

MINUTES

FLORIDA BOARD OF COSMETOLOGY
CASA MONICA HOTEL – 95 CORDOVA STREET
ST. AUGUSTINE, FLORIDA 32084

Monday, January 7, 2013

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

Board Members Present

Myra Jowers, Chair
Ginny Fincel, Vice Chair
Suzanne Wilhoite
Laurel Ritenbaugh
Crystal Lackey

Board Members Absent

Monica Smith

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Doug Dolan, Assistant Attorney General, Office of the Attorney General (OAG)
Julie Rowland, Government Analyst, DBPR
Lori McDonald, Court Reporter
Natalie Cormier, Daytona College
Justin Berkowitz, Daytona College
Chris Calabucci, Elite CME
LaMarion Jones, Virginia College
Amber Smith, Virginia College
Ella LaBranch
Chestina Mobley
Kristyn Gurecki

The meeting was opened with a roll call and a quorum was established. Chair Jowers excused the absence of Ms. Monica Smith from the meeting.

APPROVAL OF MINUTES

Ms. Laurel Ritenbaugh moved to approve the minutes from the December 12, 2012, Board meeting. Ms. Suzanne Wilhoite seconded the motion and the motion passed unanimously.

APPLICATIONS

Licensure Applications

Kristyn N. Gurecki

Ms. Gurecki was present for the meeting and was sworn in by Ms. Lori McDonald, Court Reporter. After review, Ms. Ritenbaugh moved to approve the application. Ms. Crystal Lackey seconded the motion and the motion passed unanimously.

Hai Z. Gong

Ms. Gong was not present for the meeting. After review, Ms. Ritenbaugh moved to deny the application based on a pending disciplinary matter. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Initial HIV/AIDS Courses

Derma Swiss

After review, Ms. Ritenbaugh moved to approve the course. Vice Chair Ginny Fincel seconded the motion and the motion passed unanimously.

KJ's Hair Studio

After review, Ms. Lackey moved to approve the course with the following contingency: replace the word "hair braider" with "cosmetologist" in the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Miami Dade County Public Schools

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Continuing Education Courses

Monique Cosmetique LLC. Course Application

Facial Massage Techniques – 2 Hours Live Group Study / Cosmetology Conference / Trade Show Home Study/Video / Internet

After review, Ms. Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees and outdated references. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Monique Cosmetique LLC. Course Application

Waxing Refresher – 4 Hours Live Group Study / Cosmetology Conference /Trade Show / Home Study/Video / Internet

After review, Ms. Lackey moved to approve the course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Monique Cosmetique LLC. Course Application

16 HR CEU For Estheticians & Cosmetologists – 16 Hours Live Group Study / Cosmetology Conference/Trade Show / Home Study/Video / Internet

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Monique Cosmetique LLC. Course Application

Designing The Perfect Brow – 4 Hours Live Group Study / Cosmetology Conference / Trade Show Home Study /Video / Internet

After review, Ms. Ritenbaugh moved to approve the course. Ms. Lackey seconded the motion and the motion passed unanimously.

Monique Cosmetique LLC. Course Application

Mastering The Art of Galvanism – 4 Hours Live Group Study / Cosmetology Conference / Trade Show Home Study /Video / Internet

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Monique Cosmetique LLC. Course Application

Extractions 101 – 4 Hours Live Group Study / Cosmetology Conference / Trade Show / Home Study Video / Internet

After review, Ms. Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees and outdated reference materials. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Monique Cosmetique LLC. Course Application

Makeup Applications Module I – 4 Hours Live Group Study / Cosmetology Conference / Trade Show
Home Study /Video / Internet

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Monique Cosmetique LLC. Course Application

Bikini & Brazilian Waxing Techniques – 4 Hours Live Group Study / Cosmetology Conference / Trade Show / Home Study/Video / Internet

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Skin Love, LLC. – Course Application

All Aspects of Facial Specialist Practice – 16 Hours Live Group Study / Cosmetology Conference Trade Show

After review, Ms. Ritenbaugh moved to deny the course based on inconsistent and incorrect information. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Coecontinuingeducation.com Course Application

2 Hour HIV/AIDS – 2 Hours Home Study/Video / Internet

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Coecontinuingeducation.com Course Application

16 Hour Florida Composition for Cosmetologist – 16 Hours Home Study/Video / Internet

After review, Ms. Ritenbaugh moved to deny the course based on incorrect information. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Coecontinuingeducation.com Course Application

16 Hour Florida Composition for Esthetician – 16 Hours Home Study/Video / Internet

After review, Ms. Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees and incorrect information. Ms. Lackey seconded the motion and the motion passed unanimously.

Coecontinuingeducation.com Course Application

16 Hour Florida Composition for Manicurist – 16 Hours Home Study/Video / Internet

After review, Ms. Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees and incorrect information. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Exotica Academy Inc. Course Application

Advanced Free Hand Nail Art – 4 Hours Live Group Study / Cosmetology Conference /Trade Show

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: add a line for license number on the course completion certificate. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Lackey seconded the motion and the motion passed unanimously.

Exotica Academy Inc. Course Application

Wax Depilatories - 4 Hours Live Group Study / Cosmetology Conference/Trade Show

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: add a line for license number on the course completion certificate. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Exotica Academy Inc. Course Application

Artificial Eye Lashes - 4 Hours Live Group Study / Cosmetology Conference/Trade Show

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: add a line for license number on the course completion certificate. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Exotica Academy Inc. Course Application

Fusion Hair Extention - 4 Hours Live Group Study / Cosmetology Conference/Trade Show

After review, Ms. Lackey moved to approve the course with the following contingencies: add a line for license number on the course completion certificate and replace the word "extention" with "extension" in the course title. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Patti Biro and Associates Course Application

7 Outcome Based Solutions Using Essential Oils – 4 Hours Live Group Study

After review, Ms. Ritenbaugh moved to deny the course based on references to massage, diagnosis disclaimer and incomplete course materials. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Daytona College Course Application

Reflexology – 12 Hours Live Group Study

Ms. Natalie Cormier and Mr. Justin Berkowitz were present for the meeting and were sworn in by the Court Reporter. After review, Ms. Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Esthetics Association Florida Inc. Course Application

Chemical Makeup – 2 Hours Live Group Study / Internet

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Esthetics Association Florida Inc. Course Application

Laws and Rules – 2 Hours Live Group Study / Internet

After review, Ms. Ritenbaugh moved to approve the course. Ms. Lackey seconded the motion and the motion passed unanimously.

Esthetics Association Florida Inc. Course Application

OSHA – 1 Hours Live Group Study / Internet

After review, Ms. Wilhoite moved to approve the course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Esthetics Association Florida Inc. Course Application

Environmental Issues – 1 Hours Live Group Study / Internet

After review, Ms. Wilhoite moved to approve the course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Esthetics Association Florida Inc. Course Application

Workers' Compensation – 1 Hours Live Group Study / Internet

After review, Ms. Wilhoite moved to approve the course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Daytona College Course Application

Cosmetology Required Continuing Education – 16 Hours Live Group Study / Internet

Ms. Natalie Cormier and Mr. Justin Berkowitz were present for the meeting. After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Cinderella Hair Extensions Course Application

Classic Bond Hair Extensions – 16 Hour Live Group Study

After review, Ms. Wilhoite moved to approve the course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Cinderella Hair Extensions Course Application

Cinderella Hair I-Hair & T-Hair Extensions – 8 Hours Live Group Study

After review, Ms. Wilhoite moved to approve the course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Cinderella Hair Extensions Course Application

Introduction to Cinderella Hair Extensions – 2 Hours Cosmetology Conference/Trade Show

After review, Ms. Wilhoite moved to approve the course. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Body Wrapping Courses

Derma Swiss

After review, Ms. Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a body wrapper registration and incorrect disinfection procedures. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Kim's Studio

After review, Ms. Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a body wrapper registration. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Stay Current LLC.

After review, Ms. Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a body wrapper registration. Ms. Lackey seconded the motion and the motion passed unanimously.

Westside Tech

After review, Ms. Ritenbaugh moved to approve the course. Ms. Lackey seconded the motion and the motion passed unanimously.

Hair Braiding Courses

Braids By Design

Ms. Ella LaBranch and Ms. Chestina Mobley were present for the meeting and were sworn in by the Court Reporter. After review, Vice Chair Fincel moved to deny the course based on outdated reference materials and incorrect disinfection procedures. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Chic Hair Care Inc.

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Easy Hair Beauty and Barber School

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Madd Hair Braiding Academy

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Rockstarz Salon LLC.

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

KJ's Hair Studio

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Sistaz Beauty Boutique

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Arlene P. Gray

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Hair Wrapping Courses

Rockstarz Salon LLC.

After review, Ms. Ritenbaugh moved to approve the course. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Stylease Studios

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: replace reference to "hair braiding" with "hair wrapping" in the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

KJ's Hair Studio

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: replace reference to "hair braiding" with "hair wrapping" in the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

OTHER BUSINESS

Executive Director's Report

Financial Report for Year Ending September 2012

Ms. Barineau reported that the balance in the Board's operating account as of September 30, 2012, was over \$3.44 million, and the balance in their unlicensed activity account was over \$1.8 million for the same period.

National-Interstate Council (NIC) Newsletter August/October 2012

Ms. Barineau informed the Board that the NIC Newsletter was included in the agenda for informational purposes.

Board Attorney Report

Rule 61G5-20.002, Florida Administrative Code – Salon Requirements

The Board asked Mr. Doug Dolan, Assistant Attorney General, to amend the suggested changes to include the requirement to clean and disinfect shampoo bowls, neck rests, facial beds, and any surface which comes in contact with the skin between patrons. They agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation. The Board will review the draft language at their April 2013 meeting.

Rule 61G5-30.001, Florida Administrative Code – Disciplinary Guidelines

The Board agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation.

Rule 61G5-30.006, Florida Administrative Code – Notice of Non Compliance (NNC)

The Board agreed that this rule should be opened for discussion at their April 2013 meeting. They also agreed that a violation of the special events allowance should be considered as an NNC on the first violation. The Board will review the draft language at their April 2013 meeting.

Rule 61G5-22.005, Florida Administrative Code – Sanitation and Sterilization

The Board agreed that this rule should be opened for discussion at their April 2013 meeting. They also agreed that sterilization should be amended as this process is no longer the industry standard. The Board will review the draft language at their April 2013 meeting.

Rule 61G5-31.004, Florida Administrative Code – Hair Braiding, Hair Wrapping, and Body Wrapping Course Requirements

The Board agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation.

Regulation Report

Complaints and Investigative Statistics – July 2012 – November 2012

Ms. Barineau informed the Board that the Complaints and Investigative Statistics Report was included in the agenda for informational purposes.

Bureau of Education and Testing

Cosmetology Examination Summary – January 2011 – November 2012

Ms. Barineau informed the Board that the Cosmetology Examination Summary was included in the agenda for informational purposes.

Dates and Locations of Future Meetings

April 8-9, 2013 – Tampa
July 15-16, 2013 – Orlando
October 21-22, 2013 – Altamonte Springs

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:15 a.m.

Tuesday, January 8, 2013

The Board of Cosmetology meeting was called to order at approximately 9:00 a.m., by Ms. Myra Jowers, Chair.

Board Members Present

Myra Jowers, Chair
Ginny Fincel, Vice Chair
Laurel Ritenbaugh
Suzanne Wilhoite

Board Members Absent

Monica Smith
Crystal Lackey

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Doug Dolan, Assistant Attorney General, Office of the Attorney General (OAG)
Elizabeth Henderson, Assistant General Counsel, Office of the General Counsel (OGC), DBPR
Julie Rowland, Government Analyst, DBPR
Lori McDonald, Court Reporter
Dung T. Le

The meeting was opened with a roll call and a quorum was established. Chair Jowers excused the absences of Ms. Monica Smith and Ms. Crystal Lackey from the meeting.

DISCIPLINARY MATTERS

Informal Hearing

K M Nail Spa and Dung Thu Le; Okeechobee; Case Nos. 2011.044055 and 2011.044062

Ms. Dung Le was present for the meeting and was sworn in by Ms. Lori McDonald, Court Reporter. Ms. Elizabeth Henderson, Assistant General Counsel, presented the case for consideration by the Board. Vice Chair Ginny Fincel 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 and adopts them as the findings of fact and conclusions of the law of the Board and impose a fine of \$1,500 and costs of \$287.83, to be paid over a period of six months, with the first payment of \$287.83 due within 30 days of the final order and five monthly payments of \$300 each, plus six months stayed suspension against cosmetology salon license CE9973575 and nail specialist license FV562798. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and the nail specialist license will be suspended. Ms. Laurel Ritenbaugh seconded the motion and the motion passed unanimously.

Ms. Henderson presented the following cases for consideration by the Board. The Board found 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 and adopts them as the findings of fact and conclusions of the law of the Board and imposed the penalties shown below:

Chi Nails; Navarre; Case No. 2011.039939

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$100.25, to be paid over a period of six months, with the first payment of \$100.25 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9772164. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Suzanne Wilhoite seconded the motion and the motion passed unanimously.

DS Nails; Pensacola; Case No. 2011.044999

The Respondent was not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$250 and costs of \$145.74, to be paid over a period of six months, with the first payment of \$145.74 due within 30 days of the final order and five monthly payments of \$50 each, plus six months stayed suspension against cosmetology salon license CE9979460. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

King Nails and Binh Truong; Jacksonville; Case Nos. 2011.046426 and 2011.049925

The Respondents were not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$500 and costs of \$232.32, to be paid over a period of six months, with the first payment of \$232.32 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9980465 and nail specialist license FV570839. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and the nail specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Motion for Waiver of Rights and Final Order

Ms. Henderson presented the following cases for consideration by the Board. 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, that the Board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the Board and imposed the penalties shown below:

Derrick's Cut Masters; Daytona Beach; Case Nos. 2011.043267 and 2011.044978

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$1,500 and costs of \$66.25, to be paid over a period of six months, with the first payment of \$66.25 due within 30 days of the final order and five monthly payments of \$300 each, plus six months stayed suspension against cosmetology salon license CE55520. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Kadesha Carol Roberts; Coral Springs; Case No. 2011.033045

Ms. Roberts was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$168.87, to be paid over a period of six months, with the first payment of \$168.87 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Settlement Stipulation

Tipsy Salon and Spa of Jupiter and Thanh Hoa Nguyen; Jupiter; Case Nos. 2011.028415 and 2011.033652

The Respondents were not present for the meeting. Ms. 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 of its terms into a final order and impose a fine of \$3,500 and costs of \$246.22, to be paid over a period of six months, with the first payment of \$246.22 due within 30 days of the final order and five monthly payments of \$700 each, plus six months stayed suspension against cosmetology license CE9976767 and nail specialist license FV9551831. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and nail specialist license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Department Attorney Report

Ms. Henderson informed the Board that as of January 4, 2013, there were 458 open cosmetology cases in the legal section.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:15 a.m.