

# **MINUTES**

**BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
Hyatt Regency Miami  
400 S.E. 2<sup>nd</sup> Avenue  
Miami, Florida 33131**

**Monday, October 15, 2007 – 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  
Candido Llano

**Board Members Absent**

**Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation  
Dan Biggins, Assistant Attorney General, Department of Legal Affairs  
William Oglo, 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**

Daisy Amador, Court Reporter, Official Reporting Service, LLC  
Latazia Stuart, Central Florida College  
John Conley, The Hairwraps Company, Inc.  
Richard Ramos

The meeting was opened with a roll call and a quorum was established. Chair Jowers welcomed new member, Mr. Candido Llano, to the Board of Cosmetology.

## **Approval of Minutes: July 23, 2007 and July 24, 2007**

Ms. Donna Osborne, Vice Chair, moved to approve the minutes from the July 23, 2007, and the July 24, 2007, board meetings. Ms. Ginny Fincel seconded the motion to approve 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.

### **Proposed Recommended Order**

Regarding DOAH Case No. 07-2416 and DBPR Case No. 2006-045419 against Reflections Barber Shop and Beauty Salon of Tampa, Ms. Elizabeth Duffy, Assistant General Counsel, presented the case and suggested that the board accept the ruling of the Administrative Law Judge as stated in the Proposed Recommended Order which imposed an administrative fine in the amount of \$5,000 and revocation of the Respondent's cosmetology establishment license number CE9966208. Vice Chair Osborne moved to adopt the Proposed Recommended Order in toto. Ms. Fincel seconded the motion. The motion passed unanimously.

### **Informal Hearings**

Regarding Case No. 2006-064366 and 2006-064381 against Thang C. Doan, d/b/a Nail Jazz of Tampa, Ms. Duffy stated that the Respondent elected an informal hearing, 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 \$500 and costs of \$81.26. She also mentioned and that the Respondent requested a payment plan. 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$500 and costs of \$81.26 to be paid over a period of six months, with the first payment of \$81.26 due within 30 days of the final order and five monthly payments of \$100. Ms. Fincel seconded the motion. The motion passed unanimously.

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

Regarding Case No. 2007-004447 against Genesis Unisex Beauty Salon of Orlando, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Unless otherwise stated, by appropriate motion the board found that the Respondent was properly served with the Administrative Complaint, 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:

- Cali Pro Nails and Toan Chi Duong; Tampa  
Case Nos. 2006-064578 and 2006-064584  
\$1,000 fine and \$51.71 costs
- Changing Faces Hair Design; Orlando  
Case No. 2006-068880  
\$500 fine and \$27.85 costs
- Coila Marie Glass; Orlando  
Case No. 2007-007331  
\$500 fine and \$28.15 costs
- Donald L. Carew; Merritt Island  
Case No. 2007-013933  
\$500 fine and \$14.08 costs
- Elisangela Durand; Holiday  
Case No. 2006-063817  
\$500 fine and \$58.30 costs
- Julie A. Rotundo; Longwood  
Case No. 2007-007343  
\$500 fine and \$14.08 costs
- Lien Thi Vo; Boynton Beach  
Case No. 2006-016814  
\$2,000 fine and \$200.38 costs
- Nail Fashions; Cape Canaveral  
Case No. 2007-004454  
\$500 fine and \$14.08 costs
- Regina Galinsky; Aventura  
Case No. 2006-070181  
\$500 fine and \$64.29 costs

## **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:

- Rubiela Medina; Lake Worth  
Case No. 2006-012569  
\$2,500 fine and \$160.98 costs
- Sabrina D. Lesane; Ft. Pierce  
Case No. 2006-016847  
\$2,486.11 fine
- Top Nails Tech; West Palm Beach  
Case No. 2006-034226  
\$1,000 fine and \$150.35 costs
- Trang Van Nguyen; Lakeland  
Case No. 2006-023539  
\$500 fine and \$370.41 costs

## **Department Attorney Report**

Ms. Duffy informed the board that as of September 12, 2007, there are 169 open cosmetology cases in the legal section.

## **Applications**

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

- Ciciley Martin  
After review and discussion of the course application, Ms. Monica Smith moved to approve the application. Vice Chair Osborne seconded the motion. The motion passed unanimously.
- Gloria Boykins  
After review and discussion of the course application, Vice Chair Osborne moved to approve the application with the contingency of removing the phrase 'as mandated by State of Florida' from the course objective since clinical management and behavioral attitudes are not mandated by Chapter 477, Florida Statutes, or by Chapter 61G5, Florida Administrative Code. Ms. Smith seconded the motion. The motion passed unanimously.

- Motions Beauty Salon  
After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Fincel seconded the motion. The motion passed unanimously.
- North Miami Adult Education Center  
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.
- Paradise D & L Unisex, Inc.  
After review and discussion of the course application, Vice Chair Osborne moved to deny the application based on the course objective since 'teaching about diseases and disorders of the scalp' is beyond the scope of authority of the cosmetology practice act and based on the outdated reference materials. Ms. Fincel seconded the motion. The motion passed unanimously.
- Styles 101 Beauty  
After review and discussion of the course application, Vice Chair Osborne moved to approve the application with the contingency of adding the word 'Florida' to the laws and rules portion of the course outline. Ms. Fincel seconded the motion and the motion passed unanimously.
- Techni-Pro Institute  
Ms. Robyn Barineau, Executive Director, noted the original application was denied at their June 3, 2007, board meeting based on the implication in the course outline that the student will be able to provide cosmetology services beyond the normal scope of the hair braiding registration. After review and discussion of the application documentation, Vice Chair Osborne moved to approve the application. Ms. Fincel seconded the motion and the motion passed unanimously.

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

- Paradise D & L Unisex, Inc.  
After review and discussion of the course application, Vice Chair Osborne moved to deny the application based on the course objective since 'teaching about diseases and disorders of the scalp' is beyond the scope of authority of the hair wrapping registration and based on the outdated referenced source materials. Ms. Fincel seconded the motion. The motion passed unanimously.

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

- Aesthetic Beauty Consulting LLC.  
After review, Ms. Smith moved to approve the course application with the contingency of replacing the phrase 'skin wrapping' with body wrapping in

the course description and in the course objective.

- Central Florida College  
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.
- Daytona 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.
- Gulf Coast College  
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.
- North Florida Institute  
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**

- Central Florida 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.
- Ciciley Martin  
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.
- Daytona 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.
- Florida Cosmetology Educators Online  
After review and discussion of the course application, Vice Chair Osborne moved to approve the application. Ms. Rosabel Ramos seconded the motion and the motion passed unanimously.
- Gulf Coast 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.

- North Florida Institute  
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.
- Southeastern School of Neuromuscular Massage  
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.
- Vutram, Inc.  
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.

### **Continuing Education Provider and Course Applications**

- All Star Professional Training, Inc.  
OSHA Regulations (1 Hour Internet)  
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.
- ArcMesa Educators  
Course Renewal – Florida Cosmetology Continuing Education Program  
16 Hours (Internet & Home Study)  
After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.
- ArcMesa Educators  
Course Renewal – HIV/AIDS and Other communicable Diseases  
2 Hours (Internet & Home Study)  
After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.
- ArcMesa Educators  
Course Renewal – Sterilization and Sanitation  
3 Hours (Internet & Home Study)  
After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.

- ArcMesa Educators  
Course Renewal – Occupational Safety & Health Regulations  
1 Hour (Internet & Home Study)  
 After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.
- ArcMesa Educators  
Course Renewal – The Florida Worker’s Compensation Statutes  
1 Hour (Internet & Home Study)  
 After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.
- ArcMesa Educators  
Course Renewal – Florida Board of Cosmetology Laws & Rules  
(Introduction to Florida Board of Cosmetology)  
2 Hours (Internet & Home Study)  
 After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.
- ArcMesa Educators  
Course Renewal – Chemistry of Hair, Nails & Cosmetology Products  
2 Hours (Internet & Home Study)  
 After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.
- ArcMesa Educators  
Course Renewal – Environmental Concerns  
1 Hour (Internet & Home Study)  
 After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.
- ArcMesa Educators  
Course Renewal – Domestic Violence  
4 Hours (Internet & Home Study)  
 After review and discussion, Ms. Smith moved to approve the application with the contingency of the provider updating the reference source material. Ms. Fincel seconded the motion and the motion passed unanimously.



- ASM Beauty World Academy, Inc.  
Course Renewal – HIV/AIDS  
2 Hours (Home Study)  
 After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider remove the reference to alcohol as a disinfectant. Ms. Fincel seconded the motion. The motion passed unanimously.
- ASM Beauty World Academy, Inc.  
Course Renewal – Advanced Hair Color Corrective Seminar on Reds  
5 Hours (Live Study Group)  
 After review and discussion, Ms. Fincel moved to deny the application based on the course material being too basic in nature and based on the exam questions not relating to the subject matter of the course. Vice Chair Osborne seconded the motion. The motion passed unanimously.
- ASM Beauty World Academy, Inc.  
Course Renewal – Hair Coloring Coppers & Chocolates, Special Effects  
Using the Crimp Cross Technique  
5 Hours (Live Study Group)  
 After review and discussion, Ms. Fincel moved to deny the application based on the course material being too basic in nature and based on the exam questions not relating to the subject matter of the course. Vice Chair Osborne seconded the motion. The motion passed unanimously.
- ASM Beauty World Academy, Inc.  
Course Renewal – Hair Coloring, Highlights & Lowlights Using the Pyramid Parting Technique  
5 Hours (Live Study Group)  
 After review and discussion, Ms. Fincel moved to deny the application based on the course material being too basic in nature and based on the exam questions not relating to the subject matter of the course. Vice Chair Osborne seconded the motion. The motion passed unanimously.
- ASM Beauty World Academy, Inc.  
Course Renewal – Advanced Hair Coloring, Special Effects, Highlights & Lowlights  
5 Hours (Live Study Group)  
 After review and discussion, Ms. Fincel moved to deny the application based on the course material being too basic in nature and based on the exam questions not relating to the subject matter of the course. Vice Chair Osborne seconded the motion. The motion passed unanimously.

- ASM Beauty World Academy, Inc.  
Course Renewal – Hair Coloring, Highlights & Lowlights Special Effects Using the Horseshoe Technique  
5 Hours (Live Study Group)  
 After review and discussion, Ms. Fincel moved to deny the application based on the course material being too basic in nature and based on the exam questions not relating to the subject matter of the course. Vice Chair Osborne seconded the motion. The motion passed unanimously.
- ASM Beauty World Academy, Inc.  
Course Renewal – Advanced Hair Coloring, Cutting & Styling Techniques  
5 Hours (Live Study Group)  
 After review and discussion, Ms. Fincel moved to deny the application based on the course material being too basic in nature and based on the exam questions not relating to the subject matter of the course. Vice Chair Osborne seconded the motion. The motion passed unanimously.
- ASM Beauty World Academy, Inc.  
Course Application – 16 Hour Continuing Education  
16 Hours (Internet)  
 After review and discussion, Vice Chair Osborne moved to deny the application based on incorrect references to alcohol as a disinfectant, formaldehyde, formalin and fumigants as sanitizing agents, incorrect cosmetology license and registration education hour requirements, and incorrect licensing fees. Ms. Fincel seconded the motion. The motion passed unanimously.
- CEUWorks.com  
Course Renewal – Cosmetology 16 Hour Continuing Education Course  
16 Hours (Internet)  
 After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.
- CEUWorks.com  
Course Renewal – HIV/AIDS  
2 Hours (Internet)  
 After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.
- CEUWorks.com  
Course Renewal – Sanitation & Sterilization  
3 Hours (Internet)  
 After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference

source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.

- CEUWorks.com  
Course Renewal – OSHA  
1 Hour (Internet)  
After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.
  
- CEUWorks.com  
Course Renewal – Worker’s Compensation  
1 Hour (Internet)  
After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.
  
- CEUWorks.com  
Course Renewal – State and Federal Laws and Rules  
2 Hours (Internet)  
After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.
  
- CEUWorks.com  
Course Renewal – Chemical Makeup  
2 Hours (Internet)  
After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.
  
- CEUWorks.com  
Course Renewal – Environmental Issues  
1 Hour (Internet)  
After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.
  
- CEUWorks.com  
Course Renewal – Adult First Aid  
4 Hours (Internet)  
After review and discussion, Vice Chair Osborne moved to approve the application with the contingency that the provider update the reference

source material to the most current versions and editions. Ms. Smith seconded the motion and the motion passed unanimously.

- Cosmetologycampus.com  
Course Application – Electric Nail File  
4 Hours (Internet)  
After review and discussion, Ms. Fincel moved to deny the application based on the outdated source reference material, the incorrect reference to alcohol and formalin as disinfectant agents and based on the test questions not relating to the subject matter. Vice Chair Osborne seconded the motion. The motion passed unanimously.
  
- Cosmetologycampus.com  
Course Application – HIV/AIDS  
2 Hours (Home Study & Internet)  
After review and discussion, Ms. Fincel moved to deny the application based on the outdated source reference material, the incorrect reference to alcohol and formalin as disinfectant agents and based on the test questions not relating to the subject matter. Vice Chair Osborne seconded the motion and the motion passed unanimously.
  
- Cosmetologycampus.com  
Course Application – OSHA Recordkeeping  
1 Hour (Home Study & Internet)  
After review and discussion, Ms. Fincel moved to deny the application based on the outdated source reference material, the incorrect reference to alcohol and formalin as disinfectant agents and based on the test questions not relating to the subject matter. Vice Chair Osborne seconded the motion and the motion passed unanimously.
  
- Cosmetologycampus.com  
Course Application – Industrial Hygiene-Basic  
1 Hour (Home Study & Internet)  
After review and discussion, Ms. Fincel moved to deny the application based on the outdated source reference material, the incorrect reference to alcohol and formalin as disinfectant agents and based on the test questions not relating to the subject matter. Vice Chair Osborne seconded the motion and the motion passed unanimously.
  
- Cosmetologycampus.com  
Course Application – Blood Borne Pathogens  
2 Hours (Home Study & Internet)  
After review and discussion, Ms. Fincel moved to deny the application based on the outdated source reference material, the incorrect reference to alcohol and formalin as disinfectant agents and based on the test questions not relating to the subject matter. Vice Chair Osborne seconded the motion and the motion passed unanimously.

- Cosmetologycampus.com  
Course Application – Florida Worker’s Compensation Law  
1 Hour (Home Study & Internet)  
 After review and discussion, Ms. Fincel moved to deny the application based on the outdated source reference material, the incorrect reference to alcohol and formalin as disinfectant agents and based on the test questions not relating to the subject matter. Vice Chair Osborne seconded the motion and the motion passed unanimously.
- Cosmetologycampus.com  
Course Application – Hazardous Materials-Advanced  
1 Hour (Home Study & Internet)  
 After review and discussion, Ms. Fincel moved to deny the application based on the outdated source reference material, the incorrect reference to alcohol and formalin as disinfectant agents and based on the test questions not relating to the subject matter. Vice Chair Osborne seconded the motion and the motion passed unanimously.
- Cosmetologycampus.com  
Course Application – Pedicures from a Podiatrist’s Perspective  
2 Hours (Home Study & Internet)  
 After review and discussion, Vice Chair Osborne moved to deny the application based on there being no edition date provided for the source reference material, and based on the material data not fitting into the chemical makeup category of the continuing education requirements. Ms. Fincel seconded the motion. The motion passed unanimously.
- Cosmetologycampus.com  
Course Application – Hair Color Made Simple  
2 Hours (Home Study & Internet)  
 After review and discussion, Ms. Fincel moved to deny the application based on the course material being product driven, that the subject matter does not fulfill the chemical makeup category of the continuing education requirements and that it should be categorized as an elective course instead. Vice Chair Osborne seconded the motion. The motion passed unanimously.
- Cosmetologycampus.com  
Course Application – Pedicures Essentials  
4 Hours (Home Study & Internet)  
 After review and discussion, Vice Chair Osborne moved to approve the application with the contingency removing the various references to deep massage from the lesson plan since deep massage is beyond the scope of authority of the cosmetology practice act. Ms. Smith seconded the motion and the motion passed unanimously.

- Cosmetologycampus.com  
Course Application – Sanitation in the Salon Environment  
3 Hours (Home Study & Internet)  
 After review and discussion, Vice Chair Osborne moved to approve the application with the contingency of correcting the references in the course objective to be Florida specific instead of the reference to Texas State law. Ms. Fincel seconded the motion and the motion passed unanimously.
- Cosmetologycampus.com  
Course Application – Skin Care Essentials  
2 Hours (Home Study & Internet)  
 After review and discussion, Ms. Smith moved to deny the application based on massage references, it appears to be product driven, no source material was provided, and the course subject matter does not fulfill the chemical makeup category of the continuing education requirements, and that it should be categorized as an elective course. Vice Chair Osborne seconded the motion and the motion passed unanimously.
- Florida cosmetology Educators Online  
Course Renewal – Continuing Education Program  
16 Hours (Home Study, Internet, Live Group Study & Cosmetology Conference/Trade Show)  
 After review and discussion, Vice Chair Osborne moved to approve the application. Ms. Fincel seconded the motion and the motion passed unanimously.
- Modern Salon Learning  
Provider Application  
Course Application – Geometric Bobs  
1 Hour (Internet)  
 After review and discussion, Vice Chair Osborne moved to approve the provider application. Ms. Smith seconded the motion. The motion passed unanimously.  
 Vice Chair Osborne moved to deny the course application since no post-course examination was provided. Ms. Fincel seconded the motion. The motion passed unanimously.
- Modern Salon Learning  
Course Application – Texturizing  
1 Hour (Internet)  
 After review and discussion, Vice Chair Osborne moved to deny the course application since no post-course examination was provided. Ms. Fincel seconded the motion. The motion passed unanimously.

- Modern Salon Learning  
Course Application – Clipper Cutting  
1 Hour (Internet)  
 After review and discussion, Vice Chair Osborne moved to deny the course application since no post-course examination was provided. Ms. Fincel seconded the motion. The motion passed unanimously.
- Modern Salon Learning  
Course Application – Updo Styling  
1 Hour (Internet)  
 After review and discussion, Vice Chair Osborne moved to deny the course application since no post-course examination was provided. Ms. Fincel seconded the motion. The motion passed unanimously.
- North American School of Pedicuring  
Provider Application  
Course Application – Master Pedicure  
4 Hours (Group Study)  
 After review and discussion, Vice Chair Osborne moved to approve the provider application. Ms. Smith seconded the motion. The motion passed unanimously.  
 Vice Chair Osborne moved to approve the course application with a contingency that the course will only fulfill four hours of elective continuing education instead of the 16 hours as reflected on the lesson plan. Ms. Smith seconded the motion and the motion passed unanimously.
- Prestige Career Education  
Provider Application  
Course Application – 16 Hours Continuing Education Course  
16 Hours (Group Study)  
 After review and discussion, Ms. Fincel moved to approve the provider application. Vice Chair Osborne seconded the motion. The motion passed unanimously.  
 Vice Chair Osborne moved to approve the course application. Ms. Smith seconded the motion and the motion passed unanimously.
- Skin For Life  
Course Application – Microdermabrasion Fundamentals & Certification  
6 Hours (Group Study)  
 After review and discussion, Vice Chair Osborne moved to approve the application. Ms. Fincel seconded the motion and the motion passed unanimously.
- Skin For Life  
Course Application – Microcurrent Analysis and Treatments  
6 Hours (Group Study)  
 After review and discussion, Vice Chair Osborne moved to approve the application. Ms. Fincel 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**

Ms. Osborne noted that after reviewing the facial skin care portion of the curriculum, Chapter 61G5-22, Florida Administrative Code, School Curriculum Performance Based Learning – Minimal Competency and Service, she believes that the rule should be amended to provide further clarification as to the minimum hours and number of services required. Ms. Osborne provided Mr. William Oglo, Assistant Attorney General, with a draft. Ms. Osborne moved to open Rule 61G5-22.006, Florida Administrative Code for development. Ms. Fincel seconded the motion. The board agreed to discuss this matter further at their January 2008 board meeting. Ms. Robyn Barineau, Executive Director, added that it would be important to conduct a Rules Workshop to invite all interested parties to offer input on the facial specialty curriculum. The board agreed that a Rules Workshop should be conducted in conjunction with their April 2008 board meeting.

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

Ms. Osborne informed the board that she has received correspondence from the Florida Association of Beauty Professionals (FAB) regarding their intention of pursuing future cosmetology legislation.

Ms. Jowers stated that Ms. Susan Lehr, Government Relations Representative with Florida Community College at Jacksonville, will be speaking to a House sponsor regarding the cosmetology legislation that will be introduced during the 2008 legislative session.

## **Old Business**

### **Proposed Sanitation Flyer for Salons Update**

Two draft versions of the sanitation flyer were presented to the board for their approval. Ms. Fincel moved that the board approve the condensed version, located on page number 14 of the agenda addendum. Ms. Smith seconded the motion. The motion passed unanimously.



## **Other Business**

### **Executive Directors Report**

Financial Report, June 30, 2007 – Operating Account

Financial Report, June 30, 2007 – Unlicensed Activity Account

Ms. Barineau noted that as of June 30, 2007, the combined balance in the operating and unlicensed activity accounts was approximately \$147,000.

### **Hair Braider, Hair Wrapper and Body Wrapper Continuing Education Initiative**

Ms. Barineau reminded the board of the department's efforts to bring the hair braiding, hair wrapping and body wrapping registrants whose registrations will expire on October 31, 2007, into compliance with the 100% continuing education initiative. She informed the board that as of early October, 70% of the non-renewed registrants were non-compliant with their continuing education.

### **Cosmetology School Initiative**

Ms. Barineau informed the board of an ongoing project relating to information that cosmetology schools will be able to obtain through the department's website. Within the next 30 days or so, cosmetology schools will be sent a letter providing them with a PIN number and instructions to download a listing from the department's website of all students who have applied for examination or licensure/registration from their school. Further information regarding this initiative will be provided at the next meeting.

### **Cosmetology Examination Passing Notice**

Ms. Barineau reported that a strength-and-weakness report will be added to the passing examination score reports beginning November 9, 2007. The information will be printed on a separate page and will be displayed in a bar graph format.

### **National Interstate Council of State Boards of Cosmetology, Inc. (NIC) Newsletter Volume 63 No. 3**

Ms. Barineau informed the board that the National Interstate Council of State Boards of Cosmetology Newsletter was included in the agenda for informational purposes.

### **Complaints and Investigative Statistics Report July 2007-August 2007**

Ms. Barineau informed the board that the complaints and investigative statistics report for July 2007 through August 2007 was included in the agenda for informational purposes.

## **Board Attorney's Report**

Mr. Biggins introduced Mr. Oglo to the board. Mr. Biggins stated that he had been reassigned and that Mr. Oglo will now be serving as counsel to the Florida Board of Cosmetology. Mr. Biggins thanked the board for the opportunity to work with them.

### **Board of Cosmetology Rules Report – September 2007**

Mr. Biggins informed the board that the changes to Rule 61G5-20.003, Florida Administrative Code, Inspections, were effective September 27, 2007.

### **Proposed Draft to Rule 61G5-32.001, Florida Administrative Code – Continuing Education**

Mr. Biggins provided a draft amendment to Rule 61G5-32.001(6)(e), Florida Administrative Code, Continuing Education, to mirror the recent changes to Chapter 455, Florida Statutes, for electronic reporting of continuing education courses. The draft language is as follows:

~~“Beginning November 1, 2001, e~~Continuing education providers shall electronically provide to the Department the list of attendees at each of its offered courses within 30 business days of the completion of the course, ~~or prior to the end of the renewal cycle, whichever occurs first.~~ However, the continuing education provider shall electronically report to the Department completion of a licensee’s course within 10 business days beginning on the 30<sup>th</sup> day before the renewal deadline or prior to the renewal date, whichever occurs sooner. For home study courses, the provider shall electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. This list shall include the provider’s name and provider number, the name and license or registration number of the attendee, the date the course was completed, and the course number. All documents from the provider shall be submitted electronically to the Department and must be in a form as agreed to by the Department with the provider. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider and the course approval. Each continuing education provider shall maintain records of attendance or completion for all continuing education courses offered or taught by the provider for a period of not less than four years following the offering of each course or the receipt of documentation of completion of a home study course. Upon request, these records shall be made available for inspection by the Department or its agent, or the private entity contracted with by the Department to administer the continuing education program at such reasonable time and location as determined by the Department or its agent, or the private entity. The list of attendees submitted electronically to the Department shall not include the names of applicants taking the course for initial licensure pursuant to Rule 61G5-18.011, F.A.C.”

Vice Chair Osborne moved to approve the language as provided by Board Counsel. Ms. Fincel seconded the motion. The motion passed unianimously. Mr. Oglo will move forward with the development of the Rule.

#### Proposed Draft to Rule 61G5-20.004, F.A.C. – Display of Documents

Mr. Biggins provided a proposed draft requiring a consumer-protection flyer approved by the department to be posted in all cosmetology salons. The proposed draft is as follows:

“By July 1, 2008, all holders of a cosmetology or specialty salon license shall display at each footbath a copy of the Consumer Protection Notice regarding footbaths, sanitation and safety. Copies of this Notice (revised October 15, 2007 and incorporated herein by reference) may be obtained from the Department of Business and Professional Regulation at 1940 North Monroe Street, Tallahassee, Florida, 32399-0790, and the Call Center by calling 850.487.1395.”

Ms. Fincel moved that the board accept the drafted language as presented by Board Counsel. Ms. Smith seconded the motion. The motion passed unanimously.

Mr. Oglo will move forward with development of Rule 61G5-20.004, Florida Administrative Code, Display of Documents.

#### Proposed Draft to Rule 61G5-20.002, Florida Administrative Code – Salon Requirements

As an attempt to reduce the burden on cosmetology salon license applicants, the board agreed to amend Rule 61G5-20.002, Florida Administrative Code, Salon Requirements, to eliminate the requirement that salon owners submit proof of compliance with all building and fire codes prior to the issuance of a cosmetology salon license. The draft language is as follows:

“(d) ~~Submit proof of compliance with all building and fire codes.~~ Comply with all local building and fire codes. These requirements shall continue in full force and effect for the life of the salon.

Vice Chair Osborne moved to approve the language as provided by Board Counsel. Ms. Fincel seconded the motion and the motion passed unanimously. Mr. Oglo will move forward with the development of the Rule.

#### **Regulation Report**

Ms. Barineau informed the board that the Division of Regulation is currently developing an implementation plan for the biennial inspection program of cosmetology salons and that she will keep them posted on the progression of this initiative.

Ms. Barineau informed the board of a recent sting operation in Jacksonville. The Jacksonville Bureau of Investigative Services Office worked with local law enforcement

and they shut down two businesses, issued six citations and arrested an individual in conjunction with unlicensed activity.

### **Bureau of Education and Testing**

Ms. Barineau informed the board that there is a new Psychometrician for the cosmetology profession, Ms. Kelly Torres.

### **Cosmetology Examination Summary**

Ms. Torres provided a report that reflected the overall pass rate of the cosmetology examination was approximately 62% from January to September 2007, compared to the 2006 pass rate of approximately 40% for the same period.

### **Cosmetology Examination Progress Report**

Ms. Torres' progress report reiterated that as of November 9, 2007, a strengths and weaknesses report will be included on the cosmetology examination candidates passing score report. The report will be printed on a separate page and will be displayed in a bar graph format.

Included in the progress report was information of a cosmetology school outreach meeting, sponsored by the Bureau of Education and Testing, scheduled for October 19, 2007, in Tallahassee. The presentation will include information regarding the application process, the Customer Call Center functions, continuing education and the examination development process. Ms. Torres also reported that new Spanish examination forms have been published and are now in production.

### **Board Member Comments**

Chair Jowers and Vice Chair Osborne attended the National Interstate Council of State Boards of Cosmetology annual conference in Rapid City, South Dakota, from August 25-27, 2007, and provided the board with a report of the conference. Some of the topics of the conference were sanitation and safety, national examination and reciprocity. They both agreed that it was a very informative conference.

### **Chairperson Comments**

Chair Jowers had no further comments.

### **Public Comments**

#### **Email from Ms. Barbara Schmal Regarding the Cosmetology Examination Process**

Ms. Barineau noted that Ms. Barbara Schmal's email of July 23, 2007, was added to the agenda for informational purposes. Ms. Schmal's email expressed her opinion that the cosmetology examination should be conducted by the school at the

time of the student's graduation so that the student does not incur additional wait time due to application processing. Ms. Barineau's emailed response was that this suggestion would require a legislative change to the Board of Cosmetology Statutes, and that her suggestion would be included in the agenda for the board's review and consideration.

### **Dates and Locations for Future Meetings**

January 28, 2008 – St. Augustine

April 13, 2008 – Orlando (There is a possibility that an additional day will be added to this meeting in order to incorporate a Rules Workshop)

### **Adjournment**

There being no further business, the meeting was adjourned at 2:05 p.m.