

# **MINUTES**

**BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
Marriott Tampa Airport  
Tampa International Airport  
Tampa, Florida 33607**

**Sunday, October 2, 2005**

The Board of Cosmetology meeting was called to order at approximately 9:15 a.m., by Ms. Mary Blanco, Chair.

## **Board Members Present**

Mary Blanco, Chair  
Joseph Caetano, Vice Chair  
Donna Osborne  
Laurel Ritenbaugh  
Monica Smith  
Laura Brown

## **Board Members Absent**

Anthony White

## **Other Persons Present**

Robyn Barineau, Executive Director, DBPR  
Dan Biggins, Assistant Attorney General, Department of Legal Affairs  
Charles Tunnicliff, Assistant General Counsel, Office of the General Counsel, DBPR  
Cameron Dougherty, Assistant General Counsel, Office of the General Counsel, DBPR  
Dana Ewaldt, Government Analyst, DBPR

## **Interested Parties Present**

Mary Croom, Court Reporter  
Stacy Wyszowski, Applicant  
Karen Boksner, Applicant  
Aleksandr Boksner, Attorney for Karen Boksner  
Louise King, Daytona Beach Community College  
Loraine McInnis, Atlantic Technical Center  
Rena Wood, Withlacoochee Technical Institute  
Myra Jowers, Florida Community College at Jacksonville  
Patricia Boone  
Jerry Gardner, Elite CME  
Thanh Nguyen, Beautiful Nails  
Amelia Goodman

Kirby Morris, National Interstate Council (NIC)  
Larry Walthers, NIC  
Lyra Erath, Bureau of Education & Testing, DBPR  
Suzanne Dailey, Laser Grade  
Kasongo Butler Nelson, Commission for Independent Education (CIE)  
Nancy Bradley, CIE  
Yvonne Jefferson, Hillsborough County  
Mado Jaimangal, Academy of Beauty & Business  
Deborah Roope, D.L. Roope Administrations  
John Conley, The Hairwraps Company  
Linda Balboa, LaBelle Beauty School  
Bonnie Poole, Florida Cosmetology Association  
Brenda Ogle, Department of Revenue (DOR)

The meeting was opened with a roll call and a quorum was established. Chair Blanco inquired if staff had received prior notification from Mr. White regarding his absence from this meeting. Chair Blanco requested that the record reflect Mr. White's absence as unexcused since no prior notification was provided.

#### **Approval of Minutes: September 7, 2005**

Ms. Donna Osborne moved to accept the minutes from the January 2, 2005, conference call board meeting. Ms. Laurel Ritenbaugh seconded the motion to accept the minutes and the motion passed unanimously.

#### **Disciplinary Matters**

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

#### **Informal Hearings**

Regarding Case No. 2005-004011 against Herold Bythol of North Miami, Mr. Charles Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$47.77. 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$500 and costs of \$47.77. Ms. Ritenbaugh seconded the motion. The motion passed unanimously.

Regarding Case No. 2004-011879 against Manuel Dela Torre of Royal Palm Beach, Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$94.65. 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, that the Respondent committed the offenses as outlined in

the Administrative Complaint, and impose a fine of \$1,000 and costs of \$94.65. Vice Chair Joseph Caetano seconded the motion and the motion passed unanimously.

Regarding Case No. 2004-011900 against Samuel Dela Torre of Royal Palm Beach, Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$100.57. Mrs. Laura Brown moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,000 and costs of \$100.57. Ms. Monica Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2004-032554 against Wonderful Hair Care of Ft. Lauderdale, Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$427.35. Vice Chair Caetano moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,000 and cost of \$427.35. Mrs. Brown seconded the motion and the motion passed unanimously.

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

Regarding Case No. 2005-010556 against A&G Unisex Beauty Salon of Miami, Mr. Tunncliff asked that this case be pulled from this meeting's agenda to be considered at a later date.

Regarding Case No. 2004-061318 against Norman Briones of Sunrise, Mr. Tunncliff asked that this cased be pulled from the agenda.

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:

- Aje's Hair Braiding; Jacksonville  
Case No. 2004-037109  
\$1,750 fine and \$177.82 costs
- Dasheba Ennis; Miami  
Case No. 2004-031027  
\$500 fine and \$32.05 costs
- High Intensity Beauty & Barber; Belle Glade  
Case No. 2004-099123  
\$1,550 fine and \$129.10 costs

Ms. Osborne moved that the board impose the penalty as recommended in the Petitioner's Motion for Finding of Waiver of Respondent's Right and for Final Order. Mrs. Brown seconded the motion and the motion passed unanimously.

### **Settlement Stipulations**

Unless otherwise stated, by appropriate motion the board found the Respondent to have committed the offenses as alleged in the Administrative Complaint and adopted the Stipulation of the parties as the board's final action regarding a penalty to be imposed on the Respondent as follows:

- College Park Salon; Orlando  
Case No. 2004-058254  
\$50 fine and \$97.92 costs
- Discount Nails; Tallahassee  
Case No. 2004-057528  
\$250 fine and \$168.28 costs
- Maria Fernandez; Jupiter  
Case No. 2004-004568  
\$1,000 fine and \$91.68 costs
- Reina Lara; Miami  
Case No. 2004-002117  
\$300 fine and \$42.10 costs
- Ana Marrero; Miami  
Case No. 2004-041898  
\$500 fine and \$53.67 costs
- Mastercuts; Wellington  
Case No. 2003-092751  
\$1,200 fine and \$116.31 costs
- Monica House of Style; North Lauderdale  
Case No. 2004-043654  
\$1,500 fine and \$131.76 costs
- Nail Trix; Sunrise  
Case No. 2004-048553  
\$300 fine and \$479.01 costs
- Towers Beauty Salon; Miami  
Case No. 2005-009014  
\$500 fine and \$26.68 costs

Mrs. Brown moved that the board adopt the Stipulations 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. Osborne seconded the motion and the motion passed unanimously.

In regard to the Settlement Stipulation against Thanh Y. Nguyen d/b/a Beautiful Nails of Tallahassee, Case No. 2005-022902, Vice Chair Caetano made a motion to reject the department's recommendation, and he suggested imposing a fine of \$250. Mrs. Brown seconded the amended penalty fine amount motion and the motion passed unanimously.

### **Department Attorney Report**

Mr. Tunncliff informed the board that there are currently 190 open cosmetology cases in the legal section.

### **Applications**

#### **Applications for Licensure by Endorsement**

- Mr. Sy Van Nguyen; California  
Mr. Sy Van Nguyen was notified of the meeting; however, he was not present. Ms. Robyn Barineau, Executive Director, informed the board that Mr. Nguyen was attempting to obtain a Florida cosmetology license by endorsement. The licensure certification from California indicates that there are open / unresolved disciplinary actions against Mr. Nguyen's manicurist license. Mr. Nguyen is currently in a probationary status with the state of California until March 2008. After review and discussion of the case, it was determined that the California case was against Mr. Nguyen as the salon owner and employer, as well as against his personal license. The board expressed concerns with the prior disciplinary history of repeated sanitation violations in the salon. Mrs. Brown made a motion that the application for endorsement be denied based on the current disciplinary proceedings of another state. Ms. Osborne seconded the motion and the motion passed unanimously.

#### **Applications for Licensure by Examination**

- Ms. Karen Boksner  
Ms. Karen Boksner was present and was sworn in by the court reporter. Mr. Aleksandr Boksner, the attorney representing Ms. Boksner was also present. The examination application for Ms. Boksner was denied by the department due to the fact that Ms. Boksner is not currently licensed to practice cosmetology in another state. Her Ohio cosmetology license expired in January 2003. Ms. Boksner requested the Board consider her eligibility for licensure by examination pursuant to section 477.019(2), F.S., based upon the clause "authorized to practice cosmetology in another

state” and “has been so authorized for at least one year”. Mr. Boksner’s pointed out that “active”, “valid” or current” were removed from the statute as of July 1, 2000. After further discussion, Mrs. Brown made a motion to approve Ms. Boksner for licensure by examination. Vice Chair Caetano seconded the motion and the motion passed unanimously.

- Ms. Stacy Wyszowski  
Ms. Stacy Wyszowski was present and was sworn in by the court reporter. The application for licensure by examination was denied by the department based on the Massachusetts license not being in a current and active status. Ms. Wyszowski gave testimony that she current holds a temporary [cosmetology] license issued by the state of Massachusetts. The temporary license is valid until February 2006. Discussion ensued regarding the statutory language “authorized to practice cosmetology in another state”. Mrs. Brown made a motion to approve Ms. Stacy Wyszowski for licensure by examination. Ms. Osborne seconded the motion and the motion passed unanimously.

### **Applications for Hair Braiding Courses**

- Eureka Institute of Health & Beauty  
Ms. Ritenbaugh made a motion to approve this application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Exquisite Hair Designs  
Ms. Osborne made a motion to approve this application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Antra Mahoney  
Mrs. Brown made a motion to approve this application. Ms. Smith seconded the motion. The motion passed unanimously.
- Masterminds of Beauty Salon, Inc.  
Mrs. Brown made a motion to approve this application. Ms. Osborne seconded the motion. The motion passed unanimously.
- New Concept Massage & Beauty School  
Ms. Ritenbaugh moved to deny this course as it requires a more extensive course outline be submitted. Ms. Osborne seconded the motion. The motion passed unanimously.
- Pro Nails & Beauty School  
Ms. Ritenbaugh made a motion to approve this application. Vice Chair Caetano seconded the motion. The motion passed unanimously.

### **Applications for Hair Wrapping Courses**

- Eureka Institute of Cosmetology  
Vice Chair Caetano made a motion to approve this application. Ms. Ritenbaugh seconded the motion. The motion passed unanimously.
- Masterminds of Beauty Salon, Inc.  
Ms. Osborne made a motion to approve this course contingent upon the provider removing the reference to hair braiding and body wrapping from the course material. Ms. Smith seconded the motion. The motion passed unanimously.
- New Concept Massage & Beauty School  
Ms. Smith made a motion to deny this application as it requires a more extensive course outline. Vice Chair Caetano seconded the denial and the motion passed unanimously.

### **Applications for Body Wrapping Courses**

- American Institute of Cosmetology  
Ms. Osborne noted the course completion certificate stated continuing education versus initial education and that the course objective did not reference Florida State [cosmetology] laws & rules. Ms. Osborne made the motion to approve the course application with a contingency of the items stated: a correction to the completion certificate and to the course objective. Ms. Smith seconded the motion. The motion passed unanimously.
- Ansprin, Inc.  
Mrs. Brown made a motion to approve this course contingent upon the provider removing the course completion certificate that does not designate the number of hours completed. Vice Chair Caetano seconded the motion and the motion passed unanimously.
- Bonita Springs School, Inc.  
Ms. Osborne made the motion to deny this application as it is product driven. Mrs. Brown seconded the motion. The motion passed unanimously.
- Eureka Institute of Health & Beauty  
Mrs. Brown made a motion to approve this course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.
- Exel Aesthetic Biotechnology  
Ms. Ritenbaugh made a motion to approve this course. Ms. Osborne seconded the motion and the motion passed unanimously.

- Masterminds of Beauty Salon, Inc.  
Ms. Smith made a motion to approve this course contingent upon the provider removing the reference to hair braiding and hair wrapping from the course material. Vice Chair Caetano seconded the motion. The motion passed unanimously.
- Palm Beach Academy  
Mrs. Brown made a motion to approve this course. Ms. Smith seconded the motion and the motion passed unanimously.
- Pro Nails & Beauty School  
Vice Chair Caetano made a motion to approve this course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

### **Initial HIV / AIDS Course Applications**

- American Institute of Cosmetology  
Ms. Ritenbaugh made a motion to approve this course. Ms. Osborne seconded the motion and the motion passed unanimously.
- CEU Works.com  
Ms. Osborne made a motion to approve this course. Vice Chair Caetano seconded the motion and the motion passed unanimously.
- Elite CME, Inc.  
Ms. Ritenbaugh made a motion to approve this course. Mrs. Brown seconded the motion and the motion passed unanimously.
- Florida College of Natural Health  
Ms. Smith recused herself from voting on this course application. The Florida College of Natural Health and her employer have business dealings with one another.  
Mrs. Brown made the motion to approve this course. Ms. Osborne seconded the motion and the motion passed unanimously.
- Florida Medical Educational Services  
Ms. Ritenbaugh made a motion to approve this course. Ms. Osborne seconded the motion and the motion passed unanimously.
- Informed  
Vice Chair Caetano made the motion to approve this course. Ms. Osborne seconded the motion and the motion passed unanimously. Chair Blanco commented that this provider continues to present themselves through their publicized brochures, flyers, etc. as if the material is DBPR endorsed or sponsored. Mr. Biggins noted that he will research this item.



- New Concept Massage & Beauty School  
Ms. Ritenbaugh made a motion to approve this course. Mrs. Brown seconded the motion and the motion passed unanimously.
- Pro Nails & Beauty School  
Ms. Osborne made a motion to approve this course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.
- The Hairwrapps Company  
Ms. Ritenbaugh made a motion to approve this course. Ms. Osborne seconded the motion and the motion passed unanimously.

### **Continuing Education Course Applications**

- Cosmetology Campus.com

#### Hazardous Materials – Advanced - 2 Hours (Internet)

Mrs. Brown made a motion to deny this course as the subject matter is not cosmetology related or specific to the cosmetology industry. Ms. Osborne seconded the motion and the motion passed unanimously.

#### Electrical Safety – Advanced - 1 Hour (Internet)

Mrs. Brown made a motion to deny this course as the subject matter is not cosmetology related or specific to the cosmetology industry. Ms. Osborne seconded the motion and the motion passed unanimously.

#### Ergonomics for General Industry-Basic - 2 Hours (Internet)

Mrs. Brown made a motion to deny this course as the subject matter is not cosmetology related or specific to the cosmetology industry. Ms. Osborne seconded the motion and the motion passed unanimously.

- Michael L. Stahl

#### Sanitation and Sterilization - 3 Hours (Live)

Ms. Osborne made a motion to approve the course application contingent upon the provider removes the product name “Lysol” from the course materials. Vice Chair Caetano seconded the motion and the motion passed.

- Rose Washko

#### Electrical Facial – 4 Hours (Live)

Ms. Smith made a motion to deny this course application. This course application was initially denied, by the full board, at the July 25, 2005, cosmetology board meeting for lack of a detailed summary being included. This course came back before the board without addition information or changes being provided. Ms. Osborne seconded the denial. The motion passed unanimously.

## **Committee Reports**

### **Continuing Education Committee – Laura Brown, Chair**

There was no Continuing Education Committee report at this time. Mrs. Brown noted that at future board meetings, she will be reporting on the number of continuing education course applications that are being submitted and reviewed.

### **Rules Committee – Donna Osborne, Chair**

Ms. Osborne had nothing to report at this time.

### **Legislative Committee – Donna Osborne, Chair**

There was no Legislative Committee report at this time. Vice Chair Caetano commented on the booth renters legislation in Washington which would require renters to report earnings through a 1099 form.

## **Old Business**

### **2006 Proposed Legislative Initiative – Approved Finalized Draft**

Ms. Nancy Bradley, member of the Commission for Independent Education (CIE), and Ms. Kasongo Butler Nelson, Assistant Executive Director of the CIE, expressed their objection with the effective dates referenced in the board's 2006 legislative proposal. Ms. Bradley commented that the July 1, 2006, effective date would be burdensome to the Commission, accreditation agencies and to the educators. The July 1, 2006, effective date does not allow sufficient time for compliance. After further discussion, Mrs. Brown made a motion to change the proposed effective date to July 1, 2007. Ms. Ritenbaugh seconded the motion and the motion passed unanimously. Mr. Biggins will amend the effective dates referenced throughout the proposal from July 1, 2006, to July 1, 2007. The amended draft will be forwarded to Ms. Susan Lehr for her information.

### **Department of Revenue – Investigation Process for Booth Renters**

Ms. Brenda Ogle, Taxpayer Specialist with the Department of Revenue, addressed the board and gave a brief overview of the taxpaying responsibilities of a booth renter as well as other compliance issues. Ms. Ogle distributed materials relating to taxpaying responsibilities and sales and use tax.

## **New Business**

### **Restructuring Continuing Education – Chair Blanco**

Ms. Barineau again reminded the board of the continuing education initiative. All cosmetology licensees not meeting the continuing education requirements will not be allowed to renew their licenses. At the request of Chair Blanco, this item is being tabled for further discussion at the January 22, 2006, cosmetology board meeting.

### Letter from Promissor

Ms. Barineau directed the board's attention to the enclosed letter from Promissor. Promissor has expressed the interest in presenting to the board their proposal to offer a national cosmetology examination to Florida applicants. The board requested Ms. Barineau extend an invitation to Promissor to attend the next board meeting for a presentation on their examination services in accordance with their correspondence.

### Cosmetology Examination Translation Request to Chinese

The board office received two separate cosmetology examination translation requests; one for Chinese and another for Vietnamese. After discussion, Mrs. Brown made a motion to approve the translation requests with the candidate bearing all costs associated. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

## **Other Business**

### Executive Director's Report

#### Financial Report, June 30, 2005, Operating Account

Ms. Barineau informed the board that the year end financial statement included in the agenda reflects the board's operating account as being in a deficit of approximately (\$900,000). In an attempt to address the deficit, the board expressed their desire to increase fee caps as outlined in the 2006 legislative proposal.

#### Email from DBPR Secretary regarding Hurricane Katrina

Ms. Barineau directed the board's attention to correspondence from DBPR Secretary Simone Marstiller regarding the department's efforts in assisting individuals affected by Hurricane Katrina who would be seeking refuge in the State of Florida. Ms. Barineau informed the board of efforts, currently in place in the board office, assisting displaced licensed professionals applying for licensure in Florida.

#### Newsletter from National Commission of Cosmetology Arts & Sciences, Inc. (NACCAS)

Ms. Barineau informed the board that the newsletter was included in this agenda for informational purposes only.

#### Complaints and Investigative Statistics for September 2005

Ms. Barineau informed the board that this report is for informational purposes only.

## **Board Attorney Report**

### **Disciplinary Guidelines**

Mr. Biggins noted the guidelines are a meaningful range between a violation and the penalty. At this point, the board agreed to table this matter for further discussion at the next board meeting of January 22, 2006. Chair Blanco asked that all board members review the disciplinary guidelines and be prepared to address and vote on the guidelines at the January 2006 board meeting.

### **Sunshine Law / Ethics Information**

Mr. Biggins provided the board with a brief presentation and handout materials on the Florida Sunshine Law and the role of a board member.

## **Bureau of Education and Testing**

### **Cosmetology Exam Administered by National Vendor**

Mr. Kirby Morris, National Interstate Council of State Boards of Cosmetology (NIC), Ms. Deborah Roope, DL Roope Administrations and Ms. Suzanne Dailey, LaserGrade, presented the board with information regarding the cosmetology examination services that are currently offered by NIC for the cosmetology professions.

Ms. Lyra Erath, Psychometrician with the DBPR Bureau of Education and Testing (BET), advised the board that BET is ready and willing to assist the board with any examination needs to include strength and weakness reports, school reports and workshops with the Department of Education and the Commission for Independent Education. The board has requested Ms. Erath to provide them with the pass / fail rates for the five years prior to Promissor being selected as the written examination vendor. Ms. Erath provided the board members with her business card and offer of assistance.

### **Board Member Comments**

Ms. Osborne gave a synopsis of the NIC conference and informed the board of the many interesting presentations. Ms. Osborne suggested the board may want to consider hosting a NIC conference in the future, as the costs associated with hosting the event are fairly minimal.

### **Chairperson Comments**

Chair Blanco had no additional comments.

### **Public Comments**

Ms. Bonnie Poole, North Florida Cosmetology Association, complimented the board on looking into options for reciprocity of licensed cosmetology professionals.

**Dates and Locations of Future Board Meetings**

The board agreed to conduct its next meeting on Sunday, January 22, 2006, in Tampa, Florida.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 3:05 p.m.