

MINUTES

FLORIDA BOARD OF COSMETOLOGY
SWAN AND DOLPHIN HOTEL
1500 EPCOT RESORTS BOULEVARD
BUENA VISTA, FLORIDA 32830

Monday, July 16, 2012

General Business Meeting

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
Crystal Lackey

Board Members Absent

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Rachel Clark, Assistant Attorney General, Office of the Attorney General (OAG)
Doug Dolan, Assistant Attorney General, OAG
Dustin Metz, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Heather Howard, Court Reporter
Tuan Nguyen
Charley Nguyen
Thi Pham
Thien Thah Dinh
Lisa Tinchler
Rebecca Hatfield

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

Disciplinary Matters

Voluntary Relinquishment

Stylin on Debbie's Hill; Ponce De Leon; Case No. 2011.017631

Mr. Dustin Metz, Assistant General Counsel, presented the case for consideration by the Board. Ms. Laurel Ritenbaugh moved that the Board accept voluntary relinquishment of cosmetology salon license CE9984119 as resolution of this case. Ms. Monica Smith seconded the motion and the motion passed unanimously.

Informal Hearings

Mr. Metz presented the following cases for consideration by the Board. The Board found that the Respondent was 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:

(The) Nail Lounge; Pensacola; Case No. 2011.039023

Mr. Charley Nguyen was present for the meeting and was sworn in by Ms. Heather Howard, Court Reporter. Ms. Smith moved that the Board impose a fine of \$500 and costs of \$130.48. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Anointed Too Beauty Salon, LLC.; Tallahassee; Case No. 2011.031461

The Respondent was not present for the meeting. Ms. Crystal Lackey moved that the Board impose a fine of \$250 and costs of \$111.70, to be paid over a period of six months, with the first payment of \$111.70 due within 30 days of the final order and five monthly payments of \$50 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Cali Pronails of St. Lucie West, Inc. and Que Thi Tang; Port St. Lucie; Case Nos. 2011.025679 & 2011.032702

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$1,500 and costs of \$236.21, to be paid over a period of six months, with the first payment of \$236.21 due within 30 days of the final order and five monthly payments of \$300 each. Ms. Smith seconded the motion and the motion passed unanimously.

Alfred Ditraglia; Ft. Lauderdale; Case No. 2011.036615

Mr. Ditraglia was not present for the meeting. Ms. Lackey moved that the Board impose a fine of \$500 and costs of \$88.23, to be paid over a period of six months, with the first payment of \$88.23 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology license CL1177746. 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. Ritenbaugh seconded the motion and the motion passed unanimously.

City Nail Salon and Ban Hoanh Ong; Case Nos. 2011.026613 & 2011.032725

The Respondents were not present for the meeting. Vice Chair Fincel moved that the Board impose a fine of \$1,100 and costs of \$276.49, to be paid over a period of six months, with the first payment of \$276.49 due within 30 days of the final order and five monthly payments of \$220 each, plus six months stayed suspension against cosmetology salon license CE9964566. 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.

Shanesia T. Evans; Tallahassee; Case No. 2011.031465

Ms. Evans was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$72.56, to be paid over a period of six months, with the first payment of \$72.56 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Suzanne Wilhoite seconded the motion and the motion passed unanimously.

Paris Nails & Spa and Tony Minh Doan; Wellington; Case Nos. 2011.026630 & 2011.032747

The Respondents were not present for the meeting. Ms. Smith moved that the Board impose a fine of \$650 and costs of \$239.55, to be paid over a period of six months, with the first payment of \$239.55 due within 30 days of the final order and five monthly payments of \$130 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Fade Center Barbershop; Homestead; Case No. 2011.031472

The Respondent was not present for the meeting. Ms. Smith moved that the Board impose a fine of \$500 and costs of \$31.41, to be paid over a period of six months, with the first payment of \$31.41 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.

Thanh Thi Hoang; Orlando; Case No. 2011.017662

Mr. Hoang was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$514.03, to be paid over a period of six months, with the first payment of \$514.03

due within 30 days of the final order and five monthly payments of \$100 each, plus revocation of nail specialist license FV9552755. Ms. Wilhoite seconded the motion and the motion passed unanimously.

UN Nail Inc. and Hoa Lam; Singer Island; Case Nos. 2011.024072 & 2011.028897

The Respondents were not present for the meeting. Ms. Smith moved that the Board impose a fine of \$1,200 and costs of \$233.21, to be paid over a period of six months, with the first payment of \$233.21 due within 30 days of the final order and five monthly payments of \$240 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE9967864 and nail specialist license FV9536360. 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 and nail specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Nu Yu Full Service Salon; Miami Gardens; Case No. 2011.029779

The Respondent was not present for the meeting. Vice Chair Finsel moved that the Board impose a fine of \$500 and costs of \$78.09, to be paid over a period of six months, with the first payment of \$78.09 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9980780. 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.

Marlen M. Portales; Miami; Case No. 2011.036695

Ms. Portales was not present for the meeting. Ms. Lackey moved that the Board impose a fine of \$500 and costs of \$73.01, to be paid over a period of six months, with the first payment of \$73.01 due within 30 days of the final order and five monthly payments of \$100 each, plus six months suspension against full specialist license FS862591. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Juan Carlos Tejera; Coral Gables; Case No. 2011.029056

Mr. Tejera was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$151.90, to be paid over a period of six months, with the first payment of \$151.90 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

The Red Carpet; Umatilla; Case No. 2011.010718

Ms. Rebecca Hatfield and Ms. Alisha Payton were present for the meeting and were sworn in by the Court Reporter. Ms. Ritenbaugh moved that the Board dismiss the case as the salon is now closed. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Lisa M. Tincher; Orlando; Case No. 2011.026012

Ms. Tincher was present for the meeting and was sworn in by the Court Reporter. Ms. Lackey moved that the Board impose a fine of \$50 and costs of \$69.63, to be paid over a period of six months, with the first payment of \$69.63 due within 30 days of the final order and five monthly payments of \$10 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Total Look; West Palm Beach; Case No. 2011.031819

The Respondent was not present for the meeting. Ms. Smith moved that the Board dismiss the case as the citation has been paid in full. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Yolanda's Designer Braids and Yolanda P. Everette; West Palm Beach; Case Nos. 2011.028252 & 2011.028236

The Respondents were not present for the meeting. Ms. Lackey moved that the Board impose a fine of \$2,000 and costs of \$244.71, to be paid over a period of six months, with the first payment of \$244.71 due within 30 days of the final order and five monthly payments of \$400 each, revocation of

hair braiding registration HB604, plus six months stayed suspension against cosmetology salon license CE82038. 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.

Motion for Waiver of Rights and Final Order

Mr. Metz presented the following cases 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 penalties shown below:

Angel Nail & Spa and Li Ying Li; Miramar; Case Nos. 2011.030920 & 2011.030910

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$3,500 and costs of \$288.89, to be paid over a period of six months, with the first payment of \$288.89 due within 30 days of the final order and five monthly payments of \$700 each, revocation of cosmetology salon license CE9969245, plus six months stayed suspension against full specialist license FS867449. 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.

Emma Jean Brown; Orlando; Case No. 2011.026006

Ms. Brown was not present for the meeting. Ms. Ritenbaugh moved that the Board dismiss the case as the citation has been paid in full. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Annette's for Hair & Nails; Ormond Beach; Case Nos. 2011.036652 & 2011.039256

The Respondent was not present for the meeting. Ms. Lackey moved that the Board impose a fine of \$1,000 and costs of \$169.70, to be paid over a period of six months, with the first payment of \$169.70 due within 30 days of the final order and five monthly payments of \$200 each, plus suspension against cosmetology salon license CE79929 until all outstanding fines and costs are paid in full. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Felicia G. Corona; Panama City; Case No. 2011.031807

Ms. Corona was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$76.40, to be paid over a period of six months, with the first payment of \$76.40 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against cosmetology license CL1196047 until all outstanding fines and costs are paid in full. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Elvia Beauty Salon; Hialeah; Case No. 2011.038782

The Respondent was not present for the meeting. Ms. Smith moved that the Board impose a fine of \$400 and costs of \$28.71, to be paid over a period of six months, with the first payment of \$28.71 due within 30 days of the final order and five monthly payments of \$80 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Toshanda Engram; Orlando; Case No. 2011.029698

Ms. Engram was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$83.16, to be paid over a period of six months, with the first payment of \$83.16 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against cosmetology license CL224702 until all outstanding fines and costs are paid in full. Ms. Smith seconded the motion and the motion passed unanimously.

Fashion Nails & Spa and Dustin Vu; Port St. Lucie; Case Nos. 2011.024043 & 2011.028928

The Respondents were not present for the meeting. Ms. Smith moved that the Board impose a fine of \$750 and costs of \$259.20, to be paid over a period of six months, with the first payment of \$259.20 due within 30 days of the final order and five monthly payments of \$150 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Terry B. Grant; Indialantic; Case No. 2011.016168

Mr. Grant was not present for the meeting. Ms. Lackey moved that the Board impose a fine of \$500 and costs of \$67.97, to be paid over a period of six months, with the first payment of \$67.97 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against nail specialist license FV567672 until all outstanding fines and costs are paid in full. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Giorgio Salon Unisex & Spa, Inc.; Kissimmee; Case No. 2011.034856

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$592.33, to be paid over a period of six months, with the first payment of \$592.33 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Flora Goddard; Kissimmee; Case No. 2011.039965

Mr. Metz requested that this case be pulled from the agenda.

Maria C. Illnaid; Homestead; Case No. 2011.029769

Ms. Illnaid was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$76.40, to be paid over a period of six months, with the first payment of \$76.40 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against nail specialist license FV561121. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the nail specialist license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

International Cuts, Inc.; Miami; Case No. 2011.029642

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$89.92, to be paid over a period of six months, with the first payment of \$89.92 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against cosmetology salon license CE63023 until all outstanding fines and costs are paid in full. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Narunom Jabatoot; Port St. Lucie; Case No. 2011.019310

Mr. Jabatoot was not present for the meeting. Ms. Lackey moved that the Board impose a fine of \$1,500 and costs of \$144.76, to be paid over a period of six months, with the first payment of \$144.76 due within 30 days of the final order and five monthly payments of \$300 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Dung Nguyen; Orlando; Case No. 2011.029786

Mr. Nguyen was not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$500 and costs of \$67.94, to be paid over a period of six months, with the first payment of \$67.94 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Smith seconded the motion and the motion passed unanimously.

Mai Ngoc Nguyen; Panama City; Case No. 2011.031824

Ms. Nguyen was not present for the meeting. Ms. Smith moved that the Board impose a fine of \$500 and costs of \$98.37, to be paid over a period of six months, with the first payment of \$98.37 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against nail specialist license FV581888. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the nail specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Top Nails and Tuan Duc Nguyen; Tequesta; Case No. 2011.028421 & 2011.028431

Ms. Ha Nguyen and Mr. Tuan Nguyen were present for the meeting and were sworn in by the Court Reporter. Vice Chair Fincel moved that the Board impose a fine of \$4,400 and costs of \$288.89, to be paid over a period of six months, with the first payment of \$288.89 due within 30 days of the final order and five monthly payments of \$880 each, plus one year suspension against cosmetology salon license CE9958192 and nail specialist license FV4878. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Moses Lee Rayner; Ft. Pierce; Case No. 2011.019360

Mr. Rayner was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$128.11, to be paid over a period of six months, with the first payment of \$128.11 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Perfect Nails & Spa and Thi Pham; Stuart; Case Nos. 2011.025684 & 2011.032736

Ms. Thi Pham and Mr. Thien Thah Dinh were not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$1,700 and costs of \$244.92, to be paid over a period of six months, with the first payment of \$244.92 due within 30 days of the final order and five monthly payments of \$340 each. Ms. Smith seconded the motion and the motion passed unanimously.

Rotica Nail Bar; Tallahassee; Case No. 2011.031518

The Respondent was not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$450 and costs of \$96.57, to be paid over a period of six months, with the first payment of \$96.57 due within 30 days of the final order and five monthly payments of \$90 each. Ms. Lackey seconded the motion and the motion passed unanimously.

Elainea Ruth Saleem; Davie; Case No. 2011.027310

Ms. Saleem was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$977.56, plus revocation of cosmetology license CL1218833. Ms. Smith seconded the motion and the motion passed unanimously.

Sharp Image Hair Salon and Georgia M. Tolbert; West Palm Beach; Case Nos. 2011.028173 & 2011.028167

The Respondents were not present for the meeting. Vice Chair Fincel moved that the Board impose a fine of \$2,300 and costs of \$261.04, revocation of cosmetology salon license CE9961378, plus suspension against cosmetology license CL1215289 until all outstanding fines and costs are paid in full. Ms. Wilhoite seconded the motion and the motion passed unanimously.

April Michelle Thomas; Sarasota; Case No. 2011.023579

Mr. Metz requested that this case be pulled from the agenda.

Sheik Stylist; Tampa; Case Nos. 2011.032909 & 2011.033102

The Respondent was not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$1,000 and costs of \$175.39, to be paid over a period of six months, with the first payment of \$175.39 due within 30 days of the final order and five monthly payments of \$200 each. Ms. Smith seconded the motion and the motion passed unanimously.

Tenth Avenue Hair Designs; Pensacola; Case No. 2011.035221

The Respondent was not present for the meeting. Vice Chair Fincel moved that the Board impose a fine of \$550 and costs of \$100.25, to be paid over a period of six months, with the first payment of \$100.25 due within 30 days of the final order and five monthly payments of \$110 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Valry's House of Beauty; Orlando; Case No. 2011.025572

The Respondent was not present for the meeting. Ms. Wilhoite moved that the Board impose a fine of \$600 and costs of \$229.82, to be paid over a period of six months, with the first payment of

\$229.82 due within 30 days of the final order and five monthly payments of \$120 each. Ms. Lackey seconded the motion and the motion passed unanimously.

VIP Beauty Salon; Sunny Isles Beach; Case No. 2011.039251

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$127.16, to be paid over a period of six months, with the first payment of \$127.16 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against cosmetology salon license CE9978655 until all outstanding fines and costs are paid in full. Ms. Smith seconded the motion and the motion passed unanimously.

Xclusive Salon; Ft. Lauderdale; Case No. 2011.036631

Mr. Metz requested that this case be pulled from the agenda.

Settlement Stipulations

Florida Nails and Lan Thi Tran; Vero Beach; Case Nos. 2011.025689 & 2011.032700

The Respondents were not present for the meeting. Ms. Smith 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 \$219.88, to be paid over a period of six months, with the first payment of \$219.88 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology license CE9977521 and full specialist license FS875008. 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 and full specialist license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Magic Nails; Panama City; Case No. 2011.023940

The Respondent was not present for the meeting. Ms. Smith 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 \$128.82, to be paid over a period of six months, with the first payment of \$128.82 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9985664. 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.

Shernette Taylor; West Palm Beach; Case No. 2011.028259

Ms. Taylor was not present for the meeting. Ms. Smith 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 \$108.44, to be paid over a period of six months, with the first payment of \$108.44 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against nail specialist license FV9563133. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the nail specialist license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

USA Nails and John Tran; Vero Beach; Case Nos. 2011.027394 & 2011.027382

The Respondents were not present for the meeting. Ms. Smith 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 \$2,050 and costs of \$272.18, to be paid over a period of six months, with the first payment of \$272.18 due within 30 days of the final order and five monthly payments of \$410 each, plus six months stayed suspension against cosmetology license CE9965259 and full specialist license FS865862. 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 and full specialist license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Ydalia's Hair Design, Inc.; Pembroke Pines; Case No. 2011.034697

The Respondent was not present for the meeting. Ms. Smith 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 \$319.13, to be paid over a period of six months, with the first payment of \$319.13 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology salon license CE9967644. 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.

Department Attorney Report

Mr. Metz informed the Board that as of July 7, 2012, there were 324 open cosmetology cases in the legal section.

Adjournment

There being no further business, the meeting was adjourned at approximately 1:20 p.m.

Tuesday, July 17, 2012, 2012

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
Monica Smith
Suzanne Wilhoite
Crystal Lackey

Board Members Absent

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Rachel Clark, Assistant Attorney General, Office of the Attorney General (OAG)
Doug Dolan, Assistant Attorney General, OAG
Julie Rowland, Government Analyst, DBPR
Heather Howard, Court Reporter
Leslie Roste, RN and National Director of Education & New Markets, BlueCo Brands
Wanda Bouldin, Leto High School
Heidi Alexis
Adamah Phillip
Jane Young
Eva Price
Chris Calabucci, Informed
Bonnie Poole, Florida Cosmetology Association

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

Ms. Laurel Ritenbaugh moved to approve the minutes from the April 2-3, 2012, Board meeting. Ms. Suzanne Wilhoite seconded the motion and the motion passed unanimously.

Ms. Ritenbaugh moved to approve the minutes from the June 22, 2012, Board meeting. Ms. Monica Smith seconded the motion and the motion passed unanimously.

Applications

Licensure Applications

Informal Hearing

Adamah J. Phillip

Ms. Robyn Barineau, Executive Director, informed the Board that the licensure application was denied at the April 3, 2012, Board meeting based on the noted criminal history. Ms. Adamah Phillip was present for the meeting and was sworn in by Ms. Heather Howard, 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.

Initial Review

Heidi Alexis

Ms. Heidi Alexis was present for the meeting and was sworn in by the Court Reporter. After review, Vice Chair Ginny Fincel moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Crystal Lackey seconded the motion and the motion passed unanimously.

Maribel Bautista / Puerto Rico

Ms. Bautista 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.

Lynn Q. Gaines

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

Stephen Gurnicz / Puerto Rico

Mr. Gurnicz was not present for the meeting. After review, Ms. Ritenbaugh 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. Smith seconded the motion and the motion passed unanimously.

Sharika L. Harris

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

Tierra M. Johnson

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

Brian Sessums

Mr. Sessums 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 his criminal probation. Ms. Lackey seconded the motion and the motion passed unanimously.

Aisha Angelique Snow

Ms. Snow was not present for the meeting. After review, Ms. Lackey moved to approve the application. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Melissa Paige Stewart

Ms. Stewart was not present for the meeting. After review, Ms. Lackey 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.

Nancy Jane Young

Ms. Nancy Young was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Ritenbaugh moved to approve the application. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Jennifer S. Ray Varice

Ms. Varice was not present for the meeting. After review, Ms. Lackey 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.

Initial HIV/AIDS Courses

Initial Review

De'Mar-Shawn's Academy of Hair Design

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

Monique Cosmetique LLC

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

The Wigg Center

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

Continuing Education Provider and Course Applications

Initial Review

Hollywood Institute of Beauty Careers

Course Application

Global Keratin Training – 4 Hours Live group Study

After review, Ms. Ritenbaugh moved to deny the application based on the course being product driven. Ms. Smith seconded the motion and the motion passed unanimously.

Tokyo Beauty and Massage School

Provider Application

Course Application

Cosmetology 16 Hrs Continuing Education Course – 16 Hours Live Group Study

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

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

Applications for Body Wrapping Courses

Initial Review

1Stopceu.com

After review, Ms. Ritenbaugh moved to approve the application. Vice Char Fincel seconded the motion and the motion passed unanimously.

Classique Hair Academy

After review, Ms. Smith moved to approve the application. Vice Chair Fincel seconded the motion and the motion passed unanimously.

De'Mar-Shawn's Academy of Hair Design

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

Health From Nature Corp.

After review, Ms. Lackey moved to approve the application with the following contingencies: replace sentence "Administered by a licensed esthetician, massage therapist or another qualified practitioner, a body wrap is typically a two-part process that includes a specialized treatment applied to the skin, followed by the actual wrap" with "Administered by a licensed body wrapper, cosmetologist, massage therapist or another qualified practitioner, a body wrap is typically a two-part process that includes a specialized treatment applied to the skin, followed by the actual wrap" from the course outline, and strike "prevent or altering the appearance of the skin, stretch marks and flaccidity" from the course objective. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Smith seconded the motion and the motion passed unanimously.

Margate School of Beauty

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

Marisol M Misa Cosmetology Instruct.

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

The Wigg Center

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

Applications for Hair Braiding Courses

Initial Review

Classique Hair Academy

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

De'Mar-Shawn's Academy of Hair Design

After review, Ms. Smith moved to deny the application based on the course content being outside of the scope of the practice of a hair braiding registration. Ms. Lackey seconded the motion and the motion passed unanimously.

Diva's & Dudes Hair & Body Spa LLC

After review, Ms. Smith moved to approve the application. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Eva Hair Braiding Certification

After review, Ms. Smith moved to deny the application based on the course content being outside of the scope of the practice of a hair braiding registration, and no references given on the course outline. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Nichole's Hair Braiding

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

Passion 4 People Styles

After review, Ms. Smith moved to approve the application with the following contingency: remove all references to the use of formalin and phenolic disinfectants in the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Showcase Stylez Braiding School Ent.

After review, Ms. Ritenbaugh moved to deny the application based on incorrect references, and the course content does not comply with the requirements of cosmetology rules. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Stephanie Harvey

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

The Braid Shop

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

The Wigg Center

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

Applications for Hair Wrapping Courses

Initial Review

1Stopceu.com

Ms. Eva Price was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Ritenbaugh moved to approve the application. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Classique Hair Academy

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

De'Mar-Shawn's Academy of Hair Design

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

Diva's & Dudes Hair & Body Spa LLC

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

Nichole's Hair Wrapping

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

The Braid Shop

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

The Wigg Center

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

New Business

Legislative Updates

Ms. Barineau informed the Board of the following legislation that impacted the Board in HB 887 and HB 517.

- the reduction of continuing education hours required to reactivate an inactive license to only one renewal cycle of continuing education instead of the hours required for each year the license was inactive
- the repeal of criminal penalties for violation of agency rules and the chapters of Florida Statutes that govern cosmetology
- the waiver of the initial licensing fee, application fee, and unlicensed activity fee for military veterans who apply to the Department for a license within 24 months of being honorably discharged from the service
- the approval of continuing education providers and courses without a review by the Board if the application does not require expert review or denial
- the permission of cosmetologists licensed in another state to qualify for a license without having to submit proof of completing their required educational hours if the state's requirements include 1,200 pre-licensure hours and passage of a written examination so long as that license was not obtained by an apprenticeship
- the allowance of cosmetologists to provide services for special events outside a licensed cosmetology salon.

2013 Legislative Proposals

Ms. Barineau asked the Board to provide any 2013 pro-business legislative initiatives that could be submitted to the Department and the Governor's Office for consideration.

Leslie Roste

Ms. Leslie Roste, BlueCo Brands, addressed the Board regarding their rule relating to infection control. She mentioned that the Board does a good job of reminding licensees to clean their tools and implements before disinfecting them. She indicated that HIV/AIDS is no longer as big a threat in the cosmetology industry as MRSA and other viruses and she provided some helpful tips on how the Board could amend their rules to conform with more current infection control procedures.

Other Business

Executive Director's Report

Financial Report for Year Ending March 2012

Ms. Barineau reported that the balance in the Board's operating account as of March 31, 2012, was over \$2.82 million, and the balance in their unlicensed activity account was over \$1.99 million for the same period.

NIC Annual Conference Information for August 2012

Ms. Barineau informed the Board that the National Interstate Council of State Boards of Cosmetology's (NIC) Newsletter was included in the agenda for informational purposes.

Board Attorney Report

Rule 61G5-29.001, Florida Administrative Code – Definitions

Ms. Rachel Clark, Assistant Attorney General, informed the Board that the rule was amended to clarify the term "facials." The amendment was effective June 5, 2012.

Rule 61G5-31.004, Florida Administrative Code – Hair Braiding, Hair Wrapping, and Body Wrapping Course Requirements

The Board moved to open the rule for discussion at the October rules workshop.

Rule 61G5-20.001, Florida Administrative Code – Salon Requirements

The Board moved to open the rule for discussion at the October rules workshop. The Board intends to update their infection control to more current standards.

Rule 61G5-30.001, Florida Administrative Code – Disciplinary Guidelines

The Board moved to open the rule for development and discussion at the October rules workshop.

Rule 61G5-20.0015, Florida Administrative Code – Performance of Cosmetology or Specialty Services Outside a Licensed Salon

The Board moved to open the rule for development and discussion at the October rules workshop. The Board intends to define "special events" as provided for in HB 887.

Rule 61G5-18.007, Florida Administrative Code – Endorsement of Cosmetologists

The Board moved to open the rule for development to make necessary changes in accordance with HB 887. The Board approved the draft language and they agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation.

"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 that the applicant is currently licensed to practice cosmetology under the law of another state that requires at least 1200 hours of cosmetology school or program hours and passage of a written examination;
- (3) Demonstrates that the applicant has 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, if the law of another state does not require at least 1200 hours of cosmetology school or program hours and passage of a written examination;
- (4) 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, if the law of another state does not require at least 1200 hours of cosmetology school or program hours and passage of a written examination; and
- (5) Demonstrates that the applicant has completed a board approved HIV/AIDS course."

Rule 61G5-32.001, Florida Administrative Code – Continuing Education

The Board moved to open the rule for development and discussion at the October rules workshop. The Board approved the draft language and they agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation.

"(1)(a) – (h) – no changes.

- (i) A licensee attempting to reactivate an inactive license shall only be required to complete one cycle

of continuing education to reactivate the license.

(2) – (8) – no changes.”

Ms. Clark informed the Board that she will no longer serve as their board counsel, and introduced Mr. Doug Dolan as their new board counsel. The Board thanked her for her service.

Regulation Report

Complaints and Investigative Statistics – July 2011 – May 2012

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

Bureau of Education and Testing

Cosmetology Examination Summary – January 2011 – May 2012

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

Elections

The Board unanimously reelected Ms. Myra Jowers, Chair, and Ms. Ginny Fincel, Vice Chair, of the Florida Board of Cosmetology.

Dates and Locations of Future Meetings

October 7-9, 2012 – Fernandina Beach

January 7-8, 2013 – St. Augustine

April 8-9, 2013 – Tampa

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:45 p.m.