

MINUTES

FLORIDA BOARD OF COSMETOLOGY TELEPHONE CONFERENCE CALL MEETING

Monday, May 18, 2020

General Business Meeting

The Florida Board of Cosmetology meeting was called to order at approximately 10:00 a.m., by Ms. Rhonda Griffis, Chair.

Board Members Present

Robin Tabano
Rhonda Griffis, Chair
Fran Poppell
Laurel Candelario
Adrienne Harvey

Board Members Absent

Stephania Streit (excused)
Jared Sutherland (excused)

Other Persons Present

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Crystal Stephens, Assistant General Counsel, Office of the General Counsel, DBPR
Goliath Davis, Assistant General Counsel, Office of the General Counsel, DBPR
Skye Esry, Assistant General Counsel, Office of the General Counsel, DBPR
Lynette Norr, Assistant Attorney General, Office of the Attorney General
Ray Convery, Court Reporter
Leticia Munford
Melody Ross
Lucinda Crowe Layne
Michael LeDoyen
Jillian Meinyer
Tiffany Wooten
Latifah Lowery
Tameka Clark
James Hunter
Sabino Jauregui, Esq.
Erica Kline
Sierra Muse
Vania Garcia
Adrian Middleton

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Ms. Stephania Streit and Mr. Jared Sutherland from the meeting.

DISCIPLINARY MATTERS

Election of Waiver of Rights and Final Order

Ms. Crystal Stephens, Goliath Davis, and Ms. Skye Esry, Assistant General Counsels, 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:

- L. Leonart Marta; Hialeah; Case No. 2019042665
\$142.52 costs only; revocation of license FV9606765
- Regal Nails; Navarre; Case No. 2019049192
\$500 fine and \$88.95 costs to be paid within six months

Motion for Waiver of Rights and Final Order

Ms. Stephens, Mr. Davis, and Ms. Esry 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:

- Hair Dominican Style; Pembroke Pines; Case No. 2019037302
The Board moved to dismiss the case
- Leslie Rojas; Miramar; Case No. 2019042685
\$117.90 costs only; revocation of license FS909511
- Janisa Lopez Perera; Hollywood; Case No. 2019042657
\$134.29 costs only; revocation of license FV9613439
- Leyanis Gonzalez Ferras; North Bay Village; Case No. 2019042636
\$129.95 costs only; Revocation of license FB9765365
- Ruth Gallego; Miami Beach; Case No. 2019042614
\$114.32 costs only; revocation of license FS908966
- Grisel Yanez Gonzalez; Miami; Case No. 2019042713
\$108.87 costs only; revocation of license FV9610906
- Rainelys Hernandez Cuesta; Miramar; Case No. 2019042947
\$118.60 costs only; revocation of license FV9614647
- Behnosh Ghaini; Tallahassee; Case No. 2018062863
The Board moved to continue the case for a future meeting

APPLICATIONS

Hair Braiding Course

Initial Review

Taraji Braid Studio – Classroom

Ms. Leticia Munford was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike out of scope references, strike references to incorrect disinfection procedures, update laws and rules references, and update sources. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Glam Hair Studio – Classroom

Ms. Tiffany Wooten was present for the meeting. After review, the Board moved to approve the course with the following contingency: strike all out of scope materials from the course. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval.

Florida Dermal Institute – Classroom

After review, the Board moved to approve the course with the following contingencies: strike references to formalin, and strike reference to “monkeys jumping”. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Bee Natural Locks – Classroom

After review, the Board moved to approve the course with the following contingencies: strike out of scope references, strike references to incorrect disinfection procedures, and correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Pampered Peeps Beauty Academy – Classroom

After review, the Board moved to approve the course.

Amethyst Management – Internet

Ms. Latifah Lowery was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike out of scope references, strike references to incorrect disinfection procedures, update laws and rules references, and update sources. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Hair Wrapping Course

Initial Review

Boca Beauty Academy – Classroom

After review, the Board moved to approve the course with the following contingency: strike out of scope references, correct grammatical errors, and correct formatting errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Taraji Braid Studio – Classroom

Ms. Munford was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike out of scope references, strike references to incorrect disinfection procedures, update laws and rules references, and update sources. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Bee Natural Locks – Classroom

Ms. Temeka Clark was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike out of scope references, strike references to incorrect disinfection procedures, and correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Pampered Peeps Beauty Academy – Classroom

After review, the Board moved to approve the course.

Body Wrapping Course

Initial Review

Ross Beauty Academy – Classroom

Ms. Melody Ross was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike out of scope references, strike references to incorrect disinfection procedures, and correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Ross Beauty Academy – Internet

Ms. Ross was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike out of scope references, strike references to incorrect disinfection procedures, and correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Continuing Education Courses

Informal Hearing

ASM Beauty World Academy – Cosmetology CE Course 16 Hour Internet

Ms. Krista Woodard, Executive Director, informed the Board that the course application was denied at the October 14, 2019, board meeting because the course content contained references to activities or procedures that are not within the stated scope of a Florida cosmetology license as afforded by Section 477.013(4), Florida Statutes, and the course did not meet the standards required for Board approval pursuant to Rule 61G5-32.001(7), Florida Administrative Code. After review, the Board moved to overturn the denial and approve the course application.

ASM Beauty World Academy – Cosmetology CE Course 16 Hour Correspondence

Ms. Woodard informed the Board that the course application was denied at the October 14, 2019, board meeting because the course content contained references to activities or procedures that are not within the stated scope of a Florida cosmetology license as afforded by Section 477.013(4), Florida Statutes, and the course did not meet the standards required for Board approval pursuant to Rule 61G5-32.001(7), Florida Administrative Code. After review, the Board moved to overturn the denial and approve the course application.

ASM Beauty World Academy – Cosmetology CE Course 16 Hour Classroom

Ms. Woodard informed the Board that the course application was denied at the October 14, 2019, board meeting because the course content contained references to activities or procedures that are not within the stated scope of a Florida cosmetology license as afforded by Section 477.013(4), Florida Statutes, and the course did not meet the standards required for Board approval pursuant to Rule 61G5-32.001(7), Florida Administrative Code. After review, the Board moved to overturn the denial and approve the course application.

Initial Review

Aaron Classes – Continuing Education Course 16 Hour Internet

Mr. James Hunter was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike treatment recommendations references, strike references to physicians, and strike references to pedicures. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Aaron Classes – HIV/AIDS Course 2 Hour Internet

Mr. Hunter was present for the meeting. After review, the Board moved to approve the course.

AwakenYourBeautiful.com – Florida State & Federal Laws & Rules 2 Hour Internet

Ms. Lucinda Crowe Layne was present for the meeting. After review, the Board moved to approve the course.

AwakenYourBeautiful.com – OSHA: How the Regulations Affect You .5 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike references to “MSDS” and replace with “SDS” in the course materials, and update references. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

AwakenYourBeautiful.com – Workers Compensation .5 Hour Internet

After review, the Board moved to approve the course.

Elite Professional Education – CE Update for Cosmetologists 10 Hour Internet

Mr. Michael LeDoyen was present for the meeting. After review, the Board moved to approve the course with the following contingencies: add “refer to doctor” when discussing treatment options; and add “refer to manufacturer directions’ for developer time. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Elite Professional Education – CE Update for Facial/Full Specialists 10 Hour Correspondence

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course.

Advanced Massage Techniques – Continuing Education 10 Hour Internet

After review, the Board moved to approve the course.

Advanced Massage Techniques – HIV/AIDS 2 Hour Internet

After review, the Board moved to approve the course.

Elite Professional Education – CE Update for Cosmetologists 10 Hour Correspondence

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course with the following contingencies: add “refer to doctor” when discussing treatment options; and add “refer to manufacturer directions’ for developer time. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Elite Professional Education – CE Update for Nail Specialists 10 Hour Internet

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

Elite Professional Education – CE Update for Nail Specialists 10 Hour Correspondence

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

Elite Professional Education – CE Update for Facial/Full Specialists 10 Hour Internet

Mr. LeDoyen was present for the meeting. After review, the Board moved to approve the course.

Elite Professional Education – CE Update for Nail Specialists 10 Hour Correspondence

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

AwakenYourBeautiful.com – Bundle Six Beautiful Blondes 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike references to “MSDS” and replace with “SDS” in the course materials, strike course section regarding tanning beds, update references, strike references to phenols. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

AwakenYourBeautiful.com – Bundle Seven Diseases of the Nail 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course.

AwakenYourBeautiful.com – Bundle Eight Client Consultation 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course.

AwakenYourBeautiful.com – Bundle Nine Human Trafficking 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course.

Post – Continuing Education for Salon Professionals 10 Hour Correspondence

After review, the Board moved to approve the course.

Post – Continuing Education for Salon Professionals 10 Hour Internet

After review, the Board moved to approve the course.

Post – Continuing Education for Salon Professionals 16 Hour Correspondence

After review, the Board moved to approve the course.

AwakenYourBeautiful.com – Bundle Two Mastering Gray 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course.

AwakenYourBeautiful.com – Bundle Three Opioid Epidemic How to React and Help 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course.

AwakenYourBeautiful.com – Bundle Four How to Host an Event for Teens 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course.

AwakenYourBeautiful.com – Bundle Five How to Build Your Male Clientele 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course.

AwakenYourBeautiful.com – Bundle One Domestic Violence 10 Hour Internet

Ms. Crowe was present for the meeting. After review, the Board moved to approve the course.

Paragon CET – CE for Florida Salon Professionals (Burnout in Salon and Spa Professionals) 10 Hour Correspondence

Ms. Jillian Meinyer was present for the meeting. After review, the Board moved to approve the course.

Paragon CET – CE for Florida Salon Professionals (Burnout in Salon and Spa Professionals) 10 Hour Internet

Ms. Meinyer was present for the meeting. After review, the Board moved to approve the course.

Paragon CET – CE for Florida Salon Professionals (Repetitive Motion Injuries in the Salon and Spa) 10 Hour Correspondence

Ms. Meinyer was present for the meeting. After review, the Board moved to approve the course with the following contingency: strike all references to massage therapists. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Paragon CET – CE for Florida Salon Professionals (Repetitive Motion Injuries in the Salon and Spa) 10 Hour Internet

Ms. Meinyer was present for the meeting. After review, the Board moved to approve the course with the following contingency: strike all references to massage therapists. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Paragon CET – CE for Florida Salon Professionals (Aromatherapy) 10 Hour Correspondence

Ms. Meinyer was present for the meeting. After review, the Board moved to approve the course.

Paragon CET – CE for Florida Salon Professionals (Aromatherapy) 10 Hour Internet

Ms. Meinyer was present for the meeting. After review, the Board moved to approve the course.

Florida Dermal Institute – HIV/AIDS for Florida Hair Braiders, Hair Wrapper and Body Wrappers 2 Hour Classroom

After review, the Board moved to approve the course with the following contingency: strike references to “monkeys jumping”. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval.

The HydraFacial Company – The HydraFacial Experience 10 Hour Classroom

After review, the Board moved to deny the course based on the course being product driven.

Licensure Applications

Initial Review

Vania Garcia

Ms. Garcia and Mr. Sabino Jauregui, Esq. were not present for the meeting. After review, the Board moved to approve the application with the following contingency: all costs from previous disciplinary case must be paid to the Department within 30 days.

Hong Le / Colorado

Mr. Le 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 the submission of forged license credentials.

Tam Nguyen / Colorado

Mr. Nguyen 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 the submission of forged license credentials.

Van Nguyen / Colorado

Mr. Nguyen 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 the submission of forged license credentials.

Vihn Vo / Colorado

Ms. Vo 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 the submission of forged license credentials.

Cuc Nguyen / Colorado

Ms. Nguyen 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 the submission of forged license credentials.

Lien Tran / Colorado

Ms. Tran 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 the submission of forged license credentials.

Erica Kline

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

Sierra Muse

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

OTHER BUSINESS

2020-2021 Annual Regulatory Plan

The Board approved the annual regulatory plan as presented by Ms. Lynette Norr, Assistant Attorney General.

Rule Changes Based on HB 1193

Ms. Norr informed the Board of the following rules that would require changes if HB 1193 becomes law.

61G5-24.019 Hair Braiding, Hair Wrapping and Body Wrapping Fees

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-31.0011 Definitions

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-31.004 Hair Braiding, Hair Wrapping and Body Wrapping Course Requirements, Source Reference Dates, Ability to Offer on the Internet or by Home Study.

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-31.005 Hair Braiding, Hair Wrapping, and Body Wrapping Term of Registration, Registration Renewal

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-31.006 Practice of Hair Braiding, Hair Wrapping, and Body Wrapping Pending Approval of Registration

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-20.008 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 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(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 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.;

(b) Display in a conspicuous place at the cosmetology salon in which the applicant performs cosmetology services a copy of the cosmetology examination passing certificate(s).

(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, hair wrapper, or body wrapper to perform hair braiding, hair wrapping, or body wrapping services in their salon pursuant to Rule 61G5-31.006, F.A.C., shall:~~

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

61G5-30.001 Disciplinary Guidelines

The Board approved the following language and 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(1) The Board shall act in accordance with the following guidelines when it finds the enumerated violations in disciplinary cases. The Board shall impose a penalty within the range of each applicable disciplinary violation set forth below unless the Board finds an aggravating or mitigating circumstance, in which case the Board may deviate from the guideline penalty.

(g) Advertising or implying that skin care services or body wrapping are related to massage therapy, except as allowed by statute. (Section 477.0265(1)(f), F.S.)	A fine of \$100 to \$200 for the first offense; a fine of \$500 for subsequent offenses.
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61G5-20.004 Display of Documents

The Board approved the following language and 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(1) All holders of a cosmetology or specialty salon license shall display within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon the following documents:

(a) The current salon license,

(b) A legible copy of the most recent inspection sheet for the salon.

(2) All holders of a cosmetology or specialty salon license shall require and ensure that all individuals engaged in the practice of cosmetology, ~~or any specialty, hair braiding, hair wrapping, or body wrapping~~ display at the individual's work station their current license or registration at all times when the individual is performing cosmetology, ~~or a specialty, hair braiding, hair wrapping, or body wrapping services.~~ The license or registration certificate on display shall be current ~~the original certificate or a duplicate issued by the Department~~ and shall have attached a 2" by 2" photograph taken within the previous two years of the individual whose name appears on the certificate. The certificate with photograph attached shall be permanently laminated ~~as of July 1, 2007.~~

(3) ~~By July 1, 2008,~~ All holders of a cosmetology or specialty salon license shall display at each footbath a copy of the Consumer Protection Notice regarding footbaths, sanitation, and safety. Copies of this notice, ~~(revised 10/15/07, and incorporated herein by reference,)~~ may be obtained from the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, FL 32399-0790, and the Call Center by calling (850)487-1395, or at http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_consumer_protection_flier_thepriceofbeauty.pdf.

61G5-18.007 Endorsement of Cosmetologists

The Board approved the following language and 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

The Department of Business and Professional Regulation shall issue a license to an applicant without examination who:

- (1) Makes application and pays to the Department the fee specified in Rule 61G5-24.002, F.A.C.;
- (2) Demonstrates the applicant has completed a board approved HIV/AIDS course; and
- (3) Demonstrates the applicant ~~holds a~~ is currently active licensed to practice cosmetology under the law of another state ~~having completed at least 1200 cosmetology school or program hours substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state; Demonstrates that the applicant has passed a written licensure examination to obtain a license substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.~~

61G5-20.0015 Performance of Cosmetology or Specialty Services Outside a Licensed Salon

The Board tabled discussion of this rule until the July meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 3:40 p.m.