

MINUTES

**BOARD OF COSMETOLOGY
Department of Business and Professional Regulation
The Florida Mall Hotel
1500 Sand Lake Road
Orlando, Florida 32809**

Sunday, April 23, 2006

The Board of Cosmetology meeting was called to order at approximately 9:00 a.m., by Mr. Joseph Caetano, Chair.

Board Members Present

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

Board Members Absent

Anthony White

Other Persons Present

Robyn Barineau, Executive Director, DBPR
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
Drew Winters, Assistant General Counsel, Office of the General Counsel,
DBPR
Dana Ewaldt, Government Analyst, DBPR

Interested Parties Present

Simone Marstiller, Secretary of Professional Regulation, DBPR
Cindy Green, Court Reporter
Louise King, Daytona Beach Community College (DBCC)
Helen King, DBCC
Cornelia Popp, DBCC
John Conley, The Hairwraps Company, Inc
Danielle Kemp, Institute of Creative Enhancement (ICE)
Jackie Smith, ICE
Julie Hall, Career Training Institute
Mau Nguyen, Pro-Nails and Beauty School, Inc.
Tuan Vo, Pro-Nails and Beauty School, Inc.
Roberta Robinson, Respondent, Salon Blondie
Raquel Santiago, Respondent
Carmen Rodriguez, Translator for Raquel Santiago
Illa Ovile, Respondent, The Nail Garden

Julie Woodhouse, Endorsement Applicant
Jerry Gardner, Elite CME
Tho Ha, Respondent, Florida Nails
Maria E. Briceno, Respondent
Robin Valentino, Translator for Maria Briceno
Ian Pennell, Respondent
Melanie Pennell, Respondent, Diva Nails and Skin Care
Valencia Jones, Applicant
Denise Jones, Applicant

The meeting was opened with a roll call and a quorum was established. Vice Chair Caetano noted Mr. Anthony White's absence from the meeting. Vice Chair Caetano stated that Mr. White's absence was unexcused as he did not contact board staff prior to the meeting.

Secretary Simone Marstiller introduced herself and thanked the board for the opportunity to participate in the meeting. Secretary Marstiller stated her focus and goal for the agency is to increase accountability to all professions and improve/redefine customer service. Secretary Marstiller added that she welcomes the opportunity to work with the board and invited all board members to contact her with their comments, concerns and ideas.

Approval of Minutes: January 22, 2006

Mrs. Laura Brown moved to approve the minutes from the January 22, 2006, board meeting. Vice Chair Laurel Ritenbaugh seconded the motion to approve the minutes and the motion passed unanimously.

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. 2005-029668 against Erlinda Carreno of Immokalee, Mr. Drew Winters, Assistant General Counsel, informed the board that the Respondent elected an informal hearing before the board, however, she was not present for the meeting. Mr. Winters was contacted by Ms. Carreno requesting a payment plan be granted for the fine and costs. Ms. Donna 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 \$143.15 due by

making six (6) consecutive monthly payments. The first payment of \$143.15 costs is due within 30 days of the date of the final order. Ms. Myra Jowers seconded the motion. The motion passed unanimously.

Regarding Case No. 2005-061911 against Gladys DeLa Cruz of Miami, Mr. Winters asked that this case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2005-006643 against Florida Nails of Port St. Lucie, Mr. Winters presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$173.12. Mr. Tho Ha was present and was sworn in by the court reporter. In an attempt to demonstrate the corrective actions taken, Mr. Ha presented the board with photographs of cleaning agents that he used to disinfect and sterilize foot baths in the salon. Mr. Ha offered mitigation as to the procedures of sanitization and sterilization practices of the foot baths between each client/service. After discussion, Mrs. Brown moved that the board find that 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 reduced fine of \$700 and costs of \$173.12 and grant a 6-month payment plan with the first payment of \$173.12 being due within 30 days of the date of the final order. Vice Chair Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-034153 against Antonia Gomez of West Palm Beach, Mr. Winters presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$83.06. 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 \$83.06. Vice Chair Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-012203 against Ian Pennell of Lake Park, Mr. Winters presented the department's case in this matter and suggested assessing a fine of \$200 and costs of \$101.50. Mr. Pennell was present and was sworn in by the court reporter. Mr. Pennell did not dispute the facts, but offered mitigation regarding the oversight of renewing his license. 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 reduced fine of \$150 and costs of \$101.50. Ms. Monica Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-012210 against Melanie L. Pennell of Palm Beach Gardens, Mr. Winters presented the department's case in this matter and suggested assessing a fine of \$650 and costs of \$101.50. Ms. Pennell was present and was sworn in by the court reporter. Ms. Pennell reiterated the circumstances as stated by Mr. Ian Pennell. After discussion, 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 reduced fine of \$500 and costs of \$101.50. Ms. Osborne seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-024969 against Salon Blondie of Deland, Mr. Winters presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$80.05. Ms. Roberta Robinson was present and was sworn in by the court reporter. Ms. Robinson offered mitigation as to why her dog was in the salon at the time of inspection since the salon was not open and operating on that particular day. Ms. Robinson would like to have the Florida Statute changed to allow dogs under 10 pounds with insurance coverage in salons. 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 \$1,000 and costs of \$80.05. Ms. Osborne moved that a 6-month payment plan be granted with the first payment of \$80.05 being due within 30 days of the date of the final order. Vice Chair Ritenbaugh seconded the motion. Mrs. Brown opposed the motion. Chair Caetano voted in favor of the motion. Vice Chair Ritenbaugh voted in favor of the motion. Ms. Smith voted in favor of the motion. Ms. Jowers voted in favor of the motion. Ms. Osborne voted in favor of the motion. Mrs. Brown voted against the motion.

Regarding Case No. 2005-022253 against Raquel Santiago of Kissimmee, Mr. Winters presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$182.31. Ms. Santiago was present along with Ms. Carmen Rodriguez who was translating on her behalf. Ms. Santiago and Ms. Rodriguez were sworn in by the court reporter. Ms. Santiago offered mitigation stating that she was not working as a cosmetologist or performing services of cosmetology, and that she was working as a receptionist and folding towels at the time of the inspection. Mr. Winters noted that this was not an evidentiary hearing, and if the facts were in dispute that this matter would require a hearing before the Division of Administrative Hearings (DOAH). After discussion, Ms. Santiago requested this matter be presented to DOAH. Mr. Winters withdrew the case from this meeting's agenda.

Regarding Case No. 2005-033690 against The Nail Garden of Eustis, Mr. Winters presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$179.85. Ms. Illa Ovile was present and sworn in by the court reporter. This case was initially agended as a Motion for Waiver, however, Mr. Biggins requested the matter be redefined as an Informal Hearing since the Respondent was present. Ms. Ovile stated that she did not dispute the facts but would like to offer mitigation of the circumstances. Ms. Ovile presented the steps that have been taken in order to comply with the license renewal. 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 reduced fine of \$300 and costs of

\$179.85. Ms. Osborne moved that a 6-month payment plan be granted with the first payment of \$179.85 being due within 30 days of the date of the final order. Mrs. Brown seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

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:

- Ashley Mary Aaron; Wellington
Case No. 2004-008052
\$400 fine and \$91.86 costs
- Fashion Nails; Orlando
Case No. 2004-061213
\$500 fine and \$93.44 costs
- Melissa P. Graham; Apopka
Case No. 2004-027383
\$350 fine and \$96.78 costs
- Lucienne Louiceus; Oakland Park
Case No. 2004-042358
\$500 fine and \$110.75 costs
- Christopher Mason; Ft. Lauderdale
Case No. 2004-008644
\$500 fine and \$154.52 costs
- Kerod K. Morgan; West Palm Beach
Case No. 2004-054144
\$500 fine and \$119.28 costs
- Nina's Hair Salon; Immokalee
Case No. 2005-033663
\$800 fine and \$132.57 costs
- Christopher Perrin; Key West
Case No. 2004-014785
\$500 fine and \$359.80 costs
- Analia E. Sarmiento; Miami
Case No. 2004-019798
\$500 fine and \$137.83 costs

- Supercuts #9499; North Palm Beach
Case No. 2004-054785
\$1,000 fine and \$119.28 costs
(Due to a possible conflict of interest, Mrs. Brown
recused herself from voting in this matter.)

- Alicia A. Trice; West Palm Beach
c/o Platinum Image
Case No. 2004-033604
\$500 fine and \$94.65 costs

- Lien Thi Vo; Wellington
Case No. 2004-057479
\$800 fine and \$132.06 costs

- Mamie Crosdale; Vero Beach
Case No. 2005-020821
\$550 fine and \$125.13 costs

- Elizabeth De Jesus Ruiz; Tampa
Case No. 2005-058649
\$500 fine and \$67.29 costs

- Roberto Carlos Siqueira; Ft. Pierce
Case No. 2005-023386
\$500 fine and \$125.13 costs

Regarding Case No. 2004-029978 against Irene Trybus of Jacksonville, Mr. Winters informed the board that Ms. Trybus was not present. Ms. Trybus did contact his office stating that she does not dispute the facts and requested a settlement stipulation with a payment plan. Mr. Winters noted the Administrative Complaint charged the Respondent with a violation of section 477.0265(1)(b)(1), F.S., in that it is unlawful to own or operate a cosmetology salon or specialty salon which is not licensed under the provision of this chapter. The department suggested assessing a fine of \$500 and costs of \$217.61. 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 its terms into a final order. Ms. Osborne moved that a 6-month payment plan be granted with the first payment of \$217.61 being due within 30 days of the date of the final order. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-000628 against Mavery Fuentes d/b/a Mabel Hair Salon of Tampa, Mr. Winters asked that this case be pulled from the agenda to be considered at a later date.

Settlement Stipulations

Regarding Case No. 2005-052616 against Diva Nails and Skin Care of Miami, the Administrative Complaint charged the Respondent with a violation of section 477.0265(1)(b)2, F.S., in pertinent part states that it is unlawful to own or operate, a cosmetology or specialty salon in which a person not licensed or registered as a cosmetologist or a specialist is permitted to perform cosmetology services or any specialty. Ms. Maria Esther Briceno was present along with Ms. Robin M. Vallentino who was translating on her behalf. Ms. Briceno and Ms. Vallentino were sworn in by the court reporter. The department suggested assessing a fine of \$500 and costs of \$52.51. Mr. Winters noted that all fine and cost were paid in full. 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 its terms into a final order. Mrs. Brown seconded the motion and the motion passed unanimously.

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:

- Ronald Garcia; Jupiter
Case No. 2004-048742
\$1,000 fine and \$100.57 costs
- Erich W. Roa; Lake Worth
Case No. 2003-066289
\$3,250 fine and \$160.71 costs
- New York, New York Unisex Hair Salon; Ocala
Case No. 2005-057511
\$1,000 fine and \$50.74 costs
- Georgia M. Taylor; West Palm Beach
Case No. 2004-034944
\$1,000 fine and \$101.01 costs
- Fine Touch Nails; Longwood
Case No. 2005-050141
\$50 fine and \$400.54 costs
- Karely Unisex Beauty Salon; Pembroke Pines
Case No. 2005-003946
\$500 fine and \$109.86 costs
- Nails By T II; North Palm Beach
Case No. 2005-020965
\$850 fine and \$140.88 costs

- Regal Nails; Jacksonville
Case No. 2005-052681
\$50 fine and \$272.41 costs
- Hollywood Nails; Tallahassee
Case No. 2005-022922
\$500 fine and \$458.66 costs
- Charlie Nguyen; Tallahassee
Case No. 2005-022923
\$500 fine and \$458.66 costs

Regarding Case No. 2004-002181 against Phat Fadez of Miami and Case No. 2005-006765 against U.S. Nails of North Palm Beach, these cases were incorrectly categorized on the agenda. These cases were pulled from this meeting and will be presented at a later date.

Department Attorney Report

Mr. Winters informed the board that as of April 17, 2006, there are 167 open cosmetology cases in the legal section.

Mr. Winters noted that the MMA case report was included in the agenda for information only. Mr. Winters stated that most cases tested for MMA are coming back with positive test results. Vice Chair Caetano inquired as to the costs associated with MMA testing. Mr. Winters informed the board that the Office of the General Counsel and the Division of Regulation are currently working on finding the most cost effective vendor for testing the MMA samplings and will be prepared to report the findings at the next board meeting. Vice Chair Caetano requested that Mr. Winters have his staff note all prior MMA violations on the disciplinary case memos.

Applications

Applications for Licensure by Endorsement

- Rose M. Todd / New Jersey
Ms. Robyn Barineau, Executive Director, informed the board that Ms. Rose Todd has requested that her endorsement be pulled from this meeting's agenda as she is still waiting for licensure documentation to be provided from another state. Ms. Todd has requested that board staff agenda her application for the next board meeting.
- Julie A. Woodhouse / New York
Ms. Barineau informed the board that Ms. Julie Woodhouse requested her endorsement be presented before them as she believes that her licensure experience coupled with previously completed continuing

education courses should fulfill the additional 200 cosmetology hour endorsement requirement and she feels that she should not be required to take the Florida cosmetology examination based upon her 1,000 New York cosmetology license. Ms. Woodhouse was present and sworn in by the court reporter. Ms. Woodhouse stated that she has been a licensed cosmetologist for 19 years, has furthered her education with numerous training seminars, and has acted in the capacity as an instructor while being employed with Fantastic Sam's. Mrs. Brown noted that Florida law requires 1,200 cosmetology school hours. Ms. Osborne inquired as to Fantastic Sam's being a licensed/certified cosmetology school in the State of Florida which could verify the Florida cosmetology requirement. After further discussion, Ms. Woodhouse decided to waive the request of this meeting and provide a written authorization to the department changing her application from licensure by endorsement to licensure by examination.

Applications for Hair Braiding Courses

- Bradmacko & Associates, Inc.
Vice Chair Ritenbaugh moved to approve this course application. Ms. Smith seconded the motion and the motion passed unanimously.
- Designer Touch
Vice Chair Ritenbaugh recused herself from voting on this application due to a possible conflict of interest. Mrs. Brown moved to approve this course application. Ms. Osborne seconded the motion and the motion passed unanimously.
- Sophia McKenzie
Due to a possible conflict of interest, Vice Chair Ritenbaugh recused herself from voting on this application. Ms. Jowers moved to approve this course application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Mandisa Ngozi Art of Braiding
This course application was presented at the January 22, 2006, board meeting. The board denied the application based on numerous references to cosmetology and since the board felt like the references were beyond the scope of authority of a hair braiding registration. Ms. Valencia Jones requested an appearance before the board in an attempt to provide an explanation of the cosmetology references. Ms. Jones and Ms. Denise Jones were present for the meeting. Ms. Osborne asked for clarification of scalp massage and scalp treatment practice for a hair braider. After further discussion, Ms. Jones volunteered to remove the entire Milady's text from the material. Vice Chair Ritenbaugh moved to approve the application as amended with the removal of the Milady text. Ms. Osborne seconded the motion and the motion passed unanimously.

Applications for Hair Wrapping Courses

- Bradmacko & Associates, Inc.
Ms. Osborne moved to approve the course application. Ms. Jowers seconded the motion. The motion passed unanimously.

- Mandisa Ngozi Art of Braiding
This course application was presented at the January 22, 2006, board meeting. The board denied the application based on numerous references to cosmetology and since the board felt like the references were beyond the scope of authority of a hair wrapping registration. Ms. Valencia Jones requested an appearance before the board in an attempt to provide an explanation of the cosmetology references. Ms. Jones and Ms. Denise Jones were present for the meeting. Ms. Osborne asked for clarification of scalp massage and scalp treatment practice for a hair wrapper. After further discussion, Ms. Jones volunteered to remove the Milady's text from the material. Vice Chair Ritenbaugh moved to approve the application as amended with the removal of the Milady text. Ms. Osborne seconded the motion and the motion passed unanimously.

- Hands of Distinction
Vice Chair Ritenbaugh recused herself from voting on this application due to her affiliation with the Hillsborough County School System. This application was tabled from the January 22, 2006, board meeting due to a request for clarification of the reference material "Tammy Taylor" and "Milady's Art & Science of Nail Technology" for a hair wrapping course. The course material was resubmitted showing the removal of the references to "Tammy Taylor" and Milady's Art & Science of Nail Technology." Ms. Osborne moved to approve the [revised] course application. Ms. Jowers seconded the motion and the motion passed unanimously.

Applications for Body Wrapping Courses

- Bradmacko & Associates, Inc.
Ms. Osborne moved to approve the course application. Mrs. Brown seconded the motion and the motion passed unanimously.

- The Praxis Institute
Ms. Jowers moved to approve the course application. Mrs. Brown seconded the motion and the motion passed unanimously.

- TLC Aesthetics Institute, Inc.
Due to a professional conflict, Ms. Smith recused herself from voting on this application. Vice Chair Ritenbaugh moved to approve the course application. Mrs. Brown seconded the motion and the motion passed unanimously.

- Urban Spellcaster, Inc.
Vice Chair Ritenbaugh moved to approve the course application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Hands of Distinction
Vice Chair Ritenbaugh recused herself from voting on this application due to her affiliation with the Hillsborough County School System. This application was tabled from the January 22, 2006. board meeting due to a request for clarification of the reference material “Tammy Taylor” and “Milady’s Art & Science of Nail Technology” for a body wrapping course. The course material was resubmitted showing the removal of the references to “Tammy Taylor” and “Milady’s Art & Science of Nail Technology.” Ms. Smith moved to approve the [revised] course application. Ms. Osborne seconded the motion and the motion passed unanimously.

Initial HIV / AIDS Course Applications

- Career Training Institutue
Ms. Julie Hall was present and sworn in by the court reporter. After review of the course materials, Ms. Osborne moved to approve this course application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Maya’s School of Beaute’, Inc.
After review and discussion of the application, Ms. Osborne noted that the course completion certificate does not reference “initial” licensure education. Ms. Osborne made a motion to approve the course application with a contingency of correcting the course completion certificate to specify “initial” education. The contingency correction must be submitted to the Executive Director within 30 days. Ms. Jowers seconded the motion. The motion passed unanimously.
- North Florida Institute
Vice Chair Ritenbaugh moved to approve the course application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Hands of Distinction
Vice Chair Ritenbaugh recused herself from voting on this application due to her affiliation with the Hillsborough County School System. This application was tabled from the January 22, 2006, board meeting due to a request for clarification of the reference material “Tammy Taylor” and “Milady’s Art & Science of Nail Technology” for an initial HIV/AIDS course. The course material was resubmitted showing the removal of the references to “Tammy Taylor” and “Milady’s Art & Science of Nail Technology.” Ms. Smith moved to approve the [revised] course application. Mrs. Brown seconded the motion and the motion passed unanimously.

Continuing Education Course Applications

- **Nature Synergy, Inc (12 Hours Live & Home Study)**
After review of the course application, Ms. Smith moved to deny the application as it is product oriented and is massage therapy oriented. Ms. Osborne seconded the motion and the motion passed unanimously.
- **Luster Products (4 hours Conference/Tradeshow)**
After review and discussion of the application, Vice Chair Ritenbaugh moved to deny the application as it is product oriented. 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 had no additional report at this time.

Old Business

Ms. Jowers reported as to the current status of the cosmetology legislation. To date, House Bill HB771 unanimously passed through all House Committees. Ms. Bonnie Poole of the Florida Cosmetology Association has contacted the National Cosmetology Association requesting their assistance in moving the bill through the Legislature. Ms. Jowers indicated there is rumor of opposition and resistance to the bill at the Senate level.

Other Business

Executive Director's Report

State of California Board of Cosmetology Salon Requirements for Disinfection and Sterilization

State of Mississippi Board of Cosmetology Salon Requirements for Disinfection and Sterilization

State of Michigan Board of Cosmetology Salon Requirements for Disinfection and Sterilization

State of Ohio Board of Cosmetology Salon Requirements for Disinfection and Sterilization

State of Oregon Board of Cosmetology Salon Requirements for Disinfection and Sterilization

State of Texas Cosmetology Commission Salon Requirements for Disinfection and Sterilization

State of Virginia Board of Cosmetology Salon Requirements for Disinfection and Sterilization

Ms. Barineau, informed the board that included in their agenda was information compiled from various states which outlines their requirements for sterilization and sanitation of foot baths.

Board Member Vacancies

Ms. Barineau advised the board that the department is currently attempting to address the board member vacancy situation. The department is seeking assistance from all boards to assist with locating qualified applicants to fill vacancies on all boards. All interested applicants should contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire for completion and filing with the Governor's Appointments Office.

Financial Report, December 31, 2005, Operating Account

Financial Report, December 31, 2005, Unlicensed Activity Account

Ms. Barineau informed the board that as of December 31, 2005, the board's cash balance in their operating account was in a deficit in excess of one million dollars and at the current pace, the projected deficit for June 30, 2009, would be in excess of five million dollars.

Cosmetology Assessment

Ms. Barineau informed the board that due to the current pace of the operating account and the projected deficit, the department will be imposing a \$30 assessment on all licenses being renewed October 31, 2006, and October 31, 2007. The board agreed to the assessment in conjunction with the 2006 and 2007 license renewals and also suggested that salons be assessed the \$30 in conjunction with their renewal on November 30, 2006. Mrs. Brown moved to amend 61G5-24.020, Florida Administrative Code, incorporating assessment language as suggested by Board Counsel. Vice Chair Ritenbaugh seconded the motion and the motion passed unanimously. Mr. Biggins will amend and proceed with filing Rule 61G5-24.020, F.A.C.

Email from Deputy Secretary Yecke Regarding Improvements to the DBPR Internet Site

Ms. Barineau informed the board that the email from Deputy Secretary Yecke regarding improvements to the DBPR Internet Site was included in the agenda for informational purposes.

Announcement by Governor Bush Regarding Funding Recommendations for Hurricane Preparedness, Response and Recovery

Ms. Barineau informed the board that the announcement by Governor Bush regarding funding recommendations for hurricane preparedness, response and recovery was included in the agenda for informational purposes.

Email from DBPR Secretary Marstiller Regarding 2006-2007 Executive Budget

Ms. Barineau informed the board that the email from Secretary Marstiller regarding the 2006-2007 executive budget was included in the agenda for informational purposes.

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

Ms. Barineau informed the board that the NACCAS Newsletter was included in the agenda for informational purposes.

National Commission of State Boards of Cosmetology, Inc. (NIC) Annual Conference, Portland Maine, August 26-28, 2006

The board agreed to send Ms. Osborne and Ms. Jowers as their delegates to the NIC annual conference being held in Portland, Maine, on August 26-28, 2006. Should there not be sufficient budget to send two delegates, the board agreed to send Ms. Osborne only.

At this time, Ms. Osborne reminded the board of the 2008 NIC annual conference is slated to be held in Florida. Ms. Osborne mentioned that the board may be called upon to assist with the conference.

Complaints and Investigative Statistics Report July 2005–March 2006

Ms. Barineau informed the board that the complaints and investigative statistics report for July 2005 through March 2006 was included in the agenda for informational purposes.

Board Attorney's Report

Rule 61G5-20.002, F.A.C. – Salon Requirements

Mr. Biggins, provided the board with draft rule language relating to the sanitation and sterilization of foot baths. The proposed draft language reads as follows:

61G5-20.002 – Salon Requirements

(2) Each salon shall comply with the following:

(g) Pedicure Equipment Sterilization and Disinfection:

The following cleaning and disinfection procedures must be used for any pedicure equipment that holds water, including sinks, bowls, basins, pipe-less, and whirlpool spas:

1. After each client, all pedicure units must be cleaned with a chelating soap or detergent with water to remove all visible debris, then disinfected with an EPA registered hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant used according to manufacturers instructions for at least ten (10) minutes. If the pipe-free foot spa has a foot plate, it should be removed and the area beneath it cleaned, rinsed, and wiped dry.

2. At the end of each day of use, the following procedures shall be used:

a. All filter screens in whirlpool pedicure spas or basins for all types of foot spas must be sanitized. All visible debris in the screen and the inlet must be removed

and cleaned with a chelating soap or detergent and water. For pipe-free systems, the jet components or foot plate must be removed and cleaned and any debris removed. The screen, jet, or foot plate must be completely immersed in an EPA registered, hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant that is used according to manufacturers instructions. The screen, jet, or foot plate must be replaced after disinfection is completed and the system flushed with warm water and low-sudsing soap for 5 minutes, rinsed, and drained.

b. After the above procedures are completed, the basin should be filled with clean water and the correct amount of EPA registered disinfectant. The solution must be circulated through foot spa system for 10 minutes and the unit then turned off. The solution should remain in the basin for at least 6 to 10 hours. Before using the equipment again, the basin system must be drained and flushed with clean water.

3. Once each week, subsequent to completing the required end-of-day cleaning procedures, the basin must be filled with a solution of water containing one teaspoon of 5.25% bleach for each gallon of water. The solution must be circulated through the spa system for 5 to 10 minutes and then the solution must sit in the basin, or for at least 6 hours. Before use, the system must be drained and flushed.

4. A record or log book containing the dates and times of all pedicure cleaning and disinfection procedures must be documented and kept in the pedicure area by the salon and made available for review upon request by a consumer or a Department inspector.

Vice Chair Ritenbaugh made a motion to accept the proposed language for Rule 61G5-20.002(2)(g), F.A.C., as provided by Board Counsel. Ms. Osborne seconded the motion and the motion passed unanimously. Mr. Biggins will amend and proceed with filing Rule 61G5-20.002, F.A.C.

Vice Chair Ritenbaugh made a suggestion for creating an “information” notice to be posted in salons; similar to the one seen in restaurant restrooms. Vice Chair Ritenbaugh agreed to compile some suggestions for posting at salons that would be helpful to patrons. Some suggestions include ensuring that the operator washes their hands between each customer and ensuring that instruments are sanitized/sterilized between each customer. Vice Chair Ritenbaugh will provide a draft of her suggestions to the board at the next board meeting.

Use of a National Vendor the Cosmetology Examination

Mr. Biggins informed the board that in accordance with Chapter 455, F.S., the use of a national cosmetology examination vendor would have to be competitively bid and that the department would have to approve the bid request. Ms. Barineau stated that, to date, no vendors have made a request to the Bureau of Education and Testing. The board asked Mr. Biggins to further research the possibilities of bidding out the cosmetology written theory and clinical examinations and a possible practical examination and the administration of such examinations. Mr. Biggins and Ms. Barineau will work on these issues and report their findings at the July board meeting.

Bureau of Education and Testing

Ms. Barineau informed the board that the reports from the Bureau of Education and Testing regarding the cosmetology examination reference materials/cross references and the age of the current cosmetology examination forms were included in the agenda per their request at the January 2006 board meeting.

Board Member Comments

There were no additional board member comments at this time.

Chairperson Comments

Chair Caetano had no additional comments at this time.

Dates and Locations of Future Board Meetings

The board agreed to conduct a rules workshop on Sunday, July 23, 2006, in Orlando, Florida, should the cosmetology legislation be signed into law and a general board business meeting on Monday, July 24, 2006. Should the cosmetology legislation not pass, the board will conduct a general board business meeting on Sunday, July 23, 2006, in Orlando, Florida.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 3:00 p.m.