

**FLORIDA BARBERS' BOARD
HOMWOOD SUITES
8745 INTERNATIONAL DRIVE
ORLANDO, FLORIDA 32819**

Monday, November 9, 2009, 9:00 a.m.

The Florida Barbers' Board meeting was called to order at approximately 9:00 a.m., by Mr. Herman White, Chair.

Board Members Present

Herman White, Chair
Robert Collins
Eddie Stewart
Tommy Vaughn
Julie Rivera

Board Members Absent

Carl Troup

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Carol Cherry, Assistant Attorney General, Attorney General's Office
LeChea Parson, Assistant General Counsel, Office of the General Counsel, (DBPR)
Jason White, Assistant General Counsel, Office of the General Counsel, (DBPR)
Julie Rowland, Government Analyst, (DBPR)

Interested Parties Present

Dianna Garcia, Court Reporter
Leticia Milazzo, ASM Beauty World Academy
Lekendrick Taylor
Elsa Gonzalez
Jose Hernandez
Nolan Roberts
Elisbet Hernandez
Alcides Franceschini
Edwin Escalante
Daniel Gonzalez
Hernan Argueta
Erson Rodriguez
Marina Baghramyan
Davit Baghramyan
Jeffrey Rivers, II
Del Oquist
Tomas Zayas

The meeting was opened with a roll call and a quorum was established. Chair White excused Mr. Carl Troup's absence from the meeting.

Chair Herman White introduced Secretary Charles W. Drago and welcomed him to the board meeting. Secretary Drago thanked the board for their service to the citizens of Florida and to

their profession. He added that he was especially appreciative of their support of legislation that passed during the 2009 legislative session eliminating the practical examination, which supports Governor Crist's *Accelerate Florida* initiative. Secretary Drago indicated that this change will not impact public safety but will allow individuals to get to work quicker with only having to take a written examination. He thanked the board for their support in changing the inspections of barbershops from annually to biennially and for their support in removing addresses from personal licenses. Secretary Drago explained his *You Save the Day* initiative, the *EZApply* initiative, and the Governor's Small Business Summit.

DISCIPLINARY MATTERS

Informal Hearings

Hernan Argueta and New Era Barbershop II; Boynton Beach **Case Nos. 2009-025424 and 2009.025431**

Mr. Hernan Argueta was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$1,000 and costs of \$174.45. After discussion, Mr. Stewart moved to impose costs of \$174.45 only. Ms. Rivera seconded the motion and the motion passed unanimously.

Jeffrey G. Rivers, II; Jacksonville **Case No. 2009-022724**

Mr. Jeffrey Rivers was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$45.22. After discussion, Mr. Stewart moved to impose costs of \$45.22 only. Mr. Vaughn seconded the motion and the motion passed unanimously.

Nolan G. Roberts and MVP Barbershop; Jacksonville **Case Nos. 2008-067553 and 2008-067154**

Mr. Nolan Roberts was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$74.90. After discussion, Mr. Stewart moved to impose the fines and costs as suggested by the department, allowing the respondent to pay the total due over six months.

LeKendrick S. Taylor; Jacksonville **Case No. 2009-020760**

Mr. LeKendrick Taylor was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$74.19. After discussion, Mr. Stewart moved to impose costs of \$74.19 only. Mr. Vaughn seconded the motion and the motion passed unanimously.

Andrea D. Vernon; Crawfordville **Case No. 2009-011402**

This case was pulled from the agenda.

Motion-for Waiver of Rights and Final Order

Atlantis Barbershop; Miami
Case No. 2008-037706

Ms. Parson presented the department's case and suggested imposing a fine of \$1,000 and costs of \$80.57. After discussion, Mr. Stewart moved to impose the fines and costs as suggested by the department and include \$850 in unpaid prior fines, plus six months stayed suspension against the Respondent's license. If the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barbershop license will be suspended. Mr. Vaughn seconded the motion and the motion passed unanimously.

Big Boys Barbershop; Tampa
Case No. 2008-044947

Ms. Parson presented the department's case and suggested imposing a fine of \$1,000 and costs of \$69.11. Mr. Stewart moved to impose the fines and costs as suggested by the department, plus six months stayed suspension against the Respondent's license. If the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's barbershop license will be suspended. Mr. Vaughn seconded the motion and the motion passed unanimously.

Edwin A. Escalante; Orlando
Case No. 2009.017557

Mr. Edwin Escalante was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$62.91. Mr. Stewart moved to impose the fines and costs as suggested by the department. Mr. Vaughn seconded the motion and the motion passed unanimously.

Jose E. Hernandez Reyes; Miami
Case No. 2009-008673

Mr. Jose Hernandez Reyes was present for the meeting along with Ms. Leimen Chuong, his translator. Both were sworn in by the Court Reporter. Ms. Rivera recused herself from voting on this matter. Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$39.33. Mr. Stewart moved to impose costs of \$39.33 only. Mr. Vaughn seconded the motion and the motion passed unanimously.

Ms. Parson presented the following cases for consideration by the board. Mr. Stewart moved that the Respondent was properly served with the Administrative Complain, that the Responded 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 Complain and adopt them as the findings of fact and conclusions of the law of this board, and that the board impose the penalty as recommended in the Petitioner's Motion for Finding of Waiver of Respondent's Right and for Final Order and that the board impose a penalty on the Responded as shown below:

- D'Ribeaux Barbershop, Inc.; Sweetwater
Case No. 2008-068592
\$1,000 fine and \$30.19 costs
6 month stayed suspension

- Empire City Cutz; St. Petersburg
Case No. 2008-044229
\$1,500 fine and \$763.09 costs
6 month stayed suspension
- In Da Hood Barber Shop; Orlando
Case No. 2009-000105
\$300 fine and \$138.17 costs
6 month stayed suspension
- Magic Barber Shop & Beauty; Kissimmee
Case No. 2007-026437
\$1,000 fine and \$238.04 costs
- Shears 2000 Barber Shop 2; Miami
Case No. 2009-009735
\$500 fine and \$59.37 costs

Mr. Vaughn seconded the motion and the motion passed unanimously.

Settlement Stipulations

Bob's Barber Shop and Robert Amoruso; Stuart **Case Nos. 2008-052934 and 2008-052962**

Ms. Parson presented the department's case and suggested imposing a fine of \$250 and costs of \$202.78. Mr. Stewart moved to impose the fines and costs as suggested by the department. Mr. Vaughn seconded the motion and the motion passed unanimously.

BX Cuts; Deltona **Case No. 2009-017584**

Mr. Edwin Escalante was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$66.50. Mr. Stewart moved to impose the fines and costs as suggested by the department. Mr. Vaughn seconded the motion and the motion passed unanimously.

Del's Barber Shop No. 2; Sebastian **Case No. 2008-039787**

Mr. Del Oquist was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$1,250 and costs of \$160.26. Mr. Vaughn moved to impose the fines and costs as suggested by the department. Mr. Collins seconded the motion and the motion passed unanimously.

Master Barber Shop and Elisbet Hernandez; West Palm Beach;
Case Nos. 2008-050269 and 2008-050267

Ms. Elisbet Hernandez was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$1,500 and costs of \$150.11. Mr. Stewart moved to impose the fines and costs as suggested by the department. Mr. Vaughn seconded the motion and the motion passed unanimously.

Tomas Zayas; Orange Park
Case No. 2009-018970

Mr. Zayas was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$148.99. Mr. Stewart moved to impose the fines and costs as suggested by the department. Mr. Vaughn seconded the motion and the motion passed unanimously.

New Image Barber & Beauty Shop; Ft. Pierce
Case No. 2008-059704

Ms. Parson presented the department's case and suggested imposing a fine of \$500 and costs of \$91.81. Mr. Stewart moved to impose the fines and costs as suggested by the department. Mr. Vaughn seconded the motion and the motion passed unanimously.

DEPARTMENT ATTORNEY REPORT

Ms. Parson informed the board that as of October 7, 2009, there were 93 open barber cases in the legal section.

Ms. Parson introduced Mr. Jason White who will now be serving as the board's prosecutor. The board thanked Ms. Parson for her assistance.

APPLICATIONS

Barber Endorsement and Licensure Applications

Informal Hearings

Davit Baghramyan – Armenia

Mr. Baghramyan was present with his translator, Marina Baghramyan, and both were sworn in by the Court Reporter. The board denied his application at the August 3, 2009, meeting because he failed to demonstrate evidence that his school's program included coursework in hair structure and chemistry; and that he failed to demonstrate that he had satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. After discussion, Mr. Eddie Stewart made a motion to approve the application based on the documentation provided. Ms. Julie Rivera seconded the motion and the motion passed unanimously.

Erson Rodriguez – Dominican Republic

Mr. Rodriguez was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the August 3, 2009, meeting because he failed to demonstrate evidence that his school's program included coursework in hair structure and chemistry; and chemical services. After discussion, Mr. White moved to approve the application based on the documentation provided. Mr. Vaughn seconded the motion and the motion passed unanimously.

Mario Balboa – Cuba

Mr. Balboa was not present for the meeting. The board denied his application at the August 3, 2009, meeting because he failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; shaving; and he failed to demonstrate that he satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Mr. Stewart moved to uphold the denial as there was no additional documentation provided. Mr. Vaughn seconded the motion and the motion passed unanimously.

Orlando Pagan – Dominican Republic

Mr. Pagan was not present for the meeting. The board denied his application at the August 3, 2009, meeting because he failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; shaving; and he failed to demonstrate that he satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Mr. Stewart moved to uphold the denial as there was no additional documentation provided. Mr. Collins seconded the motion and the motion passed unanimously.

Erickson Salcedo – Columbia

Mr. Salcedo was not present for the meeting. The board denied his application at that August 3, 2009, meeting because he failed to demonstrate evidence that his school's program included coursework in hair structure and chemistry. Ms. Rivera moved to approve the application based on the documentation provided. Mr. Collins seconded the motion and the motion passed unanimously.

Initial Review

Juan A. Ramos, Jr.

Mr. Ramos was not present for the meeting. After review, Mr. Stewart moved to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Alexander Acevedo

Mr. Acevedo was not present for the meeting. After review, Mr. Stewart moved to deny the application because he failed to demonstrate evidence that his school's program included coursework in hair structure and chemistry; and that he failed to demonstrate that he had satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Mr. Vaughn seconded the motion and the motion passed unanimously.

Alexander Betancourt

Mr. Betancourt was not present for the meeting. After review, Mr. Stewart moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Jason Boek

Mr. Boek was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Mr. Vaughn seconded the motion and the motion passed unanimously.

Donna Campbell

Ms. Campbell was not present for the meeting. After review, Mr. White made a motion to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Joe Cohen

Application was pulled from the agenda.

Manuel Davila-Morales

Application was pulled from the agenda.

Raymond Elson

Mr. Elson was not present for the meeting. After review, Mr. Stewart made a motion to deny the application because he failed to demonstrate that he had satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Mr. Vaughn seconded the motion and the motion passed unanimously.

Alcides Franceschini

Mr. Franceschini was present for the meeting and was sworn in by the Court Reporter. After review, Mr. White made a motion to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Lazaro Jesus Gamon

Mr. Gamon was not present for the meeting. After review, Ms. Rivera made a motion to approve the application. Mr. Collins seconded the motion and the motion passed unanimously.

Arlene Garcia

Ms. Garcia was not present for the meeting. After review, Mr. Stewart made a motion to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Joel McCalla

Mr. McCalla was not present for the meeting. After review, Mr. Stewart made a motion to deny the application because he failed to demonstrate evidence that his school's program included coursework in hair structure and chemistry. Mr. Vaughn seconded the motion and the motion passed unanimously.

Mark Mercado

Mr. Mercado was not present for the meeting. After review, Mr. White made a motion to deny the application because he failed to demonstrate evidence that his school's program included safety, sanitation, and sterilization; hair structure and chemistry; shampooing; shaving; and he failed to demonstrate that he satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Ms. Rivera seconded the motion and the motion passed unanimously.

Jose Ortiz

Mr. Ortiz was not present for the meeting. After review, Ms. Rivera made a motion to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Daniel Pinero

Application was pulled from the agenda.

Antonio Ramirez

Mr. Ramirez was not present for the meeting. After review, Ms. Rivera made a motion to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Gabriele Righeschi

Ms. Ramirez was not present for the meeting. After review, Mr. Stewart made a motion to approve. Mr. Vaughn seconded the motion and the motion passed unanimously.

Babi Robinson

Application was pulled from the agenda.

Luis Jesus Rodriguez Jr.

Mr. Ramirez was not present for the meeting. After review, Mr. Stewart made a motion to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

David Santos

Mr. Santos was not present for the meeting. After review, Mr. White made a motion to deny the application because the evaluation documentation could not be verified. Ms. Rivera seconded the motion and the motion passed unanimously.

Kevin Valle

Mr. Valle was not present for the meeting. After review, Ms. Rivera moved to approve the application. Mr. Collins seconded the motion and the motion passed unanimously.

Luz Vaughn

Mr. Vaughn was not present for the meeting. After review, Mr. White made a motion to approve the application with the following contingency; submit documentation that demonstrates coursework in safety and sanitation. This information must be submitted to the Executive Director within 30 days of the order for her approval. Ms. Rivera seconded the motion and the motion passed unanimously.

William Lucas Will

Mr. Will was not present for the meeting. After review, Mr. White made a motion to deny the application because he failed to demonstrate evidence that his school's program included coursework in hair structure and chemistry. Mr. Stewart seconded the motion and the motion passed unanimously.

Continuing Education Applications

Exotica Academy, Inc.

Provider Application

Course Application

Barbering HIV/AIDS – 2 Hours Live Group Study

After review, Mr. Stewart made a motion to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Go To Learn d/b/a FAB

Provider Application

Course Application

Barbers HIV/AIDS Awareness – 2 Hours Home Study/Video

After review, Mr. White made a motion to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Taylor College

Provider Application

Course Application

HIV/AIDS – 2 Hours Live Group Study

After review, Mr. Stewart made a motion to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

OTHER BUSINESS

Executive Director Report

Financial Report for Year Ending June 30, 2009

Ms. Barineau reported that the balance in the board's operating account on June 30, 2009, was \$403,596, and the balance in their unlicensed activity account was \$166,025.

Florida Barber Month Proclamation

Ms. Barineau reported that Vice Chair Troup was again able to work with Governor Crist in proclaiming September 2009 as Florida Barber Month.

Final Practical Examinations Administrations

Ms. Barineau informed the board of the extraordinary efforts of the Bureau of Education and Testing (BET) in scheduling and staffing additional practical examination administrations before the practical examinations were eliminated. The board appreciated BET's efforts.

Removal of Addresses from Individual Licenses

Ms. Barineau informed the board that the department began removing addresses from personal incenses, and there has been a substantial amount of positive press about the issue.

Delegation of Signature Authority for Executive Director

Mr. White moved to delegate authority to Ms. Barineau to sign final orders and notice of intent to deny orders. Ms. Rivera seconded the motion and the motion passed unanimously.

Board Attorney Report

Barbers' Board Rules Report

61G3-19.015, Florida Administrative Code – Inspections

Mr. Stewart made a motion that this rule amendment has no impact on small business. Mr. Vaughn seconded the motion and the motion passed unanimously. Mr. Stewart made a motion that the rule be effective July 1, 2010. Ms. Rivera seconded the motion and the motion passed unanimously. Mr. Stewart made a motion that this change has no impact on small business. Ms. Rivera seconded the motion and the motion passed unanimously. Mr. Stewart moved to have board counsel file a Notice of Change. Ms. Rivera seconded the motion and the motion passed unanimously.

61G3-21.001, Florida Administrative Code – Normal Penalty Ranges

Mr. White made a motion to approve the language as provided by Board Counsel, and the Statement of Estimated Regulatory Costs. Mr. Stewart seconded the motion and the motion passed unanimously.

61G3-21.009, Florida Administrative Code – Citations

Mr. Stewart made a motion to approve the language as provided by Board Counsel, and the Statement of Estimated Regulatory Costs. Mr. Vaughn seconded the motion and the motion passed unanimously.

Regulation Report

Complaints and Investigative Statistics

Ms. Barineau informed the board that the complaints and investigative statistics report was included in the agenda for informational purposes.

Bureau of Education and Testing

Ms. Barineau stated that there was nothing further to report at this time.

Board Member Comments

Chairperson Comments

Public Comments

Dates and Locations of Future Meetings

February 8, 2010 – St. Augustine
May 17, 2010 – Tallahassee

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:50 p.m.