

MINUTES

FLORIDA BOARD OF COSMETOLOGY
ONE OCEAN RESORT
1 OCEAN BLVD.
ATLANTIC BEACH, FL 32233

Monday, January 24, 2022

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

Board Members Present

Robin Tabano, Vice Chair
Stephania Streit
Adrienne Harvey
Jennifer Macku
Marisol Marin

Board Members Absent

Fran Poppell

Other Persons Present

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Larry Harris, Assistant Attorney General, Office of the Attorney General
Andrea Osorio, Assistant General Counsel, Office of the General Counsel, DBPR
Barbara Kent, Court Reporter
Don Kruse
Latasha Witte
Laura Embleton

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

DISCIPLINARY MATTERS

Ms. Andrea Osorio, Assistant General Counsel, requested that the board admit into evidence the investigative file and supporting documentation for the cases below.

Informal Hearing

Ms. Osorio presented the following case 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 penalty shown below:

- Mystic Nail & Spa; Plant City; Case No. 2021036721
\$500 fine and \$74.99 costs to be paid within six months

Election of Waiver of Rights and Final Order

Ms. Osorio presented the following case 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 penalty shown below:

- Trang Ngoc Vo; Lake Park; Case No. 2021008185
\$500 fine and \$126.17 costs to be paid within six months
- Magic Nails; Panama City; Case No. 2021036718
\$500 fine and \$35.66 costs to be paid within six months
- Blush Nails by N and N; Davie; Case No. 2021040875
\$700 fine and \$147.43 costs to be paid within six months

Motion for Waiver of Rights and Final Order

Ms. Osorio presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, and have elected to waive their rights to a hearing in these matters. The Board moved to 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:

- Topsy Salonbar; Palm Beach Gardens; Case No. 2021013249
\$600 fine and \$145.53 costs to be paid within six months
- Carmen's Beauty Salon; Lake Worth; Case No. 2021027759
\$450 fine and \$80.62 costs to be paid within six months
- Magakos; Weston; Case No. 2021022486
\$500 fine and \$122.94 costs to be paid within six months
- Rachel Rodriguez Almonte; Kissimmee; Case No. 2020037762
\$500 fine and \$560.85 costs to be paid within six months
- Alexis Salon; Ft. Lauderdale; Case No. 2021006911
\$500 fine and \$148.71 costs to be paid within six months
- Leticia Mendoza; West Palm Beach; Case No. 2021002708
\$500 fine and \$128.58 costs to be paid within six months
- CT Nails; Lake Park; Case No. 2021003642
\$900 fine and \$159.77 costs to be paid within six months
- D Elegant Unisex; Miami; Case No. 2021016077
\$1,800 fine and \$58.31 costs to be paid within six months
Suspension of license CE10006699 until reinstated by the Board with appearance
- Topsy Salonbar; Palm Beach Gardens; Case No. 2021025846
\$950 fine and \$125.21 costs to be paid within six months
- Topsy Salonbar; Palm Beach Gardens; Case No. 2021024198
\$600 fine and \$96.79 costs to be paid within six months
- Mai Thi Nguyen; Defuniak Springs; Case No. 2021031787
\$500 fine and \$35.66 costs to be paid within six months

- Fancy Nails; Defuniak Springs; Case No. 2021035663
\$500 fine and \$35.66 costs to be paid within six months
- Sue Lam; Tallahassee; Case No. 2021033193
\$500 fine and \$35.66 costs to be paid within six months
- Blush Nail Salon; Tallahassee; Case No. 2021033221
\$500 fine and \$42.19 costs to be paid within six months
- JP Nail Spa; New Port Richey; Case No. 2021033232
\$500 fine and \$74.99 costs to be paid within six months
- Kings Nails; Brandon; Case No. 2021035890
\$500 fine and \$74.99 costs to be paid within six months
- Ann Jack Hair & Beauty Salon; Miami; Case No. 2021032524
\$900 fine and \$64.98 costs to be paid within six months

Settlement Stipulation

Ms. Osorio 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:

- La Manucure; Palm Harbor; Case No. 2021035669
\$500 fine and \$74.99 costs to be paid within six months
- Superstar Salon/Barbershop; Lake Worth; Case No. 2021014986
\$450 fine and \$113.18 costs to be paid within six months
- NL 3000 Trading Corporation; Tampa; Case No. 2021019194
\$500 fine and \$186.54 costs to be paid within six months
- The Nail Garden Spa and Trung Dang Le; Punta Gorda; Case Nos. 2021022741 & 2021036846
\$500 fine and \$161.35 costs to be paid within six months
- Fancy Nails; Port Charlotte; Case No. 2021023300
\$500 fine and \$91.41 costs to be paid within six months
- Tiffany Salon & Spa and Phu Cao; Vero Beach; Case No. 2021027855 & 2021023640
\$750 fine and \$264.68 costs to be paid within six months
- Forum Nails & Spa by Le; Clearwater; Case No. 2021034326
\$500 fine and \$74.99 costs to be paid within six months
- Toi Natural Nails and Spa; Ft. Lauderdale; Case No. 2021029914
\$500 fine and \$122.66 costs to be paid within six months
- VN Fantastic Nails; Plant City; Case No. 2021036729
\$500 fine and \$74.99 costs to be paid within six months

Voluntary Relinquishment

Ms. Osorio 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:

- Trinh Tran; Orlando; Case No. 2021015656
\$500 fine and \$69.41 costs to be paid within six months
Revocation of license CL1286360
- Anh Pham; Orlando; Case No. 2021015694
\$500 fine and \$78.74 costs to be paid within six months
Revocation of license CL1285447

Department Attorney Report

Ms. Osorio informed the Board that as of December 8, 2021, there were 107 open cosmetology cases in the legal section.

APPLICATIONS

Continuing Education Courses

Initial Review

@ Home Prep – Florida Cosmetology Laws 3 Hour Internet

After review, the Board moved to deny the course based on incorrect information, and outdated laws and rules references.

@ Home Prep – Florida Cosmetology Continuing Education 10 Hour Internet

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, incorrect references, incorrect information, and outdated laws and rules references.

@ Home Prep – Florida Cosmetology Continuing Education 16 Hour Internet

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, incorrect references, incorrect information, and outdated laws and rules references.

Floridaedu.com – Florida Cosmetology Course 10 Hour Internet

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, incorrect references, incorrect information, and outdated laws and rules references.

Brilliance Advances Beauty Education – 10 Steps Guaranteed to Launch Your Career 1 Hour Internet

After review, the Board moved to approve the course with the following contingencies: strike references to out of scope practices, and strike references to hair braiding. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Brilliance Advances Beauty Education – Work Smarter Not Harder in the Beauty Business 1 Hour Internet

After review, the Board moved to approve the course with the following contingencies: strike references to out of scope practices, strike references to name brands, and strike references to hair braiding. The

corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Brilliance Advances Beauty Education – Is a Home Treatment Right for Me 1 Hour Internet

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, incorrect references, incorrect information, and outdated laws and rules references.

Skin 360 Spa & Beauty Institute – Salon Professionals Renewal Training 10 Hour Correspondence

After review, the Board moved to deny the course based on missing reference dates, and outdated laws and rules references.

Beauty and Health Institute – License Renewal CEU Course 16 Hour Internet

Mr. Don Kruse was present for the meeting. After review, the Board moved to approve the course with the following contingency: correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

USA Discount Continuing Education – Continuing Education for Cosmetology 10 Hour Internet

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, grammatical errors, incorrect references, incorrect information, and outdated references.

Monique Cosmetique – CE Requirement Basic Facial Refresher Elective 10 Hour Internet

Ms. Latasha Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Basic Airbrush Makeup Techniques Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Basic Makeup Application Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Brazilian Waxing Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Brow Design Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Ergonomics Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course.

The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Lash & Brow Tinting Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Lash Perming Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Sugaring Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Threading Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Monique Cosmetique – CE Requirement Waxing Refresher Elective 10 Hour Internet

Ms. Witte was present for the meeting. After review, the Board moved to approve the course with the following contingencies: update reference dates, and correct grammatical errors throughout the course. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

RECESS

There being no further business, the meeting was recessed at approximately 11:50 a.m.

Tuesday, April 25, 2022

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

Board Members Present

Robin Tabano, Vice Chair
Stephania Streit
Adrienne Harvey
Jennifer Macku
Marisol Marin

Board Members Absent

Fran Poppell

Other Persons Present

Krisa Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Larry Harris, Assistant Attorney General, Office of the Attorney General
Andrea Osorio, Assistant General Counsel, Office of the General Counsel, DBPR
Barbara Kent, Court Reporter
Leidy Franco
Natazza Marshall
Diana Aristizabal
Adriana Lopez Milano
Darian Nare
Alexis Torres
Laura Embleton
Patricia Orosco

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

APPLICATIONS

Licensure Applications

Informal Hearing

Leidy Franco

Ms. Franco and Ms. Patricia Orosco, translator, were present for the meeting. Ms. Woodard informed the Board that the application was denied at the October 12, 2021, board meeting, due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials. After discussion, the Board moved to vacate the Notice of Intent to Deny and to withdraw the application.

Adriana Lopez Milano

Ms. Milano and Mr. Jason Lopez, translator, were present for the meeting. Ms. Woodard informed the Board that the application was denied at the October 12, 2021, board meeting, due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials. After discussion, the Board moved to vacate the Notice of Intent to Deny and to withdraw the application.

Diana Aristizabal

Ms. Aristizabel and Ms. Orosco, translator, were present for the meeting. Ms. Woodard informed the Board that the application was denied at the October 12, 2021, board meeting, due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials. After discussion, the Board moved to vacate the Notice of Intent to Deny and to withdraw the application.

Initial Review

Tahimi Carbonell

Ms. Carbonell was not present for the meeting. After review, the Board moved to approve the application with the following contingency: all prior costs must be paid to the Department within 30 days.

Ruth Gallego

Ms. Gallego was not present for the meeting. After review, the Board moved to approve the application.

Yisalia Castro Aviles

Ms. Aviles was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Darian Nare

Ms. Nare was present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Alexis Torres

Ms. Torres was present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Brittany Rich

Ms. Rich was not present for the meeting. After review, the Board moved to deny the application based on the noted criminal history.

Toni German

Ms. German was not present for the meeting. After review, the Board moved to approve the application.

Dane Abston

Ms. Abston was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Tiara Williams

Ms. Williams was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Lourdes Medina Rolon

Ms. Rolon was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Ashley Guerra

Ms. Guerra was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Amanda Mazza

Ms. Mazza was not present for the meeting. After review, the Board moved to approve the application.

Natazza Marshall

Ms. Marshall was present for the meeting. After review, the Board moved to approve the application.

PETITION FOR DECLARATORY STATEMENT

Sublime Spa Treatments

After review, the Board declined to respond to Petitioner's questions, where a statute, rule or order of the Board was not identified, because Petitioner failed to identify any facts or circumstances particular to Petitioner, and Petitioner failed to identify how the requested questions would guide Petitioner's future conduct.

TLC Spa

After review, the Board declined to respond to Petitioner's questions, because Petitioner fails identify any facts or circumstances particular to Petitioner, and a Petition for Declaratory Statement is not the appropriate mechanism for asking general questions, commenting on rulemaking proceedings, or suggesting additional rulemaking proceedings.

Aesthetic Science Skin Care

After review, the Board declined to respond to Petitioner's questions, where a statute, rule or order of the Board was not identified, because Petitioner failed to identify any facts or circumstances particular to Petitioner, and Petitioner failed to identify how the requested questions would guide Petitioner's future conduct.

Bonita Springs School

After review, the Board declined to respond to Petitioner's questions, because Petitioner fails identify any facts or circumstances particular to Petitioner, and a Petition for Declaratory Statement is not the appropriate mechanism for asking general questions, commenting on rulemaking proceedings, or suggesting additional rulemaking proceedings.

Denise Hickey

After review, the Board declined to respond to Petitioner's questions where a statute, rule or order of the Board is not identified; because Petitioner failed to identify any facts or circumstances particular to Petitioner; the Petition failed to comply with the requirements of Rule 28-105.002, F.A.C.; and because Petitioner failed to identify Petitioner's standing to request a statement from the agency.

OTHER BUSINESS

Board Attorney Report

Rule 61G5-30.001, Disciplinary Guidelines, (FAC)

Mr. Harris informed the Board that the amendments to this rule will be effective on February 1, 2022.

Executive Director Report

Financial Report for Period Ending September 2021

Ms. Woodard reported that the balance in the Board's operating account as of September 30, 2021, was over \$790,000, and the balance in the unlicensed activity account was over \$3 million for the same period.

Correspondence

Complaints and Investigative Statistics – July 2021 – November 2021

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

Cosmetology Examination Summary – January 2021 – November 2021

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

Elections

The Board unanimously elected Ms. Adrienne Harvey, Chair and Ms. Robin Tabano, Vice Chair.

Dates and Locations of Future Meetings

April 11-12, 2022 – Jacksonville
July 18-19, 2022 – Palm Beach Gardens
October 17-18, 2022 – Daytona Beach

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:30 a.m.