

# **MINUTES**

**FLORIDA BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
Telephone Conference Call  
850-413-9245 (Tallahassee)  
877-651-3473 (Toll Free)  
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**Monday, November 21, 2005, 9:00 a.m.**

## **General Business Meeting**

The Board of Cosmetology meeting was called to order at approximately 9:10 a.m., by Mr. Joseph Caetano, Vice Chair.

### **Board Members Present**

Joseph Caetano, Vice Chair  
Laurel Ritenbaugh  
Monica Smith  
Anthony White  
Donna Osborne  
Myra Jowers

### **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Charles Tunnickliff, Office of the General Counsel, DBPR  
Daniel Biggins, Assistant Attorney General, Department of Legal Affairs  
Dana Ewaldt, Government Analyst, DBPR

### **Interested Parties Present**

Ray Convery, Court Reporter  
Juan Rosario, Tony's Hair Styling, Respondent  
Karline Ricketts, Respondent

The meeting was opened with a roll call and a quorum was established. Ms. Robyn Barineau, Executive Director, informed the board that Ms. Mary Blanco's term had expired as of October 31, 2005. Ms. Myra Jowers has been appointed by the Governor's Office to fill the vacated position.

## **Disciplinary Matters**

### **Proposed Recommended Order**

Regarding Case No. 2004-048636 against Mr. Juan Rosario, d/b/a Tony's Hair Styling of Orlando, Mr. Charles Tunncliff, Assistant General Counsel, presented the department's case in the matter and suggested assessing a fine of \$2,000 plus administrative costs of \$2,014.79 in line with the Administrative Law Judge's Proposed Recommended Order. Mr. Rosario was present on the telephone conference call. After discussion, it was determined that exceptions provided by Mr. Rosario were not included in the agenda. Mr. Rosario agreed to a continuance of this matter to allow for his exceptions to be included in the board meeting materials. Mr. Tunncliff noted that Mr. Rosario's exceptions were not timely filed. Mrs. Laura Brown made a motion to continue this matter until the next in-person Board of Cosmetology meeting in Tampa, Florida, on Sunday, January 22, 2006. Ms. Osborne seconded the motion. Ms. Monica Smith voted in favor of the motion. Vice Chair Joseph Caetano voted in favor of the motion. Ms. Laurel Ritenbaugh voted in favor of the motion. Mr. Anthony White voted in favor.

Regarding Case No. 2003-085951 against Ms. Karline Ricketts of West Palm Beach, Mr. Tunncliff presented the department's case in the matter and suggested assessing a fine of \$1,600 in line with the Administrative Law Judge's Proposed Recommended Order. Ms. Ricketts was present on the telephone conference call. After discussion, Mrs. Brown moved that the Proposed Recommended Order be accepted by the board. Ms. Osborne seconded the motion. Vice Chair Caetano voted in favor of the motion. Ms. Smith voted in favor of the motion. Ms. Laurel Ritenbaugh voted in favor of the motion. Mr. Anthony voted in favor of the motion. Ms. Ritenbaugh made a motion for consideration of a 6-month payment plan with the first payment of \$266.67 being due within 30 days of the final order. Mrs. Brown seconded the motion for a payment plan. Ms. Smith voted in favor of the motion. Vice Chair Caetano voted in favor of the motion. Ms. Osborne voted in favor of the motion. Ms. White voted in favor of the motion.

Mr. Tunncliff addressed the board regarding a previously heard Recommended Order case numbers 2004-006831 and 2004-006841 against Respondent Mr. Mark Slayden of Coral Springs. Mr. Slayden has contacted Mr. Tunncliff stating that he was unaware of the proceedings and the Recommended Order from the Division of Administrative Hearings. Correspondence pertaining to the Recommended Order was forwarded certified mail to Mr. Slayden to his address of record. Mr. Slayden has notified Mr. Tunncliff that he no longer receives mail at that address and the forwarding notice has expired with the postal service. Mr. Tunncliff asked the board to vacate the previously issued Final Order issued against Mr. Slayden in case numbers 2004-006831 and 2004-006841 since the facts suggest the Respondent was not provided adequate due process. This recommendation will be brought back to the board for consideration at a later date. Ms. Osborne made a motion to vacate the Final Order in case numbers 2004-006831 and 2004-006841. Ms. Monica Smith seconded the motion. Mrs. Brown voted in favor of the motion. Ms. Ritenbaugh voted in favor of the motion. Vice Chair Caetano voted in favor of the motion. Mr. White voted in favor of

the motion.

### **Adjournment**

Ms. Barineau reminded the board of the January 22, 2006, general business board meeting in Tampa, Florida. There being no other business, the meeting was adjourned at 9:50 a.m.