

**FLORIDA BOARD OF COSMETOLOGY
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
MARRIOTT TAMPA WATERSIDE HOTEL AND MARINA
700 SOUTH FLORIDA AVENUE
TAMPA, FLORIDA 33602**

Monday, October 12, 2009 – 9 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
Monica Smith
Donna Osborne, Vice Chair
Rosabel Ramos
Laurel Ritenbaugh

Board Members Absent

Ginny Fincel

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Lisa Comingore, 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)
Elise Rice, Government Analyst, (DBPR)

Interested Parties Present

Dianna Garcia, Court Reporter
Michelle Holder, Westside Tech
Mary Dorian, Westside Tech
Yolanda Cazares, Yola Inc.
Portia Washington, Natural Braiders Empire
Belynda Brown, Phonomenal Hair Gallery
Eva Price, Florida Cosmetology Educators Online
Rick Wallace, Florida Association of Beauty Professionals (FAB)
Justin Bateh, Informed
John Conley, The Hair Wraps Company
Terry Brewer, Florida Cosmetology Association (FCA)
Charles Chapman, FCA
Bonnie Poole, FCA
Lori Deoliveira
Mark Plotz
Billie Dingman
Lisa McArthur
Trang Le
Ella LaBranche
Nhu Ford
Valerie Brooks
Lindsey Truong
David Mulligan

The meeting was opened with a roll call and a quorum was established. Chair Jowers excused Ms. Ginny Fincel's absence from the meeting.

Disciplinary Matters

Informal Hearings

Regarding Case No. 2008.053594 against TQ Nails & Spa, Inc., of Hudson, Ms. LeChea Parson, Assistant General Counsel, informed the board that the Respondent had elected an informal hearing in the matter. Ms. Lindsey Truong was present for the meeting and was sworn in by the Court Reporter. Ms. Parson presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$315.71. Ms. Laurel Ritenbaugh 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 \$315.71 to be paid over a period of six months, with the first payment of \$315.71 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against the Respondent's cosmetology salon license CE9964836. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Ms. Donna Osborne seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.012066 against Dynasty Hair Design of Kissimmee, Ms. Parson informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Ms. Parson presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$109.06. Ms. 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 \$109.06, plus six months stayed suspension against the Respondent's cosmetology salon license CE9970688. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2008.064292 and 2009.001619 against Ms. Tanya Crawford of St. Petersburg, Ms. Parson informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Ms. Parson presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$313.36. Ms. 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 \$313.36, plus six months stayed suspension against the Respondent's cosmetology salon license CE9974810. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2008.058006 and 2008.058003 against Mr. Kevin Quang Quach and Nail Art of Vero Beach, Ms. Parson informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Ms. Parson presented the department's case in this matter and suggested

assessing a fine of \$650 and costs of \$218.59. Ms. 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 \$650 and costs of \$218.59, plus six months stayed suspension against the Respondent's cosmetology salon license CE9960886 and nail specialist license FV555677. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license and nail specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2008.056041 against Salon Express of Lauderdale Lakes, Ms. Parson informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Ms. Parson presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$27.98, plus revocation of the Respondent's cosmetology salon license CE9970688, based on the history of non-compliance. Ms. 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 \$27.98, plus revocation of the Respondent's cosmetology salon license, CE9970688. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.012539 against Wick City Cutz and Braids of Clearwater, Ms. Parson informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Ms. Parson presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$116.29. Ms. 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 \$116.29, plus six months stayed suspension against the Respondent's cosmetology salon license CE9970688. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.006729 against Ms. Constance Strachan of Miami, Ms. Parson informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Ms. Parson presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$35.81. Ms. 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 \$35.81, plus six months stayed suspension against the Respondent's cosmetology license CL0143587. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Regarding Case Nos. 2008.059863 and 2008.064687 against Hong Kong Nails and Mr. Trang T. Lee of St. Petersburg, Ms. Parson presented the department's case and suggested assessing a fine of \$500 and costs of \$407.62. The Respondent was not present or represented for the meeting. Ms. Monica Smith 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 \$407.62. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2008.040567 against VIP Barber Shop of West Palm Beach, Ms. Parson presented the department's case and suggested assessing a fine of \$600 and costs of \$158.22. The Respondent was not present or represented for the meeting. Ms. Parson noted that the Respondent requested a payment plan. Ms. 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 \$600 and costs of \$158.22, to be paid over a period of six months, with the first payment of \$258.22 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against the Respondent's cosmetology salon license CE9974268. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2007.012409 against Mr. Stephen Lee Rieli of Palm Beach Gardens, Ms. Parson presented the department's case and suggested assessing a fine of \$500 and costs of \$238.86. The Respondent was not present or represented for the meeting. Ms. Ritenbaugh 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 \$238.86, plus revocation of the Respondent's cosmetology license CL1181496. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.011099 against Ms. Melissa Roshanda Jones of Tallahassee, Ms. Parson 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, 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 findings of the fact and conclusions of law of the board, and imposed the penalties shown below:

- Beauty Café; Sunrise
Case No. 2009.005678
\$100 fine and \$228 costs
- Keila Adrover-Ortiz; Orlando
Case No. 2009.009041
\$1,000 fine and \$75.42 costs
6 month stayed suspension
- Eva M. Barber; Clearwater
Case No. 2009.001421
\$850 fine and \$87.43 costs
6 month stayed suspension
- Happy Nails; Tallahassee
Case No. 2008.066242
\$500 fine and \$10.44 costs
- Bich Huyen Thi Nguyen; Tampa
Case No. 2009.006912
\$500 fine and \$58.67 costs
- Goolies II; Orlando
Case No. 2009.011094
\$750 fine and \$103.29 costs
6 month stayed suspension
- Mavery C. Fuentes; Quincy
Case No. 2008.064445
\$2,500 fine and \$159.45 costs
- George Inman; Jensen Beach
Case No. 2008.040424
\$500 fine and \$193.59 costs
6 month stayed suspension
- Shou'ture; Winter Park
Case No. 2009.009038
\$1,000 fine and \$69.79 costs
6 month stayed suspension
- Radiant Cosmetic Surgery and Medical Spa; Altamonte Springs
Case No. 2008.055839
\$500 fine and \$274.72 costs
- Sarah Jennings; Parkland
Case No. 2009.014039
\$500 fine and \$46.26 costs

- Kim Chi Leblanc; Albany, New York
Case No. 2008.043455
\$500 fine and \$135.72 costs
6 month suspension
- Claretta Pickering; Tallahassee
Case No. 2008.065087
\$1,000 fine and \$61.09 costs
- Top Nail and Dung Thai Tran; Tampa
Case Nos. 2008.065057 and 2008.065059
\$500 fine and \$172.38 costs
6 month stayed suspension

Settlement Stipulations

Regarding Case No. 2009.024155 against Nube Nove Salon of Orlando, Ms. Parson presented the department's case and suggested assessing a fine of \$500 and costs of \$164.27. Ms. Billie Dingman was present for the meeting and was sworn in by the Court Reporter. Ms. Ritenbaugh moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a Final Order. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2008.069250 against Ms. Ella Labranche of Jacksonville, Ms. Parson presented the department's case and suggested assessing a fine of \$150 and costs of \$38.81. Ms. Labranche was present for the meeting 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 of its terms into a Final Order. Ms. Ritenbaugh 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:

- Happy Nails & Happy Feet, Inc., and Liem Kim T. Nguyen; Orange Park
Case Nos. 2008.052093 and 2008.052096
\$500 fine and \$323.55 costs
- Cam Hong Nguyen; New Port Richey
Case No. 2009.009104
\$600 fine and \$129.01 costs
- Nooshin Magsoodi; Seffner
Case No. 2009.014504
\$500 fine and \$55.79 costs
- Tuan-Vy C. Van; Port St. Lucie
Case No. 2008.010271
\$1,000 fine and \$119.50 costs

- Monica Watts; West Palm Beach
Case No. 2007.043241
\$500 fine and \$134.22 costs
- Peter Coppola Salon; Boca Raton
Case No. 2009.025600
\$500 fine and \$66.53 costs
- Jamicia Butler; Jacksonville
Case No. 2009.002722
\$1,500 fine and \$58.28 costs to be paid over a period of 6 months

Department Attorney Report

Ms. Parson informed the board that as of October 9, 2009, there were 306 open cosmetology cases in the legal section.

Ms. Parson introduced Mr. Jason White who will now be serving as the board's prosecutor. She thanked the board for the opportunity to work with them.

Applications

Licensure Applications

- Valerie S. Brooks
Ms. Robyn Barineau, Executive Director, noted that the initial licensure application for Ms. Brooks was forwarded to the board for review based on the background information reflected on the application. Ms. Brooks was present for the meeting and was sworn in by the Court Reporter. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the information provided. Ms. Osborne seconded the motion and the motion passed unanimously.
- Lori A. Deoliveira
Ms. Barineau noted that the licensure application for Ms. Deoliveira was forwarded to the board for review based on the background information reflected on the application. Ms. Deoliveira was present for the meeting and was sworn in by the Court Reporter. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.
- Nhu-Quynh Ngoc Ford
Ms. Barineau noted that the initial registration application for Ms. Ford was forwarded to the board for review based on the background information reflected on the application. Ms. Ford was present for the meeting and was sworn in by the Court Reporter. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.

- Lisa MacArthur
Ms. Barineau noted that at Ms. MacArthur's request, her application was forwarded to the board for review. Ms. MacArthur did not have the required educational hours but asked that the board consider her years of experience. Ms. MacArthur was present for the meeting and was sworn in by the Court Reporter. After review and discussion of the application, the board tabled her application to allow her to complete the required 100 educational hours. Ms. MacArthur waived the deemer clause to afford her time to complete her education.

- David T. Mulligan
Ms. Ritenbaugh recused herself from voting on this matter.

Ms. Barineau noted that the initial licensure application for Mr. David T. Mulligan was reviewed by the board at a previous meeting, and they requested additional documentation from Mr. Mulligan. Mr. Mulligan was present for the meeting and was sworn in by the Court Reporter. After review and discussion of the application, Ms. Smith moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.

- Mark Allen Plotz
Ms. Barineau noted that the licensure application for Mr. Plotz was forwarded to the board for review based on the background information reflected on the application. Mr. Plotz was present for the meeting and was sworn in by the Court Reporter. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.

- Zenobia Anderson
Ms. Barineau noted that the licensure application for Ms. Anderson was forwarded to the board for review based on the background information reflected on the application. Ms. Anderson was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to deny the application based upon the noted criminal history. Ms. Smith seconded the motion and the motion passed unanimously.

- Amanda Bailey
Ms. Barineau noted that the initial licensure application for Ms. Bailey was forwarded to the board for review based on the background information reflected on the application. Ms. Bailey was not present for the meeting. After review and discussion of the application, Ms. Smith moved to deny the application since the documents provided did not demonstrate that the sanctions were satisfied. Ms. Osborne seconded the motion and the motion passed unanimously.

- Naika Blain
Ms. Barineau noted that the initial licensure application for Ms. Blain was reviewed by the board at a previous meeting, and they asked for additional documentation. Ms. Blain was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.

- Nikida Davenport
Ms. Barineau noted that the initial licensure application for Ms. Davenport was forwarded to the board for review based on the background information reflected on the application. Ms. Davenport was not present for the meeting. After review and discussion of the application, Ms. Osborne moved to approve the application based on the documents provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.
- Tajuana Patrice Dixon
Ms. Barineau noted that the initial registration application for Ms. Dixon was forwarded to the board for review based on the background information reflected on the application. Ms. Dixon was not present for the meeting. After review and discussion of the application, Ms. Smith moved to deny the application based upon the noted criminal history. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.
- Kristen Ann Dufault
Ms. Barineau noted that the initial registration application for Ms. Dufault was forwarded to the board for review based on the background information reflected on the application. Ms. Dufault was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.
- Quince R. Granberry
Ms. Barineau noted that the initial registration application for Ms. Granberry was forwarded to the board for review based on the background information reflected on the application. Ms. Granberry was not present for the meeting. After review and discussion of the application, Ms. Osborne moved to approve the application based on the documents provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.
- David Hawkins
Ms. Barineau noted that the initial registration application for Mr. Hawkins was forwarded to the board for review based on the background information reflected on the application. Mr. Hawkins was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Smith seconded the motion and the motion passed unanimously.
- Dianely Hernandez
Ms. Barineau noted that the initial registration application for Ms. Hernandez was forwarded to the board for review based on the background information reflected on the application. Ms. Hernandez was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.
- Adrian Hilario
Ms. Barineau noted that the initial licensure application for Mr. Hilario was forwarded to the board for review based on the background information reflected on the application. Mr. Hilario was not present for the meeting. After review and discussion

of the application, Ms. Smith moved to approve the application based on the documents provided, and the license shall be on probation until October 12, 2010. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

- Debbie Mangrum

Ms. Barineau noted that the endorsement application for Ms. Mangrum was forwarded to the board for review based on the background information reflected on the application. Ms. Mangrum was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.

- Alicia Martinez

Ms. Barineau noted that the initial registration application for Ms. Martinez was forwarded to the board for review based on the background information reflected on the application. Ms. Martinez was not present for the meeting. After review and discussion of the application, Ms. Smith moved to approve the application based on the documents provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

- Shanike Kashima Miller

Ms. Barineau noted that the initial registration application for Ms. Miller was forwarded to the board for review based on the background information reflected on the application. Ms. Miller was not present for the meeting. After review and discussion of the application, Ms. Osborne moved to approve the application based on the documents provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

- Marilyn Mogollon

Ms. Barineau noted that the initial registration application for Ms. Mogollon was forwarded to the board for review based on the background information reflected on the application. Ms. Mogollon was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to deny the application based upon the noted criminal history. Ms. Smith seconded the motion and the motion passed unanimously.

- Marie Lesly Plasir

Ms. Barineau noted that the initial licensure application for Ms. Plasir was forwarded to the board for review based on the background information reflected on the application. Ms. Plasir was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to approve the application based on the documents provided. Ms. Osborne seconded the motion and the motion passed unanimously.

- Donna Jo Zerby

Ms. Barineau noted that the licensure application for Ms. Zerby was forwarded to the board for review based on the background information reflected on the application. Ms. Zerby was not present for the meeting. After review and discussion of the application, Ms. Ritenbaugh moved to deny the application based upon the noted criminal history. Ms. Osborne seconded the motion and the motion passed unanimously.

Applications for Hair Braiding Courses

Phenomenal Hair Gallery

After review and discussion of the course material, Ms. Smith moved to approve the course application with the following contingencies: amending the diseases and disorders of the scalp portion of the course objectives and amending the course completion certificate. The correction must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Ritenbaugh seconded the contingency motion and the motion passed unanimously.

Kelis's Hair Braiding Academy

After review and discussion of the course material, Ms. Smith moved to approve the course application with the following contingencies: amending the diseases and disorders portion of the course objectives and amending the course completion certificate. The correction, must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Ritenbaugh seconded the contingency motion and the motion passed unanimously.

Hairtastic

After review and discussion of the course application, Ms. Smith moved to deny the application based on outdated reference materials. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Calvin Multiple Business, Inc.

After review and discussion of the course application, Ms. Osborne moved to deny the application since the course content is outside the scope of practice of Florida Board of Cosmetology licensees. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Applications for Hair Wrapping Courses

Natural Braiders Empire

Ms. Portia Washington was present for the meeting and was sworn in by the Court Reporter. After review and discussion of the course application, Ms. Smith moved to overturn the denial and approve the application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Hairtastic

After review and discussion of the course application, Ms. Smith moved to deny the application based on outdated reference materials. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Calvin Multiple Business, Inc.

After review and discussion of the course application, Ms. Ritenbaugh moved to deny the application since the course content is outside the scope of practice of Florida Board of Cosmetology licensees. Ms. Osborne seconded the motion and the motion passed unanimously.

Applications for Body Wrapping Courses

Maria P. Cerezo

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

Hairtastic

After review and discussion of the course application, Ms. Smith moved to deny the application based on outdated reference materials. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Calvin Multiple Business, Inc.

After review and discussion of the course application, Ms. Smith moved to deny the application since the course content is outside the scope of practice of Florida Board of Cosmetology licensees and outdated Florida laws and rules references. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Continuing Education Provider and Course Applications

ASM Beauty World Academy, Inc.

Course Application

Initial HIV/AIDS for HW/HB/BW

After review and discussion of the course application, Ms. Smith moved to deny the application based on outdated and undated reference materials. Ms. Osborne seconded the motion and the motion passed unanimously.

Exotica Academy, Inc.

Course Application

Continuing Education – 16 Hours Live Group Study

After review and discussion of the course material, Ms. Ritenbaugh moved to approve the course application with the following contingency: reference and source materials list should be updated. The correction must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Smith seconded the motion and the motion passed unanimously.

Exotica Academy, Inc.

Course Application

Chemical Makeup – 2 Hours Live Group Study

After review and discussion of the course material, Ms. Smith moved to approve the course application with the following contingency: reference book should be updated. The correction must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Exotica Academy, Inc.

Course Application

Environmental Issues – 1 Hour Live Group Study

After review and discussion of the course material, Ms. Smith moved to approve the course application with the following contingency: reference book should be updated. The correction must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Florida Association of Beauty Professionals

Course Application

AAA Continuing Education for Salon Professionals – 16 Hours Home Study/Video and Internet

After review and discussion of the course material, Ms. Smith moved to approve the course application with the following contingencies; paragraph on agenda page 2665 relating to piercing and puncturing should be stricken; all references to use of fumigants and vapors should be stricken; all references to the use of alcohol as a sanitizer should be stricken; paragraph on agenda page 2666 relating to ultraviolet rays should be stricken; sanitizing solutions paragraph on agenda page 2669 should be stricken; the Florida laws and rules section should be updated; and the reference material list should be updated. The corrections must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Florida Association of Beauty Professionals

Course Application

HIV/AIDS Awareness – 2 Hours Home Study/Video and Internet

After review and discussion of the course material, Ms. Ritenbaugh moved to approve the course application with the following contingency: all references to the use of alcohol as a sanitizer should be stricken. The correction must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Osborne seconded the motion and the motion passed unanimously.

Florida Cosmetology Educators Online

Course Application

Permanent Makeup Training Certificate Program Phase I Theory – 22 Hours Live Group Study, Cosmetology Conference Show, Home Study/Video and Internet

Ms. Eva Price with Florida Cosmetology Educators Online was present for the meeting and was sworn in by the Court Reporter. After review and discussion of the course application, Ms. Ritenbaugh moved to deny the application since the course content is outside the scope of practice of Florida Board of Cosmetology licensees. Ms. Smith seconded the motion and the motion passed unanimously.

Florida Cosmetology Educators Online

Course Application

Permanent Makeup Training Certificate Program Phase II Practical – 18 Hours Live Group Study, Cosmetology Conference Show, Home Study/Video and Internet

Ms. Eva Price with Florida Cosmetology Educators Online was present for the meeting and sworn in by the Court Reporter. After review and discussion of the course application, Ms. Ritenbaugh moved to deny the application since the course content is outside the scope of practice of Florida Board of Cosmetology licensees. Ms. Osborne seconded the motion and the motion passed unanimously.

Wolfgang Luckmann

Course Application

The Japanese Art of Fighting the Wrinkles – 8 Hours Live Group Study

After review and discussion of the course application, Ms. Smith moved to approve the application. Ms. Ritenbaugh seconded the motion and the motion passed with Ms. Osborne voting against the motion.

Wolfgang Luckmann

Course Application

Indian Head and Face Massage – 8 Hours Live Group Study

After review and discussion of the course application, Ms. Osborne moved to deny the application. The motion died for lack of a second. Ms. Smith moved to approve the application. Ms. Ritenbaugh seconded the motion and the motion passed with Ms. Osborne voting against the motion.

Palm Beach Community College

Course Application

Introduction to Aromatherapy – 4 Hours Live Group Study

After review and discussion of the course application, Ms. Ritenbaugh moved to deny the application since the course content is outside the scope of practice of Florida Board of Cosmetology licensees, and there were no reference materials. Ms. Osborne seconded the motion and the motion passed unanimously.

Palm Beach Community College

Course Application

Introduction to Hair Replacement – 8 Hours Live Group Study

After review and discussion of the course application, Ms. Ritenbaugh moved to deny the application since the course content is outside the scope of practice of Florida Board of Cosmetology licensees, and there were no reference materials. Ms. Osborne seconded the motion and the motion passed unanimously.

Palm Beach Community College

Course Application

Microdermabrasion – 4 Hours Live Group Study

After review and discussion of the course application, Ms. Ritenbaugh moved to deny the application based on lack of reference materials. Ms. Smith seconded the motion and the motion passed unanimously.

Palm Beach Community College

Course Application

Hair Extension Applications – 24 Hours Live Group Study

After review and discussion of the course application, Ms. Ritenbaugh moved to deny the application based on lack of reference materials and clarity that the course should only be taught to cosmetologists. Ms. Osborne seconded the motion and the motion passed unanimously.

Informed

Course Application

2010-2011 Informed Cosmetology Update – 16 Hours Home Study/Video and Internet

After review and discussion of the course material, Ms. Ritenbaugh moved to approve the course application with the following contingencies: course should include the facial specialty course breakdown, and the reference materials should be updated. The correction must be submitted to the Executive Director within 30 days of the date of the order for her approval. Ms. Osborne seconded the motion and the motion passed unanimously.

Monique Cosmetique

Course Application

Bikini and Brazilian Waxing Techniques – 4 Hours Live Group Study

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

Committee Reports

Continuing Education Committee – Ginny Fincel, Chair

There was no report at this time.

Rules Committee – Donna Osborne, Chair

There was no report at this time.

Legislative Committee – Donna Osborne, Chair

There was no report at this time.

New Business

Petition for Declaratory Statement - TLC Aesthetic Institute

Ms. Osborne moved that the petition meets the criteria for a Petition for Declaratory Statement. Ms. Ritenbaugh seconded the motion and the motion passed unanimously. Ms. Smith moved to table this matter until additional information is received regarding the infrared body wrapping process and machine. Ms. Jowers seconded the motion and the motion passed unanimously.

Fees Presentation – Larry Hurley, DBPR Office of Budget and Financial Management

Mr. Hurley was unable to attend the meeting but provided the board with proposals to address their projected deficit. The first proposal called for the increase of certain fees for cosmetologists and should allow the board to maintain a positive cash balance at least through June 30, 2013. Option 2 proposed increased fees for cosmetologists and imposing a \$10 assessment on all licenses. This proposal would provide for a larger cash balance in their operating account. After discussion, Ms. Osborne moved to approve Option 1. Ms. Rosabel Ramos seconded the motion and it passed unanimously. Ms. Ritenbaugh moved to open the board's fee rules for development. Ms. Smith seconded the motion and it passed unanimously.

Old Business

Brazilian Keratin Treatments

The board previously discussed the use of keratin treatments by licensees. An email was received by one of the department's regional offices regarding keratin treatments with 25% formaldehyde in the products. The board asked Ms. Barineau to contact the regional office and inquire if they can obtain the Manufacturer Safety Data Sheet (MSDS) on the products for inclusion in the January 2010 agenda. Ms. Barineau will contact the Miami Regional Office.

Other Business

Executive Director's 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 \$625,258, and the balance in their unlicensed activity account was \$486,374. She will provide the board with five year projections at the January 2010 meeting.

Status of Removal of Mailing Addresses on Personal Licenses

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

Board Attorney's Report

Rule 61G5-18.0055, Florida Administrative Code – Supervised Cosmetology Practice Exception

Ms. Comingore provided a draft amendment to Rule 61G5-18.005, Florida Administrative Code, Supervised Cosmetology Practice Exception. Ms. Smith moved to approve the language as provided by Board Counsel. Ms. Ritenbaugh seconded the motion and the motion passed unanimously. Ms. Comingore will move forward with the development of the rule.

Rule 61G5-31.001, Florida Administrative Code – Definitions

Definition for manufactured materials – "Multi-strand cotton or polyester blend, twisted, not braided, into a single embroidery or yarn thread." Ms. Smith moved to approve the language as submitted. Ms. Ritenbaugh seconded the motion and the motion passed unanimously. Ms. Comingore will move forward with the development of the rule.

Rule 61G5-32.001, Florida Administrative Code – Continuing Education

Ms. Ritenbaugh moved to approve the amendment to Rule 61G5-32.001(7)(c)3, Florida Administrative Code. Ms. Osborne seconded the motion and the motion passed unanimously. Ms. Osborne moved that there is no small business impact. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Rule 61G5-22.006, Florida Administrative Code – Facials (Including Skin Care and Hair Removal)

Ms. Ritenbaugh moved to create Rule 61G5-22.017, Florida Administrative Code, for

a separate rule for the stand alone facial specialty program. Ms. Smith seconded the motion and it passed unanimously. Ms. Ritenbaugh moved that there is no small business impact. Ms. Osborne seconded the motion and it passed unanimously.

Division of Regulation Report

Complaints and Investigative Statistics Report – July-August, 2009

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

Bureau of Education and Testing

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

Board Member Comments

There were no board member comments.

Chair Comments

Chair Jowers informed the board that Florida won the bid for the 2011 National Interstate Council of State Boards of Cosmetology (NIC) Conference. No date has been set for the conference.

Public Comments

Ms. Bonnie Poole, Florida Cosmetology Association, mentioned that the Board of Cosmetology licensees are not allowed to perform permanent makeup under their licenses. Ms. Barineau indicated she would include information on this topic in the next newsletter.

Dates and Locations of Future Meetings

January 25, 2010 – Orlando
April 26, 2010 – St. Augustine

Adjournment

There being no further business, the meeting was adjourned at approximately 3:15 p.m.