

**MINUTES**

**BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
Telephone Conference Call  
(850) 488-5778  
Suncom 278-5778**

**Wednesday, June 30, 2004**

The Board of Cosmetology meeting was called to order at approximately 10:15 a.m. by Ms. Mary Blanco, Chair.

**Board Members Present**

Mary Blanco, Chair  
Joseph Caetano, Vice Chair  
Donna Osborne  
Laura Brown  
Monica Smith

**Board Members Absent**

Laurel Ritenbaugh  
Anthony White

**Other Persons Present**

Diane Guillemette, Assistant Attorney General, Department of Legal Affairs  
Susan Wilkinson, Assistant General Counsel, Office of the General Counsel,  
DBPR  
Robyn Barineau, Government Analyst, DBPR

**Interested Parties Present**

Connie Butler, Court Reporter  
Vicki Canto, Cloud 9 Spa Salon  
Shannon Haas, Cloud 9 Spa Salon

The meeting was opened with a roll call and a quorum was established. Chair Mary Blanco excused Ms. Laurel Ritenbaugh from the meeting as she had a previous engagement scheduled for this date prior to being informed about this board meeting.

**New Business**

**Petition for Variance**

**Cloud 9 Spa Salon – Rule 61G5-20.004(2), Florida Administrative Code**

Ms. Diane Guillemette, Assistant Attorney General, advised the board that the Cloud 9

Spa Salon requested a variance from Rule 61G5-20.004(2), Florida Administrative Code. Cloud 9 Spa Salon has asked the board to allow them to display all licenses in a conspicuous place in the salon as opposed to the required display of licenses at individual workstations. Vice Chair Joseph Caetano mentioned to the other board members that if the board agreed to waive this rule in this particular instance, the opportunity for other salons to ask for a future waiver of this rule could be burdensome on the board. Chair Blanco informed the board that she is opposed to any variance from this rule and agreed that when operators move from one room within a spa or salon to another room in the spa or salon, they should take their license with them and post it in the new location. Ms. Vicki Canto of Cloud 9 Spa Salon mentioned that it would not be feasible for the individuals working in their spa to move their licenses from work location to work location as they often rotate workstations multiple times in one day and this was the sole reason for them asking for a variance from the license display rule. Ms. Donna Osborne agreed that it would not be difficult for a licensee to move their license from one working location to another working location within a spa or salon. Ms. Canto informed the board that many salons in their area are not in compliance and only post licenses in one central location within their salon and not at an individual workstation. Ms. Osborne stated her belief that a client should know an operator by their license and photograph and Ms. Canto agreed. Vice Chair Caetano asked if moving licenses would hinder their business and Ms. Canto stated that licenses are not currently being displayed at individual workstations. Ms. Julie Malone, Executive Director, informed the board that the license display rule was amended in 2000. Ms. Shannon Haas of Cloud 9 Spa Salon indicated that their licenses have always been displayed in the same location at the front of their spa since 1999. Ms. Haas added that whenever their annual inspections occur, until recently, they were never informed that their licenses were improperly posted. Ms. Guillemette again explained the variance and waiver procedure. Ms. Malone informed the board that the rule was amended in 2000 changing the display of licenses in a conspicuous location within a salon to posting licenses at individual workstations to protect the health, safety and welfare of consumers and to assist in easing the inspection process for inspectors. Mrs. Laura Brown agreed that it would not be a hardship to move a license from one workstation to another workstation. Vice Chair Caetano moved to deny Cloud 9 Spa Salon's Petition for Variance. Ms. Osborne seconded the motion and the motion passed unanimously. Ms. Haas asked how the department intends to enforce this rule for others in violation. Ms. Malone encouraged Ms. Haas to file a complaint if she knows of others violating this rule.

### **Other Business**

Ms. Malone reminded all board members that Financial Disclosure Forms must be filed with the Florida Commission on Ethics by July 1, 2004.

Ms. Malone informed the board that as of March 31, 2004, the negative cash balance in the board's operating account was approximately \$1 million. She also informed the board that approximately \$900,000 was available to transfer from the unlicensed activity account to the operating account to cover the negative cash position.

Vice Chair Caetano moved to transfer \$900,000 in the board's unlicensed activity account to the board's operating account. Ms. Osborne seconded the motion and the motion passed unanimously.

Ms. Malone informed the board that the department will begin enforcing the MMA statute on July 1, 2004, and will provide a thorough briefing on prohibiting the use of MMA in salons at the July 25, 2004, board meeting. Ms. Guillemette advised the board that she has opened the disciplinary guideline rules for discussion at the July 25, 2004, board meeting.

There being no further business, the meeting was adjourned at approximately 11:00 a.m.

JM/rb