

MINUTES

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

Sunday, July 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
Charles Tunnick, Assistant General Counsel, Office of the General Counsel,
DBPR
Dana Ewaldt, Government Analyst, DBPR

Interested Parties Present

MaryEllen O'Brien, Court Reporter
Bonnie Poole, North Florida Cosmetology Association
Bill Ratliff, Informed
Nadine Taylor, Respondent, Nadine's Hair Quarters
Hong Pham, Respondent, New Nails
Charlie, Hoang, Translator for Hong Pham
Thuy Nguyen, Respondent, Natural Nails
Nancy Nguyen, Translator for Thuy Nguyen
Son Tran, Respondent, Le's Nails
Linda Nguyen, Respondent, Lee Nails
Huan Le, Translator for Linda Nguyen
Lan Le Doan, Respondent
Stanford Lifsey, Attorney for Lan Le Doan
Lehoa Phan, Respondent, Sunshine Nails and Tanning
Diahah Phan, Translator for Lehoa Phan

Juan Gonzalez, Respondent, Joseph Johns Beauty Spa & Products, Inc.
Quang Tang, Representing Respondent An Thi Tran
Debbi Telli-Jackson, Respondent
John Garten, Applicant
Rose Todd, Applicant
Joe Todd
Theresa Licciardi
Joseph Licciardi

The meeting was opened with a roll call and a quorum was established. Chair Joseph Caetano noted Mr. Anthony White's absence from the meeting. Chair Caetano stated that Mr. White's absence was unexcused as he did not contact board staff prior to the meeting. Chair Caetano requested Ms. Robyn Barineau, Executive Director, express to the department his concerns regarding Mr. White's numerous unexcused absences.

Approval of Minutes: April 23, 2006

Mrs. Laura Brown moved to approve the minutes from the April 23, 2006, board meeting. Ms. Donna Osborne 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. 2006-003543 against An Thi Tran of Valrico, Mr. Charles Tunncliff, 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. Quang Tang was present as a translator on behalf of Ms. An Thi Tran. Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$352.19. Mr. Tunncliff informed the board that all fines and costs are paid in full. Ms. Monica Smith 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 \$352.19. Vice Chair Laurel Ritenbaugh seconded the motion. The motion passed unanimously.

Regarding Case No. 2005-061911 against Gladys DeLa Cruz of Miami, Mr. Tunncliff informed the board that the Respondent elected an informal hearing before the board, however, she was not present for the meeting. Mr. Tunncliff presented the

department's case in this matter and suggested assessing a fine of \$500 and costs of \$24.94. 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 \$24.97. Mrs. Brown seconded the motion. The motion passed unanimously.

Regarding Case No. 2005-033665 against JR Bargain Beauty Salon of Margate, Mr. Tunncliff informed the board that the Respondent elected an informal hearing, however, no representative from JR Bargain Beauty Salon was present for the meeting. Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$92.10. Ms. Osborne 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 fine of \$500 and costs of \$92.10. Ms. Myra Jowers seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-052575 against Maria Esther Briceno of Miami, Mr. Tunncliff informed the board that the Respondent elected an informal hearing, however, she was not present for the meeting. Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$48.05. 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 \$48.05. Ms. Osborne seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-045870 against Moises A. Solana Mora of Tampa, Mr. Tunncliff informed the board that the Respondent elected an informal hearing, however, he was not present for the meeting. Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$113.10, both of which are paid in full. 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 \$113.10. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-001448 against Nadines Hair Quarters of Kissimmee, Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$325.84. Ms. Nadine Taylor was present and was sworn in by the court reporter. Ms. Taylor offered mitigation as to why MMA was present in her salon. Ms. Taylor informed the board that she had recently purchased the salon "as is" which included all supplies and equipment. As evidence, Ms. Taylor presented the bill-of-sale to the board. Ms. Taylor noted that nail specialty services are not offered in her

salon nor does she have a nail technician employed at the salon. Ms. Taylor also stated that she does not know what MMA is. After discussion of the mitigating circumstances, Ms. Osborne moved that the board dismiss the fine for the MMA violation; however, the sanitation violation would remain as cited. Ms. Osborne moved that the board impose a reduced fine of \$50 and costs of \$325.84 and grant a four month payment plan with the first payment of \$93.96 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. 2005-063959 against Natural Nails of Orlando, Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$332.37. Ms. Thuy Nguyen was present along with her translator, Ms. Nancy Nguyen. Ms. Thuy Nguyen and Ms. Nancy Nguyen were sworn in by the court reporter. Ms. Nguyen offered mitigation that the product label specified the product was MMA free. Ms. Nguyen stated that she did attempt to purchase a MMA free nail liquid. After discussion, Ms. Osborne moved 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 \$332.37. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-002718 against New Nails of Ocala, Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$355.04, both of which are paid in full. Mr. Hoan Pham was present along with his translator, Mr. Charlie Hoang. Mr. Pham and Mr. Hoang were sworn in by the court reporter. Mr. Pham offered mitigation stating that he purchased the salon in May 2005 and that the former owner left the product which contained MMA at the salon. After discussion, Ms. Osborne moved 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 \$355.04. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-036236 against Regal Nails of Vero Beach, Mr. Tunncliff informed the board that the Respondent elected an informal hearing, however, no representative was from Regal Nails was present for the meeting. Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$1,100 and costs of \$125.13. 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 \$1,100 and costs of \$125.13. Ms. Jowers seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-003404 against T&M Nails of Orlando, Mr. Tunncliff informed the board that the Respondent elected an informal hearing, however, no

representative from T&M Nails was present for the meeting. Mr. Tunnicliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$313.95, both of which are paid in full. 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 \$313.95. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-022351 against Celebrity Beauty Salon of Ft. Lauderdale, Mr. Tunnicliff informed the board that the Respondent elected an informal hearing, however, no representative from Celebrity Beauty Salon was present for the meeting. Mr. Tunnicliff presented the department's case in this matter and suggested assessing a fine of \$250 and costs of \$232.41, with a six month payment plan. 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 \$250 and costs of \$232.41, and the board grant the Respondent a six month payment plan with the first payment of \$232.41 being due within 30 days of the final order. Mrs. Brown seconded the motion and the motion passed unanimously.

Regarding Case No. 2003-092750 against Kha Tuong Luong of Ft. Myers, Mr. Tunnicliff informed the board that the Respondent elected an informal hearing, however the Respondent was not present for the meeting. Mr. Tunnicliff presented the department's case in this matter and suggested assessing a fine of \$1,200 and costs of \$132.06. 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 \$1,200 and costs of \$132.06. Ms. Jowers 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:

- Bao Long Nguyen; Brandon
Case No. 2005-063447
\$50 fine and \$338.12 costs

- Cheryl Michele Simon; Bunnell
Case No. 2004-043022

\$500 fine and \$187.46 costs

- Classic Cuts Salon, Inc.; Winter Park
Case No. 2005-048463
\$500 fine and \$103.91 costs
- Cu. T. Mai; Loxahatchee
Case No. 2005-023376
\$1,000 fine and \$109.39 costs
- Excel Nails; Orlando
Case No. 2005-047244
\$50 fine and \$383.26 costs
- Klassic Cutz; Orlando
Case No. 2005-053643
\$3,400 fine and \$202.15 costs
- Nail 2000; Tallahassee
Case No. 2005-044095
\$250 fine and \$76.53 costs
- Next Level Hair Studio; Ft. Myers
Case Nos. 2004-008227 and 2004-000968
License Revocation
- Regal Nails; Titusville
Case No. 2005-063999
\$500 fine and \$296.67 costs
- Stacy L. Hubbs; Green Cove Springs
Case No. 2006-004348
\$150 fine and \$47.21 costs
- TQ Nails & Spa, Inc.; Spring Hill
Case No. 2005-063299
\$50 fine and \$444.40 costs

Regarding Case No. 2004-025942 against Margaret A. Barber of Winter Park, the Administrative Complaint charged the Respondent with a violation of section 455.227(1)(c), F.S.. The department suggested placement of the Respondent on three years probation as an attempt to place restriction of the Respondent's practice of cosmetology. After further discussion regarding the fraudulent actions of the Respondent, 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 revocation of Ms. Barber's nail specialist registration FV545738. Ms. Jowers

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. Tunncliff asked that this case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2005-006765 against US Nails of North Palm Beach, Mr. Tunncliff informed the board that the Administrative Complaint charged the Respondent with a violation of section 477.029(1)(i), F.S., and 477.0265(1)(c), F.S. The department suggested assessing a fine of \$900 and costs of \$140.88. Discussion ensued regarding the numerous sanitation violations cited in the Administrative Complaint. The board also expressed concern over the Respondent's non-compliance of prior sanitation violations and the willful repeated acts of sanitation violations. 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 \$900 and costs of \$140.88, plus a six month suspension of the salon license.

Settlement Stipulations

Regarding Case No. 2004-034275 against Debbie Dee Telli of Jacksonville, the Administrative Complaint charged the Respondent with a violation of section 477.028(1)(b), F.S. Ms. Telli was present for the meeting and was sworn in by the court reporter. The department suggested assessing a fine of \$2,000 and costs of \$619.31, plus two years probation. Ms. Telli requested the board grant her a 90-day payment plan. Vice Chair Ritenbaugh 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.

Regarding Case No. 2004-060863 against Joseph Johns Beauty Spa & Products, Inc., of Coral Gables, the Administrative Complaint charged the Respondent with a violation of section 477.0265(1)(b)2, F.S. Mr. Juan Gonzalez was present and sworn in by the court reporter. The department suggested assessing a fine of \$500 and costs of \$63.70. 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. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-059154 against Lan Le Doan, of Tampa, the Administrative Complaint charged the Respondent with a violation of section 477.0265(1)(h), F.S. Mr. Doan was present accompanied by his attorney Mr. Stanford Lifsey. Mr. Doan was sworn in by the court reporter. The department suggested assessing a fine of \$50 and costs of \$139. Mr. Tunncliff informed the board that the fine and costs are 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. Ms. Jowers seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-044108 against Le's Nails of Eustis, the Administrative Complaint charged the Respondent with a violation of section 477.0265(1)(h), F.S., and multiple violations of section 477.029(1)(i), F.S. Mr. Son Tran was present and was sworn in by the court reporter. The department suggested assessing a fine of \$800 and costs of \$498.61. Mr. Tunncliff informed the board that the fine and costs are 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.

Regarding Case No. 2005-058888 against Lee Nails of Altamonte Springs, the Administrative Complaint charged the Respondent with a violation of section 477.0265(1)(h), F.S. Ms. Linda Nguyen was present along with her translator, Mr. Huan Le. Ms. Nguyen and Mr. Le were sworn in by the court reporter. The department suggested assessing a fine of \$50 and costs of \$333.28. Mr. Tunncliff informed the board that the fine and costs are paid in full. Mrs. Brown 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. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2005-061117 against Sunshine Nails and Tanning of Brooksville, the Administrative Complaint charged the Respondent with a violation of section 477.0265(1)(h), F.S. Ms. Lehoa Phan was present along with her translator, Ms. Dianah Phan. Ms. Phan and Ms. Phan were sworn in by the court reporter. The department suggested assessing a fine of \$50 and costs of \$423.57. Mr. Tunncliff informed the board that the fine and costs are 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:

- A1A Nails; Ponte Vedra
Case No. 2005-063582
\$500 fine and \$27.33 costs
- Ann T. Spaeth; West Palm Beach
Case No. 2005-023367
\$1,000 fine and \$109.39 costs
- California Nails USA; Melbourne
Case No. 2005-052138
\$500 fine and \$466.80 costs

- Cuc Tran Nguyen
Case No. 2005-059260
\$50 fine and \$344.02 costs
- Ferren Harris; Daytona
Case No. 2005-052884
\$1,500 fine and \$221.92 costs
- Ivan Sherman; Singer Island
Case No. 2005-020984
\$1,000 fine and \$140.88 costs
- Lena's Nail Salon; Orange City
Case No. 2005-064001
\$500 fine and \$320.47 costs
- Lorena Costa Almaida; Miami
Case No. 2005-063421
\$500 fine and \$63.84 costs
- Mastercuts #6482; Wellington
Case No. 2005-036222
\$1,750 fine and \$156.62 costs
(Due to a possible conflict of interest, Mrs. Brown
recused herself from voting in this matter.)
- Pretty Nails II; Melbourne
Case No. 2006-001225
\$500 fine and \$325.84 costs
- Shear Creations; Palm Bay
Case No. 2005-048697
\$50 fine and \$371.40 costs
- So V. Ho; Tampa
Case No. 2005-063795
\$50 fine and \$338.12 costs
- Sunny Nails; Jacksonville
Case No. 2005-056753
\$50 fine and \$259.79 costs
- Thanh Y. Nguyen; Tallahassee
Case No. 2005-060402
\$50 fine and \$450.32 costs

- Titanic Nails; Kissimmee
Case No. 2006-001684
\$500 fine and \$325.84 costs
- Top Line Nails; Orlando
Case No. 2005-063991
\$500 fine and \$332.37 costs
- US Nails; Melbourne
Case No. 2005-051579
\$50 fine and \$444.82 costs
- Queen Nails; Palm Bay
Case No. 2006-001225
\$50 fine and \$448.13 costs
- Five Star Nails & Salon; Orlando
Case No. 2006-005609
\$500 fine and \$327.50 costs
- Giang Thi Thi Nguyen; St. Petersburg
Case No. 2005-059087
\$50 fine and \$344.95 costs
- Galaxy Nails; Orlando
Case No. 2005-052139
\$50 fine and \$391.90 costs
- Happy Nails Forever; Hialeah
Case No. 2005-022702
\$50 fine and \$453.06 costs
- Phat Fadez; Miami
Case No. 2004-002181
\$250 fine and \$164.69 costs
- Star Nails; Pompano Beach
Case No. 2005-053668
\$500 fine and \$359.26 costs

Department Attorney Report

Mr. Tunncliff informed the board that as of June 28, 2006, there are 198 open cosmetology cases in the legal section.

Mr. Tunncliff advised the board that Ms. Tiffany Harrington, Assistant General Counsel, will soon be transitioning over as the board's prosecutor. Mr. Tunncliff stated

that he intends to continue to assist with cosmetology disciplinary cases for another year.

Applications

Applications for Licensure by Endorsement

- **Rose M. Todd / New Jersey**

Ms. Robyn Barineau, Executive Director, informed the board that Ms. Rose Todd requested that her endorsement application be presented before them as she believes that her licensure experience should fulfill the additional 200 cosmetology hour endorsement requirement. Ms. Todd was present and accompanied by Mr. Joe Todd. Both Ms. Todd and Mr. Todd were sworn in by the court reporter. Ms. Todd offered her 42 years of licensure experience as a demonstration of requirements similar to or equivalent to the licensure requirements in the State of Florida. Ms. Todd stated that she received her initial 1,000 hours of cosmetology education in the State of New York. Ms. Todd subsequently moved to the State of New Jersey and the licensure requirements for New Jersey were 1,200 education hours. Ms. Todd stated that she received her New Jersey cosmetology license by examination based on her current/active New York cosmetology license. Sometime later, Ms. Todd relocated to the State of Texas where the cosmetology education requirement is 1,500 hours. Ms. Todd received her Texas cosmetology license through reciprocity since the Texas cosmetology law has a provision where years of experience can be used in lieu of education hours. With having met the cosmetology licensure requirements of the other three mentioned states, Ms. Todd requested that the board approve her endorsement application without her being required to fulfill additional cosmetology educational hours; that she is able to demonstrate that she passed a written licensure examination in order to obtain another state's license; and that she is able to demonstrate the completion of education hours substantially similar to the qualifications required of applicants from Florida. After further discussion, as an attempt to prevent having a board denied application on file, Ms. Todd asked to withdraw the endorsement application and proceed by examination. Mrs. Brown moved to accept Ms. Todd's request to withdraw her endorsement application. Ms. Osborne seconded the motion and the motion passed unanimously.

Applications for Licensure by Examination

- **John Garten / Georgia**

Ms. Barineau informed the board that Mr. John Garten requested his examination application and examination history be presented before them as he is requesting the board grant him a Florida cosmetology license. Mr. Garten was present for the meeting accompanied by his employer Mr. Donald Posey. Mr. Garten and Mr. Posey were sworn in by the court reporter. Mr. Garten informed the board that he received his 3,000 hours of cosmetology

education in the State of Georgia through a state approved apprenticeship program, after which he passed a written licensure examination. Realizing Florida does not recognize apprenticeship hours as a qualification for endorsement, Mr. Garten applied for the Florida cosmetology examination based on his current Georgia cosmetology license. Mr. Garten informed the board that he has been a licensed cosmetologist in the State of Georgia since 1993. Mr. Garten took the Florida cosmetology examination October 2004 and again March 2006, at which time he passed the theory portion of the examination. Mr. Garten challenged the clinical examination results and was awarded an additional exam point but, he still achieved a failing score. Mr. Garten requested the board grant him an additional three points for the written clinical portion of the exam which would qualify him for a Florida cosmetology license. Vice Chair Ritenbaugh stated that the board was sympathetic to the hardship and difficulty of the process, however, it was not in their authority to grant his request for licensure. After further discussion, Mr. Garten made a decision to withdraw his request and continue with the examination process. Mrs. Brown moved that the board approve Mr. Garten's withdrawal. Ms. Osborne seconded the motion. The motion passed unanimously.

Applications for Hair Braiding Courses

- CEUWorks.com
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the references to nail/pedicure treatments and foot spa sanitation and an incorrect reference to acne and skin cancer as viral skin conditions. Ms. Osborne seconded. The motion passed unanimously.
- One Cue Creations
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application as it is product oriented, and due to the inappropriate reference to dandruff treatment. Mrs. Brown seconded the motion and the motion passed unanimously.

Applications for Hair Wrapping Courses

- CEUWorks.com
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the references to nail/pedicure treatments and foot spa sanitation and an incorrect reference to acne and skin cancer as viral skin conditions. Ms. Osborne seconded. The motion passed unanimously.

Applications for Body Wrapping Courses

- Amelia Goodman
Ms. Barineau reminded the board they previously denied an application from Amelia Goodman for a body wrapping course at their January 22, 2006, board meeting and that the provider was attempting to resubmit the application for approval. After review and discussion of the course material, Ms. Smith moved that the board uphold the denial as the materials continue to include weight loss references. Ms. Jowers seconded the motion and the motion passed unanimously.
- ASM Beauty World Academy, Inc.
After review and discussion of the course material, Ms. Jowers moved that the board deny the application due to an incorrect reference that alcohol is an approved disinfectant, the course references product names, and the course includes weight loss references. Ms. Osborne seconded the motion and the motion passed unanimously.
- CEUWorks.com
After review and discussion of the course application, Vice Chair Ritenbaugh moved to deny the application based on the references to nail/pedicure treatments and foot spa sanitation and an incorrect reference to acne and skin cancer as viral skin conditions. Ms. Osborne seconded. The motion passed unanimously.
- Edu Tech Centers
Vice Chair Ritenbaugh moved to approve the course application. Ms. Osborne seconded the motion and the motion passed unanimously.
- Florida Healthcare Academy, Inc.
Vice Chair Ritenbaugh moved to approve the course application. Ms. Smith seconded the motion and the motion passed unanimously.
- World Class Academy
Vice Chair Ritenbaugh moved to deny the application based on references to foot spas and nail specialty services. Ms. Jowers seconded the motion and the motion passed unanimously.

Initial HIV/AIDS Course Applications

- Daytona Institute of Massage Therapy
Vice Chair Ritenbaugh moved to approve the application. Mrs. Brown seconded the motion. The motion passed unanimously.
- Keiser Career College
Vice Chair Ritenbaugh moved to approve the application. Ms. Jowers seconded the motion. The motion passed unanimously.

- Latisha Green
Mrs. Brown moved to approve the application. Vice Chair Ritenbaugh seconded the motion. The motion passed unanimously.

Continuing Education Course Applications

- Grace Medical Equipment, Inc. - Introduction to Light, Lasers and IPL
8 Hours (Live)
Due to a possible conflict of interest, Ms. Smith recused herself from voting in this matter. After discussion of the course application, Mrs. Brown moved to deny the application as it is beyond the scope of authority for the practice of cosmetology. Ms. Jowers seconded the motion. Vice Chair Ritenbaugh opposed the motion.
- Grace Medical Equipment, Inc. Permanent Cosmetics – 8 Hours (Live)
Due to a possible conflict of interest, Ms. Smith recused herself from voting in this matter. After discussion of the course application, Mrs. Brown moved to deny the application as it is beyond the scope of authority for the practice of cosmetology. Ms. Jowers 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 asked Mr. Biggins to research the cosmetology endorsement statute to determine if there is current statutory authority to allow for years of experience to be considered for licensure. Ms. Osborne offered to assist Mr. Biggins in this matter. They will provide their findings to the board at the next meeting.

Legislative Committee – Donna Osborne, Chair

Ms. Osborne informed the board that she has spoken with Ms. Susan Lehr regarding the failed 2006 legislation. Ms. Osborne reported that Ms. Lehr expects to file the same language during the 2007 legislative session with some adjustments. Ms. Osborne offered her assistance to Ms. Lehr.

Old Business

Vice Chair Ritenbaugh provided the board with a flier she created for distribution to salons which included information relating to sanitation tips for licensees and their customers, information relating to the proposed rule for sanitizing and sterilizing foot baths, and information encouraging individuals to file unlicensed activity complaints. The board would like to require salons to post this flier and have the department

inspectors distribute the flier to salons for posting as well as include this information on the cosmetology website and in the next newsletter. Ms. Barineau informed the board that the department's Communications Office and other department areas would also need to review and comment on the flier before distribution. The board will discuss the proposed flier in more detail at their October meeting.

New Business

Petition for Variance and Waiver from Rule 61G5-18.007, F.A.C.

Ms. Theresa Licciardi presented the board with a Petition for Variance and Waiver from Rule 61G5-18-007, F.A.C. She requested the board consider her for licensure by endorsement based on her licensure education and history as well as a current hardship. Ms. Licciardi was present for the meeting accompanied by Mr. Joseph Licciardi. Ms. Licciardi and Mr. Licciardi were sworn in by the court reporter. Ms. Licciardi stated that she attended a government-operated cosmetology program for 1,000 hours in the State of New Jersey, she was required to pass a written and practical state board examination as a condition for licensure, and she has held a current New Jersey cosmetology license for 24 years. Ms. Licciardi informed the board that she initially applied for a Florida cosmetology license by endorsement based on her New Jersey cosmetology license. Ms. Licciardi was instructed that she did not meet the full educational requirements for endorsement; however, based on her current New Jersey cosmetology license, she was eligible to apply by examination. Twice, Ms. Licciardi has taken the Florida cosmetology examination but she failed the clinical portion by a few points. Ms. Licciardi attended International Academy in South Daytona for 40 remedial hours. Ms. Licciardi stated the remedial education consisted of her working on the floor assisting other students with various cutting techniques. The remedial hours did not consist of the education that she felt she needed in order to be able to pass the cosmetology examination. Ms. Licciardi noted that her husband had recently been diagnosed with prostate cancer and was currently undergoing radiation treatments. Ms. Licciardi stated that their household is a two paycheck household and her current unemployed status, coupled with her husband's health issues and employment situation, were a greater burden and hardship. After discussion, Mrs. Brown moved to approve the Petition for Variance and Waiver from Rule 61G5-18.007, F.A.C., granting Ms. Theresa Licciardi a Florida cosmetology license by endorsement based on the demonstration of her having met qualifications substantially similar or equivalent to the qualifications of a Florida cosmetology student. Ms. Jowers seconded the motion. Ms. Smith and Ms. Osborne opposed the motion. The following members voted in favor of the motion: Chair Caetano, Vice Chair Ritenbaugh, Mrs. Brown, and Ms. Jowers. Ms. Smith and Ms. Osborne opposed the motion. By majority vote, the motion passed.

Proposed Meeting Dates and Locations for 2006-2007 Fiscal Year

The board agreed to conduct future board meetings, for the 2006-2007 fiscal year, as follows:

October 29 and 30, 2006 – Orlando, Florida

January 21, 2007 – Ft. Lauderdale or Miami, Florida
April 15, 2007 – Tampa, Florida

Other Business

Executive Director's Report

Financial Report, March 31, 2006 - Operating Account

Financial Report, March 31, 2006, Unlicensed Activity Account

Ms. Barineau reported that as of March 31, 2006, the cash balance in the board's operating account was in deficit over \$1.5 million. Ms. Barineau noted that the assessment will soon begin to impact the negative balance and that the unlicensed activity account reflects a positive balance in excess of \$600K.

Cosmetology Assessment Update

Ms. Barineau informed the board that the assessment rule was effective July 16, 2006. Ms. Barineau reported that inserts are included with the renewal notices mailed to individual licensees for the October 31, 2006, and October 31, 2007, and salon renewals due November 30, 2006, as well as a bulletin posted on the cosmetology website and in the latest newsletter advising licensees of the assessment. Ms. Barineau will be prepared to report on the assessment revenue collected at the next board meeting.

Complaints and Investigative Statistics Report July 2005–June 2006

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

MMA Bulletin / Cosmetology Salon Flier

Ms. Barineau informed the board that the MMA Bulletin/Cosmetology Salon Flier was included in the agenda for informational purposes. The flier is distributed to salons during inspections and has been included in the latest newsletter.

National Commission of Cosmetology Arts & Sciences, Inc. (NACCAS) Newsletter - Volume 2 No. 3

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

National Coalition of Estheticians, Manufacturers/Distributors & Associations (NCEA) Newsletter – Volume 3 No. 4

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

Unlicensed Activity Complaint Line Statistics

Ms. Barineau informed the board that the unlicensed activity complaint line statistics report was included in the agenda for informational purposes.

DBPR Press Release Regarding Continuing Education Requirements

Ms. Barineau informed the board that the DBPR press release regarding continuing education requirements was included in the agenda for informational purposes.

Board Attorney's Report

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

Mr. Biggins informed the board that the rule language relating to the sanitation and sterilization of foot baths should be effective shortly.

Rule 61G5-20.004, F.A.C. – Display of Documents

As an attempt to deter or eliminate license fraud, Chair Caetano suggested that the board consider amending their Rule 61G5-20.004, F.A.C, to require licensees to laminate their licenses with a current picture for posting at the workstations. Mr. Biggins presented the board with the proposed language as follows:

(1) All holders of a cosmetology or specialty salon license shall display within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon the following documents:

(a) the current salon license,

(b) a legible copy of the most recent inspection sheet for the salon.

(2) All holders of a cosmetology or specialty salon license shall require and ensure that all individuals engaged in the practice of cosmetology, any specialty, hair braiding, hair wrapping, or body wrapping display at the individual's work station their current license or registration at all times when the individual is performing cosmetology, specialty, hair braiding, hair wrapping, or body wrapping services. The license or registration on display shall be the original certificate or a duplicate issued by the Department and shall have attached a 2" by 2" photograph taken within the previous two years of the individual whose name appears on the certificate. The certificate with a photograph attached shall be permanently laminated. ~~A photograph of the individual whose name appears on the displayed license or registration certificate, which is approximately 2" by 2" and less than two years old, shall be permanently attached or affixed to all displayed licenses and registration certificates.~~

Mrs. Brown made a motion to accept the proposed language for Rule 61G5-20.004, F.A.C., as provided by Board Counsel, with an effective date of July 1, 2007 as to allow salons and licensees the opportunity to comply. Ms. Jowers seconded the motion. The motion passed unanimously. Mr. Biggins will amend and proceed with filing Rule 61G5-20.004, F.A.C.

Ms. Barineau stated that once the rule is amended, she will research the most economical way in which to distribute the notification information to salons and licensees.

Rule 61G5-32.001(6)(e), F.A.C. – Continuing Education

It was brought to the board's attention that their Rule 61G5-32.001(6)(e), F.A.C., required amending to change the number of days a continuing education provider has

to transmit course completion information to the department from five days to 30 days or the end of the renewal cycle, whichever happened first. The amendment is required in order to comply with Chapter 455, F.S. The proposed language reads as follows:

“Beginning November 1, 2001, continuing education providers shall electronically Provide to the Department the list of attendees at each of its offered courses within 5 30 business days of the completion of the course or prior to the end of the renewal cycle, whichever happens first.”

Ms. Osborne made a motion to accept the proposed amendment to Rule 61G5-32.001(6)(e), F.A.C., as provided by Board Counsel. Ms. Jowers seconded the motion and the motion passed unanimously. Mr. Biggins will amend and proceed with filing Rule 61G5-32.001, F.A.C.

Bureau of Education and Testing

Ms. Osborne gave the board a brief overview of the presentation provided by the department’s Bureau of Education and Testing (BET) relating to the board’s education and testing concerns. Ms. Osborne stated that the presentation was very informative and interesting and answered many of her questions. Ms. Osborne added that she was most impressed with the department’s Central Intake Unit and Customer Contact Center since she was able to view their operations. Ms. Osborne indicated that BET was willing to provide the entire board with their presentation, and she suggested the board invite BET to their next meeting.

Board Member Comments

There were no additional board member comments at this time.

Chairperson Comments

Chair Caetano appointed Mrs. Laura Brown as Chair of the Education and Testing Committee.

Public Comments

Ms. Bonnie Poole, with the Florida Cosmetology Association (FCA), stated that the FCA is supportive of increasing the educational hours and other information originally contained in the 2006 legislative proposal, however, FCA will not support a bill that includes internship or apprenticeship programs.

Correspondence from Mr. Anthony Newin from Nail Clients Protection Organization (NCPO) regarding regulation of nail salons was included in the agenda for informational purposes.

Ms. Barineau received an email from North Florida Academy regarding chelating soaps. Chair Caetano stated that he will contact the Georgia Board of Cosmetology member with whom he has been corresponding and inform Ms. Barineau of his findings

so the she can respond to the email.

Dates and Locations of Future Board Meetings

The board agreed to conduct their next meeting on October 29 and 30, 2006, in Orlando, Florida.

ADJOURNMENT

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