

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**

Sunday, January 21, 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
Charles Tunnicliff, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation
Tiffany Harrington, 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

Richard Ballard, Court Reporter
Yolando Cazares, Yula, Inc.
Nicole Aurelien, Respondent
Dang-Tuan Le Nguyen, Respondent
Dang Hiep Nguyen, Translator for Dang-Tuan Le Nguyen
Latonya Hayes, Respondent
Irene Payne, Respondent

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.

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. 2006-020813 against Angel Nails II of Pompano Beach, Ms. Tiffany Harrington, Assistant General Counsel, stated that the Respondent elected an informal hearing. Ms. Harrington presented the department's case in this matter and suggested assessing a fine of \$750 and costs of \$140.69. The Respondent was not present for the meeting. Ms. Harrington informed the board that all fines and costs are paid in full. 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 \$750 and costs of \$140.69. Ms. Donna Osborne seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-012556 against Canh Tan Vuong of Sebastian, Ms. Harrington informed the board that the Respondent elected an informal hearing however, the Respondent was not present for the meeting. Ms. Harrington presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$410.98. 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 \$410.98. Vice Chair Laurel Ritenbaugh seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-026115 against Curl Queen Beauty Salon of Jacksonville, Ms. Harrington informed the board that the Respondent elected an informal hearing. Ms. Harrington presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$71.61. Ms. Irene Payne was present for the meeting and was sworn in by the Court Reporter. Ms. Payne did not dispute the facts of finding in the case. Ms. Payne requested the board approve a payment plan for the fine and costs. 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 \$71.61 and that the final order incorporate a 12-month payment plan with the first payment of \$89.30 being due within 30 days of the date of the final order, plus 11 additional monthly payments of \$89.30 each. Ms. Myra Jowers seconded the motion. The motion passed unanimously.

Regarding Case No. 2005-037532 against J. Russell Salons of Palm Beach, Ms. Harrington requested this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2005-046038 against Nicole Aurelien of Port St. Lucie, Ms. Harrington informed the board that the Respondent elected an informal hearing. Ms. Harrington presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$116.68. Ms. Nicole Aurelien was present for the meeting and was sworn in by the Court Reporter. Ms. Aurelien requested a payment plan for the fine and costs. 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 \$116.68 and that the final order incorporate an 11-month payment plan with the first payment of \$116.68 costs due within 30 days of the date of the final order plus 10 additional monthly payments of \$100 each. Mrs. Brown seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-031218 against Vilama Unisex Beauty Salon of Pompano Beach, Ms. Harrington informed the board that the Respondent elected an informal hearing however, the Respondent was not present for the meeting. Ms. Harrington presented the department's case in this matter and suggested assessing a fine of \$1,500 and costs of \$34.49. 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 \$1,500 and costs of \$34.49. Mrs. Brown seconded the motion. The motion passed unanimously.

Motions for Waiver of Rights and Final Order

Regarding Case No. 2006-011126 against Dang-Tuan Le Nguyen of Tampa, Ms. Harrington informed the case was agendaed as a Motion for Waiver of Rights, however, Ms. Harrington requested the Board proceed with an Informal Hearing since the Respondent, Mr. Dang-Tuan Le Nguyen, was present for the meeting. Ms. Harrington presented the department's case and suggested assessing a fine of \$500 and costs of \$380.40. Mr. Dang Hiep Nguyen was also present for the meeting translating for Mr. Dang-Tuan Le Nguyen. Mr. Nguyen and Mr. Nguyen were sworn in by the Court Reporter. Mr. Nguyen requested the board approve a payment plan for the fine and costs. Mrs. 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 \$500 and costs of \$380.40 and that the final order incorporate a 6-month payment plan with the first payment of \$380.40 being due within 30 days of the date of the final order, plus 5 additional monthly payments of \$100 each. Ms. Osborne seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-015441 against Deluxe Nails, Inc., of Orlando, Ms. Harrington requested this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2006-032527 against Experts Beauty Nails of Miami, Ms. Harrington requested this disciplinary case be pulled from the agenda as the Respondent has requested a formal hearing before the Division of Administrative Hearings.

Regarding Case No. 2005-058754 against Latonya R. Hayes of Tallahassee, Ms. Harrington informed the board that the case was agended as a Motion for Waiver of Rights, however, Ms. Harrington requested the Board proceed with an Informal Hearing since the Respondent, Ms. Latonya Hayes, was present for the meeting. Ms. Hayes was sworn in by the Court Reporter. Ms. Harrington presented the department's case and suggested assessing a fine of \$500 and costs of \$164.27. Ms. Hayes requested a payment plan for the fine and costs. After discussion, 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 \$164.27 and that the final order incorporate a 6-month payment plan with the first payment of \$164.27 due within 30 days of the date of the final order. plus 5 additional monthly payments of \$100 each. Ms. Jowers seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-014908 against Latonya R. Hayes of Tallahassee, Ms. Harrington informed the board that the Administrative Complaint charged the Respondent with a violation of Section 477.0265(1)(e), Florida Statutes, in that it is unlawful for any person to attempt to obtain a license through fraudulent misrepresentations. Ms. Hayes was present for the meeting and was sworn in by the Court Reporter. Ms. Hayes addressed the board stating that she did not dispute the facts and requested that the board approve her for licensure since she has now complied with the remedial hour requirement for re-examination and has passed both portions of the cosmetology examination. After discussion, Vice Chair Ritenbaugh 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 \$100.55 and that the final order incorporate a 6-month payment plan with the first payment of \$100.55 due within 30 days of the date of the final order, plus 5 additional monthly payments of \$100 each, and that the board approve Ms. Hayes for licensure with the condition that if Ms. Hayes does not comply with the terms of the final order, her cosmetology license will be placed on a suspended status until all fines and costs are paid in full. Ms. Jowers seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-014047 against Shalita Parks of Tampa, Ms. Harrington informed the board that an investigation revealed that the Respondent submitted insufficient funds on behalf of 71 hair braiding registrants who paid the Respondent as part of their hair braiding course fee with the expectation that the Respondent was to remit the application fee to the department. Department records reveal the insufficient funds total \$2,100 plus \$123 in service charges; only \$383 has been remitted by Ms Parks as restitution. Ms. Harrington informed the board, to date, approximately 63 of the hair braider registrants remain licensed; however, the department has not received payment. The Administrative Complaint charged the Respondent with a violation of Section 477.028(1)(b), Florida Statutes, by committing fraud, deceit and misconduct in the practice of cosmetology and suggested assessing a fine of \$500 and costs of \$298.28. Ms. Parks was not present for the meeting. Ms. Harrington presented the board with a faxed, written explanation of events submitted by Ms. Parks. After discussion, Mr. Biggins advised that board that their rules do not provide them the authority to revoke Ms. Parks' hair braider providership. Mrs. Brown moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving her right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the finds of fact and conclusions of law of the board and impose a fine of \$500, costs of \$298.28, restitution of \$1,840, all to be paid in the form of a cashier's check, money order or cash, and the revocation of Ms. Parks' cosmetology license CL228613. Ms. Osborne seconded the motion. The motion passed unanimously.

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:

- Ahmed Aki Saad; Tampa
Case No. 2006-020847
\$1,000 fine and \$50.91 costs
- Alesia A. Mason; North Palm Beach
Case No. 2005-051287
\$1,500 fine and \$127.31 costs
- Donald Roye; West Palm Beach
Case No. 2005-051470
\$1,000 fine and \$96.06 costs
- Doreen Sandra Rhondin; Jacksonville
Case No. 2006-024447
\$500 fine and \$50.31 costs

- Duc Huule; Davie
Case No. 2005-019218
\$500 fine and \$40.17 costs
- Erich W. Roa; West Palm Beach
Case No. 2006-005332
\$1,500 fine and \$121.82 costs
- Francisca G. Santana; Hialeah
Case Nos. 2006-010814 & 2006-029053
\$500 fine and \$147.51 costs
- Glamour Nails; Tampa
Case No. 2006-020918
\$500 fine and \$360.60 costs
- Heather Lavonne Feagin; Sanford
Case No. 2005-009960
\$500 fine and \$138.78 costs
- Leroy Clay, Jr. & Razor Sharpe Cutz-N-Stylez; Gainesville
Case Nos. 2006-032553 & 2006-027342
\$500 fine and \$133.61 costs
- Lucia G. Lantigua; Pembroke Pines
Case No. 2006-026615
\$1,000 fine and \$123.69 costs
- Maria Collado; Miami
Case No. 2003-082461
\$2,000 fine and \$192.79 costs
- Nail 'Amour; Port Richey
Case No. 2006-023619
\$500 fine and \$334.94 costs
- Phuong Khanh T. Nguyen; Orlando
Case No. 2006-025046
\$500 fine and \$71.29 costs
- Poetic Look Beauty Salon; Ft. Lauderdale
Case No. 2006-030055
\$500 fine and \$79.49 costs
- Rickie Van Tran; Wesley Chapel
Case No. 2006-020936
\$500 fine and \$360.60 costs

- Sharp Image Hair Salon; West Palm Beach
Case No. 2005-063481
\$750 fine and \$112.06 costs
- Stefanie Ramos; Miami
Case No. 2005-050473
\$500 fine and \$57.90 costs
- Taneka N. Lennon; West Palm Beach
Case No. 2004-033769
\$1,000 fine and \$126.14 costs
- Yolanda Allen-Johnson; Clearwater
Case No. 2005-058654
\$500 fine and \$70.45 costs
- Zhanette House of Beauty, Inc.; Miramar
Case No. 2005-020934
\$574 fine
- Belinda D. Ellison; Winter Haven
Case No. 2005-047381
\$500 fine and \$60.40 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:

- Ebony & Ivory Beauty Salon; Jacksonville
Case No. 2006-013512
\$200 fine and \$320.03 costs
- Hair Design Medispa; Lighthouse Point
Case No. 2006-031817
\$250 fine and \$98.55 costs
- Le's Nails; Tallahassee
Case No. 2006-036789
\$250 fine and \$94.95 costs
- Bac Quang Do and Foxy Nail & Spa; Riverview
Case Nos. 2006-020690 & 2006-020674
\$500 fine and \$402.94 costs

- A+ Nails; Orlando
Case No. 2006-003502
\$700 fine
- Andres F. Angulo; Tampa
Case No. 2006-033090
\$1,000 fine and \$86.50 costs
- Anh Tho Thi Tran; Largo
Case No. 2006-015443
\$500 fine and \$380.88 costs
- Coopers Cuts & Style; Port St. Joe
Case No. 2006-010512
\$250 fine
- Creative Nails; Melbourne
Case No. 2006-001187
\$425.76 fine
- Famous Nails; Tampa
Case No. 2006-020667
\$500 fine and \$376.70 costs
- Fashion Nails; Orlando
Case No. 2006-013643
\$500 fine and \$319.05 costs
- Lee Nails; Largo
Case No. 2006-018778
\$500 fine and \$334.94 costs
- Maria Nails & Spa; Orlando
Case No. 2006-013645
\$500 fine and \$319.05 costs
- Pro Nails; Lakeland
Case No. 2006-023543
\$500 fine and \$320.34 costs
- Regal Nails; Sanford
Case No. 2006-025045
\$500 fine and \$66.07 costs
- Salon Express; Lauderhill
Case No. 2006-035567
\$1,000 fine and \$99.89 costs

- Supercuts #9700; Jupiter
Case No. 2006-005278
\$1,000 fine and \$112.47 costs
- Teresa A. Bush-Davis; Ft. Pierce
Case No. 2005-011039
\$1,000 fine and \$125.13 costs
- Trinity Nails and Spa; Brandon
Case No. 2006-020949
\$500 fine and \$328.40 costs
- Vogue Salon; Marianna
Case No. 2006-007739
\$500 fine and \$76.17 costs

Department Attorney Report

Ms. Harrington informed the board that as of January 17, 2007, there are 140 open cosmetology cases in the legal section.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:30 p.m.