

# MINUTES

**FLORIDA BOARD OF COSMETOLOGY  
MISSION INN RESORT – 10400 COUNTY ROAD 48  
HOWEY-IN-THE-HILLS, FLORIDA 34737**

**Monday, January 11, 2016 – 9:00 a.m.**

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

**Board Members Present**

Ginny Fincel, Chair  
Laurel Ritenbaugh, Vice Chair  
Adrienne Harvey  
Fran Poppell  
Rhonda Griffis

**Board Members Absent**

Robin Tabano  
Stephania Wilson

**Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Doug Dolan, Assistant Attorney General, Office of the Attorney General  
Ramsey Revell, Assistant General Counsel, Office of the General Counsel, DBPR  
Julie Rowland, Government Analyst, DBPR  
Diana Garcia, Court Reporter  
Lourdes Rivera Gonzalez  
Vicki Underwood  
Qian Wen  
Li Hua Chang  
Latasha Witte  
Diana Duda

The meeting was opened with a roll call and a quorum was established. The Board excused the absences of Ms. Robin Tabano and Ms. Stephania Wilson from the meeting.

## **DISCIPLINARY MATTERS**

**Informal Hearing**

Ms. Ramsey Revell, Assistant General Counsel, presented the following cases for consideration by the Board. The Board found that the Respondents were 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 law of the Board and imposed the penalties shown below:

- Zoila Robles; Coral Gables  
Case No. 2015008673  
\$500 fine and \$39.36 costs to be paid within six months
- Riviera Beauty Discount; Riviera Beach  
Case No. 2015011129  
\$500 fine and \$168.56 costs to be paid within six months, re-inspection within 30 days
- Silver Moon River; Boca Raton

Case No. 2015028925  
\$400 fine and \$46.79 costs to be paid within six months

- Nail Boutique & Spa, Viet Huynh, and Thanh Le; Vero Beach  
Case Nos. 2015028566, 2015032549, and 2015032366  
\$550 fine and \$381.70 costs to be paid within six months
- Lourdes Rivera-Gonzalez; Orlando  
Case No. 2015004889  
The Board tabled this case until the April 18-19, 2016, Board meeting

### **Motion for Waiver of Rights and Final Order**

Ms. Revell presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, the Respondents 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:

- Atiun Hunter; Tampa  
Case No. 2014052931  
Ms. Revell requested that this case be pulled from the agenda
- Diamond Spa Nail and Tom Tran; Port St. Lucie  
Case Nos. 2014051769 & 2015000650  
\$550 fine and \$247.12 costs to be paid within six months
- J & P Industries; Miami  
Case No. 2015010839  
Ms. Revell requested that this case be pulled from the agenda
- Juniors Barbershop & Co. and Stephen Vitiello; Jupiter  
Case Nos. 2015017881 & 2015021938  
Ms. Revell requested that the cases be pulled from the agenda
- Arthur Gray; Ocala  
Case No. 2015017109  
\$500 fine and \$323.78 costs to be paid within six months
- Nail Care and Thien Phung; Palm Beach Gardens  
Case Nos. 2015011946 & 2015024950  
\$1,000 fine and \$336.91 costs to be paid within six months  
Revocation of licenses CE9964181 and FV9532233
- Lana's Nails and Quyen Dang; Port St. Lucie  
Case Nos. 2015011976 & 2015024962  
\$650 fine and \$292.25 costs to be paid within six months
- Lewis May; Homestead  
Case No. 2015021910  
\$500 fine and \$43.44 costs to be paid within six months
- Exclusive International Beauty Salon; Ft. Pierce  
Case No. 2015025207

\$500 fine and \$146.12 costs to be paid within six months

- Michael Placido; Wellington  
Case No. 2015022433  
\$500 fine and \$138.12 costs to be paid within six months

### **Settlement Stipulation**

Ms. Revell presented the following cases for consideration by the Board. The Board moved to 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 imposed the penalties shown below:

- Stylez Beauty Bar; Miami Gardens  
Case No. 2015012483  
\$550 fine and \$31.35 costs to be paid within six months
- Tuscani Spa & Salon and Trien Pham; Jupiter  
Case Nos. 2015003284 & 2015004036  
\$400 fine and \$288.12 costs to be paid within six months
- CK Nails Salon and Tuan Hoang; Jupiter  
Case Nos. 2015018256 & 2015027402  
\$900 fine and \$276.25 costs to be paid within six months
- Pink Nails & Spa and To Nguyen; Port St. Lucie  
Case Nos. 2015020979 & 2015027381  
\$600 fine and \$276.25 costs to be paid within six months
- Anh Kim Bui; Brooksville  
Case No. 2015032563  
\$500 fine and \$89.70 costs to be paid within six months
- US Nails; Palm Beach Gardens  
Case No. 2015010855  
\$800 fine and \$204.90 costs to be paid within six months
- Evie Nails & Day Spa; Jacksonville  
Case No. 2015038365  
\$600 fine and \$186.72 costs to be paid within six months
- Regal Nails Salon & Spa and Kinh Nguyen; Lake Park  
Case Nos. 2015025420 & 2015032555  
\$850 fine and \$284.25 costs to be paid within six months

### **Voluntary Relinquishment**

- Moraima Ravide; Key West  
Case No. 2014041180  
\$500 fine and \$175.81 costs to be paid within six months  
Voluntary relinquishment of license FV9587879
- Ana Clemente; Key West  
Case No. 2014041185  
\$500 fine and \$83.27 costs to be paid within six months

Voluntary relinquishment of license FV9588618

- Yolymer Incandela; Doral  
Case No. 2015018513  
\$500 fine and \$235.04 costs to be paid within six months  
Voluntary relinquishment of license FS892542
- Surley Palacio; Miami  
Case Nos. 2015025827 & 2015025876  
\$500 fine and \$320.75 costs to be paid within six months  
Voluntary relinquishment of licenses FV9586523 and FS893973

### **Department Attorney Report**

Ms. Revell informed the Board that as of December 8, 2015, there were 90 open cosmetology cases in the legal section.

### **APPLICATIONS**

#### **Hair Braiding Courses**

##### **Initial Review**

##### **Hair Braiding Training Center – Internet**

After review, Vice Chair Laurel Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, outdated resources, and incorrect disinfection procedures. Ms. Rhonda Griffis seconded the motion and the motion passed unanimously.

##### **Tresses Jolie – Classroom**

After review, Vice Chair Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, grammatical errors, improper references, and incorrect disinfection procedures. Ms. Griffis seconded the motion and the motion passed unanimously.

##### **Monique Cosmetique – Internet**

Ms. Latasha Witte was present for the meeting. After review, Ms. Harvey moved to approve the course with the following contingency: strike references to the use of tools that are outside the scope of practice of a hair braiding registration. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Vice Chair Ritenbaugh seconded the motion and the motion passed unanimously.

##### **Monique Cosmetique – Classroom**

Ms. Witte was present for the meeting. After review, Ms. Harvey moved to approve the course with the following contingency: strike references to the use of tools that are outside the scope of practice of a hair braiding registration. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Griffis seconded the motion and the motion passed unanimously.

##### **Hairmony Salon & Mini Spa – Classroom**

After review, Vice Chair Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, improper references to tools that are outside the scope of practice of a hair braiding registration, grammatical errors, and incorrect references. Ms. Griffis seconded the motion and the motion passed unanimously.

##### **Hairmony Salon & Mini Spa – Internet**

After review, Vice Chair Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, improper references to tools that are outside the scope of practice of a hair braiding registration, grammatical errors, and incorrect references. Ms. Harvey seconded the motion and the motion passed unanimously.

## **Hair Wrapping Courses**

### **Initial Review**

#### **Monique Cosmetique – Internet**

Ms. Witte was present for the meeting. After review, Ms. Harvey moved to approve the course with the following contingency: strike references to the use of tools that are outside the scope of practice of a hair wrapping registration. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Vice Chair Ritenbaugh seconded the motion and the motion passed unanimously.

#### **Monique Cosmetique – Classroom**

Ms. Witte was present for the meeting. After review, Ms. Harvey moved to approve the course with the following contingency: strike references to the use of tools that are outside the scope of practice of a hair wrapping registration. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Vice Chair Ritenbaugh seconded the motion and the motion passed unanimously.

## **Continuing Education Courses**

### **Initial Review**

#### **Beauty and Health Institute – Continuing Education 16 Hour Classroom**

After review, Vice Chair Ritenbaugh moved to approve the course with the following contingencies: update resource dates. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Harvey seconded the motion and the motion passed unanimously.

#### **Beauty and Health Institute – Ultrasonic Cavitation 6 Hour Classroom**

After review, Vice Chair Ritenbaugh moved to deny the course based on the course being outside the scope of practice of Board of Cosmetology licensees. Ms. Harvey seconded the motion and the motion passed unanimously.

#### **Beauty and Health Institute – Lymphology 12 Hour Classroom**

After review, Vice Chair Ritenbaugh moved to deny the course based on the course being outside the scope of practice of Board of Cosmetology licensees. Ms. Fran Poppell seconded the motion and the motion passed unanimously.

#### **Beauty Academy – Florida Cosmetology Essentials 16 Hour Internet**

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

#### **@ Home Prep – Cosmetology Continuing Education 16 Hour Internet**

After review, Vice Chair Ritenbaugh moved to deny the course based on incomplete references, and incorrect disinfection procedures. Ms. Griffis seconded the motion and the motion passed unanimously.

Leslie Roste – Infection Control 7 Hour Classroom

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

Hairmony Salon & Mini Spa – Initial HIV/AIDS 4 Hour Classroom

After review, Chair Fincel moved to approve the course with the following contingencies: update references. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Sugaring 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Threading Techniques 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Ergonomics for the Beauty Professional 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Ergonomics for the Beauty Professional 4 Hour Classroom

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Worker's Compensation 1 Hour Classroom

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Cosmetology Laws & Rules 2 Hour Classroom

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Environmental Issues 1 Hour Classroom

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – OSHA 1 Hour Classroom

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – HIV/AIDS 2 Hour Classroom

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Sanitation & Sterilization 3 Hour Classroom

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Chemical Makeup 2 Hour Classroom

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Lash & Brow Enhancements 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Designing the Perfect Brow 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Basic Facial Refresher 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Waxing Refresher 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Basic Makeup Application 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Monique Cosmetique – Brazilian Waxing Techniques 4 Hour Internet

Ms. Witte was present for the meeting. After review, Vice Chair Ritenbaugh moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Bene’s Career Academy – Salon Issues 16 Hour Classroom

After review, Vice Chair Ritenbaugh moved to approve the course with the following contingency: strike references to phenols. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Harvey seconded the motion and the motion passed unanimously.

Florida Academy – Skin Care Apothecary 8 Hour Classroom

After review, Ms. Griffis moved to deny the course based on the course content being product driven. Vice Chair Ritenbaugh seconded the motion and the motion passed unanimously.

Florida Academy – Skin Care Apothecary 12 Hour Classroom

After review, Ms. Griffis moved to deny the course based on the course content being product driven. Ms. Harvey seconded the motion and the motion passed unanimously.

**OTHER BUSINESS**

**Board Attorney Report**

Rule 61G5-20.008, Florida Administrative Code – Employment of Applicants for Licensure as a Cosmetologist Prior to Licensure; Employment of Applicants for Registration as a Specialist Prior to Registration

The Board will further discuss the proposed draft language at the April 2016 Board meeting.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 12:15 p.m.

**Tuesday, January 12, 2016**

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

**Board Members Present**

Ginny Fincel, Chair

**Board Members Absent**

Robin Tabano

Fran Poppell  
Adrienne Harvey  
Rhonda Griffis

Laurel Ritenbaugh, Vice Chair  
Stephania Wilson

### **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Doug Dolan, Assistant Attorney General, Office of the Attorney General  
Ramsey Revell, Assistant General Counsel, Office of the General Counsel, DBPR  
Julie Rowland, Government Analyst, DBPR  
Diana Garcia, Court Reporter  
Yahaira Pabon  
Zahira Rivero  
Jose Sanchez  
Vanessa Delgado

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Vice Chair Ritenbaugh from the meeting.

### **APPROVAL OF MINUTES**

The Board approved the minutes from the November 20, 2015, Board meeting.

### **APPLICATIONS**

#### **Licensure Applications**

##### **Informal Hearing**

##### **Yahaira Pabon / Puerto Rico**

Ms. Pabon and Ms. Zahira Rivero were present for the meeting and were sworn in by Ms. Diana Garcia, Court Reporter. Ms. Robyn Barineau, Executive Director, informed the Board that the application was denied at the October 13, 2015, Board meeting, based on unverifiable information. After review, the Board tabled the application until the April 18-19, 2016, Board meeting to allow her to provide additional documentation.

##### **Initial Review**

##### **Yolymar Reyes Incandela**

Ms. Incandela was not present for the meeting. After review, Ms. Harvey moved to deny the application based on failure to disclose previous unsatisfied discipline on the application. Ms. Poppell seconded the motion and the motion passed unanimously.

##### **Khanthong Phommarinh**

Ms. Phommarinh was not present for the meeting. After review, Ms. Poppell moved to deny the application based on the noted criminal history. Ms. Griffis seconded the motion and the motion passed unanimously.

##### **Chedline Lamour Moise**

Ms. Moise was not present for the meeting. After review, Ms. Harvey moved to deny the application based on the noted criminal history. Ms. Griffis seconded the motion and the motion passed unanimously.

##### **Josue Sanchez**



Mr. Sanchez was present for the meeting and was sworn in by the Court Reporter. After review, Chair Fincel moved to approve the application. Ms. Harvey seconded the motion and the motion passed unanimously.

#### Mai Diep / North Carolina

Mr. Diep was not present for the meeting. After review, Ms. Harvey moved to deny the application based on unverifiable documentation. Ms. Poppell seconded the motion and the motion passed unanimously.

#### Phi Dang / Texas

Ms. Dang was not present for the meeting. After review, Ms. Harvey moved to deny the application based on unverifiable documentation. Ms. Griffis seconded the motion and the motion passed unanimously.

#### Vanessa Delgado

Ms. Delgado was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Harvey moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Poppell seconded the motion and the motion passed unanimously.

#### Melissa Cruz

Ms. Cruz was not present for the meeting. After review, Ms. Harvey moved to deny the application based on the noted criminal history. Ms. Poppell seconded the motion and the motion passed unanimously.

### **OLD BUSINESS**

#### Printing Photos on Licenses

Ms. Barineau informed the Board that the Department continues to research the process of having a picture printed on the license when issued and again at renewal. The Board will further discuss this process at their April 2016 meeting.

### **OTHER BUSINESS**

#### **Executive Director Report**

##### Financial Report for Period Ending September 2015

Ms. Barineau reported that the balance in the Board's operating account as of September 30, 2015, was over \$6.2 million, and the balance in their unlicensed activity account was over \$2.9 million for the same period.

##### Legislative Updates

Ms. Barineau informed the Board of the language related to the Board of Cosmetology in SB 1050. The Board expressed concerns with the body wrapping and nail painting exemptions. She will relay their concerns to the Department.

#### **Correspondence**

##### Complaints and Investigative Statistics – July 2015 – October 2015

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

##### Cosmetology Examination Summary – January 2015 – November 2015

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 18-19, 2016 – Brandon

July 18-19, 2016 – Naples

October 4-5, 2016 – Tampa

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 10:30 a.m.