

# **MINUTES**

**BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
Amelia Island Historic Harbor Front Hotel  
Hampton Inn & Suites  
19 South Second Street  
Fernandina Beach, Florida 32034**

**Saturday, January 20, 2007 – 10:00 a.m.**

The Board of Cosmetology meeting was called to order at approximately 10:00 a.m., by Mr. Joseph Caetano, Chair.

## **Board Members Present**

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

## **Board Members Absent**

Monica Smith

## **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation  
Dan Biggins, Assistant Attorney General, Department of Legal Affairs  
Gus Ashoo, Bureau of Education and Testing, Department of Business and Professional Regulation  
Alex Bosque, Bureau of Education and Testing, Department of Business and Professional Regulation  
Lyra Erath, Bureau of Education and Testing, Department of Business and Professional Regulation  
Joanne Cahill, Promissor  
Dana Ewaldt, Government Analyst, Department of Business and Professional Regulation

## **Interested Parties Present**

Richard Ballard, Court Reporter  
Bonnie, Poole, Florida Cosmetology Association  
Susan Lehr, Florida Community College at Jacksonville  
Yolando Cazares, Yula, Inc.  
Justin Bateh, Informed

The meeting was opened with a roll call and a quorum was established. Chair Joseph Caetano excused Ms. Monica Smith's absence from the meeting.

### **Approval of Minutes: November 20, 2006**

Mrs. Laura Brown moved to approve the minutes from the November 20, 2006, board meeting. Ms. Donna Osborne seconded the motion to approve the minutes and the motion passed unanimously.

### **Approval of Minutes: November 21, 2006**

Mrs. Brown moved to approve the minutes from the November 21, 2006, board meeting. Ms. Osborne seconded the motion to approve the minutes and the motion passed unanimously.

## **Applications**

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

- Brevard Community College  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Vice Chair Laurel Ritenbaugh seconded the motion. The motion passed unanimously.

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

- Brevard Community College  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Osborne seconded the motion. The motion passed unanimously.

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

- ASM Beauty World Academy  
After review and discussion of the course application, Vice Chair Ritenbaugh moved that the board deny the application based on the weight loss and inch reduction claim, incorrect terminology of a nail technician 'license' instead of nail technician 'registration', the reference to the professions of barbering and massage therapy are not applicable to the cosmetology profession and various misspellings throughout the material. Mrs. Brown seconded the motion and the motion passed unanimously.
- Artistic School of Nail & Cosmetology  
After review and discussion of the course application, Vice Chair Ritenbaugh moved that the board deny the application based on a specific

product line reference since that could possibly be misinterpreted as the product being endorsed by the Board of Cosmetology. Ms. Myra Jowers seconded the motion and the motion passed unanimously.

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

- Brevard Community College  
Vice Chair Ritenbaugh moved to approve the application. Ms. Osborne seconded the motion. 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 – Donna Osborne, Chair**

Ms. Osborne informed the board that she had been contacted by the Florida Association of Beauty Professionals and that they intended to present proposed legislation during the 2007 legislative session which would include booth renter registration, being the sole provider for cosmetology continuing education and other initiatives.

## **Old Business**

### **Proposed Cosmetology Legislation – HB117**

Ms. Susan Lehr, Florida Community College at Jacksonville, reported that HB117 has been filed by Representative Jennifer Carroll and that the bill is similar to HB771 as filed in 2006. The differences between HB117 and HB771 are the statutory fee increases were removed; the educational hour requirement for a hair braider was not increased; the definition for a hair braider was returned to read “one’s own natural hair” and the internship program language that was added to last year’s bill has been removed. Ms. Lehr stated that she anticipated HB117 to be amended to add the creation of the internship program but does not believe that many schools will elect to offer internship programs. Ms. Lehr indicated Senator Stephen Wise will sponsor the Senate companion to HB117 and that she will notify the board members by email when the Senate companion bill is filed.

Ms. Lehr informed the board that she met with a new cosmetology organization Florida Association for Beauty Professionals, and that they presented their proposed

legislation in hopes to merge the two proposals. Their goals are to be the sole provider for continuing education; mandatory examination application review by their association before submitting to the Department of Business and Professional Regulation for examination approval; to administer the cosmetology licensing examination; expedited application processing for endorsement applicants as well as privatizing services that are currently provided by the department and the board. Ms. Lehr indicated that they presented the proposal to Representative Carroll and Representative Carroll was not interested in merging the two bills.

With anticipation of the legislation passing, Ms. Robyn Barineau, Executive Director, stated that the board should plan on conducting a Rules workshop at their board meeting in July.

### **Licensure Application for Mavery C. Fuentes**

Ms. pulled the licensure application for Mavery C. Fuentes from the agenda since her application is incomplete and was it included on this agenda prematurely. Once Ms. Fuentes is ready for licensure, the application will be presented at that time.

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

The board reviewed two versions of the proposed salon flyer/consumer protection notice that the department's Communications Office revised. Discussion ensued regarding the method of distribution to salons. It was suggested that the flyer be mailed with the salon renewal notice or have inspectors distribute the flyer to the salons at the time of inspection. The board requested Mr. Biggins draft rule language to require salons to post the consumer protection notice with their most current inspection sheet. Mr. Biggins will open Rule 61G5-20.004, Florida Administrative Code, for development. This matter will be discussed further at the next board meeting.

Ms. Bonnie Poole, Florida Cosmetology Association, stated that she did not agree with the board's decision to amend their display of documents rule to require a cosmetology salon to post the consumer protection notice and making it a citable violation.

## **New Business**

### **Unlicensed Activity Account Transfer**

As an attempt to remain fiscally sound by eliminating the deficit in the board's operating account, by appropriate motion the board agreed to transfer \$800,000 from their unlicensed activity account to their operating account.

## **Other Business**

### **Executive Directors Report**

#### Announcement of New Department Secretary, Holly Benson

Ms. Barineau informed the board of the department's newly appointed Secretary, Holly Benson.

Ms. Barineau also informed the board that Deputy Secretary Dennis Yecke is no longer with the department and that Mr. Andy Edwards has been appointed as Deputy Secretary of Professional Regulation.

#### Financial Report, September 30, 2006 - Operating Account

#### Financial Report, September 30, 2006 - Unlicensed Activity Account

As of September 30, 2006, the balance in the operating account was (\$905,636). Ms. Barineau stated that with the transfer from the unlicensed activity account, coupled with the assessment fees and with the recently approved fee changes, the board should expect to see a decrease in the deficit of the operating account balance. The December 31, 2006, reports will be available for review at the next board meeting.

#### National Accrediting Commission of Cosmetology Arts & Sciences, Inc. (NACCAS) Newsletter - Volume 2 No. 6

Ms. Barineau informed the board that the National Accrediting Commission of Cosmetology Arts and Sciences Newsletter was included in the agenda for informational purposes.

#### National Interstate Council of State Boards of Cosmetology, Inc. (NIC) Newsletter Volume 62 No. 5

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 2006–December 2006

Ms. Barineau informed the board that the complaints and investigative statistics report for July 2006 through December 2006 was included in the agenda for informational purposes.

### **Board Attorney's Report**

#### Board of Cosmetology Rules Report – December 2006

Mr. Biggins informed the board that the changes to their Rule 61G5-20.004, Florida Administrative Code, Display of Documents, and Rule 61G5-32.001, Florida

Administrative Code, Continuing Education, were effective December 6, 2006.

Mr. Biggins noted that amendments to Rule 61G5-18.0055, Florida Administrative Code, Supervised Cosmetology Practice Exception, Rule 61G5-20.001, Florida Administrative Code, Salon Defined, and Rule 61G5-20.002, Florida Administrative Code, Salon Requirements, should be adopted and effective soon.

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

#### **Cosmetology Examination Presentation**

Representatives from the Bureau of Education and Testing provided the board with a presentation detailing the services offered by their division. The presentation focused on the cosmetology examination development. Ms. Lyra Erath, Psychometrician, informed the board that all forms of the cosmetology examination have been revised and were launched into production in mid-November. Since the newly revised exam forms were launched, the passing rates have increased substantially. The Bureau of Education and Testing staff also informed the board that they are interested in developing strategies to improve communication, such as seminars for cosmetology schools, as an attempt to identify areas of concern. The board was pleased with the performance of the new examination questions. Vice Chair Ritenbaugh asked if the pass notices provided to the candidates at the examination site could include the strength and weakness report much like the failing notice provides. Ms. Erath stated that she will explore the request and provide the board with a response at their next meeting.

### **Board Member Comments**

Mrs. Brown asked the board members for their opinion and position on a cosmetologist or specialist posting the wallet size card of the license or registration with a photo attached at their work stations since the wallet size contains all pertinent information. After discussion, it was determined that since the wallet size card is merely a courtesy copy, it should not be posted at the work station. Ms. Barineau stated that she would include a reminder notice in the next newsletter.

### **Public Comments**

#### **Letter from Maya's School of Beaute, Inc. Regarding Hair Braiding Restrictions**

The board requested that Ms. Barineau extend an invitation to Ms. Maya Thomas to attend their next board meeting so that her questions and concerns regarding hair braiding restrictions can be addressed.

#### **Email Inquiry Regarding Required Licensure for Threading**

The board agreed that threading can be performed by a licensed cosmetologist, registered facial specialist or a registered full specialist. The board staff will respond accordingly to the email inquiry.

## **Elections**

Chair Joseph Caetano stated that he was not interested in being reappointed as Board Chair.

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

Mrs. Brown moved to elect Ms. Jowers as Vice Chair of the Board of Cosmetology. Ms. Osborne seconded the motion and the motion passed unanimously.

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

### **Proposed Meeting Dates for 2007 Calendar Year**

The board agreed to the following meeting dates and locations:

April 15, 2007 – Orlando, Florida (hotel contract is confirmed)

July 23 & 24, 2007 – Tampa (possible rules workshop at this meeting)

October 15, 2007 – Fort Lauderdale or Miami

## **Public Comments**

Ms. Poole thanked the board for their hard work, dedication and support they provide to the cosmetology profession.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:30 p.m.