

MINUTES

FLORIDA BOARD OF COSMETOLOGY
TAMPA MARRIOTT WESTSHORE
1001 N. WESTSHORE BLVD.
TAMPA, FLORIDA 33607

Monday, January 23, 2017

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

Board Members Present

Laurel Ritenbaugh, Chair
Robin Tabano, Vice Chair
Stephania Wilson
Fran Poppell
Rhonda Griffis
Jared Sutherland

Board Members Absent

Adrienne Harvey

Other Persons Present

Julie Rowland, Government Analyst, Department of Business and Professional Regulation (DBPR)
Lynette Norr, Assistant Attorney General, Office of the Attorney General
Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR
Rebecca Witt, Court Reporter
Timothy McGrath, Division of Regulation, DBPR
John Miranda, Division of Regulation, DBPR
Tequila Sheppard
Tina Pham
Kaelin Jutras
Abigail Ruelas
Thuy Tran
Tri Nguyen
Debra Neal

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Ms. Adrienne Harvey from the meeting.

DISCIPLINARY MATTERS

Informal Hearing

Mr. Dillon Jess, 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:

- Edna Viviana Ayala; Miami; Case Nos. 2016004262 & 2016004173
Mr. Jess requested that this case be pulled from the agenda
- Tequilla Sheppard; Lake City; Case No. 2015051899

\$208.72 costs only

- US Nails and Thuy Tran; Jupiter; Case Nos. 2016020634 & 2016019160
\$750 fine and \$92.54 costs to be paid within six months
Revocation of license CE9976722 and FB9716655
- Davi Nails 6978 and Tri Nguyen; Jacksonville; Case Nos. 2016022168 & 2016024211
\$500 fine and \$393.35 costs to be paid within six months

Motion for Waiver of Rights and Final Order

Mr. Jess 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:

- Modern Nails; Kissimmee; Case No. 2015052371
\$500 fine and \$140.63 costs to be paid within six months
- Harmony Nail and Spa; Kissimmee; Case No. 2015050701
\$500 fine and \$193.06 costs to be paid within six months
- K Nails; Melbourne; Case No. 2015054707
\$500 fine and \$193.06 costs to be paid within six months
- Iraida Montes; Miami; Case No. 2016018393
\$500 fine and \$185.44 costs to be paid within six months
- Thuy Thanh Dong; Tuscaloosa, AL; Case No. 2016014516
\$162.81 costs only
Revocation of license FB9735197
- Patrick Kirby; Miami Gardens; Case No. 2016022224
\$500 fine and \$105.20 costs to be paid within six months
- Polish Nail Bar; Jacksonville; Case No. 2016027992
\$500 fine and \$186.10 costs to be paid within six months
- Big Ben Nails & Spa; Riverview; Case No. 2016000268
\$500 and \$242.36 costs to be paid within six months
- Ana Lorenzo; Cape Coral; Case No. 2016012604
\$500 fine and \$350.01 costs to be paid within six months
Revocation of license CL1236963
- Anh Thi Tran; Orlando; Case No. 2016002717
\$500 fine and \$287.17 costs to be paid within six months
Revocation of license FB9752138
- Brandon Bailey; Orlando; Case No. 2016018273
\$500 fine and \$133.42 costs to be paid within six months
- Salon Lush and Melissa Cianteo; Jacksonville; Case Nos. 2016027375 & 2016029436
\$500 fine and \$246.73 costs to be paid within six months

- Michael Peters; Clermont; Case No. 2016023618
\$500 fine and \$177.90 costs to be paid within six months
Revocation of license CL1197745
- Manhattan Nails; Tampa; Case No. 2016025348
\$500 fine and \$189.02 costs to be paid within six months
- Venus Nails and Spa; St. Augustine; Case No. 2016033131
\$500 fine and \$98.93 costs to be paid within six months
- McKayla Nails & Spa; Lady Lake; Case No. 2016017076
\$500 fine and \$433.04 costs to be paid within six months
- Mely Nail Spa; Land O' Lakes; Case No. 2016007449
\$500 fine and \$143.33 costs to be paid within six months
- Diva Nails & Spa; Clearwater; Case No. 2016002619
\$500 fine and \$149.62 costs to be paid within six months
- DC & Y Nail, Dung Diep, and Hung Diep; Port St. Lucie; Case Nos. 2016019656,
2016027470 & 2016027483
\$500 fine and \$495.99 costs to be paid within six months
- Donna Palemire; North Palm Beach; Case No. 2016036297
\$500 fine and \$158.99 costs to be paid within six months
- Nails and Spa; St. Augustine; Case No. 2016039541
\$500 fine and \$100.03 costs to be paid within six months
- Heaven Salon and Mabel Perez; West Palm Beach; Case Nos. 2016021571 & 2016021574
\$800 fine and \$325.22 costs to be paid within six months
- Happy Nails & Feet; Fleming Island; Case No. 2016032813
\$500 fine and \$87.85 costs to be paid within six months

Settlement Stipulation

Mr. Jess 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:

- Supercuts #90250; Minneapolis, MN; Case No. 2016003017
\$300 fine and \$170.78 costs to be paid within 30 days
- Glam Nails; Lauderhill; Case No. 2016029421
\$1,000 fine and \$46.10 costs to be paid within six months
- Annabella's Nails; Jacksonville; Case No. 2016032067
\$500 fine and \$131.51 costs to be paid within six months
- Top Nails; Marianna; Case No. 2016018229
\$500 fine and \$67.03 costs to be paid within six months
- Luxury Nails & Spa; Orange Park; Case No. 2016033540
\$500 fine and \$87.85 costs to be paid within six months
- Serenity Nails Spa; Riverview; Case No. 2016013299

\$500 fine and \$110.04 costs to be paid within six months

- Happy Nails; St. Augustine; Case No. 2016031976
\$500 fine and \$115.22 costs to be paid within six months
- A1 Nails and Phuoc Than; Jupiter; Case Nos. 2016022959 & 2016027491
\$500 fine and \$321.23 costs to be paid within six months
- Nails Lamour; Davie; Case No. 2016032062
\$500 fine and \$198.26 costs to be paid within six months
- Seang K NY; Jacksonville; Case No. 2016034357
\$500 fine and \$123.37 costs to be paid within six months

Voluntary Relinquishment

- Phuong Nam Luu; Orlando; Case No. 2015044725
Voluntary relinquishment of license FS893468

Department Attorney Report

Mr. Jess informed the Board that as of January 11, 2017, there were 141 open cosmetology cases in the legal section.

APPLICATIONS

Hair Braiding Courses

Building Braider's Academy – Classroom

After review, 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, outdated references, incorrect references, and incorrect disinfection procedures. Ms. Rhonda Griffis seconded the motion and the motion passed unanimously.

School District of Hillsborough County – Classroom

Ms. Andrea Beverly was present and was sworn in by Ms. Rebecca Witt, Court Reporter. Chair Ritenbaugh recused herself from voting on this matter. After review, Ms. Griffis moved to approve the course with the following contingency: strike reference to "HIV jumping from apes to humans" in the course materials. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Stephania Wilson seconded the motion and the motion passed unanimously.

Tampa Bay Braiding Academy – Classroom

After review, Ms. Griffis moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, incorrect references, and outdated references. Mr. Jared Sutherland seconded the motion and the motion passed unanimously.

Beyond Institute and Career Center – Classroom

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

Marsh Cosmetology Educational Services – Classroom

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

Styles By Lika – Classroom

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

Infinite Beauty and Beyond – Classroom

After review, Chair Ritenbaugh moved to deny the course based on the course being outside the scope of practice of a hair braiding registration, incorrect references, and outdated references. Vice Chair Tabano seconded the motion and the motion passed unanimously.

Hair Wrapping Courses

Beyond Institute and Career Center – Classroom

After review, Chair Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a hair wrapping registration, outdated references, and incorrect disinfection procedures. Vice Chair Tabano seconded the motion and the motion passed unanimously.

Styles By Lika – Classroom

After review, Vice Chair Tabano moved to deny the course based on the course content being outside the scope of practice of a hair wrapping registration, incorrect references, outdated references, and incorrect disinfection procedures. Mr. Sutherland seconded the motion and the motion passed unanimously.

Ga La Car Beauty & Styles Workshops – Classroom

After review, Chair Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a hair wrapping registration, incorrect references, outdated references, and incorrect disinfection procedures. Vice Chair Tabano seconded the motion and the motion passed unanimously.

Body Wrapping Courses

Latin Beauty Academy – Classroom

After review, Ms. Griffis moved to deny the course based on the course content being outside the scope of practice of a body wrapping registration, incorrect references, and outdated references. Mr. Sutherland seconded the motion and the motion passed unanimously.

Beyond Institute and Career Center – Classroom

After review, Vice Chair Tabano moved to deny the course based on the course content being outside the scope of practice of a body wrapping registration, outdated references, and incorrect disinfection procedures. Mr. Sutherland seconded the motion and the motion passed unanimously.

Continuing Education Courses

Monique Cosmetique – Facial Refresher 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – Airbrush Makeup Techniques 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – CE for the Esthetician, Cosmetologist & Nail Tech 16 Hour Classroom

After review, Vice Chair Tabano moved to approve the course with the following contingency: strike reference to “MSDS” and replace with “SDS” in the course materials. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – CE for the Beauty Professional 16 Hour Classroom

After review, Vice Chair Tabano moved to approve the course with the following contingency: strike reference to “MSDS” and replace with “SDS” in the course materials. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – Sugaring 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course with the following contingency: strike “advize” and replace with “advise” in the course materials. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – Threading Techniques 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – Bikini & Brazilian Waxing Techniques 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – Makeup Application Module I 4 Hour Classroom

After review, Ms. Griffis moved to approve the course with the following contingency: complete the sentence “Apply loose powder with a powder” in the course materials. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Vice Chair Tabano seconded the motion and the motion passed unanimously.

Monique Cosmetique – CE for the Esthetician, Cosmetologist & Nail Tech 16 Hour Correspondence

After review, Vice Chair Tabano moved to approve the course with the following contingency: strike reference to “MSDS” and replace with “SDS” in the course materials. The correction 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.

Monique Cosmetique – Lash & Brow Enhancements 4 Hour Classroom

After review, Ms. Griffis moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – Designing the Perfect Brow 4 Hour Classroom

After review, Ms. Griffis moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Monique Cosmetique – Waxing Refresher 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Informed – Florida Cosmetology Update 16 Hour Correspondence

After review, Vice Chair Tabano moved to approve the course with the following contingency: add dates to rules references. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

Elite CME – CE Update for Florida Estheticians/Full Specialists 16 Hour Correspondence

After review, Vice Chair Tabano moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Elite CME – CE Update for Florida Nail Technicians 16 Hour Correspondence

After review, Vice Chair Tabano moved to approve the course with the following contingency: update Milady references in the course materials. The correction 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.

Elite CME – CE Update for Florida Cosmetologists 16 Hour Correspondence

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

Elite CME – HIV/AIDS Update 2 Hour Correspondence

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

Herbal Skin Solutions – CE for Cosmetology Licensure 16 Hour Classroom

Ms. Kaelin Jutras was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Griffis moved to deny the course based on the course being outside the scope of practice of Board of Cosmetology licensees. Ms. Wilson seconded the motion and the motion passed unanimously.

Herbal Skin Solutions – Understanding Advanced Cosmetic and Medical Treatments in the Med Spa 16 Hour Classroom

Ms. Jutras was present for the meeting. After review, Vice Chair Tabano moved to deny the course based on the course being outside the scope of practice of Board of Cosmetology licensees. Ms. Griffis seconded the motion and the motion passed unanimously.

@Home Prep – Florida Cosmetology Continuing Education 16 Hour Internet

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

NEW BUSINESS

Petition for Declaratory Statement – David Bremer

After discussion, the Board denied the request as submitted. The petition did not comply with the requirements for a Declaratory Statement.

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 approved the following language and 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.

(1) Holders of a cosmetology salon license who wish to permit an applicant for licensure as a cosmetologist by examination to perform cosmetology services in their salon ~~pursuant to Rule 61G5-18.0055, F.A.C.~~, shall:

(a) Prior to permitting an applicant to perform cosmetology services in their salon, obtain from the

~~applicant proof that they have passed all parts of the examination for licensure as a cosmetologist within the two years as provided by Rule 61G5-18.004, F.A.C. a copy of the completed application for licensure by examination submitted to the Department by the applicant, and a copy of the notification by the Department to the applicant that he or she has been scheduled to take the licensure examination. The cosmetology salon license holder shall not permit an applicant to practice cosmetology or perform cosmetology services in the salon until after the date of the licensure examination as indicated on the notification from the Department.~~

~~(b) Upon learning or in any way becoming aware that an applicant who is performing cosmetology services in their salon pursuant to Rule 61G5-18.0055, F.A.C., has either failed to take the first licensure examination as scheduled by the Department, or has failed to achieve a passing grade on the first licensure examination taken by the applicant, immediately cease to permit the applicant to further perform cosmetology services until the applicant provides to the cosmetology salon license holder a copy of the completed application for reexamination submitted to the Department by the applicant for the next available licensure examination immediately following the licensure examination which the applicant failed to take or pass.~~

~~(c) Upon learning or in any way becoming aware that an applicant who is performing cosmetology services in their salon pursuant to Rule 61G5-18.0055, F.A.C., has either failed to take the next available licensure examination immediately following the licensure examination which the applicant failed to pass, immediately cease to permit the applicant to further perform cosmetology services until the applicant provides to the cosmetology salon license holder proof of having been issued a cosmetology license by the Department.~~

~~(d) Ensure that all cosmetology services performed by the applicant in the salon are performed in accordance with the conditions as set forth in Rule 61G5-18.0055, F.A.C.~~

~~(b)(e) Display in a conspicuous place at the cosmetology salon location in which the applicant performs cosmetology services under Rule 61G5-18.0055 a copy of the cosmetology examination passing certificate(s), completed application for licensure by examination submitted to the Department by the applicant, and a copy of the completed application for reexamination submitted to the Department by the applicant if such reexamination is required under Rule 61G5-18.0055, F.A.C.~~

(2) Holders of a cosmetology or specialty salon license who wish to permit an applicant for registration as a specialist to perform specialty services in their salon pursuant to Rule 61G5-29.004, F.A.C., or who wish to permit applicants for registration as a hair braider, or hair wrapper, or body wrapper to perform hair braiding, or hair wrapping, or body wrapping services in their salon pursuant to Rule 61G5-31.006, shall:

(a) prior to permitting an applicant to perform any specialty services or hair braiding, or hair wrapping, or body wrapping services in their salon, obtain from the applicant a copy of the completed application for registration that includes proof of successful completion of the education requirements and payment of the applicable fees submitted to the Department by the applicant;

(b) upon learning or in any way becoming aware that an applicant who is performing specialty services in their salon pursuant to Rule 61G5-29.004, F.A.C., or performing hair braiding, or hair wrapping, or body wrapping services in their salon pursuant to Rule 61G5-31.006, F.A.C., has been notified that his or her application is incomplete, or has been determined by the Board to be not qualified for registration as a specialist, shall immediately cease to permit the applicant to further perform specialty services;

~~(c) ensure that all specialty services performed by the applicant in the salon are performed in accordance with the conditions as set forth in Rule 61G5-29.004, F.A.C., and all other applicable laws and Rules of the Board;~~

~~(d) ensure that all hair braiding and hair wrapping services performed by the applicant in the salon are performed in accordance with all applicable laws and Rules of the Board;~~

~~(c)(e) display in a conspicuous place at the cosmetology or specialty salon location in which the applicant performs specialty services pursuant to Rule 61G5-29.004, F.A.C., or hair braiding, or hair wrapping, or body wrapping services pursuant to Rule 61G5-31.006, a copy of the completed application for registration as a specialist or application for registration as a hair braider, or hair wrapper, or body wrapper submitted to the Department by the applicant.~~

~~Rulemaking Specific Authority 477.016, 477.019(4), 477.0201(6), 477.025(2) FS. Law Implemented 477.019(4), 477.0201(6) 477.025(2) FS. History—New 10-18-87,~~

Executive Director Report

Financial Report for Period Ending September 2016

Ms. Julie Rowland, Government Analyst, reported that the balance in the Board's operating account as of September 30, 2016, was over \$7 million, and the balance in their unlicensed activity account was over \$3.2 million for the same period.

Correspondence

Complaints and Investigative Statistics – July 2016 – November 2016

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

Cosmetology Examination Summary – January 2016 – November 2016

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

Dates and Locations of Future Meetings

April 24-25, 2017 – Fernandina Beach
July 17-18, 2017 – Celebration
October 16-17, 2017 – Hutchison Island
January 22-23, 2018 – Destin

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:30 p.m.

Tuesday, January 24, 2017

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

Board Members Present

Laurel Ritenbaugh, Chair
Robin Tabano, Vice Chair
Fran Poppell

Board Members Absent

Adrienne Harvey

Rhonda Griffis
Stephania Wilson
Jared Sutherland

Other Persons Present

Julie Rowland, Government Analyst, Department of Business and Professional Regulation (DBPR)
Lynette Norr, Assistant Attorney General, Office of the Attorney General
Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR
Rebecca Witt, Court Reporter
Phillip Campbell
Ashley Schrader
James Wood
Michelle Tonking

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Ms. Adrienne Harvey from the meeting.

APPROVAL OF MINUTES

The Board approved the minutes from the October 4-5, 2016, Board meeting.

APPLICATIONS

Licensure Applications

Informal Hearing

James Wood

Mr. Wood was present for the meeting and was sworn in by the Court Reporter. Ms. Rowland informed the Board that the application was denied at the July 19, 2016, Board meeting, based on the noted criminal history. After review, Ms. Fran Poppell moved to uphold the denial based on the noted criminal history. Ms. Griffis seconded the motion and the motion passed unanimously.

Michelle Tonking / United Kingdom

Ms. Tonking was present for the meeting and was sworn in by the Court Reporter. Ms. Rowland informed the Board that the application was denied at the June 14, 2016, Board meeting, because the application failed to demonstrate that she met the requirements of Section 477.119(2), Florida Statutes, and Rule 61G5-18.001, Florida Administrative Code. After review, Chair Ritenbaugh moved to approve the application. Ms. Poppell seconded the motion and the motion passed unanimously.

Initial Review

Ashley Schrader / Georgia

Ms. Schrader was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Griffis moved to approve the application. Vice Chair Tabano seconded the motion and the motion passed unanimously.

Juan Maldonado / Puerto Rico

Mr. Maldonado was not present for the meeting. After review, Vice Chair Tabano moved to deny the application based on unverifiable documentation. Mr. Sutherland seconded the motion and the motion passed unanimously.

Phillip Campbell

Mr. Campbell was present for the meeting and was sworn in by the Court Reporter. After review, Vice Chair Tabano moved to approve the application. Mr. Sutherland seconded the motion and the motion passed unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:15 a.m.