

# **MINUTES**

**BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
Quorum Hotel – Tampa  
700 North Westshore Blvd  
Tampa, Florida 33609**

**Sunday, January 22, 2006**

The Board of Cosmetology meeting was called to order at approximately 9:00 a.m., by Mr. Joseph Caetano, Vice Chair.

**Board Members Present**

Joseph Caetano, Vice Chair  
Donna Osborne  
Laurel Ritenbaugh  
Laura Brown  
Myra Jowers

**Board Members Absent**

Monica Smith  
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, General Counsel Intern, Office of the General Counsel, DBPR  
Dana Ewaldt, Government Analyst, DBPR

**Interested Parties Present**

Representative Jennifer Carroll  
Dennis Yecke, Deputy Secretary of Professional Regulation, DBPR  
Mary Croom, Court Reporter  
Louise King, Daytona Beach Community College (DBCC)  
Jim King, DBCC  
Rose Washko, North Florida Cosmetology Association (FCA)  
Nancy Bradley, Commission of Independent Education (CIE)  
Kasongo Butler-Nelson, CIE  
John Conley, The Hairwraps Company, Inc  
Delicia Brice, Institute of Creative Enhancement (ICE)  
Priscilla Crompt, ICE  
Bill Ratliff, Informed  
Glenda Stephenson, FCA

M. Jaimangal, ABA Business  
Juan Rosario, Respondent – Tony’s Hair Styling  
Jeff Herman, Respondent – Natures Spa  
John Crawford  
Herminia Crawford

The meeting was opened with a roll call and a quorum was established. Vice Chair Caetano noted Mr. Anthony White’s absence from the meeting. Vice Chair Caetano stated that Ms. Monica Smith’s absence was excused as she contacted board staff prior to the meeting.

Deputy Secretary Dennis Yecke introduced himself, gave a brief overview of his background and experience and thanked the board for the opportunity to participate in the meeting. Deputy Secretary Yecke mentioned the board's deficit and his plans to address this matter in the future.

#### **Approval of Minutes: October 2, 2005**

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

#### **Approval of Minutes: November 21, 2005**

Ms. Osborne moved to accept the minutes from the November 21, 2005, conference call board meeting. Ms. 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. 2005-024969 against Salon Blondie of Deland, Mr. Charles Tunncliff, Assistant General Counsel, asked that this case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2005-012203 against Ian Pennell of Lake Park, Mr. Tunncliff asked that this case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2005-012210 against Melanie L. Pennell of Palm Beach Gardens, Mr. Tunnickliff asked that this case be pulled from the agenda to be considered at a later date.

Ms. Osborne made a motion to accept Mr. Tunnickliff's request to continue of Case Nos. 2005-024969, 2005-012203 and 2005-012210. Mrs. Laura Brown seconded the motion. The motion passed unanimously.

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

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:

- James M. Hipsher; Jensen Beach  
Case No. 2004-001626  
\$1,050 fine and \$122.79 costs
- Affordable Nails; Ft. Lauderdale  
Case No. 2005-027107  
\$1,900 fine and \$213.32 costs
- Vo Nails; Wellington  
Case No. 2004-033753  
\$1,100 fine and \$129.10 costs
- Marie Cullaro; DeBary  
Case No. 2004-061799  
\$500 fine and \$103.22 costs
- Ronald M. Styles; Jupiter  
Case No. 2004-048759  
\$1,300 fine and \$144.84 costs
- Russell L. Harvin; Miami  
Case No. 2005-031062  
\$500 fine and \$74.20 costs
- Anh Kim Luu; Marianna  
Case No. 2005-007560  
\$500 fine and \$112.82 costs
- Monica J. Duque; Jupiter  
Case No. 2004-058945  
\$500 fine and \$94.01 costs

Regarding Case Nos. 2005-028229 and 2005-028223 against Paradise Unisex Salon of Miramar, Mr. Tunncliff noted that the salon is currently operating under new ownership; however, his office has received notification from the inspector as to the whereabouts of the previous owner / respondent. Mr. Tunncliff asked, given the change of ownership circumstance, would the board prefer the disciplinary cases be pursued or dismissed. Mrs. Brown moved that the board find 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 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 \$276 for each case. Ms. Ritenbaugh seconded the motion. The motion passed unanimously.

### **Settlement Stipulations**

Regarding Case No. 2005-033776 against Natures Spa of Clearwater, the Administrative Complaint charged the Respondent with multiple violations of section 477.029(1)(i), F.S., in that it is unlawful to violate or refuse to comply with any provision of Chapter 477 or Chapter 455 or a rule or final order to the board of the department. The department suggested assessing a fine of \$100 and costs of \$127.22. Ms. Osborne moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all its terms into a final order. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2004-025941 against Tammy A. Threatt of West Palm Beach, the Administrative Complaint charged the Respondent with a violation of section 455.227(1)(c), F.S., in pertinent part states that grounds for disciplinary action include being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession. The department suggested placement of the Respondent on three (3) years probation in an attempt to place restriction of the Respondent's practice of cosmetology. 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 its terms into a final order. Ms. Osborne seconded the motion and the motion passed unanimously.

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

- Yellow Strawberry Hair Salon; Ft. Lauderdale  
Case No. 2005-039293  
\$500 fine and \$183.30 costs

- Norman E. Briones; Sunrise  
Case No. 2004-061318  
\$1,000 fine and \$208.67 costs
- Isabel Russell; Boca Raton  
Case No. 2005-011256  
\$500 fine and \$71.21 costs
- La Mirage; New Smyrna Beach  
Case No. 2005-035975  
\$100 fine and \$81.56 costs
- Paula's Salon; Miami Beach  
Case No. 2005-046482  
\$500 fine and \$48.22 costs
- Patricia E. Rebel; Grove City  
Case No. 2005-027684  
\$500 fine only
- Mastercuts #6482; Wellington  
Case No. 2004-057481  
\$1,000 fine and \$126.14 costs  
(Due to a potential conflict of interest, Mrs. Brown  
recused herself from voting on this matter.)
- So Be It! Salon, Inc.; Miami Beach  
Case No. 2005-042687  
\$500 fine and \$41.44 costs
- Thoa Thi Ha; Ft. Pierce  
Case No. 2005-011067  
\$500 fine and \$125.13 costs

### **Proposed Recommended Order**

Regarding Case No. 2004-048636 against Tony's Hair Styling of Orlando, Mr. Tunnichliff presented the department's case in this matter and suggested assessing a fine of \$2,000 and costs of 2,014.79 in line with Administrative Law Judge Daniel Manry's Proposed Recommended Order. Mr. Juan Rosario, salon owner and Respondent, was present and sworn in by the Court Reporter. Mr. Rosario addressed the board regarding material he submitted as post-hearing exceptions. Mr. Biggins reminded the board that this was not an evidentiary hearing and that this case was being brought before them to accept or deny the Proposed Recommended Order of Administrative Law Judge Daniel Manry. After discussion, Ms. Osborne moved that the Proposed Recommended Order be accepted by the board, in toto. Mrs. Brown seconded the motion. Ms. Myra Jowers voted in favor of the motion. Ms. Ritenbaugh voted in favor of the motion. Vice Chair Caetano voted in favor of the motion. Mrs. Brown voted in favor of the motion.

## **Department Attorney Report**

Mr. Tunncliff informed the board that there are currently 157 open cosmetology cases in the legal section.

## **Applications**

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

- Boca Beauty Academy, LLC.  
Ms. Ritenbaugh moved to approve this course application. Ms. Jowers seconded the motion and the motion passed unanimously.
- Hands of Distinction  
Ms. Ritenbaugh recused herself from voting on this application due to a her affiliation with the Hillsborough County School System. Ms. Osborne moved to approve this course application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Mandisa Ngozi Art of Braiding School  
Ms. Ritenbaugh moved to deny this application based upon the reference to “cosmetology practice” throughout the course material. Mrs. Brown seconded the motion and the motion passed unanimously.
- Amelia Goodman  
Ms. Ritenbaugh noted that #8 of the course learning objectives referenced “hair loss treatment options” as “hair loss treatment” is not a practice that can be endorsed by the Florida Board of Cosmetology. Ms. Ritenbaugh made the motion to approve the course with the contingency of striking the “hair loss treatment” reference from the course material. The contingency corrections must be submitted to the Executive Director within 30 days. Mrs. Brown seconded the motion and the motion passed unanimously.
- Barbara’s Hair Styles Unlimited  
Mrs. Brown moved to approve this course application. Ms. Osborne seconded the motion and the motion passed unanimously.
- Hair Sculptors Braiding Academy  
Mrs. Brown moved to approve this course application. Ms. Jowers seconded the motion and the motion passed unanimously.
- New Concept Massage & Beauty School  
Ms. Ritenbaugh noted that section **IV d** of the course outline references hair wrapping instead of hair braiding. Ms. Ritenbaugh made the motion to approve the course with the contingency of replacing the “hair wrapping” reference with “hair braiding”. The contingency correction must be submitted to the Executive Director within 30 days. Mrs. Brown seconded the motion and the motion passed unanimously.

## **Applications for Hair Wrapping Courses**

- Hands of Distinction  
Ms. Ritenbaugh recused herself from voting on this application due her affiliation with the Hillsborough County School System. After review and discussion of the application, Ms. Osborne moved to approve the application with a contingency of removing the reference to “Tammy Taylor” and to “Milady’s Art & Science of Nail Technology”. No second was given; therefore, the motion died. Mrs. Brown moved to table the application and request, from the applicant, clarification as to the purpose of the reference to “Tammy Taylor” and “Milady’s Art & Science of Nail Technology” for a hair wrapping course. Ms. Osborne seconded the motion and the motion passed unanimously.
  
- Mandisa Ngozi Art of Braiding School  
Ms. Ritenbaugh moved to deny this application based upon the reference to “cosmetology practice” throughout the course material. Mrs. Brown seconded the motion and the motion passed unanimously
  
- Amelia Goodman  
Ms. Ritenbaugh noted that #8 of the course learning objectives referenced “hair loss treatment options” as “hair loss treatment” is not a practice that can be endorsed by the Florida Board of Cosmetology. Ms. Ritenbaugh made the motion to approve the course with the contingency of striking the “hair loss treatment” reference from the course learning objectives. The contingency corrections must be submitted to the Executive Director within 30 days. Mrs. Brown seconded the motion and the motion passed unanimously.
  
- New Concept Massage & Beauty School  
Mrs. Brown moved to approve this course application. Ms. Osborne seconded the motion and the motion passed unanimously.

## **Applications for Body Wrapping Courses**

- Amelia Goodman  
After review and discussion of the application, Ms. Ritenbaugh made a motion to deny the course application based upon the weight loss exercise claim. Ms. Osborne seconded the motion. The motion passed unanimously.
  
- Hands of Distinction  
Ms. Ritenbaugh recused herself from voting on this application due to her affiliation with the Hillsborough County School System. After review and discussion of the application, Mrs. Brown moved to table the application and request, from the applicant, a clarification as to the purpose of the reference to “Tammy Taylor” and “Milady’s Art & Science of Nail Technology” for a body wrapping course. Ms. Osborne seconded the motion and the motion passed unanimously.

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

- Academy of Healings Arts, Massage & Facial Skin Care, Inc.  
After review and discussion of the application, Ms. Osborne noted that the course completion certificate does not reference “initial” licensure education. Ms. Osborne made a motion to approve the course application with a contingency of correcting the course completion certificate to specify “initial” education. The contingency correction must be submitted to the Executive Director within 30 days. Ms. Jowers seconded the motion. The motion passed unanimously.
- Advance Technology Hair Designs  
After review and discussion of the application, Ms. Ritenbaugh made a motion to deny the course application based on the course outline requiring more detail. Ms. Osborne seconded the motion. The motion passed unanimously.
- Amelia Goodman  
Ms. Ritenbaugh moved to approve this course application. Ms. Jowers seconded the motion and the motion passed unanimously.
- Hands of Distinction  
Ms. Ritenbaugh recused herself from voting on this application due to her affiliation with the Hillsborough County School System. After review and discussion of the application, Mrs. Brown moved to table the application and request, from the applicant, clarification as to the purpose of the reference to “Tammy Taylor” and “Milady’s Art & Science of Nail Technology” for an initial licensure HIV / AIDS education course. Ms. Osborne also noted that there was no specification made on the application as to the type of course being taught. That portion of the application requires correction. Mrs. Brown seconded the motion and the motion passed unanimously.
- North Florida Cosmetology Institute, Inc.  
Ms. Osborne noted the course completion certificate does not specify “initial” licensure education and remove the phrase “continuing education”. Ms. Osborne made the motion to approve the course application with the contingency of correcting the course completion certificate to specify “initial” education. The contingency correction must be submitted to the Executive Director within 30 days. Ms. Ritenbaugh seconded the motion. The motion passed unanimously.
- Mandisa Ngozi Art of Braiding School  
Ms. Ritenbaugh noted the course completion certificate does not specify “initial” licensure education. Ms. Ritenbaugh made the motion to approve the course application with a contingency of correcting the course completion certificate to specify “initial” education. The contingency correction must be submitted to the Executive Director within 30 days. Ms. Osborne seconded

the motion. The motion passed unanimously.

- ASM Beauty World Academy, Inc.  
Ms. Ritenbaugh noted the course completion certificate does not specify “initial” licensure education. Ms. Ritenbaugh made the motion to approve the course application with a contingency of correcting the course completion certificate to specify “initial” education. The contingency correction must be submitted to the Executive Director within 30 days. Ms. Osborne seconded the motion. The motion passed unanimously.
- Brevard Community College  
Mrs. Brown noted the course completion certificate does not specify “initial” licensure education. Mrs. Brown made the motion to approve the course application with a contingency of correcting the course completion certificate to specify “initial” education. The contingency correction must be submitted to the Executive Director within 30 days. Ms. Jowers seconded the motion. The motion passed unanimously.

### **Continuing Education Course Applications**

- Bene’s International School of Beauty Salon Issues 2006 – 2007 (18 Hours Live)  
Ms. Jowers made the motion to approve the providership application and to approve the course application. Ms. Ritenbaugh seconded the motion. The motion passed unanimously.
- Rose Washko - Electric Facial (4 hours Live)  
Ms. Rose Washko was present for the meeting. After discussion of the course material, Ms. Jowers made the motion to approve the continuing education course application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

### **Committee Reports**

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

Mrs. Brown had no additional report at this time.

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

Ms. Osborne had no additional report at this time.

#### **Legislative Committee – Laura Brown, Chair**

Ms. Osborne had no additional report at this time.

### **Old Business**

Representative Jennifer Carroll introduced herself and thanked the board for the

opportunity to appear and address the cosmetology bill she is sponsoring in the House of Representatives. Representative Carroll added that she understand the need for licensees to be properly trained and for customers to receive quality service. Representative Carroll informed the board that Senator King will sponsor the Senate companion bill. Representative Carroll solicited assistance from the board members for their testimony before the various committees that will hear the cosmetology bill. Ms. Barineau will email Representative Carroll the names, addresses, telephone numbers and email addresses for all the board members.

## **New Business**

The scheduled presentation from national testing vendor, Promissor, has been postponed until the April 2006 board meeting.

Ms. Barineau informed that board that she has received a written request from the testing vendor, Professional Credential Services (PCS), to provide a presentation of their national testing services. Ms. Barineau will invite PCS to attend the July 2006 board meeting and make a presentation to the board.

## **Other Business**

### **Executive Director's Report**

#### **Continuing Education Project**

Ms. Barineau informed the board of the efforts the department made with regard to the 100% continuing education initiative. The department conducted an extensive information campaign to remind licensees of the law requiring completion of continuing education prior to renewal of a license. The department coordinated with large franchises in order to get the word out to their employees. Board staff distributed fliers and answered questions at tradeshow. The department and board websites provided licensees with information regarding the continuing education / renewal initiative, as well as the inspectors distributed informational fliers while conducting routine salon inspections. Ms. Barineau reminded the board that the renewal deadline of October 31, 2005, was extended until December 1, 2005, due to the impact that Hurricane Wilma had on Floridians. Ms. Barineau advised the board that the inspectors are in the process of issuing citations to licensees whose licenses are not current. The department is now working on compliance information for licensees whose license will expire October 31, 2006.

Ms. Barineau advised the board that the department is currently attempting to address the board member vacancy situation. The department is seeking assistance from all boards to assist with locating qualified applicants to fill vacancies on all boards. All interested applicants should contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire for completion and filing with the Governor's Appointments Office.

Financial Report, March 31, 2005 Operating Account

Financial Report, March 31, 2005 Unlicensed Activity Account

Ms. Barineau presented these reports to the board. Ms. Barineau informed the board that the financial report continues to show a cash deficit over (\$900,000) in their operating account. She added that the majority of the board's fees are at the statutory fee cap. Ms. Barineau indicated she would be working with Deputy Secretary Yecke, and the department's budget office in order to prepare a plan to address the board's negative cash posture. She will provide the board with as many options as possible to address their cash position at the next board meeting which may include an assessment.

Email from DBPR Secretary Regarding Hurricane Katrina

Ms. Barineau informed the board that the email from DBPR Secretary Simone Marsteller regarding Hurricane Katrina was included in the agenda for informational purposes.

Announcement by Governor Bush Regarding Funding Recommendations for Hurricane Preparedness, Response and Recovery

Ms. Barineau informed the board that the announcement by Governor Bush regarding funding recommendations for hurricane preparedness, response and recovery was included in the agenda for informational purposes.

Email from DBPR Secretary Regarding Staff Announcements

Ms. Barineau informed the board that the email from Secretary Marsteller regarding staff announcements was included in the agenda for informational purposes.

DBPR Unlicensed Activity Complaint Line Press Release

Ms. Barineau informed the board that the DBPR Unlicensed Activity Complaint Line Press Release was included in the agenda for informational purposes. DBPR has launched a hotline as a tool for citizens to lodge complaints of unlicensed activities.

Letter from Deborah L. Roope

Ms. Barineau informed the board that the correspondence from Ms. Deborah L. Roope was included in the agenda for informational purposes.

National Commission of Cosmetology Arts & Sciences, Inc. (NACCAS) Newsletter - Volume 1 No. 7

Ms. Barineau informed the board that the NACCAS Newsletter was included in the agenda for informational purposes.

National Commission of Cosmetology Arts & Sciences, Inc. (NACCAS)  
Newsletter - Volume 1 No. 8

Ms. Barineau informed the board that the NACCAS Newsletter was included in the agenda for informational purposes.

National Commission of State Boards of Cosmetology, Inc. (NIC) Newsletter –  
Volume 61 No. 5

Ms. Barineau informed the board that the NIC Newsletter was included in the agenda for informational purposes.

Board of Cosmetology January 2006 Newsletter

Ms. Barineau informed the board that the Board of Cosmetology January 2006 Newsletter was included in the agenda for informational purposes. She also indicated that the newsletter has been posted on the board's website. Ms. Barineau solicited the board for article subject matter for future newsletters.

Correspondence from Annette Ferguson Regarding Cosmetology Salon  
Requirements

The board discussed the correspondence from Ms. Annette Ferguson regarding cosmetology salon requirements. Although the board understands her situation of the sink requirement for a salon, they must adhere to the law, and it is the board's responsibility to protect the public's health, safety and welfare. It was suggested that Ms. Ferguson consider seeking a declaratory statement to further address her individual situation. Ms. Barineau will send Ms. Ferguson a letter relaying the board's position.

**Board Attorney Report**

Rule 61G5-30.001, F.A.C. – Disciplinary Guidelines (Proposed Revision)

The Board discussed the draft disciplinary guidelines as provided by Mr. Dan Biggins, Assistant Attorney General. The amendments are listed as follows:

61G5-30.001(2)(b): Penalty Range

“For a salon which has never been licensed, or for which the salon license has expired, a fine of \$500. For a salon which has become delinquent, a fine of \$50 for every month or partial month of delinquency during which the salon has operated up to a total of **\$500.**”

61G5-30.001(2)(i): Penalty Range

Use or possess a product containing a liquid nail monomer containing any trace of methyl methacrylate (MMA) “A fine of **\$500 for the first offense**; a fine of \$500 **and suspension or revocation** for a subsequent offense.”

Mrs. Brown made the motion to proceed with the disciplinary guidelines as

amended. Ms. Osborne seconded the motion and the motion passed unanimously. Mr. Biggins will proceed with filing the disciplinary guideline rules as amended by the board.

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

The board expressed concern with the pass / fail rates of the cosmetology examination. The board requested for Ms. Barineau to inquire of the Bureau of the Education and Testing to determine when the examination questions were developed, if all resource materials are cross-referenced to ensure the resource materials are addressing subject matter in the same manner and to inquire as to the age of the oldest question on all forms of the cosmetology examination.

### **Board Member Comments**

There were no additional board member comments at this time.

### **Chairperson Comments**

Vice Chair Joseph Caetano suggested the board consider developing procedures to ensure that salons are properly sanitizing foot baths. Ms. Barineau added that she understands the board's concern with proper sanitation of foot baths, however, should the board elect to add more sanitation and sterilization requirements for salons, there may possibly be an increase in costs associated with inspections, investigations and disciplinary matters. Ms. Barineau will research the requirements of other states regarding the sanitation and sterilization of foot baths. Ms. Barineau will provide the results of her research at the next board meeting.

### **Dates and Locations of Future Board Meetings**

The board agreed to conduct its next in-person meeting on Sunday, April 23, 2006, at 9:00 a.m. in Orlando, Florida.

## **ELECTIONS**

Ms. Ritenbaugh moved to elect Vice Chair Joseph Caetano as Chair of the Board of Cosmetology. Ms. Osborne seconded the motion and the motion passed unanimously.

Vice Chair Caetano moved to elect Ms. Laurel Ritenbaugh as Vice Chair of the Board of Cosmetology. Ms. Osborne seconded the motion and the motion passed unanimously.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 1:25 p.m.