

MINUTES

BOARD OF COSMETOLOGY
Department of Business and Professional Regulation
Telephone Conference Call
888-461-8118
850-414-5775

Monday, June 20, 2005

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
Laurel Ritenbaugh
Monica Smith
Laura Brown
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
Dana Ewaldt, Government Analyst, DBPR

Interested Parties Present

Connie Butler, Court Reporter
Bruce Schilling, Ollie Koala's BackYard I, LLC

The meeting was opened with a roll call and a quorum was established.

New Business

Petition for Declaratory Statement

Ollie Koala's BackYard I, LLC – Section 477.013, Florida Statutes

Mr. Daniel Biggins, Assistant Attorney General, introduced the petition to

the board. The basis for the petition for declaratory statement is for the board to determine if the presented set of circumstances constitutes the practice of cosmetology as defined in section 477.013, Florida Statutes. The petition is a request from Ollie Koala's BackYard I, LLC, to be allowed to offer, for compensation, several cosmetology type services (i.e. nail painting, hair braiding / hair styling, makeup application, etc.) in the setting of a birthday party which would be outside of a licensed cosmetology salon. Chair Blanco asked for board member comments. Mrs. Laura Brown offered her concerns about the age of the employees performing the services. As she understood the petition, the employees would primarily be Teenagers and may not be licensed cosmetologists nor would they have the required knowledge of head lice and other scalp conditions. Ms. Donna Osborne shared the same concerns in regards to a lack of knowledge in sanitation and sterilization practices. Vice Chair Joseph Caetano said he felt like this was a clear violation of the statute. Vice Chair Caetano mentioned to the other board members that if the board agreed to allow a waiver of this rule, the opportunity for future waivers of this rule could be burdensome on the board and could adversely affect the industry. Mr. Biggins reminded the board that a decision reached would only apply to this particular petition or case. The decision would not automatically open the rule up for others to do the same. Mr. Bruce Schilling then addressed the board asking for clarification of what items within the petition would be allowed. Chair Blanco stated that as long as no hair services were performed, she would be comfortable with items such as nail stickers, lip gloss; items that the children could do for themselves and for one another. The other board members agreed. Mrs. Brown made a motion to determine that the facts as stated in the petition for declaratory statement fall under the practice of cosmetology and are in accordance with Chapter 477, Florida Statutes. The motion was seconded by Ms. Osborne and the motion passed unanimously. Mr. Biggins clarified the board's decision to deny the petition for declaratory statement. Ms. Laurel Ritenbaugh commended Mr. Schilling for addressing the board with this petition.

Applications

Application for Hair Braiding Course

- **Master Minds of Beauty Salon, Inc.**

Ms. Osborne asked that the provider be more specific on the course reference materials. The material list refers to the "Florida Board of Cosmetology handbook". The Florida Board of Cosmetology does not promote another vendor's published material. Ms. Osborne made a motion to deny the course based on an incomplete reference material list. The motion was seconded by Mr. Caetano and the motion passed unanimously.

Applications (Continued)

Application for Hair Wrapping Course

- **Master Minds of Beauty Salon, Inc.**

Ms. Osborne asked that the provider be more specific on the course reference materials. The material list refers to the "Florida Board of Cosmetology handbook". The Florida Board of Cosmetology does not promote another vendor's published material. Ms. Osborne made a motion to deny the course based on an incomplete reference material list. The motion was seconded by Mr. Caetano and the motion passed unanimously.

Application for Body Wrapping Course

- **Master Minds of Beauty Salon, Inc.**

Ms. Osborne asked that the provider be more specific on the course reference materials. The material list refers to the "Florida Board of Cosmetology handbook". The Florida Board of Cosmetology does not promote another vendor's published material. Ms. Osborne made a motion to deny the course based on incomplete reference material list. The motion was seconded by Mr. Caetano and the motion passed unanimously.

New Business

Ms. Robyn Barineau informed the board that as of last quarter, period ending March 31, 2005, the operating accounting had a negative balance of approximately (\$832,000). In order to address the deficit, she asked the board to consider transferring an available \$900,000 from their unlicensed activity account to their operating account. Mrs. Brown made a motion to transfer the \$900,000 from the unlicensed activity account to the operating account. The motion was seconded by Ms. Osborne and the motion passed unanimously.

Ms. Barineau reminded the board of the 100 percent continuing education monitoring initiative and reminded the board that licensees and registrants not in compliance with all continuing education requirements would not be allowed to renew their license or registration until all continuing education requirements were satisfied. The department will be mailing the renewal notices by first class mail as this will allow the notice to be forwarded if a forwarding order is on file with the postal service. For those that are continuing education deficient that attempt to renew their license by paying the renewal fees a letter will be mailed to them, by first class mail, informing the licensee that before the license can be renewed they must provide the department with

proof of completing all continuing education requirements.

Ms. Barineau reminded the board members to submit all outstanding travel reimbursements as soon as possible as the fiscal year will end June 30, 2005.

There being no other business, the meeting was adjourned at approximately 10:50 a.m.