

**FLORIDA BOARD OF COSMETOLOGY
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
EMBASSY SUITES HOTEL
8250 JAMAICAN COURT
ORLANDO, FLORIDA 32819-9397**

Tuesday, July 20, 2010 – 9 a.m.

The Board of Cosmetology meeting was called to order at approximately 9:05 a.m., by Ms. Myra Jowers, Chair.

Board Members Present

Myra Jowers, Chair
Monica Smith
Crystal Lackey
Ginny Fincel, Vice Chair
Rosabel Ramos

Board Members Absent

Laurel Ritenbaugh

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Jaime Liang, Assistant Attorney General, Office of the Attorney General (OAG)
Jason White, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR

Interested Parties Present

Leslie Fisk, Court Reporter
Hai Nguyen
Heddy Ortiz
Kwesi Korreh
Christopher Tan

The meeting was opened with a roll call and a quorum was established. Chair Jowers excused Ms. Laurel Ritenbaugh's absence from the meeting.

Disciplinary Matters

Recommended Orders

Regarding DOAH Case No. 09.1659 against Chic And Sassy of Orlando, Ms. Jaime Liang, Assistant Attorney General, presented the case and suggested that the board accept the ruling of the Administrative Law Judge as stated in the Recommended Order which imposed an administrative fine of \$3,000 and revocation of the Respondent's cosmetology salon license CE 84418. Mr. Christopher Tan and Mr. Kweski Korreh were present for the meeting and were sworn in by the Court Reporter. Chair Jowers moved to adopt the Recommended Order. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Regarding DOAH Case No. 10.1506PL against Trang Doan of Fort Meyers, Ms. Jaime Liang informed the board of the ruling of the Administrative Law Judge to dismiss the case. Mr. Doan was not present for the meeting. Ms. Monica Smith moved to adopt the Recommended Order. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Informal Hearings

Regarding Case Nos. 2009.027214 and 2009.027210 against Chau Pham and Nails Max of Jupiter, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. Huynh was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$800 and costs of \$106.22. Vice Chair Fincel moved that the board find 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 impose a fine of \$800 and costs of \$106.22, plus six months stayed suspension against the Respondent's cosmetology salon license CE81799 and nail specialty license FV536884. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.012225 against Theresa M. Levy of West Palm Beach, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Ms. Levy was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$115.85. Ms. Smith moved that the board find 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 impose a fine of \$500 and costs of \$115.85, re-inspection in six months, plus six months stayed suspension against the Respondent's cosmetology license CL234004. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.042856 against Magic Reflections Beauty Salon of Orlando, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Ms. Heddy Ortiz was present for the meeting and was sworn in by the Court Reporter. Mr. White presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$257.50. Vice Chair Fincel moved that the board find 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 impose a fine of \$500 and costs of \$257.50 to be paid over a period of six months, with the first payment of \$257.50 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.

Regarding Case No. 2009.030566 against Masters University of Lakeland, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2008.058093 against Hai Minh Nguyen of Lakeland, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. Nguyen was present for the meeting and was sworn in by the Court Reporter. Mr. White presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$371.26. Vice Chair Fincel moved that the board find 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 impose a fine of \$500 and costs of \$371.26 to be paid over a period of six months, with the first payment of \$371.26 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.

Regarding Case No. 2008.022448 against Sheila Ross, d/b/a Escalade Hair of St. Petersburg, Mr. White informed the board that the Respondent had elected an informal

hearing in the matter. Ms. Ross was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$181.44. Vice Chair Fincel moved that the board find 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 impose a fine of \$1,000 and costs of \$232.41, re-inspection in six months, plus six months stayed suspension against the Respondent's cosmetology salon license CE9955019. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology salon license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Regarding Case Nos. 2009.026029 and 2009.027471 against Lana's Nails and Tony Phan of Port St. Lucie, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$106.22. Mr. Phan was not present for the meeting. Ms. Crystal Lackey moved that the board find 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 impose a fine of \$500 and costs of \$106.22. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.004826 against Katrina's Place for Hair and Nails of St. Petersburg, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$55.91. The Respondent was not present for the meeting. Vice Chair Fincel moved that the board find 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 impose a fine of \$500 and costs of \$55.91, plus re-inspection in six months. Ms. Smith seconded the motion and the motion passed unanimously.

Mr. White presented the following cases for consideration by the board. Vice Chair Fincel moved that the board find 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:

- A Mirage; Merritt Island
Case No. 2009.013897
\$2,000 fine and \$199.42 costs
Six month stayed suspension
Re-inspection in six months
- Kevin Bond; Winter Garden
Case No. 2008.000020
\$1,000 fine and \$443.31 costs
Six month stayed suspension

- Aracelis Gonzales; Miami
Case No. 2009.021194
\$1,000 fine and \$75.91 costs
Six month stayed suspension
- Hair Rock Café and Allan Shaw; Port St. Lucie
Case Nos. 2009.005920 and 2009.005980
\$300 fine and \$108.83 costs
- Hair Salon Surprise; Delray Beach
Case No. 2008.051272
\$1,000 fine and \$88.92 costs
Six month stayed suspension
Re-inspection in six months
- Linh Ha Hoang; St. Louis
Case No. 2009.003835
\$500 fine and \$132.74 costs
- Shawn Johnson; Orlando
Case No. 2008.029513
\$200 fine and \$142.06 costs
- Olga Marte; Kissimme
Case No. 2009.025629
\$500 fine \$176.61 costs
Six month stayed suspension
- T&L Nails & Spa; Sebastian
Case No. 2009.005947
\$100.00 fine and \$116.15 costs
Six month stayed suspension
Re-inspection in six months
- Amaury Albert Torres; Lauderhill
Case No. 2009.022160
\$500 fine and \$419.79 costs
Six month stayed suspension
- Wonder Nails and Loan Thi Le; West Palm Beach
Case Nos. 2009.011214 and 2009.011174
\$250.00 fine and \$222.91 costs
Six month stayed suspension
Re-inspection in six months

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

Mr. White presented the following cases for consideration by the board. Ms. Lackey moved that the board find 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:

- Elizabeth Bell; Lauderhill
Case No. 2007.064836
\$500 fine and \$33.38 costs
Revocation of license HB 2915
- Natalie Jean-Gilles; Ft. Lauderdale
Case No. 2007.064937
\$500 fine and \$120.33 costs
Revocation of license HB 3076
- Denise Antoinette Stewart; Pompano Beach
Case No. 2007.064790
\$500 fine and \$144.56 costs
Revocation of license HB 2350

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

Unless otherwise stated, by appropriate motion 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, the board accepted the allegations as stated in the Administrative Complaint and adopted them as findings of the fact and conclusions of the law of the board, and imposed the penalties shown below:

- Manny's Unisex; Miami
Case No. 2009.025633
\$500 fine and \$137.32 costs
Six month stayed suspension
- Tracy Morgan; Tampa
Case No. 2009.015275
\$450 fine and \$123.69 costs
Six month stayed suspension
- Heather Smith; Winter Park
Case No. 2009.032623
\$250 fine and \$91.03 costs
Six month stayed suspension
- Station Cut; Apopka
Case No. 2009.015195
\$500 fine and \$92.30 costs
Six month stayed suspension
- Supreme Styles Unisex; Tampa
Case No. 2009.011078
\$500 fine and \$188.95 costs
Six month stayed suspension
- Tamar Investment Group; Miami
Case No. 2009.034933
\$500 fine and \$76.37 costs
Six month stayed suspension

- Camilo Torres; Brandon
Case No. 2007.040656
\$500 fine and \$85.84 costs
Six month stayed suspension

Regarding Case No. 2009.032622 against Big Tyme Barbershop of Hollywood, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2009.011075 against Marty Brooks Coulburn of Fort Walton Beach, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2009.009712 against Maria Velikis Guess of Loxahatchee, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2009.025588 against Bernadette London of Winter Haven, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2009.017876 against Melodie Mason-Wohfiel of New Port Richey, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2009.018473 against Minh Hoang Nguyen of Fort Walton Beach, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2009.030623 against The Seven Salon of Cape Canaveral, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2009.018259 against Rhonda Kim Sharpton of Holly Hill, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2009.018559 against VIP Cuts of Vero Beach, Mr. White requested that this disciplinary case be pulled from the agenda.

Department Attorney Report

Mr. White informed the board that as of June 17, 2010, there were 333 open cosmetology cases in the legal section.

Board Member Comments

There were no board member comments.

Chair Comments

There were no comments from the chair.

Adjournment

There being no further business, the meeting was adjourned at approximately 11:45 a.m.