

# **MINUTES**

**BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
Florida Hotel and Conference Center  
1500 Sand Lake Road  
Orlando, Florida 32809**

**Monday, January 26, 2009 – 9:00 a.m.**

The Board of Cosmetology meeting was called to order at approximately 9:00 a.m., by Ms. Myra Jowers, Chair.

**Board Members Present**

Myra Jowers, Chair  
Donna Osborne, Vice Chair  
Monica Smith  
Ginny Fincel  
Rosabel Ramos

**Board Members Absent**

Candido Llano

**Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Ann Cocheu, Assistant Attorney General, Attorney General's Office  
Elizabeth Duffy, Assistant General Counsel, Office of the General Counsel, DBPR  
LeChea Parson, Assistant General Counsel, Office of the General Counsel, DBPR  
Dana Ewaldt, Government Analyst, DBPR

**Interested Parties Present**

Dianna Garcia, Court Reporter  
Dzung Ho, Respondent  
Ly Hai Nguyen, Respondent  
Marion Barnum, Respondent  
Myphuong Tran, Respondent  
Michael La, Respondent  
Tuan Pham, Respondent  
Magalie Charles, Respondent  
Hanh Kien, Respondent  
William Senquiz, Respondent  
Dai Ho, Respondent  
Dorothy Dinh, Respondent  
Jeffrey Le, Respondent  
Thai Nguyen, Respondent  
David Beaudrie, Respondent  
Lydia Lach, Respondent

Jamice Di Fiore, Vector Institute  
Maggie Marquez, Central Florida College  
Linda Pham, Respondent  
Bonnie Poole, Florida Cosmetology Association  
Chuck Chapman, Florida Cosmetology Association  
Betsy McKenna  
Hope O'Connor

The meeting was opened with a roll call and a quorum was established. Chair Jowers noted Mr. Candido Llano's absence from the meeting as unexcused since prior notification was not provided to board staff.

## **Disciplinary Matters**

### **Informal Hearings**

Regarding Case No. 2007-012453 against Betty Jean Bell of Belle Glade, Ms. Elizabeth Duffy, Assistant General Counsel, informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$179.81. Ms. Ginny Finsel 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 and impose a fine of \$1,000 and costs of \$179.81, plus license revocation due to the history of non-compliance. Should Ms. Bell reapply for licensure, all prior fines and costs must be paid in full and the board reserves the right to impose conditions on any future license. Vice Chair Osborne seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2008-032242 and 2008-032246 against Brazilian Touch Hair Design of Pompano Beach, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2008-017518 against Exotic Nails of Tallahassee, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case no. 2008-020457 against Happy Nails of Palm Beach Gardens, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case Nos. 2008-023260 and 2008-023263 against Happy Nails & Spa and Thuy L. Chau of Kissimmee, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case Nos. 2008-032092 and 2008-032091 against Ha Tuan Le and Tammi Nails & Spa of Orlando, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2008-032144 and 2008-032149 against K Nails & Spa and Doan Van Ngo of Orlando, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case 2008-025272 against Nghiep Manh Nguyen of Indian Rocks Beach, Ms. Duffy informed the board that the matter was agendaed as a Motion for Waiver of Rights and Final Order, however, since Ms. Lydia Loch was present for the meeting Ms. Duffy requested to proceed with an informal hearing. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$44.86. Ms. Loch was sworn in by the Court Reporter. Ms. Loch offered testimony that she purchased the salon, Classy Nails, from Mr. Nguyen. After discussion, it was determined that the case against Nghiep Manh Nguyen was not Ms. Loch's liability or responsibility.

Regarding Case No. 2008-015891 against Nails City of Mandarin of Jacksonville, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter. Mr. Thai Nguyen was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$343.48. Vice Chair Osborne 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 and impose a fine of \$500 and costs of \$343.48. Ms. Monica Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2008-003395 against Sunshine Nails of Clearwater, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter. Mr. Tuan Pham was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$111.69. Ms. Duffy informed the board that the fine and costs have been paid in full. Vice Chair Osborne 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 and impose a fine of \$500 and costs of \$111.69. Ms. Fincel seconded the motion and the motion passed unanimously. Mr. Pham addressed the board regarding case 2008-031260 against him for identical charges included in case 2008-003395 against Sunshine Nails. Ms. Duffy determined that the two cases should have been combined. Ms. Duffy stated that the Administrative Complaint of 2008-003395 would be amended to include 2008-031260 along with Mr. Pham's license number FV9538816. Records also indicated that the fine and costs associated with 2008-031260 were paid in full. Board staff will process a refund for the \$616.91 associated with 2008-031260.

Regarding Case No. 2008-016770 against #1 Nails of Jacksonville, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter. Ms. Dai Ho was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of

\$150 and costs of \$101.37. Ms. Duffy informed the board that the fine and costs have been paid in full. Vice Chair Osborne 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 and impose a fine of \$150 and costs of \$101.37. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2008-011024 and 2007-043228 against Balla Unisex Beauty Salon and Magalie Charles of Port St. Lucie, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter. Ms. Magalie Charles was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$98.97. Ms. Duffy informed the board that the fine and costs have been paid in full. Vice Chair Osborne 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 and impose a fine of \$1,000 and costs of \$98.97. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2008-029316 and 2008-029318 against Dorothy Dinh and Dover Nails of Kissimmee, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter. Ms. Dorothy Dinh was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$373. Ms. Duffy informed the board that the fine and costs have been paid in full. Vice Chair Osborne 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 and impose a fine of \$1,000 and costs of \$373. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2008-038784 against LA Salon of Old Town, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter. Mr. Hanh Kien was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$335.85. Vice Chair Osborne 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 and impose a fine of \$500 and costs of \$335.85 to be paid over a period of three months, with the first payment of \$335.85 due within 30 days of the final order and two monthly payments of \$250 each. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2008-029082 against Modern Nails Salon & Day Spa of Gainesville, Ms. Duffy informed the board that the Respondent has elected an informal hearing in the matter. Ms. Linda Pham and Mr. Jeffrey Le were present for the meeting and were sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$317.43. Vice Chair

Osborne 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 and impose a fine of \$500 and costs of \$317.43. Ms. Smith seconded the motion. The motion passed unanimously.

Regarding Case Nos. 2008-029136 and 2008-029129 against Ly Hai Nguyen and Legend Nails & Spa of Tampa, Ms. Duffy informed the board that the Respondent has elected an informal hearing in the matter. Ms. Ly Hai Nguyen was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$464.84. Vice Chair Osborne 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 and impose a fine of \$500 and costs of \$464.84 to be paid over a period of six months, with the first payment of \$464.84 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2008-036844 against Signature Nails & Spa at Disston of St. Petersburg, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2008-019181 against Smooth Skinz of Sunny Isle, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

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:

- Chi's Nails and Loc T. Phan; Indian Rocks Beach  
Case Nos. 2008-014066 and 2008-014070  
\$500 fine and \$127.66 costs
- Donna Jean Ulrich Pascoe and Donna Pascoe Salon; Parkland  
Case Nos. 2008-022213 and 2008-022216  
\$500 fine and \$74.97 costs
- Lan T. Nguyen; Palm Beach Gardens  
Case No. 2007-026246  
\$1,500 fine and \$151.48 costs
- Nice-N-Neat Nails & Spa; Port St. Lucie  
Case Nos. 2005-010953 and 2007-059674  
\$1,000 fine and \$98.97 costs

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

Regarding Case No. 2007-064928 against Charitable Cylla of Ft. Lauderdale, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2008-005639 against Doonie's Hair Studio of Bradenton, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2007-007704 against Jose A. Rodriguez of Riviera Beach, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2008-013961 against Nana Camara of Tampa, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2008-007741 against Rosenildo Silva of Pompano Beach, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2008-009066 against Tikisha Monrez Gobourne of Sarasota, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

### **Settlement Stipulations**

Regarding Case No. 2008-018462 against All-Star Barber Shop of Kissimmee, Ms. Duffy presented the department's case and suggested assessing a fine of \$2,000 and costs of \$70.64. Mr. William Senquiz was present and was sworn in by the Court Reporter. Ms. Smith 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 Osborne seconded the motion and the motion passed unanimously.

Regarding Case No. 2008-030781 against Nail Expert and Spa of Apollo Beach, Ms. Duffy presented the department's case and suggested assessing a fine of \$50 and costs of \$218. Mr. Michael Le was present and was sworn in by the Court Reporter. Vice Chair Osborne 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. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2008-011583 and 2008-011587 against Dzung Minh Ho, d/b/a DJ Nails of Miramar, Ms. Duffy presented the department's case and suggested assessing a fine of \$500 and costs of \$520.57. Mr. Dzung Minh Ho was present and was sworn in by the Court Reporter. Ms. Smith 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 Osborne seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2008-024813 and 2008-027450 against MyVan Thi Tran and My Phuong T. Tran of Pensacola, Ms. Duffy presented the department's case and suggested assessing a fine of \$500 and costs of \$108.30. Ms. MyVan Thi Tran and Ms. Myphuong T. Tran were present and were sworn in by the Court Reporter. Vice Chair Osborne 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. Ms. Smith seconded the motion and 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:

- Leann Nail Salon; St. Petersburg  
Case No. 2007-051827  
\$1,000 fine and \$106.95 costs
- Andrea Palmeira; Delray Beach  
Case No. 2008-027924  
\$500 fine and \$67.97 costs
- Evonnie D. Frazier; St. Petersburg  
Case Nos. 2003-041967, 2003-041970, 2003-065196, 2005-009139,  
2007-038654 and 2007-038686  
\$1,750 fine
- Fatou Diaw; Orlando  
Case No. 2007-067986  
\$500 fine and \$52.16 costs
- Kim's Nails & Skin Care; Orlando  
Case No. 2008-023253  
\$500 fine and \$69.02 costs
- Kim's Nail Salon; Tampa  
Case No. 2006-062612  
\$500 fine and \$84.55 costs
- L&T Nails; Jacksonville  
Case No. 2008-019775  
\$500 fine and \$84.55 costs
- Seasons Hair and Nail Design; Lake Worth  
Case No. 2007-031295  
\$500 fine and \$60.30 costs

- So Be It! Salon, Inc.; Miami  
Case No. 2008-016322  
\$2,000 fine and \$65.37 costs
- Syed Abbas; Miami  
Case No. 2007-031336  
\$500 fine and \$60.30 costs
- The Nailz Place, Inc.; University Park  
Case No. 2008-020477  
\$500 fine and \$72.70 costs
- Applewoods Hair & Nails; Weston  
Case No. 2008-047720  
\$1,500 fine and \$38.42 costs
- Artistic Nails & Spa and Elaine Nguyet Le; New Port Richey  
Case Nos. 2008-034706 and 2008-034710  
\$1,000 fine and \$284.12 costs
- Bella Lani Nail Spa; Port St. Lucie  
Case No. 2008-005523  
\$500 fine and \$124.78 costs
- Loc Kim Bui; Port St. Lucie  
Case No. 2008-010168  
\$1,000 fine and \$136.09 costs
- Smart Style #129; Port St. Lucie  
Case No. 2007-060873  
\$1,000 fine and \$136.09 costs
- Regal Nails Salon and Spa; Port St. Lucie  
Case No. 2007-065404  
\$500 fine and \$210.22 costs
- Blessed by the Best and Marion L. Barnum; St. Petersburg  
Case Nos. 2008-009175 and 2008-009178  
\$1,500 fine and \$62.45 costs
- D&K Nails and Hoang Minh Huynh; Jensen Beach  
Case Nos. 2008-010954 and 2007-068336  
\$500 fine and \$232.94 costs
- Kim Nails; Stuart  
Case No. 2007-068341  
\$300 fine and \$146.07 costs

- Instyle Nails & Spa and Justin Tran; Celebration  
Case Nos. 2008-032077 and 2008-032084  
\$500 fine and \$244.54 costs
- Pepe's Hair Designers; Daytona Beach  
Case No. 2008-030966  
\$200 fine and \$175.45 costs
- Pretty Nails; Fort Pierce  
Case No. 2008-011019  
\$1,000 fine and \$98.97 costs
- Thuan Bich Tran; Vero Beach  
Case No. 2007-068008  
\$750 fine and \$137.91 costs
- Tuan Minh Le; Tampa  
Case No. 2008-034018  
\$500 fine and \$106.47 costs
- William H. Whidden; Port Charlotte  
Case No. 2008-007825  
\$1,000 fine and \$145.44 costs

### **Department Attorney Report**

Ms. Duffy informed the board that as of January 19, 2009, there were 317 open cosmetology cases in the legal section.

Ms. Duffy introduced Ms. LeChea Parson who will now be serving as the board's prosecutor. Ms. Duffy thanked the board for the opportunity to work with them.

### **Other Business**

#### **Board Member Training**

Ms. Barineau, Ms. Parson and Ms. Cocheu provided board member training.

### **Adjournment**

There being no further business, the meeting was adjourned at 1:35 p.m.