

MINUTES

BOARD OF COSMETOLOGY
Department of Business and Professional Regulation
Hilton – Ocala
3600 S.W. 36th Avenue
Ocala, Florida 34474

Monday, October 13, 2008 – 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
Ann Cocheu, 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

Interested Parties Present

Sandy Glick, Court Reporter
Bonnie Poole, Florida Cosmetology Association
Charles Chapman, Florida Cosmetology Association
Jerry Gardner, Elite CME
Louise King, Daytona State College
Michael Zuba, Daytona State College
Rick Wallace, Florida Association of Beauty Professionals
Phyllis Allen, Phil Rich International
Kim Loan Nguyen, Respondent
Dinh Phan, Respondent
Hong Pham, Respondent
Russell Rivera, Respondent
David Beaudrie, Respondent
David Hoan, Respondent

Phong Deo, Respondent

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.

Approval of Minutes: July 28, 2008

Ms. Donna Osborne, Vice Chair, moved to approve the minutes from the July 28, 2008, board meeting. Ms. Monica Smith seconded the motion. The motion passed unanimously.

Disciplinary Matters

Motions for Reconsideration

Regarding Case No. 2008-001084 against Hair Salon Surprise of Delray Beach, Ms. Elizabeth Duffy, Assistant General Counsel, informed the board that the Petitioner filed a Motion for Reconsideration since the Respondent claimed that the filed Administrative Complaint was not provided to his attorney. Ms. Duffy noted that the Notice of Hearing was forwarded via certified mail to the Respondent and to the Respondent's attorney providing an opportunity to appear. The Respondent nor his attorney were present at the meeting. Chair Jowers asked for a motion to reconsider. Ms. Ginny Fincel moved to deny the Motion for Reconsideration and that the previously filed Final Order remains in effect. Vice Chair Osborne seconded the motion. The motion passed unanimously.

Regarding Case No. 2007-063386 against Sylvia Sanchez of Palmetto, Ms. Duffy informed the board that the Respondent filed a Motion for Reconsideration stating that she is not the liable salon owner. Vice Chair Osborne moved that the board reconsider the matter. Ms. Smith seconded the Motion for Reconsideration and the motion passed unanimously. Ms. Duffy stated that the Respondent claims not to be the owner of the salon and that she notified the Department in dispute however, records indicate that the notification was not timely. Ms. Sanchez was not present nor represented at the meeting. Ms. Duffy noted further investigation showed that while Ms. Sanchez may not be the current salon owner, the ownership remains within the same family and that the unlicensed activity continues. After discussion, Ms. Fincel moved that the previously filed Final Order remains in effect. Vice Chair Osborne seconded the motion and the motion passed unanimously.

Regarding Case No. 2007-002990 against Tiffanye A. Williams, d/b/a Platinum Hair Studio of Sanford, Ms. Duffy informed the board that the Respondent filed a Motion for Reconsideration claiming that she is not the owner of the salon. Ms. Williams was not present nor represented at the meeting. Ms. Duffy informed the board that at one of their previous board meetings a case was presented against Ms. Williams' business partner for the same unlicensed salon activity. Chair Jowers asked for a motion to

reconsider. No motion was given. The previously filed Final Order against Ms. Tiffanye A. Williams, d/b/a Platinum Hair Studio remains in effect.

Regarding Case No. 2007-014825 against U.S. Nails of Jupiter, Ms. Duffy informed the board that the Respondent's attorney has filed a Motion for Reconsideration. Neither the Respondent nor the Respondent's attorney was present for the meeting. Ms. Duffy noted that the Respondent returned the Election of Rights without dispute and that full payment of the fine and costs has been remitted. Chair Jowers asked for a motion to reconsider. No motion was given. The previously filed Final Order against U.S. Nails remains in effect.

Informal Hearings

Regarding Case No. 2007-007707 against Cartoon Cuts of Ft. Lauderdale, Ms. Duffy 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 \$131.20. 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 \$131.20. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2006-065653 and 2006-065662 against David Beaudrie and International Health & Skin Care institute of Odessa, Ms. Duffy informed the board that the Respondent had elected an informal hearing in the matter. The Respondent, along with his attorney Jeff Brown, was present for the meeting. Mr. Beaudrie 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 \$277.53. 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 \$277.53 plus one year probation and that Mr. Beaudrie is to attend all cosmetology board meetings during the probation period. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2007-065782 and 2007-065860 against Excellent Nails and Hong Thu Pham of Orlando, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter. Ms. Hong 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 \$69.32. Ms. Duffy noted that the fine and costs have been paid in full. Ms. Smith 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 \$69.32. Vice Chair Osborne seconded the motion and the motion passed unanimously.

Regarding Case No. 2008-007728 against Lily Nails & Spa of Boca Raton, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter. Kim Loan 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 \$1,000 and costs of \$81.27. 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 \$81.27. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2007-043234 and 2007-043356 against Short Cuts Salon and Alphonso Brat of West Palm Beach, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter however the Respondent was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$3,000 and costs of \$159.59. 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 \$3,000 and costs of \$159.59 to be paid over a period of six months, with the first payment of \$159.59 due within 30 days of the Final Order and five monthly payments of \$500 each. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2007-064746 against Sky High Salon & Barber Shop of Orlando, Ms. Duffy informed the board that the Respondent had elected an informal hearing in this matter however, the Respondent was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$4,500 and costs of \$41.22. 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 \$4,500 and costs of \$41.22 to be paid over a period of nine months, with the first payment of \$541.22 due within 30 days of the final order and eight monthly payments of \$500 each. The Respondent's salon license will be suspended for two years, however, the suspension is stayed. Should the Respondent fail to comply with the payment agreement or should there be an unsuccessful inspection over the next two years, the stay will be lifted and the license will immediately be suspended until the two years has expired.

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:

- DK Nails & Spa and Yen T. Nguyen; Sarasota
Case Nos. 2008-011436 and 2008-011431
\$500 fine and \$78.40 costs

- Janie Stachowicz; Altamonte Springs
Case No. 2007-048759
\$500 fine and \$206.72 costs
- Robert Ortiz, d/b/a Underground Cuts; Orlando
Case Nos. 2007-009897 and 2007-009890
\$1,500 fine and \$22.29 costs

Motions for Waiver of Rights and Final Order

Regarding Case No. 2007-003213 against Binh Ngo of Vero Beach, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,500, costs of \$130.81 and publication costs of \$448.44. The Respondent was not present for the meeting. Vice Chair Osborne moved that the board find 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 the 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, costs of \$130.81 and publication costs of \$448.44 to be paid over a period of six months with the first payment of \$579.25 due within 30 days of the final order and five monthly payments of \$300 each. In addition, the Respondent's nail specialist registration, FV566616, shall be suspended for one year with the suspension being stayed and Mr. Ngo shall be placed on one year probation. Failure to comply with the terms of the payment plan shall result in lifting of the stay and the license will be suspended immediately. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2008-003021 against Caroline's Variety Store and Beauty Salon of Miami, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,450 and costs of \$40.41. The Respondent was not present for the meeting. Vice Chair Osborne moved that the board find 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 the 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 \$1,450 and costs of \$40.41 to be paid over a period of six months with the first payment of \$90.41 due within 30 days of the final order and five monthly payments of \$280 each. In addition, the Respondent's cosmetology salon license, CE9960281, shall be suspended for one year but the suspension shall be stayed. The Respondent's cosmetology salon shall be inspected quarterly on a random basis. Failure to comply with the payment plan or to have an unsuccessful inspection shall result in the lifting of the stay, and the license will be suspended immediately. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2007-031399 against Grigorio's Studios Beauty Salon of Kissimmee, Ms. Duffy presented the department's case and suggested assessing a fine of \$2,000 and costs of \$125.09. The Respondent was not present for the meeting. Vice Chair Osborne moved that the board find 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 the 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 \$2,000 and costs of \$125.09 to be paid over a period of six months with the first payment of \$125.09 due within 30 days of the final order and five monthly payments of \$400 each. In addition, the Respondent's cosmetology salon license shall be suspended for one year but the suspension shall be stayed. The Respondent's cosmetology salon shall be inspected quarterly on a random basis. Failure to comply with the payment plan or have an unsuccessful inspection shall result in the lifting of the stay and the license will be suspended immediately. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2008-09190 against In The Cut of Tampa, Ms. Duffy presented the department's case and suggested assessing a fine of \$2,600 and costs of \$83.59. Mr. Russell Rivera was present for the meeting and was sworn in by the Court Reporter. Mr. Rivera informed the board that the salon was no longer in business but he was willing to pay the fine and costs. Vice Chair Osborne moved that the board find 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 the 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 \$2,600 and costs of \$83.59 to be paid over a period of six months with the first payment of \$183.59 due within 30 days of the final order and five monthly payments of \$500 each. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2008-013132 against Lisa Zamora of Seminole, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,000 and costs of \$74.12. The Respondent was not present or represented for the meeting. Vice Chair Osborne moved that the board find 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 the 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 \$74.12, plus the Respondent's nail specialist registration will be place on one year probation during which time she will be required to obey all laws and rules of the Board or be subject to further disciplinary action including suspension or revocation. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2007-029866 against Mastercuts #994 of Jensen Beach, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,000 and costs of \$131.20. Ms. Duffy informed the board that the fine and costs have been paid in full. The Respondent was not present or represented for the meeting. Vice Chair Osborne moved that the board find 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 the 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 \$131.20. In

addition, the Respondent shall be subject to random inspections over the next year to ensure compliance with all laws and rules. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-062129 against My Hair Salon of Ormond Beach, Ms. Duffy presented the department's case and suggested assessing a fine of \$500 and costs of \$558.92. The Respondent was not present or represented for the meeting. Vice Chair Osborne moved that the board find 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 the 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 \$558.92. In addition, the Respondent's cosmetology salon license shall be suspended for one year but the suspension shall be stayed. The Respondent's cosmetology salon shall be inspected quarterly on a random basis. Failure to comply with the payment of the fine and costs or an unsuccessful inspection shall result in the lifting of the stay and the license will be suspended immediately. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2007-033421 against The Hot Spot Barber Shop in St. Cloud, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,500 and costs of \$149.06. Ms. Duffy informed the board that the fine and costs have been paid in full. The Respondent was not present for the meeting. Vice Chair Osborne moved that the board find 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 the 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 increase the imposed fine to \$3,000 plus costs of \$149.06. In addition, the Respondent's cosmetology salon license shall be suspended for one year but the suspension shall be stayed. The Respondent's cosmetology salon shall be inspected quarterly on a random basis. Failure to comply with the payment of the fine or an unsuccessful inspection shall result in the lifting of the stay and the license will be suspended immediately. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2007-046729 and 2007-046732 against Ultimate Nail and Huyen Rich Pham of St. Petersburg, Ms. Duffy presented the department's case and suggesting assessing a fine of \$1,000 and costs of \$91.88. Ms. Duffy informed the board that the fine and costs have been paid in full. The Respondent was not present or represented for the meeting. Ms. Fincel moved that the board find 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 the 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 \$91.88. In addition, the Respondent's cosmetology salon license shall be suspended for one year but the suspension shall be stayed. The Respondent's cosmetology salon shall be inspected quarterly on a random basis. An unsuccessful inspection shall result in the lifting of the stay and the license will be

suspended immediately. Vice Chair Osborne seconded the motion and the motion passed unanimously. Vice Chair Osborne moved that the nail specialist registration of Huyen Bich Pham shall be suspended for one year but the suspension shall be stayed. Huyen Bich Pham shall be subject to quarterly random inspections. An unsuccessful inspection shall result in the lifting of the stay and the nail specialist registration will be suspended immediately.

Regarding Case No. 2007-020983 against Vu Tuan Nguyen of Palm Beach Gardens, Ms. Duffy presented the department's case and suggested assessing a fine of \$2,000 and costs of \$121.70. Ms. Duffy informed the board that the fine and costs have been paid in full. The Respondent was not present for the meeting. Ms. Finsel moved that the board find 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 the 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 \$2,000 and costs of \$121.70, plus the Respondent's nail specialist registration will be placed on one year probation during which time the Respondent will be required to obey all laws and rules of the Board or be subject to further disciplinary action including suspension or revocation. Vice Chair Osborne seconded the motion. The motion passed unanimously.

Regarding Case No. 2005-058705 against Spa Nails Tan & Hair Place of Oviedo, Ms. Duffy presented the department's case and suggested assessing a fine of \$500, costs of \$222.48 and license revocation due to history of non-compliance. The Respondent was not present for the meeting. Vice Chair Osborne moved that the board find 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 the 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, costs of \$222.48 and license revocation. Ms. Finsel 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, 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:

- Jaline Renae McMillian; Orlando
Case No. 2007-057710
\$500 fine and \$140.09 costs
- Khady's African Hair Braiding; Orlando
Case No. 2006-041650
\$250 fine and \$39.64 costs

- Labelle Image Center; Labelle
Case No. 2007-057904
\$500 fine and \$124.97 costs
- Maxine Margareta Trowers-Pena; Ft. Lauderdale
Case No. 2007-064934
\$500 fine and \$120.33 costs
- Melissa Wheeling Massage & Skin Care; Ft. Myers
Case No. 2007-037514
\$500 fine and \$476.63 costs
- Phuong Van Vo and Cindy Thi Duong; Defuniak Springs
Case Nos. 2008-011933 and 2008-011936
\$500 fine and \$171.25 costs
- Sanh Van Bui and Citrus Nails & Day Spa; Tampa
Case Nos. 2008-014059 and 2008-014061
\$500 fine and \$69.02 costs
- Samantha Denmark; Orlando
Case No. 2007-052628
\$1,000 fine and \$258.55 costs
- Signature Salon & Spa and Joe Nguyen; Vero Beach
Case Nos. 2008-010216 and 2007-039438
\$1,000 fine and \$116.81 costs
- Svetlana N. Paulson; West Palm Beach
Case No. 2007-030548
\$1,350 fine and \$380.65 costs
- Tuyet T. Nguyen; Panama City
Case No. 2007-052343
\$500 fine and \$46.69 costs
- Jenny Natural Hair Salon; North Miami
Case No. 2008-003012
\$500 fine

Settlement Stipulations

Regarding Case No. 2008-005168 against New York Nails of Lake Worth, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,000 and costs of \$85.46. Ms. Duffy informed the board that the fine and costs have been paid. Ms. Dinh Pham was present and 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.

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
- Bleck's Beauty Centers, Inc.; Miami
Case No. 2008-003017
\$1,500 fine and \$40.41 costs
- Jocelyn Gorges; St. Petersburg
Case Nos. 2008-005673 and 2008-005677
\$1,000 fine and \$115.22 costs
- Sunny Nails; Estero
Case No. 2008-009262
\$1,000 fine and \$85.02 costs
- Vernon M. Smith, III, d/b/a Salon 41; Dunnellon
Case Nos. 2008-009936 and 2008-001386
\$500 fine and \$232.04 costs

Department Attorney Report

Ms. Duffy informed the board that as of October 10, 2008, there were 270 open cosmetology cases in the legal section.

Applications

Application for Licensure

- Karen Ann Abe
The licensure application for Ms. Karen Ann Abe was brought before the board for review since the background information on the application reflected that Ms. Abe was arrested for aggravated child abuse in 2003. Previously, Ms. Abe held cosmetology license CL232522 which went null and void as of November 1, 2005. Ms. Abe was not present for the meeting. After review, Chair Jowers moved that the board deny the licensure application based on the lack of explanation and verification as to the disposition of the case and of the Department of Children and Families' investigation. Vice Chair Osborne seconded the motion. The

motion passed unanimously.

Applications for Hair Braiding Courses

- **Designer's Touch**
After review and discussion of the course application, Ms. Fincel moved to approve the application with the contingency of removing irrelevant material such as avian flu, material safety data sheets, MMA, and various references to the practice of cosmetology. The corrected course material should be provided to the Executive Director within 30 days of the notice. Chair Jowers seconded the motion. The motion passed unanimously.
- **Florida Academy of Health & Beauty, Inc.**
After review and discussion of the course application, Ms. Fincel moved to deny the application based on references as to diagnosis of scalp conditions, use of sharp instruments and various undefined terms such as PSWS and Arnetor Pili. Ms. Smith seconded the motion and the motion passed unanimously.
- **Gloria Menard**
After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- **Janice Moore**
After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- **Oasis Hair Braiding Certification**
After review and discussion of the course application, Ms. Fincel moved to approve the application with the contingency of removing the outdated sanitization methods such as use of alcohol or phenol, inappropriate reference to sterilization of manicure implements and the reference material is outdated. The corrected course material should be provided to the Executive Director within 30 days of the notice. Ms. Smith seconded the motion and the motion passed unanimously.
- **Phil Rich International Locks, Braids & Weaves**
Ms. Phyllis Allen was present for the meeting. After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- **That's The Cut Marketing Firm, Inc.**
After review and discussion of the course application, Chair Jowers moved to deny the application based on inappropriate and irrelevant information such as use of lancets, disease references, nervous cell production, black-

head removal, an improper reference to old Florida cosmetology laws and rules, an incorrect reference to use of alcohol and phenol as a disinfecting agent and the self examination contained information irrelevant to the practice of hair braiding in Florida. Vice Chair Osborne seconded the motion and the motion passed unanimously.

- Bonita Springs School
After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- Divine Image Braiding Academy
After review and discussion of the course application, Ms. Fincel moved to approve the application with a contingency of adding the information of Rule 61G5-31.002, Florida Administrative Code, that under certain conditions a registered hair braider is permitted to perform hair braiding services in a location other than a licensed cosmetology salon. Chair Jowers seconded the motion and the motion passed unanimously.
- Gigi's Beauty
After review and discussion of the course application, Chair Jowers moved to deny the application based on irrelevant subject matter such as Lyme disease, incorrect reference to alcohol and phenol as disinfecting agents and the material did not include the required course outline or objectives. Ms. Smith seconded the motion and the motion passed unanimously.
- Jeff's Hair Care
After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Applications for Hair Wrapping Courses

- Phil Rich International Locks, Braids & Weaves
Ms. Allen was present for the meeting. After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- That's The Cut Marketing Firm, Inc.
After review and discussion of the course application, Chair Jowers moved to deny the application based on inappropriate and irrelevant information such as use of lancets, disease references, nervous cell production, black-head removal, an improper reference to old Florida cosmetology laws and rules, an incorrect reference to use of alcohol and phenol as a disinfecting agent and the self examination contained information irrelevant to the practice of hair braiding in Florida. Vice Chair Osborne seconded the motion and the motion passed unanimously.

- Bonita Springs School
After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Fincel seconded the motion and the motion passed unanimously.

Applications for Body Wrapping Courses

- That's The Cut Marketing Firm, Inc.
After review and discussion of the course application, Chair Jowers moved to deny the application based on inappropriate and irrelevant information such as use of lancets, disease references, nervous cell production, black-head removal, an improper reference to old Florida cosmetology laws and rules, an incorrect reference to use of alcohol and phenol as a disinfecting agent and the self examination contained information irrelevant to the practice of hair braiding in Florida. Vice Chair Osborne seconded the motion and the motion passed unanimously.
- Rita Pizzo
After review and discussion of the course application, Vice Chair Osborne moved to approve the application with the contingency of correcting the incorrect reference to the "Department of Registration" contained in the course objective. Ms. Smith seconded the motion. The motion passed unanimously.
- Celebrity School of Beauty
The body wrapping course application was denied by the board at the July 28, 2008, board meeting based on the outdated reference material and the Florida laws and rules section did not reflect the most current information. The course application was resubmitted with corrections. After review of the course application, Vice Chair Osborne moved that the board set aside the denial and approve the application. Ms. Smith seconded the motion. The motion passed unanimously.
- Bonita Springs School
After review and discussion of the course application, Ms. Smith moved to approve the application. Vice Chair Osborne seconded the motion and the motion passed unanimously.

Initial HIV/AIDS Courses

- Phil Rich International Locks, Braids & Weaves
Ms. Allen was present for the meeting. After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- Celebrity School of Beauty
The body wrapping course application was denied by the board at the July 28, 2008, board meeting based on the outdated reference material and

the Florida laws and rules section did not reflect the most current information. The course application was resubmitted with corrections. After review of the course application, Chair Jowers moved that the board set aside the denial and approve the application. Vice Chair Osborne seconded the motion. The motion passed unanimously.

- Daytona State College
After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Continuing Education Provider and Course Applications

- Elite CME, Inc.
Course Application
16-Hour CE Course for Cosmetologists – 16 Hours Home Study and Internet
Mr. Jerry Gardner was present for the meeting. After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- Elite CME, Inc.
Course Application
16-Hour CE Course for Estheticians – 16 Hours Home Study and Internet
Mr. Gardner was present for the meeting. After review and discussion of the course application, Ms. Smith moved to approve the application with the contingency of adding a statement to clarify that a registered facial specialist or licensed cosmetologist is not permitted to perform Botox ® injections as Botox ® injections must be performed by a licensed medical doctor. Vice Chair Osborne seconded the motion and the motion passed unanimously.
- Elite CME, Inc.
Course Application
16-Hour CE Course for Nail Technicians – 16 Hours Home Study and Internet
Mr. Gardner was present for the meeting. After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- Florida Cosmetology Association
Course Renewal Application
16-Hour Home Study Course – 16 Hours Home Study and Internet
Ms. Bonnie Poole was present for the meeting. After review, Vice Chair Osborne moved to approve the application with the contingency of

updating the Florida laws and rules section to reflect the most current information and include dates on the reference material. The corrected course material should be provided to the Executive Director within 30 days of the notice. Ms. Smith seconded the motion and the motion passed unanimously.

- The Bramham Institute
Provider Application
Course Application
Dr. Vodder's Manual Lymph Drainage Basic Neck & Face – 4 Hours Live Group Study
After review and discussion of the provider application, Vice Chair Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Vice Chair Osborne moved that the board approve the continuing education course application based on the contingency of adding dates to the reference material. Ms. Smith seconded the motion and. The motion passed unanimously.

- The Bramham Institute
Provider Application
Course Application
Dr. Vodder's Manual Lymph Drainage Advanced Neck & Face – 4 Hours Live Group Study
After review of the course, Vice Chair Osborne moved that the board approve the continuing education course application based on the contingency of adding dates to the reference material. Ms. Smith seconded the motion and. The motion passed unanimously.

- COEContinuingEducation.com
Course Application
16-Hour Cosmetology Composition – 16 Hours Internet
After review and discussion of the provider application, Vice Chair Osborne moved to approve the application. Ms. Fincel seconded the motion. The motion passed unanimously.

After review and discussion of the course application, Vice Chair Osborne moved to deny the application since the course text was recognized from the Milady cosmetology textbook, however, the publication is not included in the resource reference material section and the Florida laws and rules section does not reflect the most current information. Ms. Fincel seconded the motion and the motion passed unanimously.

- COEContinuingEducation.com
Course Application
16-Hour Esthetician Composition – 16 Hours Internet
After review and discussion of the course application, Vice Chair Osborne

moved to deny the application since the course text was recognized from the Milady cosmetology textbook, however, the publication is not included in the resource reference material section and the Florida laws and rules section does not reflect the most current information. Ms. Fincel seconded the motion and the motion passed unanimously.

- COEContinuingEducation.com
Course Application
16-Hour Manicurist Composition – 16 Hours Internet
After review and discussion of the course application, Vice Chair Osborne moved to deny the application since the course text was recognized from the Milady cosmetology textbook, however, the publication is not included in the resource reference material section and the Florida laws and rules section does not reflect the most current information. Ms. Fincel seconded the motion and the motion passed unanimously.

- The International Dermal Institute
Course Application
International Skin Care Techniques – 30 Hours Live Group Study
Due to a potential conflict of interest, Ms. Smith recused herself from voting in this matter.
After review and discussion of the course application, Vice Chair Osborne moved to deny the application since the course appears to be product driven. Ms. Fincel seconded the motion and the motion passed unanimously.

- The International Dermal Institute
Course Application
Acne: Types, Triggers and Treatments – 6 Hours Live Group Study
Due to a potential conflict of interest, Ms. Smith recused herself from voting in this matter.
After review and discussion of the course application, Vice Chair Osborne moved to deny the application since the course appears to be product driven. Ms. Fincel seconded the motion and the motion passed unanimously.

- The International Dermal Institute
Course Application
Hydroxy Acids and Exfoliation Techniques – 6 Hours Live Group Study
Due to a potential conflict of interest, Ms. Smith recused herself from voting in this matter.
After review and discussion of the course application, Vice Chair Osborne moved to deny the application since the course appears to be product driven. Ms. Fincel seconded the motion and the motion passed unanimously.

- The International Dermal Institute
Course Application
Photo Damaged and Aging Skin – 6 Hours Live Group Study
 Due to a potential conflict of interest, Ms. Smith recused herself from voting in this matter.
 After review and discussion of the course application, Vice Chair Osborne moved to deny the application since the course appears to be product driven. Ms. Fincel seconded the motion and the motion passed unanimously.
- The International Dermal Institute
Course Application
Treating Rosacea and Sensitized Skin – 6 Hours Live Group Study
 Due to a potential conflict of interest, Ms. Smith recused herself from voting in this matter.
 After review and discussion of the course application, Vice Chair Osborne moved to deny the application since the course appears to be product driven by promoting the company's own product. Ms. Fincel seconded the motion and the motion passed unanimously.
- Family Haircuts, LLC, d/b/a Quickcut
Provider Application
Course Application
Quickcut – 4 Hours Live Group Study
 After review and discussion of the provider application, Chair Jowers moved to approve the application. Ms. Smith seconded the motion. The motion passed unanimously.

After review and discussion of the course application, Ms. Smith moved to approve the application. Vice Chair Osborne seconded the motion and the motion passed unanimously.

Committee Reports

Continuing Education Committee – Ginny Fincel, Chair

Ms. Fincel had no additional report at this time.

Rule Committee Report – Donna Osborne, Chair

This subject matter was addressed under the New Business agenda item. Vice Chair Osborne had nothing further to report.

Legislative Committee – Donna Osborne, Chair

Vice Chair Osborne had nothing further to report.

Old Business

Garra Rufa, Pedicure Fish, In Cosmetology Salons in Florida

This matter was continued from the July 28, 2008, cosmetology board meeting to determine if the fish pedicure service can be performed in cosmetology salons in Florida. Items to consider regarding this subject include the sanitation practices of the receptacle while maintaining the health and safety of the fish, will patrons be receiving pedicure services in conjunction to the fish pedicure, would this service create possible repercussions with other state agencies such as the Department of Health, the Department of Environmental Protection and the Fish and Wildlife Conservation Commission. Also, to be considered is the regulation enforcement and discipline guidelines. The board agreed that this is a very serious matter and asked Ms. Ann Cocheu, Assistant Attorney General, to contact the Generals Counsel of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection and the Department of Health to determine if they have any comments on the issue. The board agreed that this matter should be continued for further discussion at the January 26, 2009, board meeting.

New Business

In response to the rule development workshop conducted on Sunday, October 12, 2008, for the facial curriculum referenced in Chapter 61G5-22, Florida Administrative Code, Vice Chair Osborne moved to have Ms. Cocheu notice for development the proposed language for Rule 61G5-22.006, Florida Administrative Code. The proposed language is as follows:

“Service” shall be defined as a facial, which includes a client consultation/skin analysis; exfoliation, either manual, mechanical or chemical; cleansing; toning; manipulations; and packs, masks or other treatments as needed.”

Theory Items:

Florida Law and Rules	5 hours
HIV and AIDS	4 hours
Sanitation	10 hours
Ethics	2 hours
Basics of Electricity	8 hours
Facial Techniques and Contraindications	66 hours
Product Chemistry	8 hours
Hair Removal	2.5 hours
Makeup	2 hours
Skin Theory and Diseases and Disorders of the Skin	85 hours

Types of Services:

Facials, manual and mechanical--including masks, packs or treatments—must be performed on a variety of skin types including: 40 services (40 hrs)

- Normal Skin
- Oily Skin

- Dry Skin
- Combination Skin
- Problem Skin
- Mature Skin

Set up, use and maintenance of electrical devices	5 services (1.25 hrs)
Hair removal, including tweezing, waxing, threading and sugaring	20 services (5 hrs)
Makeup application comprised of a combination of daytime and nighttime looks	10 services (5 hrs)
Lash and brow tinting	10 services (5 hrs)
Eyelash applications including strip lashes, individual lashes, and semi-permanent lashes	10 services (10 hrs)
Manual extractions	5 service (1.25 hrs)

Other Business

Executive Directors Report

Financial Report, June 30, 2008 – Operating Account

Financial Report, June 30, 2008 – Unlicensed Activity Account

Ms. Barineau informed the board that as of June 30, 2008, the balances in the Operating and Unlicensed Activity Accounts were (\$66,023) and \$944,094 respectively.

Complaints and Investigative Statistics Report July 2008- August 2008

Ms. Barineau informed the board that the complaints and investigative statistics report for July 2008 through August 2008 was included in the agenda for informational purposes.

National-Interstate Council of State Boards of Cosmetology, Inc. (NIC) Newsletter Volume 64, No. 3

Ms. Barineau noted that the newsletter was included in the agenda for informational purposes.

Regulation Report

Ms. Barineau mentioned the discrepancies in the fine amounts contained in the disciplinary guidelines rule. After discussion, Chair Jowers moved to have Ms. Cocheu notice the disciplinary guidelines rule 61G5-30.004, Florida Administrative Code, for development for at the January 2009 board meeting. Ms. Smith seconded the motion and the motion passed unanimously.

Bureau of Education and Testing

The board agreed to postpone until the January 2009 meeting, the discussion of utilizing a national cosmetology examination.

Board Member Comments

There were no further comments.

Chairperson Comments

Chair Jowers had no further comments.

Public Comments

There were no further comments at this time.

Dates and Locations for Future Meetings

Sunday, January 25, 2008 – Orlando (Rules workshop)

Monday, January 26, 2009 – Orlando

Monday, April 27, 2009 – Jacksonville

Monday, July 20, 2009 – Orlando

Monday, October 12, 2009 - Tampa

Adjournment

There being no further business, the meeting was adjourned at 2:30 p.m.