
Department of Business and Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399**

Monday, February 23, 2009 - 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, Chair.

Board Members Present

Herman White, Chair
Carl Troup, Vice Chair
Robert Collins
Edwin Stewart
Thomas Vaughn
Julie Rivera

Board Members Absent

Other Persons Present

Tim Vaccaro, Director, Division of Professions, Department of Business and Professional Regulation (DBPR)
John Washington, Director, Division of Regulation, DBPR
Charles Tunncliff, Chief Attorney, Office of the General Counsel, DBPR
Robyn Barineau, Executive Director, DPBR
Carrol Cherry, Assistant Attorney General, Attorney General's Office
Philip Monte, Assistant General Counsel, Office of the General Counsel, DBPR
Kelly Torres, Psychometrician, Bureau of Education and Testing, DBPR
Dana Ewaldt, Government Analyst, DBPR

Interested Parties Present

Suzette Bragg, Court Reporter
Johnny Booth, Attorney General's Office
Letty Milazzo, ASM Beauty World Academy
Hiram Marcano, Respondent
Jessica Morales
Jermaine James, Applicant
Natalie James
Carol Collins

The meeting was opened with a roll call and a quorum was established. Chair White introduced the newest board member, Ms. Julie Rivera.

Approval of Minutes: Meeting of November 3, 2008

Mr. Edwin Stewart moved to accept the minutes from the meeting of November 3, 2008. Mr. Thomas Vaughn seconded the motion. The motion passed unanimously.

Disciplinary Matters

Ms. Carrol Cherry, Assistant Attorney General, inquired if all the board members had received their board meeting materials and if the members had reviewed all the materials. All members responded in the affirmative to these questions.

Informal Hearings

Regarding Case No. 2007-011029 against Ace of Phades Barbershop of Miami, Mr. Phillip Monte, Assistant General Counsel, informed the board that the Respondent elected an informal hearing. Mr. Hiram Marcano and Ms. Jessica Morales were present for the meeting and were sworn in by the Court Reporter. Mr. Monte presented the department's case and suggested assessing a fine of \$2,000 and costs of \$35.50. Mr. Stewart moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$2,000 and costs of \$35.50 to be paid over a period of six months with the first payment of \$375.50 due within 30 days of the final order and five monthly payments of \$332 each. Mr. Carl Troup, Vice Chair, seconded the motion. The motion passed unanimously.

Unless otherwise stated, by appropriate motion the board found that the Respondent was properly served with the Administrative Complaint and elected not to dispute the alleged facts, that there was competent and substantial evidence to support the allegations, that the Respondent committed the offenses as outlined in the Administrative Complaint, and imposed the penalties shown below:

- Charles Francoeur; Boca Raton
Case No. 2008-005129
\$1,000 fine and \$128.65 costs
- Fade Master La Diferiencia; Miami
Case No. 2008-037712
\$1,000 fine and \$32.86 costs
- Konpa Barber Shop; Miramar
Case No. 2007-067004
\$500 fine and \$36.20 costs

- Lopez & Duenas Corp; Miami
Case No. 2008-025325
\$1,000 fine and \$46.81 costs
- New Life Community Barber Shop; Riviera Beach
Case No. 2007-031303
\$1,500 fine and \$174.78 costs
- Next Level Barbershop; Jacksonville
Case No. 2008-017575
\$1,000 fine and \$62.08 costs
- Whooz Next Barber Styling Shop; Orlando
Case No. 2008-002437
\$500 fine and \$91.93 costs

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:

- Arden Lydell Luster, II, d/b/a Clean Cutz Barber Shop; Jacksonville
Case No. 2007-062737
\$1,000 fine and \$58.52 costs
- Aric Youmans; Bradenton
Case No. 2008-005636
\$1,500 fine and \$111.71 costs
- Barber Stars Tnom, Inc.; Orlando
Case No. 2008-013956
\$500 fine and \$41.97 costs
- Carlos Costa; Port St. Lucie
Case No. 2007-057470
\$500 fine and \$165.81 costs
- Charles B. Vasquez; Springhill
Case No. 2008-047691
\$1,500 fine and \$89.12 costs

- Chrisler Sainteme; Boynton Beach
Case No. 2008-038636
\$1,000 fine and \$68.75 costs
- Eric Rogers; Brandon
Case No. 2008-029671
\$1,000 fine and \$83.08 costs
- GQ New York; Haines City
Case No. 2008-029338
\$2,500 fine and \$75.64 costs
- Huber Rodriguez; Miami
Case No. 2008-032213
\$500 fine and \$32.08 costs
- James Lester; Molino
Case No. 2007-000911
\$500 fine and \$638.42 costs
- Johnny B. Upshaw; Orlando
Case No. 2008-005194
\$500 fine and \$22.29 costs
- Joseph A. Murratti; Royal Palm Beach
Case No. 2007-043254
\$500 fine and \$108.50 costs
- Julio C. Sabater, d/b/a Barberos, Inc.; Kissimmee
Case No. 2008-011606
\$300 fine and \$210.31 costs
- Just Blaze Barbershop; Casselberry
Case No. 2007-036969
\$500 fine and \$170.17 costs
- Kings Flea Market; Jacksonville
Case No. 2008-002337
\$1,000 fine and \$147.96 costs
- Main Street Barber & Beauty Salon; Avon Park
Case No. 2007-043250
\$2,500 fine and \$59.50 costs
- Manolin Figueroa, d/b/a G Stylz, Inc.; Orlando
Case No. 2007-017735
\$2,000 fine and \$94.50 costs

- Martin M. Davober; Coconut Creek
Case No. 2008-038705
\$1,000 fine and \$73.58 costs
- Michael Blanc; Orlando
Case No. 2008-005212
\$500 fine and \$120.27 costs
- New Look Hair Styling and Barber; Lake Worth
Case No. 2008-038564
\$1,000 fine and \$73.58 costs
- Perfection Plus Barber Shop; Orlando
Case No. 2007-064858
\$2,000 fine and \$60.90 costs
- Quillermo E. Delgado; Green Acres
Case No. 2007-014041
\$1,000 fine and \$112.93 costs
- Ronald Kelsey; Jacksonville
Case No. 2008-017551
\$1,000 fine and \$66.94 costs
- San Miguel Unisex Barbershop; Miami
Case No. 2008-025371
\$1,000 fine and \$46.81 costs
- The Barber Zone; Orlando
Case No. 2008-003486
\$500 fine and \$60.69 costs
- Youyoute Jean; Oakland Park
Case No. 2007-029152
\$800 fine and \$308.17 costs

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:

- Adryan Higgins; Tampa
Case No. 2008-002888
\$500 fine and \$145.62 costs

- Andre D. Baker; Jacksonville
Case No. 2007-060044
\$1,000 fine and \$53.75 costs
- Bill's Barber Shop; Ocala
Case No. 2008-033701
\$600 fine and \$77.09 costs
- Danny E. Mayfield; Orlando
Case No. 2008-002431
\$500 fine and \$79.20 costs
- Dwight Williamson; Port St. Lucie
Case No. 2007-059664
\$1,000 fine and \$157.26 costs
- Fade Master of Miami Corp.; Miami
Case No. 2008-017098
\$1,500 fine and \$71.76 costs
- G.M. Franklin; New Smyrna Beach
Case No. 2008-023244
\$500 fine and \$66.94 costs
- Head Hunterz Barbershop, Inc.; Miami
Case No. 2008-003033
\$1,500 fine and \$56.14 costs
- Leroy Woodard; Winter Haven
Case Nos. 2007-030846 and 2007-030849
\$1,000 fine and \$76.32 costs

Prosecuting Attorney's Report

Status Report

Mr. Monte reported that as of February 16, 2009, there were 101 barber cases in the legal section.

Applications

Out-of-Country Endorsement Applications

Informal Hearing

Jermaine W. James / Jamaica

The endorsement application for Mr. Jermaine W. James was denied at the November 3, 2008, board meeting since the documentation failed to demonstrate completion of a 1,200 hour barbering program as required by Rule 61G3-16.005, Florida Administrative Code. Mr. James requested an informal hearing of the application denial. Mr. James, along with Ms. Natalie James, was present for the meeting. Mr. and Mrs. James were sworn in by the Court Reporter. A review of the additional documentation submitted demonstrated completion of the required course work. Mr. Stewart moved that the board approve Mr. James for licensure by endorsement. Vice Chair Troup seconded the motion. The motion passed unanimously.

Ana Bentacourt / Colombia

Ms. Ana Bentacourt was not present for the meeting, however, she was represented by Ms. Letty Milazzo of ASM Beauty World Academy. Ms. Milazzo was sworn in by the Court Reporter. After review, Mr. Stewart moved that the board approve the application based on the documentation submitted. Vice Chair Troup seconded the motion. The motion passed unanimously.

Chris Delano Smith / Jamaica

Mr. Chris Delano Smith was not present for the meeting. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

D'Andre Vindale Gardner / Jamaica

Mr. D'Andre Vindale Gardner was not present for the meeting. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Elizabeth Cely Gomez / Colombia

Ms. Elizabeth Cely Gomez was not present for the meeting. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of 1,200 education hours in a barbering program, course work in hair structure and chemistry and completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Gustavo Adolfo Vargas / Costa Rica

Mr. Gustavo Adolfo Vargas was not present for the meeting however was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. Ms. Milazzo presented the board with additional evaluation documentation from Educational Perspectives demonstrating completion of a written and practical examination. Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of course work in hair structure and chemistry, shaving services, and sanitation and sterilization as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Herber Monroy / Guatemala

Mr. Herber Monroy was not present for the meeting however, he was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. Ms. Milazzo presented the board with additional evaluation documentation from Educational Perspectives demonstrating completion of a written and practical examination. Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of 1,200 barbering educational hours, course work in hair structure and chemistry, shaving services, shampooing services, and sanitation and sterilization as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Vaughn seconded the motion. The motion passed unanimously.

Idelsa Santos Castillo / Dominican Republic

Ms. Idelsa Santos Castillo was not present for the meeting however, she was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of course work in hair structure and chemistry and completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Vaughn seconded the motion. The motion passed unanimously.

Jamie Andres Sarmiento / Colombia

Mr. Jamie Andres Sarmiento was not present for the meeting however, he was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of course work in hair structure and chemistry, shaving services, sanitation and sterilization and completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion and the motion passed unanimously.

Jean Regis Raberin / France

Mr. Jean Regis Raberin was not present for the meeting however, he was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. After

review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Jesse Marrero / Dominican Republic

Mr. Jesse Marrero was not present for the meeting. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion. The motion passed unanimously.

Jose Andres Mena / Cuba

Jose Andres Mena was not present for the meeting. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Jose Javier Rivera / Colombia

Mr. Jose Javier Rivera was not present for the meeting. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of barbering course work and completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Vaughn seconded the motion. The motion passed unanimously.

Luis Rivera-Rodriguez / Colombia

Mr. Luis Rivera-Rodriguez was not present for the meeting. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion. The motion passed unanimously.

Marc Prosper Bensemhoun / France

Mr. Marc Prosper Bensemhoun was not present for the meeting however, he was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Mr. Vaughn seconded the motion. The motion passed unanimously.

Maria E. Celis / Colombia

Ms. Marie E. Celis was not present for the meeting however, she was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Michael Nicholas Martinez / Puerto Rico

Mr. Michael Nicholas Martinez was not present for the meeting however, he was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of course work in hair structure and chemistry as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Omer Zogir

Mr. Omer Zogir was not present for the meeting. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of barbering course work and completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Ramiro Licea / Cuba

Mr. Ramiro Licea was not present for the meeting. After review, Mr. Stewart moved that the board deny the application based on the lack of evaluation documentation demonstrating completion of course work as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Ramon Santiago / Colombia

Mr. Ramon Santiago was not present for the meeting. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Rondinelle Gomes Faria / Brazil

Mr. Rondinelle Gomes Faria was not present for the meeting however, he was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Vaughn seconded the motion. The motion passed unanimously.

Yojanis Herrera / Cuba

Ms. Yojanis Herrera was not present for the meeting however, she was represented by Ms. Milazzo. Ms. Milazzo was sworn in by the Court Reporter. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of course work in hair structure and chemistry and a written and practical examination as required by Rule 61G3-16.005, Florida

Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

David L. Sutherland / New York

Mr. David L. Sutherland was not present for the meeting. After review, Mr. Stewart moved that the board deny the application since the documentation failed to demonstrate completion of 1,200 education hours in a barbering program and completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Nancy S. Montes / Colombia

Ms. Nancy S. Montes was not present for the meeting. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Mr. Vaughn seconded the motion. The motion passed unanimously.

Bernard Blackmon / Colombia

Mr. Bernard Blackmon was not present for the meeting. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Gabriel Brignoni Torres / Dominican Republic

Mr. Gabriel Brignoni Torres was not present for the meeting. After review, Vice Chair Troup moved that the board approve the application based on the documentation provided. Mr. Vaughn seconded the motion. The motion passed unanimously.

Maya Dadush / Israel

Ms. Maya Dadush was not present for the meeting. After review, Vice Chair Troup moved that the board deny the application since the documentation failed to demonstrate completion of the required barbering course work and no completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Stewart seconded the motion. The motion passed unanimously.

Phillip M. Zelickman / Michigan

Mr. Phillip M. Zelickman was not present for the meeting. After review, Mr. Stewart moved that the board approve the application based on the documentation provided. Mr. Vaughn seconded the motion. The motion passed unanimously.

Quatayba Q. Sabir / Colombia

Mr. Quatayba Q. Sabir was not present for the meeting. After review, Vice Chair Stewart moved that the board deny the application since the documentation failed to

demonstrate completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Stewart seconded the motion. The motion passed unanimously.

Vincent J. Guglielmelli / New York

Mr. Vincent Guglielmelli was not present for the meeting. After review, Vice Chair Troup moved that the board deny the application since the documentation failed to demonstrate completion of course work in hair structure and chemistry and no completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Vaughn seconded the motion. The motion passed unanimously.

Yasmin Erazo / Colombia

Ms. Yasmin Erazo was not present for the meeting. After review, Vice Chair Troup moved that the board approve the application based on the documentation provided. Mr. Vaughn seconded the motion. The motion passed unanimously.

Continuing Education Applications

Florida Medial Educational Services

Course Renewal

HIV/AIDS – 2 Hours Home Study/Video

After review of the application, Mr. Stewart moved that the board approve the course renewal application from Florida Medical Educational Services. Vice Chair Troup seconded the motion. The motion passed unanimously.

New Business

Senate Bill SB1566 – Barber Internship

Ms. Robyn Barineau, Executive Director, informed the board that Senator Joyner recently filed legislation creating a barbering internship program. SB1566 provides the board with authority to develop rules for educational prerequisites, sponsors and sponsorship, associated fees and other internship program requirements. Ms. Barineau stated that she would keep the board informed of the progress of the bill and mentioned that should the bill be approved, the board will need to be prepared to conduct a rule development workshop.

Pedicure Equipment Disinfecting Procedures

Ms. Barineau asked the board to consider developing rule language similar to the Board of Cosmetology rule relating to pedicure equipment sanitation and disinfection procedures. Such a rule would require cosmetologists working in barbershops who are offering pedicures to sanitize and disinfect foot spas after each patron, at the end of the

business day and at the end of the business week. Additionally a log would be maintained for each spa detailing the cleaning procedures and times. It was agreed to further discuss this matter at the May 2009 board meeting.

Other Business

Executive Director's Report

Financial Report, September 30, 2008 – Operating Account

Financial Report, September 30, 2008 – Unlicensed Activity Account

Ms. Barineau informed the board that as of September 30, 2008, the board's operating account balance was \$999,601 and the unlicensed activity account balance was \$239,647. Ms. Barineau stated that the Legislature will sweep \$80,000 and \$65,000, respectively, from their operating and unlicensed activity accounts this fiscal year, however, the board is projected to remain in a positive cash posture through 2013.

Accelerate Florida Initiative

Ms. Barineau mentioned Governor Crist's *Accelerate Florida* initiative and that the department is working on streamlining as many processes as possible to eliminate unnecessary burdens and delays in licensure.

Department of Business and Professional Regulation Sweeps Florida to Flight Unlicensed Activity

Ms. Barineau informed the board of the unlicensed activity sweeps and stings that will take place, in the near future, across Florida and that she will keep them informed of the outcome.

Board Attorney's Report

Rule 61G3-16.010, Florida Administrative Code – Supervised Practice Exception

Ms. Carrol Cherry, Assistant Attorney General, informed the board that the changes to the supervised practice exception, Rule 61G3-16.010, Florida Administrative Code, were effective December 29, 2008.

Rule 61G3-21.012, Florida Administrative Code – Notice of Non-Compliance

Mr. Stewart moved that the board accept the State of Estimated Regulatory Costs (SERC) as presented. Vice Chair Troup seconded the motion and the motion passed unanimously.

Regulation Report

Complaints and Investigative Statistics Report July – December 2008

Ms. Barineau noted that the Complaints and Investigative Statistics Report for July through December 2008 was included in the agenda for informational purposes.

Bureau of Education and Testing

Barber Examination Summary

Restricted Barber Examination Summary

Ms. Kelly Torres, Psychometrician, Bureau of Education and Testing, noted that the barber and restricted barber examination summaries were included in the agenda for informational purposes. Ms. Torres indicated that over the last three years the written examination pass rate has increased by 20 percent and the practical examination pass rate has remained constant. Ms. Torres stated that the examination score reports have been updated to include the recent amendment to the supervised practice exception rule.

Mr. Stewart mentioned some concerns he had with lead examiners and regular examiner roles. Chair White suggested that there be a separate training session for lead examiners at the next practical examination standardization. Chair White also suggested that examiner teams not examine more than eight candidates per examination administration. Ms. Torres will relay the board's concerns.

Board Member Comments

There were no further comments at this time.

Chairperson Comments

Chair White again Ms. Rivera and thanked all of the board members for their dedication to the barbering profession and to the board.

Public Comments

There were no further comments at this time.

Dates and Locations of Future Meetings

The board will conduct future meetings as follows:

- Monday, May 18, 2009 – Jacksonville
- Monday, August 3, 2009 – Ft. Lauderdale
- Monday, November 9, 2009 - Orlando

Adjournment

There being no further business, the meeting was adjourned at 1:30 p.m.