

MINUTES

**BOARD OF COSMETOLOGY
Department of Business and Professional Regulation
Marriott Tampa Westshore
1001 North Westshore Boulevard
Tampa, Florida 33607**

Sunday, October 10, 2004

The Board of Cosmetology meeting was called to order at approximately 10:05 a.m., by Mr. Joseph Caetano, Vice Chair.

Board Members Present

Joseph Caetano, Vice Chair
Donna Osborne
Laura Brown
Laurel Ritenbaugh
Monica Smith

Board Members Absent

Mary Blanco, Chair
Anthony White

Other Persons Present

Julie Malone Garofalo, Executive Director, DBPR
Diane Guillemette, Assistant Attorney General, Department of Legal Affairs
Daniel Biggins, Assistant Attorney General, Department of Legal Affairs
Charles Tunnicliff, Assistant General Counsel, Office of the General Counsel,

DBPR
Robyn Barineau, Government Analyst, DBPR

Interested Parties Present

Patricia Gough, Court Reporter
Kirby Morris, National Interstate Council for State Boards of Cosmetology
Claus Lang, Professional Credential Services, Inc.
Bonnie Poole, Florida Cosmetology Association
Robert Valdez, Florida Cosmetology Schools Association
Karina Rolnik, Steiner Education Group
John Conley, The Hairwraps Company, Inc.
Rena Wood, Withlacoochee Technical Institute
H. Louise King, Daytona Beach Community College
Frank Capostagno, Academy of Professional Careers
Myra Jowers, FCCJ

Quang Vo, Hollywood Nails+, Respondent
Mauricia Paez, Portofino Salon, Respondent
Marcie West Bishop, Respondent
Miriam E. Lynch
Janice Royal
Patricia Boone

The meeting was opened with a roll call and a quorum was established. Vice Chair Caetano excused Chair Mary Blanco from the meeting as she was caring for her ill son. Mr. Anthony White was not present nor did he contact the board office regarding his absence from the board meeting.

Approval of Minutes: July 25, 2004

Ms. Donna Osborne moved to accept the minutes from the July 25, 2004, board meeting. Mrs. Laura Brown seconded the motion to accept the minutes and the motion passed unanimously.

Disciplinary Matters

Ms. Diane Guillemette, Assistant Attorney General, inquired if all the board members had received their board meeting materials, if the materials were legible, and if the members had reviewed all the materials. All members responded in the affirmative to these questions.

Motion for Reconsideration

- Marcie West Bishop; Belle Glade
Case No. 2003-070819
\$2,250 fine, costs of \$399.03 and a six-month license suspension
Final Order entered August 11, 2004

Ms. Bishop was present at the board meeting. Ms. Osborne moved to reconsider this matter. Mrs. Brown seconded the motion and the motion passed unanimously. Mr. Charles Tunnicliff, Assistant General Counsel, informed the board that Ms. Bishop sent the department a letter indicating that she would like this matter reconsidered at the next available board meeting as she did not appear at the July 25, 2004, board meeting believing it was not necessary that she be present. She further indicated that she had made the final \$50 payment toward case no. 2001-00505 and could provide proof of the payment at a later date. She also informed the board that she is a divorced mother of three minor children, having been involved in a documented abusive marriage, and that suspension of her license would be detrimental. Ms. Brown moved to table this case until the next board meeting asking that Ms. Bishop provide to the board for inclusion in the next board meeting agenda documentation supporting her abusive marriage and proof of final payment in case no. 2001-00505. Ms. Osborne seconded the motion and the motion passed unanimously.

Informal Hearings

Regarding Case No. 2003-073498 against Erlinda Carreno of Immokalee, Mr. Tunncliff asked that this case be tabled until the next board meeting for proof of service of the Amended Administrative Complaint. Ms. Osborne moved to table this case until the next board meeting. Ms. Laurel Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-048681 against Anita Wiley of Stuart, Mr. Tunncliff asked that this case be tabled until the next board meeting for proof of service of the Amended Administrative Complaint. Ms. Osborne moved to table this case until the next board meeting. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-096286 against Lucia R. Barros of Orlando, Mr. Tunncliff asked that this case be considered as a Settlement Stipulation as the Respondent forwarded a signed Settlement Stipulation to the department subsequent to the preparation of the agenda. Ms. Osborne moved to reject the proposed Settlement Stipulation. Ms. Monica Smith seconded the motion and the motion passed unanimously. Ms. Osborne moved to table this matter until the next board meeting so that the department can prepare an Amended Settlement Stipulation calling for payment of a fine of \$500 and costs of \$316.57. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-002216 against Portofino Beauty Salon of Delray Beach, Mr. Tunncliff presented the department's case in this matter. Mr. Mauricio Paez was present and offered mitigation in this matter indicating that he has paid the previous cases against his salon. After board discussion, Mrs. Brown moved to dismiss Count I of the Administrative Complaint. Ms. Osborne seconded the motion and the motion passed unanimously. Ms. Osborne moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent 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, costs of \$129.54, and a six-month license suspension. Mrs. Brown seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Regarding Case No. 2003-079155 against Marie Accius of Miami, Mr. Tunncliff presented the department's case in this matter. 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, and the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of this board. Ms. Osborne seconded the motion and the motion passed unanimously. Ms. Osborne

moved to impose a fine of \$1,000, costs of \$561.36, and recommend that the department forward this case to the State Attorney's Office for prosecution. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-003088 against James A. Green of West Palm Beach, Mr. Tunncliff presented the department's case in this matter. Ms. Osborne 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, and the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of this board, and that the board impose a fine of \$1,000 and costs of \$325.95. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-094308 against Hollywood Nails+ of Wellington, Mr. Tunncliff asked that this Settlement Stipulation matter be moved up on the agenda to accommodate the return flight of Mr. Quang Vo, owner of Hollywood Nails+, to West Palm Beach. Mr. Tunncliff presented the department's case in this matter. Mr. Vo offered mitigation in this case and ensured the board that corrective action has been taken in his salon so that the violations alleged in the Administrative Complaint will not happen again. He asked that in the future, if the inspectors can note on the citation which individuals are alleged to have violated the laws and rules. Mr. Tunncliff thanked Mr. Vo for his suggestion and indicated he will address this suggestion with the inspector supervisors. 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 of its terms into a Final Order. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2002-013272 against Jamilah Douglas of Ft. Lauderdale, Mr. Tunncliff presented the department's case in this matter. Ms. Osborne 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 this board, and that the board impose a fine of \$1,000 and costs of \$510.98. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-075601 against Modern Day Hair & Nail Salon of Tampa, Mr. Tunncliff presented the department's case in this matter. Ms. Osborne 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 this board, and that the board impose a fine of \$450 and costs of \$184.46. Mrs. Brown seconded the motion and the motion passed unanimously.

Mrs. Brown asked if final orders of the board were listed on individual or business credit reports. Mr. Tunncliff was uncertain but indicated he would get back with the

board on this issue at the next board meeting.

Regarding Case No. 2003-047988 against Kara Hill of Delray Beach, Mr. Tunncliff presented the department's case in this matter. Ms. Osborne 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 this board, and that the board impose a fine of \$500 and costs of \$326.86. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-042236 against Tamika Lafontant of Miramar, Mr. Tunncliff presented the department's case in this matter. Ms. Osborne 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 this board, and that the board impose a fine of \$500, costs of \$252.06, allowing the Respondent to pay this matter in full over a six-month period. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-080734 against Kasanna Hadfield of Delray Beach, Mr. Tunncliff presented the department's case in this matter. Ms. Osborne 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 this board, and that the board impose a fine of \$1,500, costs of \$904.66, and a recommendation that the department forward this case to the State Attorney's Office for prosecution. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-059787 against Chatter Box II Beauty Salon of Riviera Beach, Mr. Tunncliff presented the department's case in this matter. Ms. Osborne 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 this board, and that the board impose a fine of \$500 and costs of \$104.59, amending the department's original fine proposal of \$250 since the Respondent's license has been delinquent three times in the past. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-076385 against Giacomo Logiaaco of Jenson Beach, Mr. Tunncliff indicated this case was improperly agendaed as a Settlement Stipulation matter and should be heard as a Motion for Waiver of Rights and Final Order. Mr. Tunncliff presented the department's case in this matter. Ms. Osborne 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 this board, and that the board impose a fine of \$1,000 and costs of \$110.51. Mrs. Brown seconded the motion and the motion passed unanimously.

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:

- Ebone Beauty Salon; Jacksonville
Case No. 2003-074423
\$400 fine and \$574.73 costs
- Natalie A. Allen; Pace
Case No. 2004-009883
\$200 fine and \$110.13 costs
- New York Nails; Jacksonville
Case No. 2003-000156
\$650 fine and \$334.52 costs
- European Bodywax Corporation; Miami
Case No. 2003-092065
\$500 fine and \$33.21 costs
- Canh Tan Vuong; Sebastian
Case No. 2003-082878
\$500 fine and \$133.84 costs
- Backstage Hair Studio; Tallahassee
Case No. 2003-095688
\$500 fine and \$92.45 costs
- La Coiffeurs; Lauderhill
Case No. 2003-095361
\$500 fine and \$143.17 costs
- Lloyd Bryan; Oakland
Case No. 2003-095409
\$500 fine and \$131.49 costs

- Hair-Gasm Unisex, Inc.; Miami
Case No. 2003-052055
\$200 fine and \$48.97 costs
- Josette Beauty Salon; Pompano Beach
Case No. 2004-012834
\$500 fine and \$97.21 costs

Regarding Case No. 2003-076450 against Andre S. Lewis of Pompano Beach, Mr. Tunncliff asked that this case be tabled until the next board meeting for further review. Ms. Smith moved to table this case until the next board meeting. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Department Attorney Report

Prosecuting Attorney Report

Mr. Tunncliff informed the board that there are currently 137 open cosmetology cases in the legal section.

Ms. Bonnie Poole, Florida Cosmetology Association, asked why the State Attorney's Office does not prosecute all the cases forwarded to them by the department. Mr. Tunncliff and Ms. Guillemette informed Ms. Poole that the discretion of which cases will be prosecuted is completely up to the State Attorney's Office. Mr. Tunncliff added that the State Attorney's Office is aware that if they do not prosecute a case, the department can administratively take action against an individual or business.

Disciplinary Guidelines

Ms. Guillemette informed the board that a draft of revised disciplinary guidelines has not been finalized. She added that this assignment was originated because the current disciplinary guidelines are difficult to read. Ms. Guillemette will have a draft of the revised disciplinary guidelines available for the next board meeting agenda.

Applications

Application for Endorsement

- Florence Smith/Arizona
Ms. Julie Malone Garofalo, Executive Director, informed the board that Ms. Smith has moved her endorsement application to an examination application and is currently scheduling for reexamination.

Other Business

Public Comments

NIC Examination Presentation – Kirby Morris, President

Mr. Kirby Morris, President of the National Interstate Council for the State Boards of Cosmetology (NIC), introduced himself and informed the audience that he was present to go over the national testing program offered by NIC. Mr. Morris informed the audience that NIC, through their contracted testing vendor, Professional Credential Services, Inc., administered over 100,000 written and practical examinations in 2003 for cosmetologists, nail technicians, estheticians, and other related professionals. He added that all exams are offered in English, Vietnamese and Latin American Spanish and the examinations are written at an eighth grade comprehension level. Mr. Morris indicated that NIC recommends every state offer a written and a practical examination. Mr. Morris offered the following information:

1. Since 1997, NIC has updated its software 17 times for better scoring results;
2. 588 new written exam tasks were created in 2003;
3. 64 new exam forms were released in 2003;
4. NIC is the only national examination in cosmetology and related fields;
5. NIC does not develop state specific examinations;
6. NIC follows testing industry standards for exam development;
7. NIC offers a separate score for a state law exam at no additional cost;
8. NIC written test questions are taken from the Milady's and Pivot Point textbooks;
9. For practical exams, examiners are required to attend an annual, two day course on scoring;
10. Practical examiners are reviewed quarterly;
11. The NIC exam is endorseable in 32 states;
12. Quarterly exam reports are provided to all states;
13. NIC defends and pays for the defense of all exam challenges;
14. NIC tests for minimum competency.

Mr. Morris introduced Mr. Claus Lang, Vice President of Professional Credential Services, Inc. (PCS), the NIC testing vendor. Mr. Lang informed the audience that PCS was established six years ago. He added that since PCS became the NIC testing vendor, four additional states have started using the NIC examination and they are currently discussing with seven other states the use of the NIC licensing examination. Mrs. Brown asked how difficult it is to get through the toll free telephone number to schedule for an examination. Mr. Morris indicated that he has not received any complaints with the toll free number. Mr. Morris and Mr. Lang indicated that the cost to each candidate for a written and practical examination is approximately \$115 to \$120. Ms. Malone Garofalo will inquire as to when the department's testing contract with

Promissor expires. Ms. Poole indicated that statutory changes would be necessary to utilize the NIC examinations but agrees that the NIC program would benefit all licensees endorsing in and out of Florida. She also agrees that all specialties should be examined before being issued a license. Mr. Robert Valdez, Florida Cosmetology Schools Association, wanted to ensure that NIC practical exams are not opinion-based and Mr. Morris ensured Mr. Valdez that with the annual two-day course examiners are required to complete, scoring is not opinion-based.

Applications (continued)

Hair Braiding Course Applications

- **Academy of Professional Careers**
Mr. Frank Capostagno was present from Academy of Professional Careers. Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, the portion of the hair braiding course relating to hair extensions has been removed from the course materials and a new course application was provided. Ms. Ritenbaugh moved to approve this hair braiding course application. Mrs. Brown seconded the motion. Vice Chair Caetano, Mrs. Brown, Ms. Smith and Ms. Ritenbaugh voted in favor of the hair braiding course application. Ms. Osborne was absent from the meeting room when the vote took place.
- **American Academy of Cosmetology, Inc.**
Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, the course completion certificate has been revised, other communicable disease information has been added to the course materials, and a current copy of the laws and rules has been added to the course materials. Mrs. Brown moved to approve this hair braiding course application. Ms. Ritenbaugh seconded the motion. Vice Chair Caetano, Mrs. Brown, Ms. Smith and Ms. Ritenbaugh voted in favor of the hair braiding course application. Ms. Osborne was absent from the meeting room when the vote took place.
- **World Class Academy of Beauty**
Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, the information relating to pedicures has been deleted from the course materials, information relating to diseases and disorders of the scalp has been added to the course materials, and a current copy of the laws and rules has been added to the course materials. Mrs. Brown moved to approve this hair braiding course application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

- Braid It Up
Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, the course completion certificate has been revised and a current copy of the laws and rules has been added to the course materials. Ms. Ritenbaugh moved to approve this hair braiding course application. Ms. Smith seconded the motion and the motion passed unanimously.

Hair Wrapping Course Applications

- World Class Academy of Beauty
Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, the pedicure information included in the original course materials has been deleted, information relating to diseases and disorders of the scalp has been added to the course materials, and a current copy of the laws and rules has been added to the course materials. Mrs. Brown moved to approve this course application. Ms. Osborne seconded the motion and the motion passed unanimously.
- Braid It Up
Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, the course completion certificate has been revised and a current copy of the laws and rules has been added to the course materials. Mrs. Brown moved to approve this course application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Body Wrapping Course Applications

- Broward Career Institute
Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, an amended course completion certificate has been submitted. Ms. Smith moved to approve this course application with the contingency that the provider remove the course completion certificate language, "valid for two years from issue date", and the amended course completion certificate be approved by the board executive director prior to any course offering. Mrs. Brown seconded the motion and the motion passed unanimously.
- IPAC Distributors, Inc.
Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, the foot spa information included in the original course materials has been deleted and the course completion certificate has been revised. Ms. Smith moved to approve this course application. Mrs. Brown seconded the motion and the motion passed unanimously.

- Braid It Up
Ms. Malone Garofalo informed the board that according to the Bureau of Education and Testing, the mannequin fee has been removed from the course materials, information relating to disorders of the scalp has been added to the course materials, and a current copy of the laws and rules has been added to the course materials. Mrs. Brown moved to approve this course application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Application for HIV/AIDS Initial Licensure Course

- World Class Academy of Beauty
Ms. Osborne moved to approve this course application. Mrs. Brown seconded the motion and the motion passed unanimously.

Continuing Education Course Application

- Carolina V. Mayes
Course Application
Continuing Education – 16 Hours
Ms. Osborne moved to approve this course application. Mrs. Brown seconded the motion and the motion passed unanimously.

New Business

Petition for Variance and Waiver

Miriam Ellen Lynch

Rule 61G5-20.0015, F.A.C. – Performance of Cosmetology or Specialty

Services Outside a Licensed Salon

Ms. Guillemette informed the board that Ms. Lynch had asked for a variance and waiver from rule 61G5-20.0015, F.A.C., so that she could offer cosmetology services to brides at a specific time or location and not in a salon. After her further review, however, it appeared that the information Ms. Lynch requested to have waived, is actually contained in Chapter 477, F.S., and cannot be waived. Mrs. Brown moved to deny Ms. Lynch's Petition for Variance and Waiver. Ms. Osborne seconded the motion and the motion passed unanimously.

Committee Reports

Rules Committee – Donna Osborne, Chair

- Nail Specialty Requirements, Facial Specialty Requirements, and Booth Rental Licensure

Ms. Osborne indicated that since changes are needed in the statutes before

the cosmetology rules could be amended relating to these topics, discussion of these rules would be tabled until a future board meeting.

Ms. Osborne briefly reviewed some language she and Ms. Guillemette drafted regarding Chapter 477, F.S. She indicated the need to create a hair stylist license, a nail technician license and an esthetician license. Ms. Osborne gave a condensed version of the services allowed under each of these licenses. She added that a full cosmetologist license would allow an individual to perform all cosmetology services. Ms. Osborne indicated the need for specialty certificates in the following areas: shampooing, hair braiding, hair wrapping, body wrapping and cosmetic specialist, and she gave a brief overview of each. She indicated the need to allow grandfathering in some areas. Mrs. Brown stated that she feels spray tanning and henna need to be included under esthetician services. Ms. Osborne proposed that the required hours for a hair stylist license be 1,200; 600 for an esthetician license; 600 for a nail specialist license; and 2,400 for a cosmetologist license. Mr. Valdez suggested 1,200 for a hair stylist license; 600 for an esthetician license; and 300 for a nail specialist license. Ms. Myra Jowers, FCCJ, indicated that she did not believe students would enroll for 2,400 hours to be able to sit for the state cosmetology examination. Ms. Poole stated that going from the currently required 1,200 hours of education to 2,400 hours is a substantial increase. She added that if the legislative proposal is too vague, it will be difficult to get it through the Legislature. After further discussion, it was determined that a conference call was necessary to workshop and discuss the board's legislative proposals they want to pursue during the 2005 legislative session. A conference call was established for Friday, November 5, 2004, at 9 a.m., for a legislative workshop and general business meeting. Mr. Daniel Biggins, Assistant Attorney General, will work with Ms. Osborne on the legislative draft and get the draft to Ms. Malone Garofalo by October 22, 2004, for posting on the board's webpage.

Other Business

Correspondence

Email of August 30, 2004, from Susan Tobin Regarding Whirlpool Spas

Ms. Malone Garofalo referred the board to their supplemental information packages containing an email from Ms. Susan Tobin regarding the sanitation and sterilization of whirlpool spas. Ms. Guillemette informed the board that the board's rules do not address regulation of foot spas. She suggested that Ms. Malone Garofalo direct Ms. Tobin to her local health department and the manufacturer for answers to her sanitation questions.

Executive Director Report

Year End Financial Report for Periods Ending June 30, 2003, and June 30, 2004

Ms. Malone Garofalo reported that as of June 30, 2004, the balance in the board's operating account was (\$731,912) which included the \$900,000 transfer from unlicensed activity. Mrs. Brown asked what the projected operating account balance would be for June 30, 2005. Ms. Malone Garofalo reported that in accordance with the report prepared by Finance and Accounting and presented at the July 2004 board meeting, the projected operating account balance as of June 30, 2005, is (\$554,465). This projection includes capping out all fees and increasing the licensee base as well as expenses.

Regulation Report

Complaints and Investigative Statistics Report for Fiscal Year 2003-2004 Complaints and Investigative Statistics Report for Period Ending July 31,

2004

Ms. Malone Garofalo informed the board that these reports were included in the supplemental agenda for informational purposes.

Board Attorney Report

Rules Report

Ms. Guillemette mentioned the Rules Report included in the supplemental agenda for informational purposes.

Letter of September 22, 2004, to Stephanie Parkin of Enchanted Tan and Skin Care

Mr. Biggins indicated that he responded to Ms. Parkin's request regarding spray tanning and infrared body wraps. He added that he suggested a Petition for Declaratory Statement for her inquiry regarding spray tanning and that he needed more information to address her infrared body wraps question.

Ms. Guillemette distributed copies of laws and rules from other states which might assist board members while considering proposed statutory changes.

Ms. Guillemette thanked the board for the opportunity to work with them these few months. She added that Mr. Biggins will take over as the Assistant Attorney General for cosmetology but that she would assist him, if needed, in the future.

Board Member Comments

Mrs. Brown asked for a break out of the Information Technology expense included in the financial statements. Ms. Malone Garofalo will provide detail as to the make up of the Information Technology charge at the next meeting.

The board agreed to conduct a legislative workshop and general business meeting by conference call on Friday, November 5, 2004. The board agreed to conduct its next in-person meeting on Sunday, January 9, 2005, at 9 a.m. in Orlando, Florida.

There being no further business, the meeting was adjourned at approximately 5:30 p.m.

JM/rb