

MINUTES

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

Monday, April 7, 2014

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
Monica Smith
Adrienne Harvey

Board Members Absent

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)
C. Erica White, Chief Attorney, Office of the General Counsel (OGC), DBPR
Kelly Wright, Assistant General Counsel, OGC, DBPR
Julie Rowland, Government Analyst, DBPR
Penny Appleton, Court Reporter
Victor Garcia
Rhonda Horne
Amie Patty
Lashanda Bartee
Robin Hall
Shujie Gordineer
Larry Gordineer
Tho Tran
Truong Nguyen
Quang Nguyen

The meeting was opened with a roll call and a quorum was established.

DISCIPLINARY MATTERS

Informal Hearing

Ms. Kelly Wright, 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 the law of the Board and imposed the penalties shown below:

Van Thi Phan; Jacksonville; Case No. 2011031998

Ms. Wright requested that this case be pulled from the agenda.

Lucky Nails and Tho Tran; Jacksonville; Case Nos. 2011046219 and 2011049889

Mr. Tho Tran was present for the meeting and was sworn in by Ms. Penny Appleton, Court Reporter. Ms. Suzanne Wilhoite moved that the Board impose a fine of \$500 and costs of \$388.46, to be paid over a period of six months, with the first payment of \$388.46 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9973986 and full specialist license FS860234. In the event the Respondents fail to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and full specialist license will be suspended. Ms. Laurel Ritenbaugh seconded the motion and the motion passed unanimously.

Alejandro Gomez; Coral Gables; Case No. 2012037890

The Respondent was not present for the meeting. Vice Chair Ginny Fincel moved that the Board impose a fine of \$500 and costs of \$140.82, plus revocation of cosmetology license CL220948. Ms. Adrienne Harvey seconded the motion and the motion passed unanimously.

Upscale Designs for Hair; Plantation; Case No. 2013015471

Ms. Lashanda Bartee was present for the meeting and was sworn in by the Court Reporter. Ms. Smith moved that the Board impose a fine of \$1,050 and costs of \$512.14, to be paid over a period of six months, with the first payment of \$512.14 due within 30 days of the final order and five monthly payments of \$210 each, plus six months stayed suspension against cosmetology salon license CE9971992. 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.

Red Nails and Truong Dang Nguyen; Dunedin; Case Nos. 2013032420 and 2012038248

Mr. Truong Nguyen and Ms. Tina Ngo, translator, were present for the meeting and were sworn in by the Court Reporter. Ms. Wilhoite moved that the Board impose a fine of \$500 and costs of \$339.88, to be paid over a period of six months, with the first payment of \$339.88 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9989546 and nail specialist license FV549089. In the event the Respondents fail 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. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Christopher Patterson; St. Petersburg; Case No. 2012041539

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$50.19, to be paid over a period of six months, with the first payment of \$50.19 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology license CL186058. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Cindy's Nail & Hair Salon and Rhonda Horne; Fernandina Beach; Case Nos. 2013030501 and 2013034043

Ms. Rhonda Horne was present for the meeting and was sworn in by the Court Reporter. Vice Chair Fincel moved that the Board impose a fine of \$500 and costs of \$215.42, to be paid over a period of six months, with the first payment of \$215.42 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE75132 and nail specialist license FV562378. In the event the Respondents fail 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.

Motion for Waiver of Rights and Final Order

Ms. Wright 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:

Cam Thu Nguyen; Orange Beach, Alabama; Case No. 2012001918

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$62.64, to be paid over a period of six months, with the first payment of \$62.64 due within 30 days of the final order and five monthly payments of \$100 each, plus revocation of cosmetology license CL1217905. Ms. Wilhoite seconded the motion and the motion passed unanimously.

L E Studio and Liza Easley; Ocala; Case Nos. 2011054671 and 2011058600

The Respondents were not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$500 and costs of \$240.59, to be paid over a period of six months, with the first payment of \$240.59 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9980957 and cosmetology license CL1186448. In the event the Respondents fail to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and cosmetology license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Christopher Jarrett; Ft. Lauderdale; Case No. 2012027772

The Respondent was not present for the meeting. Ms. Smith moved that the Board impose a fine of \$500 and costs of \$145.62, to be paid over a period of six months, with the first payment of \$145.62 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Exotic Nails and Hong Ngan Thi Huynh; Pensacola; Case Nos. 2012022002 and 2013027284

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$750 and costs of \$138.55, to be paid over a period of six months, with the first payment of \$138.55 due within 30 days of the final order and five monthly payments of \$150 each, plus six months stayed suspension against cosmetology salon license CE9978623 and nail specialist license FV9546746. In the event the Respondents fail 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.

Da Vi Nails and Nam Van Huynh; Marianna; Case Nos. 2012024682 and 2012026105

Ms. Wright requested that these cases be pulled from the agenda.

Nails 2K Salon, Hieu Hothanh Ngo and Sean Le; Palm Beach Gardens; Case Nos. 2012026826, 2012032901 and 2012030110

The Respondents were not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$500 and costs of \$437.87, to be paid over a period of six months, with the first payment of \$437.87 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon CE9971431, full specialist license FS871404 and nail specialist license FV9557078. In the event the Respondents fail to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license, full specialist license and nail specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Tina Buchanan; Jacksonville; Case No. 2013000993

The Respondent was not present for the meeting. Ms. Smith moved that the Board impose a fine of \$500 and costs of \$313, to be paid over a period of six months, with the first payment of \$313 due

within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology license CL204042. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Galaxy Barber and Hair Gallery; Lauderdale Lakes; Case No. 2012045090

The Respondent was not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$550 and costs of \$125.19, to be paid over a period of six months, with the first payment of \$125.19 due within 30 days of the final order and five monthly payments of \$110 each, re-inspection within 30 days, plus six months stayed suspension against cosmetology salon license CE9984479. 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. Smith seconded the motion and the motion passed unanimously.

Nails Salon Etc.; Sunrise; Case No. 2012043500

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$850 and costs of \$225.61, to be paid over a period of six months, with the first payment of \$225.61 due within 30 days of the final order and five monthly payments of \$170 each, re-inspection within 30 days, plus six months stayed suspension against cosmetology salon license CE9979250. 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. Smith seconded the motion and the motion passed unanimously.

Lessie Nina Jansen; Okeechobee; Case No. 2013007423

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$83.50, to be paid over a period of six months, with the first payment of \$83.50 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology license CL1181790. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

In The Cut; Casselberry; Case No. 2013005112

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$82.86, to be paid over a period of six months, with the first payment of \$82.86 due within 30 days of the final order and five monthly payments of \$100 each, re-inspection within 30 days, plus six months stayed suspension against cosmetology salon license CE9986435. 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. Smith seconded the motion and the motion passed unanimously.

Tu Thanh Tran; Wellington; Case No. 2012051413

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$203.87, to be paid over a period of six months, with the first payment of \$203.87 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against nail specialist license FV9540184 for 15 days. Ms. Smith seconded the motion and the motion passed unanimously.

In The Cut; Casselberry; Case No. 2013002435

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$1,200 and costs of \$685.76, to be paid over a period of six months, with the first payment of \$685.76 due within 30 days of the final order and five monthly payments of \$240 each, re-inspection within 30 days, plus six months stayed suspension against cosmetology salon license CE9986435. 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. Smith seconded the motion and the motion passed unanimously.

Tot Thi Ngo; Springhill; Case No. 2012050404

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$112.24, to be paid over a period of six months, with the first payment of \$112.24 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against full specialist license FS870255. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the full specialist license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

The Firm Unisex Salon; Ft. Lauderdale; Case No. 2013013301

The Respondent was not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$750 and costs of \$112.12, to be paid over a period of six months, with the first payment of \$112.12 due within 30 days of the final order and five monthly payments of \$150 each, re-inspection within 30 days, plus six months stayed suspension against cosmetology salon license CE9976897. 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. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Peter Prygon; N. Tonawanda, NY; Case No. 2013017201

Ms. Wright requested that this case be pulled from the agenda.

Julliar Nguyen; Palm Harbor; Case No. 2013003937

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$194.46, to be paid over a period of six months, with the first payment of \$194.46 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against full specialist license FS872390. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the full specialist license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Daimond Nails; Homestead; Case No. 2013002518

Ms. Wright requested that this case be pulled from the agenda.

Regal Nails; Panama City Beach; Case No. 2012050566

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$350 and costs of \$29.71, to be paid over a period of six months, with the first payment of \$29.71 due within 30 days of the final order and five monthly payments of \$70 each, re-inspection within 30 days, plus six months stayed suspension against cosmetology salon license CE81670. 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. Smith seconded the motion and the motion passed unanimously.

Madison Avenue Nail Salon and Katherine Smith; Jensen Beach; Case Nos. 2013004174 and 2013004179

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$600 and costs of \$268.88, to be paid over a period of six months, with the first payment of \$268.88 due within 30 days of the final order and five monthly payments of \$120 each, re-inspection within 30 days, plus six months stayed suspension against cosmetology salon license CE9966012 and nail specialist license FV534602. In the event the Respondents fail 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. Harvey seconded the motion and the motion passed unanimously.

Luxury Nail Spa; Coral Springs; Case No. 2013020117

The Respondent was not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$500 and costs of \$139.86, to be paid over a period of six months, with the first payment of \$139.86 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9992256. 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.

Gold Cut; Ft. Lauderdale; Case No. 2013015596

The Respondent was not present for the meeting. Ms. Smith moved that the Board impose a fine of \$600 and costs of \$149.64, to be paid over a period of six months, with the first payment of \$149.64 due within 30 days of the final order and five monthly payments of \$120 each, re-inspection within 30 days, plus six months stayed suspension against cosmetology salon license CE78176. 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.

Curls By Julee; Clermont; Case No. 2013035802

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$43.86, to be paid over a period of six months, with the first payment of \$43.86 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9980689. 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.

Lam Thanh Pham; Spring Hill; Case No. 2013009314

Mr. Lam Pham was present for the meeting and was sworn in by the Court Reporter. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$100.33, to be paid over a period of six months, with the first payment of \$100.33 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against nail specialist license FV9529227 for 15 days. Ms. Smith seconded the motion and the motion passed unanimously.

Settlement Stipulation

Q H Beauty School; Clearwater; Case Nos. 2012026976 and 2012022525

Mr. Quang Nguyen and his attorney Ms. Amie Patty were present for the meeting and were sworn in by the Court Reporter. Ms. Smith moved that the Board reject the Stipulation of the parties. Ms. Harvey seconded the motion and the motion passed unanimously. The Board proposed a counter offer of a fine of \$4,500 and costs of \$651.94, to be paid over a period of six months, with the first payment of \$651.94 due within 30 days of the final order and five monthly payments of \$900, plus voluntary relinquishment of Approved School Provider License PVD333.

Lee Nails and Annie My-Chau Ho; Pinellas Park; Case Nos. 2012035616 and 2013028561

The Respondents were not present for the meeting. Chair Jowers 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 \$550 and costs of \$819.39, to be paid over a period of six months, with the first payment of \$819.39 due within 30 days of the final order and five monthly payments of \$110 each, plus six months stayed suspension against cosmetology salon license CE9983092 and full specialist license FS860500. In the event the Respondents fail to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and full specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Hair Xtacy & Barber Zone and Sophia Watkins; North Miami; Case Nos. 2012029604 and 2012029656

The Respondents were not present for the meeting. Chair Jowers 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 \$550 and costs of \$342.34, to be paid over a period of six months, with the first payment of \$342.34 due within 30 days of the final order and five monthly

payments of \$110 each, plus six months stayed suspension against cosmetology salon license CE9980229. In the event the Respondents fail 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.

Nails By Lilly and Shujie Gordineer; Port St. Lucie; Case Nos. 2012037154 and 2012037136

Ms. Shujie Gordineer and Ms. Robin Hall were present for the meeting and were sworn in by the Court Reporter. Ms. Smith moved that the Board impose a fine of \$850 and costs of \$286.75, to be paid over a period of six months, with the first payment of \$286.75 due within 30 days of the final order and five monthly payments of \$170, plus 24 hours suspension against cosmetology salon license CE9958418 and nail specialist license FV9529898. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Thuy Ngoc Van; St. Petersburg; Case No. 2013003938

The Respondent was not present for the meeting. Chair Jowers 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 \$500 and costs of \$192.87, to be paid over a period of six months, with the first payment of \$192.87 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against full specialist license FS879444. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the full specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Jupiter Nails Inc. and Lan T. Nguyen; Jupiter; Case Nos. 2013008742 and 2013017248

The Respondents were not present for the meeting. Chair Jowers 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 \$650 and costs of \$246.94, to be paid over a period of six months, with the first payment of \$246.94 due within 30 days of the final order and five monthly payments of \$130 each, plus six months stayed suspension against cosmetology salon license CE9969190 and full specialist license FS879297. In the event the Respondents fail to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and full specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

G Spa & Salon, Vu Linh Nguyen and Huong Cam Huynh; Port St. Lucie; Case Nos. 2013022391, 2013025547 and 2013025473

The Respondents were not present for the meeting. Chair Jowers 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 \$500 and costs of \$350.42, to be paid over a period of six months, with the first payment of \$350.42 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9984860, nail specialist license FV575821 and full specialist license FS881224. In the event the Respondents fail to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license, nail specialist license and full specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

PBG Nails Inc. and Maria Vo; West Palm Beach; Case Nos. 2013026318 and 2013032671

The Respondents were not present for the meeting. Chair Jowers 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 \$500 and costs of \$258.60, to be paid over a period of six months, with the first payment of \$258.60 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9975439 and nail specialist license FV561662. In the event the Respondents fail 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. Ritenbaugh seconded the motion and the motion passed unanimously.

Academy of Health and Beauty; Clearwater; Case No. 2012021080

Mr. Nguyen and Ms. Patty were present for the meeting and were sworn in by the Court Reporter. Ms. Ritenbaugh moved that the Board reject the Stipulation of the parties. Ms. Harvey seconded the motion and the motion passed unanimously. The Board proposed a counter offer of a fine of \$1,500 and costs of \$578.36, to be paid over a period of six months, with the first payment of \$578.36 due within 30 days of the final order and five monthly payments of \$300, plus voluntary relinquishment of Continuing Education Course Provider License PVD76 and Continuing Education Course CRS860.

Quang Doan Nguyen; Clearwater; Case Nos. 2012026974, 2012022539 and 201202118

Mr. Nguyen and Ms. Patty were present for the meeting and were sworn in by the Court Reporter. Ms. Ritenbaugh moved that the Board reject the Stipulation of the parties. Ms. Smith seconded the motion and the motion passed unanimously. The Board proposed a counter offer of a fine of \$6,000 and costs of \$406.44, to be paid over a period of six months, with the first payment of \$406.44 due within 30 days of the final order and five monthly payments of \$1,200, plus voluntary relinquishment of full specialist license FS860699.

Lovely Nails of Jupiter and Phuong T. Vo; Jupiter; Case Nos. 2012012498 and 2012012481

The Respondents were not present for the meeting. Chair Jowers 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 \$1,500 and costs of \$249.26, to be paid over a period of three months, with the first payment of \$249.26 due within 30 days of the final order and two monthly payments of \$750 each, plus six months stayed suspension against cosmetology salon license CE9979126 and nail specialist license FV9552722. In the event the Respondents fail 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. Ritenbaugh seconded the motion and the motion passed unanimously.

Voluntary Relinquishment

Starla Lynn Bruner; Altha; Case No. 2013033911

The Respondent was not present for the meeting. Ms. Wilhoite moved that the Board accept the voluntary relinquishment of nail specialist license FV9578148 as resolution in this case. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Victor Garcia; Miami; Case No. 2012010636

Mr. Garcia and Mr. Jorge Perez, translator, were present for the meeting and were sworn in by the Court Reporter. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$178.04, to be paid over a period of six months, with the first payment of \$178.04 due within 30 days of the final order and five monthly payments of \$100 each, plus voluntary relinquishment of cosmetology license CL1224773. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Motion for Reconsideration

Damaris Krois; Auburndale; Case No. 2012014844

The Respondent was not present for the meeting. Vice Chair Fincel moved that the Board vacate the final order that was filed on November 21, 2013, and impose costs of \$253.37 only, to be paid over a period of six months, with the first payment of \$42.23 due within 30 days of the final order and five monthly payments of \$42.23 each, plus suspension against cosmetology license CL1169514 until all costs are paid in full. Ms. Smith seconded the motion and the motion passed unanimously.

Department Attorney Report

Ms. Wright informed the Board that as of March 11, 2014, there were 248 open cosmetology cases in the legal section.

Hair Braiding Courses

Braids By Teecee – Classroom

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

Peggy's Hair Braiding Institute – Classroom

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

Healthy Hair Lockings – Internet

After review, Ms. Smith moved to deny the course based on the course narrative being incomplete and incomplete course materials. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Hair By Tifini – Classroom

After review, Vice Chair Fincel moved to deny the course based on the course content being outside the scope of practice of a hair braider registration and incorrect information. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Stone Myer CEC – Classroom

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

Hair Wrapping Courses

Braids By Teecee – Classroom

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

Peggy's Hair Braiding Institute – Classroom

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

Stone Myer CEC – Classroom

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

Healthy Hair Lockings – Internet

After review, Ms. Smith moved to deny the course based on the course narrative being incomplete and incomplete course materials. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Body Wrapping Courses

Easy Hair Beauty and Barber School – Classroom

After review, Ms. Smith moved to deny the course based on the course content being outside the scope of practice of a body wrapper registration, incomplete course materials and no course completion certificate. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Stone Myer CEC – Classroom

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

Continuing Education Courses

Informal Hearing

ASM Beauty World Academy – 16 Hour CE Course Classroom

Ms. Robyn Barineau, Executive Director, noted that the application was denied at the January 13, 2014, Board meeting, based on improper disinfection procedures and no source dates. After review, Ms. Smith moved to uphold the denial based on no additional information having been provided. Ms. Harvey seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – 16 Hour CE Course Internet

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on improper disinfection procedures and no source dates. After review, Vice Chair Fincel moved to uphold the denial based on no additional information having been provided. Ms. Harvey seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – 16 Hour CE Course Home Study

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on improper disinfection procedures and no source dates. After review, Vice Chair Fincel moved to uphold the denial based on no additional information having been provided. Ms. Harvey seconded the motion and the motion passed unanimously.

Initial Review

Healthtec Online.com – HIV/AIDS Facts and Issues 4 Hours Internet

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike reference to cosmetology newsletters 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. Harvey seconded the motion and the motion passed unanimously.

Healthtec Online.com – Continuing Education Requirements for Cosmetology 16 Hours Internet

After review, Ms. Ritenbaugh moved to deny the course based on outdated references. Ms. Smith seconded the motion and the motion passed unanimously.

Faze Training and Consulting – Florida Cosmetology Continuing Education Course 16 Hours Internet

After review, Ms. Ritenbaugh moved to deny the course based on outdated references and improper disinfection procedures. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Boca Cosmetics Group – Advanced Hair Care Technologies 8 Hours Classroom

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

Paragon CET – 16 Hour CE Course for Florida Salon Professionals 16 Hours Home Study

After review, Vice Chair Fincel moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees, answers to the quiz were highlighted in the text, outdated references and improper disinfection procedures. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Paragon CET – 16 Hour CE Course for Florida Salon Professionals 16 Hours Internet

After review, Ms. Smith moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees, answers to the quiz were highlighted in the text, outdated references and improper disinfection procedures. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Paragon CET – 16 Hour CE Course for Cosmetologists 16 Hours Internet

After review, Ms. Wilhoite moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees, answers to the quiz were highlighted in the text, outdated references and improper disinfection procedures. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Paragon CET – 16 Hour CE Course for Cosmetologists 16 Hours Home Study

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, answers to the quiz were highlighted in the text, outdated references and improper disinfection procedures. Ms. Smith seconded the motion and the motion passed unanimously.

Paragon CET – 16 Hour CE Course for Florida Salon Professionals 16 Hours Internet

After review, Vice Chair Fincel moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees, answers to the quiz were highlighted in the text, outdated references and improper disinfection procedures. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Paragon CET – 16 Hour CE Course for Florida Salon Professionals 16 Hours Home Study

After review, Vice Chair Fincel moved to deny the course based on the course content being outside the scope of practice of Board of Cosmetology licensees, answers to the quiz were highlighted in the text, outdated references and improper disinfection procedures. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Antoinette Holmes – Fundamentals of Cosmetology 16 Hours Classroom

Ms. Ritenbaugh recused herself from voting on this matter. After review, Vice Chair Fincel moved to deny the course based on incomplete course materials. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Saga Fitness Inc. – Zen Na Tai Continuing Education 16 Hours Classroom

After review, Ms. Smith moved to deny the course based on the course being product driven and outside the scope of practice of Board of Cosmetology licensees. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Stone Myer CEC – 16 Hour Continuing Education 16 Hours Classroom

After review, Ms. Smith moved to deny the course based on no reference dates, lack of references and improper disinfection procedures. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Initial HIV/AIDS Courses

Cares Outreach Services Inc. – HIV/AIDS 101 4 Hours Classroom

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

Florida Association of Cosmetology & Technical Schools – Initial HIV/AIDS Classroom

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

Stone Myer CEC – Classroom

After review, Ms. Smith moved to approve the course with the following contingency: add reference dates. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:10 p.m.

Tuesday, April 8, 2014

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
Monica Smith
Adrienne Harvey

Board Members Absent

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)
C. Erica White, Chief Attorney, Office of the General Counsel (OGC), DBPR
Kelly Wright, Assistant General Counsel, OGC, DBPR
Julie Rowland, Government Analyst, DBPR
Penny Appleton, Court Reporter
Josey Geller

The meeting was opened with a roll call and a quorum was established.

APPROVAL OF MINUTES

Ms. Laurel Ritenbaugh moved to approve the minutes from the January 13-14, 2014, Board meeting. Ms. Suzanne Wilhoite seconded the motion and the motion passed unanimously.

APPLICATIONS

Licensure Applications

Kristin Hart

Ms. Hart was not present for the meeting. After review, Ms. Monica Smith moved to deny the application based on the noted criminal history. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Shamica Davis

Ms. Davis was not present for the meeting. After review, Ms. Ritenbaugh moved to approve the application. Vice Chair Ginny Fincel seconded the motion and the motion passed unanimously.

Edwin Mendez / Maine

Mr. Mendez was not present for the meeting. After review, Ms. Smith moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Adrienne Harvey seconded the motion and the motion passed unanimously.

Delia Toussaint

Ms. Toussaint was not present for the meeting. After review, Ms. Smith moved to approve the application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Jennifer Ammons

Ms. Ammons was not present for the meeting. After review, Ms. Ritenbaugh moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Mercedes Forbes

Ms. Forbes was not present for the meeting. After review, Ms. Ritenbaugh moved to deny the application based on the noted criminal history and lack of supporting documentation. Ms. Smith seconded the motion and the motion passed unanimously.

Juan A. Pacheco Ortiz / Puerto Rico

Mr. Ortiz was not present for the meeting. After review, Ms. Smith moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Carolyn King

Ms. King was not present for the meeting. After review, Ms. Ritenbaugh moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Smith seconded the motion and the motion passed unanimously.

Josey Geller

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

OTHER BUSINESS

Executive Director Report

Financial Report for Period Ending December 30, 2013

Ms. Robyn Barineau, Executive Director, reported that the balance in the Board's operating account as of December 30, 2013, was over \$5.5 million, and the balance in their unlicensed activity account was over \$2.5 million for the same period.

Proposed Fee Reduction

Ms. Barineau provided the Board with information related to a department proposal to reduce licensure and renewal fees by 20 percent. This proposal was based on the department's projection that with the proposed fee reductions, the Board's operating account would continue to maintain a healthy cash balance in their operating account. The Board tabled further discussion of this proposal until the July meeting.

Board Member Comments

The Board asked Ms. Barineau to research the process of having a picture printed on the license when issued and again at renewal. They mentioned that such a process will reduce the document violations. The Board will further discuss this process at their July 2014 meeting.

The Board also discussed the current inspection process which calls for inspection of salons every two years. Ms. Barineau mentioned that the department regularly inspects those salons whose prior inspections were not compliant. The Board will further discuss this topic at their July 2014 meeting.

Chair Jowers mentioned the large number of MMA violations which occur on every agenda. She indicated that more notification needs to go out to licensees about the prohibition of MMA in salons. Ms. Barineau indicated that she will seek to have the MMA information on the Board's website moved to a more visible location. She also mentioned the possibility of sending an email blast to licensees informing them of the dangers of MMA and the prohibition of the product in salons. Ms. Barineau will report on this issue at their July 2014 meeting.

Regulation Report

Complaints and Investigative Statistics – July 2013 – January 2014

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

Education and Testing Report

Cosmetology Examination Summary – January 2014 – February 2014

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

Dates and Locations of Future Meetings

July 14-15, 2014 – Orlando
October 20-21, 2014 – Gainesville
January 26-27, 2015 – Orlando

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:00 a.m.