

MINUTES

FLORIDA BOARD OF COSMETOLOGY
FLORIDAYS RESORT
12562 INTERNATIONAL DRIVE
ORLANDO, FLORIDA 32821

Monday, July 14, 2014

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

Board Members Present

Ginny Fincel, Vice Chair
Laurel Ritenbaugh
Robin Tabano
Adrienne Harvey
Fran Poppell

Board Members Absent

Suzanne Wilhoite

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)
John Cary, Chief Attorney, Office of the General Counsel (OGC), DBPR
Kelly Wright, Assistant General Counsel, OGC, DBPR
Melbalynn Fisher, General Counsel, OGC, DBPR
Julie Rowland, Government Analyst, DBPR
Cindy Green, Court Reporter
Carlos Tillis
Tishanbrea Glenn
Christopher Chisom
Torie Small
Paula Moran
Mariano Abreu
Kiet Khuu
Gayle Wray
Mike Gordon
John Phan
Sallie Washington
Maya Thomas

The meeting was opened with a roll call and a quorum was established. Vice Chair Fincel excused the absence of Ms. Suzanne Wilhoite from the meeting.

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:

D'Essence Beauty Salon and Sallie Washington; Tallahassee; Case Nos. 2012016806 and 2012016346

Ms. Sallie Washington was present for the meeting and was sworn in by Ms. Cindy Green, Court Reporter. Ms. Laurel Ritenbaugh moved that the Board impose a fine of \$500 and costs of \$177.48, to be paid over a period of six months, plus six months stayed suspension against cosmetology salon license CE9984533 and cosmetology license CL135575. Ms. Adrienne Harvey seconded the motion and the motion passed unanimously.

Jessica Lee Pagano; Ocala; Case No. 2013032477

Ms. Paula Moran was present for the meeting and was sworn in by the Court Reporter. Vice Chair Fincel recused herself from voting on this matter. Ms. Harvey moved that the Board impose costs of \$174.26 only. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Star Nails and John Son Phan; Vero Beach; Case Nos. 2013025336 and 2013025451

Mr. John Phan was present for the meeting and was sworn in by the Court Reporter. Ms. Harvey moved that the Board impose a fine of \$600 and costs of \$405.59, to be paid over a period of six months, plus 30 days suspension against nail specialist license FV561523. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Purita Hair Designs; Pembroke Pines; Case No. 2013027746

Mr. Mariano Abreu and Ms. Pura Abreu were present for the meeting and were sworn in by the Court Reporter. Ms. Ritenbaugh moved that the Board impose a fine of \$800 and costs of \$302.74, to be paid over a period of six months, plus six months stayed suspension against cosmetology salon license CE9960694. Ms. Harvey seconded the motion and the motion passed unanimously.

Carlos Tillis; Brandon; Case No. 2013049608

Mr. Carlos Tillis 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 \$141.05, to be paid over a period of six months, plus six months stayed suspension against cosmetology license CL1213210. Ms. Harvey seconded the motion and the motion passed unanimously.

- Pretty Nails and Hieu Nguyen; St. Petersburg
Case Nos. 2013028256 and 2011053491
\$500 fine and \$195.71 costs to be paid within six months
- New York Nails and Chinh Duc Vu; Jacksonville
Case Nos. 2013003805 and 2013018736
\$500 fine and \$271.46 costs to be paid within six months
- Lucky Nails, Brice Le and Tracey Le; West Palm Beach
Case Nos. 2013009814, 2013017334 and 2013017354
\$750 fine and \$363.36 costs to be paid within six months
- Jennifer Walker; Inverness
Case No. 2013036422
\$1,500 fine and \$267.83 costs to be paid within six months
15 days suspension against license CL182069
- Sophia Bryant; Clearwater
Case No. 2013032478
\$500 fine and \$221.06 costs to be paid within six months
- Vero Nails Salon and Huy Van; Vero Beach
Case Nos. 2013025518 and 2013025289
\$750 fine and \$273.06 costs to be paid within six months
- Erin Deans; Ellenton
Case No. 2013043518

\$500 fine and \$110.02 costs to be paid within six months
Revocation of license FB9745432

- Luxury Nails Spa; Jacksonville
Case No. 2014001334
\$500 fine and \$216.87 costs to be paid within six months

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:

- Laila Henriquez-Monserrate; Orlando
Case No. 2011054796
\$500 fine and \$131.33 costs to be paid within six months
- Julia Lin Lederer; Vero Beach
Case No. 2012048841
\$1,000 fine and \$114.04 costs to be paid within six months
- Althea Weir James; Sunrise
Case No. 2013007857
\$1,000 fine and \$157.47 costs to be paid within six months
- Hair Fashions By Cherry; Pompano Beach
Case No. 2013021667
\$300 fine and \$161.49 costs to be paid within six months
- NY's Finest Cuts; Lake Worth
Case No. 2013007863
\$700 fine and \$81.81 costs to be paid within six months
- Daimond Nails; Homestead
Case No. 2013002518
\$600 fine and \$35.90 costs to be paid within six months
- Lieu Nguyen; Palm Coast
Case No. 2013022401
\$500 fine and \$107.69 costs to be paid within six months
- Aurora Nail Spa; N. Miami Beach
Case No. 2013022942
\$500 fine and \$177.66 costs to be paid within six months
- Cynthia Cook; Miami
Case No. 2013025229
\$500 fine and \$223.71 costs to be paid within six months
- Francis Williams; Marianna
Case No. 2013033980
Revocation of license FV9578129

- Britany Locke; Marianna
Case No. 2013033985
Revocation of license FV9577515
- Erick Parado; Stuart
Case No. 2013025024
\$500 fine and \$99.96 costs to be paid within six months
Revocation of license FV9579988
- Cora Nobles; Tampa
Case No. 2013018535
\$500 fine and \$146 costs to be paid within six months
- Solar Nails and Phap Nguyen; Beverly Hills
Case Nos. 2013036061 and 2013040451
\$500 fine and \$307.96 costs to be paid within six months
- Cathern's Beauty Salon; Bonifay
Case No. 2013027282
\$700 fine and \$215.26 costs to be paid within six months
- Annie's Beauty Salon; Ft. Lauderdale
Case No. 2013023738
\$1,050 fine and \$51.72 costs to be paid within six months
- Monica House of Style; N. Lauderdale
Case No. 2013045645
\$850 fine and \$155.49 costs to be paid within six months
- Dania Bautista; Stuart
Case No. 2013029229
\$500 fine and \$127.11 costs to be paid within six months
- Amelia Goodman; Seffner
Case No. 2013038581
\$500 fine and \$199.27 costs to be paid within six months
15 days suspension against license FS1047
- Happy Nails & Tan; Jacksonville
Case No. 2013050470
\$500 fine and \$252.83 costs to be paid within six months
- Cody Luttrell; Orlando
Case No. 2013046733
\$500 fine and \$282.33 costs to be paid within six months
- Qa Nails and Y Anh Thi Nguyen; Jacksonville
Case Nos. 2014001495 and 2014002310
\$500 fine and \$351 costs to be paid within six months
- Zhenfen Gao; Hueytown
Case No. 2014002234
\$500 fine and \$107.15 costs to be paid within six months
Revocation of license CL1220064

- No. 1 Nails; Jacksonville
Case No. 2013051072
\$500 fine and \$256.94 costs to be paid within six months
- Susan De Maio; Palm Beach Gardens
Case No. 2014003069
\$500 fine and \$135.89 costs to be paid within six months
- Levy Nails and Trang Huynh; Atlantic Beach
Case Nos. 2014006512 and 2014011845
\$500 fine and \$256.64 costs to be paid within six months
- Sushawn Matthews; West Palm Beach
Case No. 2011050738
\$500 fine and \$89.41 costs to be paid within six months
- Norma Lindsay; Lehigh Acres
Case No. 2013007857
Ms. Wright requested that the case be pulled from the agenda
- LaNueva Marquesina Unisex Salon; Orlando
Case No. 2013042475
Ms. Wright requested that the case be pulled from the agenda

Settlement Stipulation

Luxury Nails Spa and Kiet T. Khuu; Vero Beach; Case Nos. 2013050532 and 2014000989

Mr. Kiet Khuu was present for the meeting and was sworn in by the Court Reporter. Ms. Ritenbaugh 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 \$268.70, to be paid over a period of six months, plus six months stayed suspension against cosmetology salon license CE9970127 and nail specialist license FV578446. Ms. Harvey seconded the motion and the motion passed unanimously.

Ms. Wright presented the following cases for consideration by the Board. The Board moved to adopt the Stipulation of the parties as the Board's final action in this matter and incorporate it and all of its terms into a final order and imposed the penalties shown below:

- Joan Durst; Sarasota
Case No. 2013032824
\$500 fine and \$150.53 costs to be paid within six months
- Edna Viviana Ayala; Miami Springs
Case No. 2012041898
\$200 fine and \$163.18 costs to be paid within six months
- Peter Prygon; North Tonawanda, NY
Case No. 2013017201
\$500 fine and \$143.05 costs to be paid within six months
- USA Nails and John Tran; Vero Beach
Case Nos. 2013013162 and 2013013158
\$950 fine and \$257.77 costs to be paid within six months
15 days suspension

- David Cruz Muniz; Apopka
Case No. 2013011525
\$1,000 fine and \$443.02 costs to be paid within six months
- Thanh Hien Thi Nguyen; St. Petersburg
Case No. 2013037830
\$500 fine and \$107.64 costs to be paid within six months
- Van Thong Vo; Lutz
Case No. 2013037833
\$500 fine and \$146.79 costs to be paid within six months
- Campus Cuts; Gainesville
Case No. 2013019889
\$500 fine and \$155.28 costs to be paid within six months
- Lena's Nail Studio; Ft. Lauderdale
Case No. 2013037239
\$700 fine and \$202.79 costs to be paid within six months
- Brow Arc; Port St. Lucie
Case No. 2013028854
\$700 fine and \$106.01 costs to be paid within six months
- Claude Kobe Mannuel; Orlando
Case No. 2013047886
\$500 fine and \$609.43 costs to be paid within six months
- Florida Nails Care and Hiep T. Nguyen; Stuart
Case Nos. 2013003819 and 2013003866
Ms. Wright requested that these cases be pulled from the agenda
- Nailsmax and Chau Pham Huynh; Palm Beach Gardens
Case Nos. 2013026910 and 2013032664
Ms. Wright requested that these cases be pulled from the agenda

Motion for Reconsideration

Stephanie's Hair Design; Hialeah; Case No. 2012033955

The Respondent was not present for the meeting. Ms. Harvey moved that the Board deny the request for reconsideration. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Motion To Vacate Final Order

Misty D. Gray; Panama City; Case No. 2007068171

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the Board vacate the final order that was filed on January 15, 2007. Ms. Harvey seconded the motion and the motion passed unanimously.

Department Attorney Report

Ms. Wright informed the Board that as of July 11, 2014, there were 134 open cosmetology cases in the legal section.

Hair Braiding Courses

Informal Hearing

ASM Beauty World Academy – Classroom

Ms. Robyn Barineau, Executive Director, noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a hair braiding registration and improper disinfection procedures. After review, Ms. Harvey moved to uphold the denial based on no additional information having been provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – Internet

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a hair braiding registration and improper disinfection procedures. After review, Ms. Harvey moved to uphold the denial based on no additional information having been provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – Home Study

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a hair braiding registration and improper disinfection procedures. After review, Ms. Harvey moved to uphold the denial based on no additional information having been provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Initial Review

Unique Hair – Classroom

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

Philly Finest Hair Salon – Classroom

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

RTK Hair Salonz – Internet

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike “disinfect everything daily” and replace with “disinfect after each use”. 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.

Braids By Tete – Classroom

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike all references to chemicals. 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.

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 and improper disinfection procedures. Ms. Tabano seconded the motion and the motion passed unanimously.

Healthy Hair Lockings – Internet

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. Ms. Harvey seconded the motion and the motion passed unanimously.

Braid Nation LLC – Classroom

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

Carline's Hair Braiding Training & Certification – Classroom

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

Hair Wrapping Courses

Informal Hearing

ASM Beauty World Academy – Classroom

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a hair wrapping registration and improper disinfection procedures. After review, Ms. Harvey moved to uphold the denial based on no additional information having been provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – Internet

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a hair wrapping registration and improper disinfection procedures. After review, Ms. Harvey moved to uphold the denial based on no additional information having been provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – Home Study

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a hair wrapping registration and improper disinfection procedures. After review, Ms. Tabano moved to uphold the denial based on no additional information having been provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Initial Review

RTK Hair Salonz – Classroom

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike “disinfect everything daily” and replace with “disinfect after each use”. 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.

RTK Hair Salonz – Internet

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike “disinfect everything daily” and replace with “disinfect after each use”. 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.

Stone Myer CEC – Classroom

After review, Ms. Ritenbaugh moved to approve the course with the following contingencies: strike references to alcohol and glutaraldehyde. The corrections 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.

Healthy Hair Lockings – Internet

After review, Ms. Ritenbaugh moved to deny the course based on obsolete information. Ms. Harvey seconded the motion and the motion passed unanimously.

Beautify Me Hair Salon – Classroom

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

Body Wrapping Courses

Informal Hearing

ASM Beauty World Academy – Classroom

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a body wrapping registration and improper disinfection procedures. After review, Ms. Harvey moved to uphold the denial based on no additional information having been provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – Internet

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a body wrapping registration and improper disinfection procedures. After review, Ms. Ritenbaugh moved to uphold the denial based on no additional information having been provided. Ms. Tabano seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – Home Study

Ms. Barineau noted that the application was denied at the January 13, 2014, Board meeting, based on the course content being outside the scope of practice of a body wrapping registration and improper disinfection procedures. After review, Ms. Ritenbaugh moved to uphold the denial based on no additional information having been provided. Ms. Fran Poppell seconded the motion and the motion passed unanimously.

The Beauty Wrap Inc. – Internet

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike references to fumigants. 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.

Initial Review

Beauty and Health Institute – Internet

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike reference to treatment of boils. 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.

Gareco Corporation – Classroom

After review, Ms. Ritenbaugh moved to deny the course based on insufficient translation documentation that verifies the course is compliant. Ms. Poppell seconded the motion and the motion passed unanimously.

Stone Myer CEC – Classroom

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

Braids Etc. – Classroom

After review, Ms. Ritenbaugh moved to deny the course based on incomplete source materials. Ms. Tabano seconded the motion and the motion passed unanimously.

Continuing Education Courses

Informal Hearing

Healthteconline.com – Continuing Education for Cosmetology 16 Hours Internet

Ms. Barineau noted that the application was denied at the April 7, 2014, Board meeting, 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. After review, Ms. Harvey moved to uphold the denial based on no additional information having been provided. Ms. Tabano seconded the motion and the motion passed unanimously.

Initial Review

Nova Skin – Chemical Peel Certification 8 Hours Classroom

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

Esthetics Association Florida – Sanitation and Sterilization 3 Hours Home Study

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

Esthetics Association Florida – HIV/AIDS and Other Communicable Diseases 4 Hours Home Study

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

ASM Beauty World Academy – 2 Hours HIV/AIDS Initial/Renewal for BW, HB, and HW 2 Hours Internet

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

Elite CME – 16 Hour CE Update for Cosmetologists 16 Hours Home Study

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

Elite CME – 16 Hour CE Update for Estheticians 16 Hours Home Study

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

Elite CME – 16 Hour CE Update for Nail Technicians 16 Hours Home Study

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

Paragon CTE – HIV/AIDS: Epidemic Update for Florida 2 Hours Home Study

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

Paragon CTE – HIV/AIDS: Epidemic Update for Florida 2 Hours Internet

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

ASM Beauty World Academy – Eyebrow Design 8 Hours Classroom

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

ASM Beauty World Academy – Eyebrow Design 8 Hours Internet

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

ASM Beauty World Academy – Eyebrow Design 8 Hours Home Study

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

CEU247.COM – Pedicures: Understanding Your Scope of Practice 3 Hours Classroom

After review, Ms. Harvey moved to deny the course based on the course being product driven and incomplete course materials. Ms. Poppell seconded the motion and the motion passed unanimously.

Maya's School of Beaute – Continuing Education for Hair Braiders 2 Hours Classroom

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

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

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike references to phenols as a disinfectant. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Tabano seconded the motion and the motion passed unanimously.

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

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike references to phenols as a disinfectant. 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.

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

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike references to phenols as a disinfectant. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Tabano seconded the motion and the motion passed unanimously.

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

After review, Ms. Ritenbaugh moved to approve the course with the following contingency: strike references to phenols as a disinfectant. 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.

Stone Myer – Cosmetology, Nail, Facial & Full Specialty Tech CE 16 Hours Classroom

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

Stone Myer – HIV/AIDS & Other Communicable Diseases 2 Hours Classroom

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

Coecontinuingeducation.com – Florida CE Course for Professional Licensee 16 Hours Home Study

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

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 2:30 p.m.

Tuesday, July 15, 2014

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

Board Members Present

Ginny Fincel, Vice Chair
Laurel Ritenbaugh
Robin Tabano
Adrienne Harvey
Fran Poppell

Board Members Absent

Suzanne Wilhoite

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)
John Cary, Chief Attorney, Office of the General Counsel (OGC), DBPR
Kelly Wright, Assistant General Counsel, OGC, DBPR
Melbalynn Fisher, General Counsel, OGC, DBPR
Julie Rowland, Government Analyst, DBPR
Jerry Wilson, Division of Regulation, DBPR
Larissa Vaughn, Investigation Specialist II, DBPR
Cindy Green, Court Reporter
Lois Traverso
Melinda Grimmage
Pamela Davis
Dana Rollins

The meeting was opened with a roll call and a quorum was established. Vice Chair Fincel excused the absence of Ms. Suzanne Wilhoite from the meeting.

APPROVAL OF MINUTES

Ms. Laurel Ritenbaugh moved to approve the minutes from the May 28, 2014, Board meeting. Ms. Adrienne Harvey seconded the motion and the motion passed unanimously.

APPLICATIONS

Licensure Applications

Informal Hearing

Mercedes Forbes

Ms. Forbes was not present for the meeting. Ms. Robyn Barineau, Executive Director, informed the Board that the application was denied at the April 8, 2014, Board meeting, based on the noted criminal history. After review, Ms. Fran Poppell moved to uphold the denial based on the noted criminal history. Vice Chair Fincel seconded the motion and the motion passed with Ms. Ritenbaugh voting against the motion.

Initial Review

Ramona Castro / Rhode Island

Ms. Castro 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. Robin Tabano seconded the motion and the motion passed unanimously.

Jennifer Spence / Michigan

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

Juan Salgado / North Carolina

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

Brenda Liz Maymi

Ms. Maymi 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. Harvey seconded the motion and the motion passed unanimously.

Awilda Ramaso Maldonado

Ms. Maldonado was not present for the meeting. After review, Ms. Harvey 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.

Dana M. Rollins

Ms. Rollins was present for the meeting and was sworn in by Ms. Cindy Green, Court Reporter. After review, Ms. Ritenbaugh moved to approve the application. Ms. Harvey seconded the motion and the motion passed unanimously.

Lois Ann Traverso / New York

Ms. Traverso was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Harvey moved to approve the application. Ms. Fran Poppell seconded the motion and the motion passed unanimously.

Audra Deweese

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

Inocencia Ramirez / Michigan

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

Angela Navarro / New York

Ms. Navarro was not present for the meeting. After review, Ms. Harvey 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.

OLD BUSINESS

Biennial to Annual Inspections

Mr. Jerry Wilson, Director of the Division of Regulation, addressed the Board regarding inspections. He informed the Board that inspectors inspect salons at least once every two years. He added that should the salon have an unsuccessful inspection, the inspectors will return to the salon for another unannounced inspection within four months. Mr. Wilson informed the Board that there are currently 16 inspectors across the state. He provided a handout outlining the number of inspections performed over the past 10 years, the percentages of compliant/non-compliant inspections during the last fiscal year, and other inspection statistics.

Printing Photos on Licenses

Ms. Robyn Barineau, Executive Director, informed the Board that the Department is researching the process of having a picture printed on the license when issued and again at renewal. The Board will further discuss this process at their October 2014 meeting.

NEW BUSINESS

Petition for Declaratory Statement – Benefit Cosmetics LLC.

After discussion, the Board denied the request for Declaratory Statement regarding employment by a salon as they do not have standing to make such a request.

Petition for Declaratory Statement – Holly Bonk

After discussion, the Board denied the request for Declaratory Statement regarding employment by a salon as the petition lacked overall clarity.

Petition for Waiver and Variance – Linda Campbell

After discussion, the Board denied the Petition for Waiver and Variance of Rule 61G5-22.002, Florida Administrative Code, relating to the minimum passing grades for cosmetology examination.

Petition for Waiver and Variance – Melinda Grimmage

After discussion, the Board denied the Petition for Waiver and Variance of 477.013(9), Florida Statutes, regarding the scope of practice of a hair braider registration as the Board does not have authority to grant such a request.

Questions Regarding Bathrooms in Mobile Salons – Comb To You, Inc.

After discussion, the Board denied to answer the questions regarding bathrooms in mobile salons as the questions lacked overall clarity.

OTHER BUSINESS

Board Attorney Report

2014-2015 Annual Regulatory Plan

Mr. Doug Dolan, Assistant Attorney General, provided the Board with the proposed Annual Regulatory Plan. The Board approved the amendments as provided by Mr. Dolan.

Rule 61G5-17.018, Florida Administrative Code – Investigators: Criteria for Selection

The Board agreed that this rule should be opened for discussion at their October 2014 meeting. They also 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.

Rule 61G5-20.004, Florida Administrative Code – Display of Documents

The Board agreed that this rule should be opened for discussion at their October 2014 meeting. They also 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.

Rule 61G5-20.008, Florida Administrative Code – Employment of Applicants for Licensure as a Cosmetologist Prior to Licensure; Employment of Applicants for Registration as a Specialist Prior to Registration

The Board agreed that this rule should be opened for discussion at their October 2014 meeting. They also 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.

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

The Board agreed that this rule should be opened for discussion at their October 2014 meeting. They also 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.

Executive Director Report

Financial Report for Period Ending March 2014

Ms. Barineau reported that the balance in the Board's operating account as of March 31, 2014, was over \$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 agreed that the following rules should be opened for discussion at the October 2014 meeting:

- 61G5-24.002, F.A.C. – Original Cosmetology Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration, Application and Endorsement Fees
- 61G5-24.005, F.A.C. – Salon License Fee
- 61G5-24.008, F.A.C. – Biennial Renewal Fee for Cosmetologists and Specialists
- 61G5-24.009, F.A.C. – Biennial Renewal Fee and Delinquent Fee for Salon License
- 61G5-24.019, F.A.C. – Hair Braiding, Hair Wrapping, and Body Wrapping Fees

Correspondence

Complaints and Investigative Statistics – July 2013 – May 2014

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

Cosmetology Examination Summary – January 2014 – May 2014

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

Elections

The Board unanimously elected Ms. Ginny Fincel, Chair and Ms. Laurel Ritenbaugh, Vice Chair of the Florida Board of Cosmetology.

Dates and Locations of Future Meetings

October 20-21, 2014 – Gainesville

January 26-27, 2015 – Orlando

April 27-28, 2015 – Tampa

July 13-14, 2015 – Orlando

October 12-13, 2015 – Gainesville

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:00 p.m.