

# **MINUTES**

**BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
Florida Hotel and Conference Center  
1500 Sand Lake Road  
Orlando, Florida 32809**

**Tuesday, July 24, 2007 – 10:00 a.m.**

The Board of Cosmetology meeting was called to order at approximately 10:00 a.m., by Ms. Myra Jowers, Vice Chair.

## **Board Members Present**

Myra Jowers, Vice Chair  
Donna Osborne  
Ginny Fincel  
Rosabel Ramos

## **Board Members Absent**

Monica Smith

## **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation  
Dan Biggins, Assistant Attorney General, Department of Legal Affairs  
Elizabeth Duffy, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation  
Dana Ewaldt, Government Analyst, Department of Business and Professional Regulation

## **Interested Parties Present**

Mary Diebler, Court Reporter  
Heather Herrington, Court Reporter Intern  
Dennis Marquez, Respondent  
Sam Cong Tran, Respondent  
Bay T. Dinh, Respondent  
Bill Hewitt, Respondent  
Georgette Heard, Respondent  
Richard Reeves, Respondent  
Rick Wallace, Florida Association of Beauty Professionals

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

## **Disciplinary Matters**

### **Informal Hearings**

Regarding Case No. 2006-018252 against Amanda Parisi of Tequesta, the board moved to dismiss this case based on testimony and mitigating circumstances presented by Mr. Dennis Marquez in the related disciplinary matter of Case No. 2006-028469 against Pizzazz At Mirasol Walk.

Regarding Case No. 2006-062465 against Jenny's Nails of St. Petersburg, Ms. Elizabeth Duffy, Assistant Attorney General, informed the board that the Respondent elected an informal hearing in this matter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$99.60. Mr. Sam Cong Tran, salon owner, was present for the meeting and was sworn in by the Court Reporter. Ms. Donna Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$500 and costs of \$99.60 and that the final order incorporate a six-month payment plan with the first payment of \$99.60 being due within 30 days of the date of the final order plus five additional monthly payments of \$100 each. Ms. Ginny Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-058016 against Juana Padilla of Miami, Ms. Duffy informed the board that the Respondent elected an informal hearing, however, the Respondent was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$124.97. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$500 and costs of \$124.97. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-005335 against Manuel Dela Torre of Lake Worth, Ms. Duffy informed the board that the Respondent elected an informal hearing, however, the Respondent was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$2,000 and costs of \$99.96. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$2,000 and costs of \$99.96. Ms. Jowers seconded the motion. The motion passed unanimously. Due to numerous prior unpaid unlicensed activity disciplinary matters against this Respondent, the Board requested Ms. Duffy have local law enforcement

accompany the department's inspectors while issuing a cease and desist order in accordance to their rule.

Regarding Case Nos. 2006-062621 and 2006-062628 against Nicest Nails and Khanh Van Nguyen of Tampa, Ms. Duffy informed the board that the Respondent elected an informal hearing in this matter, however, the Respondent was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$84.55. Ms. Duffy informed the board that all fines and costs are paid in full. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint and impose a fine of \$500 and costs of \$84.55. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case Nos. 2006-062554 and 2006-062569 against Nails R Us and Bay T. Dinh of Tampa, Ms. Duffy informed the board that the Respondent elected an informal hearing in this matter. Ms. Bay T. Dinh was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$58.28. Ms. Dinh offered testimony stating that the liquid nail product was purchased in good faith based on the fact that the bottle was labeled "No MMA". Ms. Dinh presented the container demonstrating the misleading label. Ms. Dinh stated that when she initially opened the bottle and noticed the strong odor she immediately stopped using the product and notified the supplier. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint and impose a fine of \$500 and costs of \$58.28 and that the final order incorporate a six-month payment plan with the first payment of \$58.28 being due within 30 days of the date of the final order plus five additional monthly payments of \$100 each. Ms. Ginny Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-016842 against Nam Nguyen of Palm Beach, Ms. Duffy informed the board that the Respondent elected an informal hearing in this matter however, she was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,250 and costs of \$410.98. Discussion ensued regarding the Respondent's history of non-compliance and willful repeated acts of various sanitation violations. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,250 and costs of \$410.98, plus a six-month suspension of the Respondent's Nail Specialist registration, number FV548973, due to the Respondent's history of non-compliance and repeated acts of sanitation violations. Ms. Jowers seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-028469 against Pizzazz At Mirasol Walk, Inc., of Wellington, Ms. Duffy informed the board that the Respondent elected an informal hearing in this matter. Mr. Dennis Marquez was present for the meeting and was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,250 and costs of \$152.30. Mr. Marquez offered mitigation regarding Ms. Parisi's actions of renewal of her cosmetology license and that the license was renewed prior to the expiration date. Mr. Marquez stated that Ms. Parisi completed the required continuing education prior to the renewal expiration date. Mr. Marquez also presented the board with a copy of Ms. Parisi's bank statement indicating that a \$30 debit payment was made to the Department of Business and Professional Regulation on November 1, 2005. Ms. Osborne moved that the board dismiss count one of the Administrative Complaint that cited the salon for permitting Ms. Parisi to work on an expired cosmetology license and dismiss count three that cited the salon for engaging in willful or repeated violations. Ms. Osborne 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 count two, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$50 and costs of \$152.30. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case Nos. 2006-064289 and 2006-064311 against Ruby Nails and Hong D. Nguyen of Auburndale, Ms. Duffy informed the board that the Respondent requested an informal hearing in this matter. Mr. Bill Hewitt was present for the meeting representing Ms. Hong D. Nguyen. Mr. Hewitt was sworn in by the Court Reporter. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$71.56. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint and impose a fine of \$500 and costs of \$71.56. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2007-000718 against Sky High Salon and Barbershop of Orlando, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case Nos. 2006-064366 and 2006-064381 against Thang C. Doan and Nail Jazz of Tampa, Ms. Duffy requested these disciplinary cases be pulled from the agenda to be considered at a later date.

Regarding Case No. 2006-016832 against Thuy-Tien T. Tran, owner of Sister Nail, of Hobe Sound, Ms. Duffy informed the board that the Respondent requested an informal hearing in this matter, however, he was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,000 and costs of \$378.98. Ms. Duffy informed the board that all fines and costs are paid in full. Discussion ensued regarding the Respondent's history of non-compliance and willful repeated acts of sanitation violations. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,000 and costs of \$378.98, plus a six-month suspension of the Respondent's Full Specialist registration, number FS7084, due to aggravating circumstances of repeated violations. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-016839 against Thuy-Tien T. Tran, owner of Excel Nails, of Hobe Sound, Ms. Duffy informed the board that the Respondent requested an informal hearing in this matter, however, he was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,250 and costs of \$422.26. Ms. Duffy informed the board that all fines and costs are paid in full. Discussion ensued regarding the Respondent's history of non-compliance and willful repeated acts of sanitation violations. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,250 and costs of \$422.26, plus a six-month suspension of the Respondent's Full Specialist registration, number FS7084, in addition to the suspension associated with Case No. 2006-016832. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-005352 against Thy Thy's Nails of Boca Raton, Ms. Duffy informed the board that the Respondent requested an informal hearing in this matter, however was not present for the meeting. Ms. Duffy presented the department's case and suggested assessing a fine of \$1,000 and costs of \$360.16. Ms. Duffy informed the board that, to date, a partial payment of \$250 has been paid. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint and impose a fine of \$1,000 and costs of \$360.16 and that the final order incorporate a six-month payment plan with the first payment of \$110.16 being due within 30 days of the date of the final order plus five additional monthly payments of \$200 each. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-034226 against Top Nails Tech of West Palm Beach, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

### **Motions for Waiver of Rights and Final Order**

Regarding Case No. 2006-016845 against Maria Miranda of Fort Pierce, Ms. Duffy informed the board that the case was agended as a Motion for Waiver of Rights, however, Ms. Duffy requested the board proceed with an informal hearing since the Respondent, Ms. Maria Miranda, was present for the meeting. Ms. Duffy presented the department's case and suggested assessing a fine of \$1,050 and costs of \$144.98. Ms. Duffy informed the board that all fines and costs were paid in full. Ms. Miranda was

sworn in by the Court Reporter. Ms. Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,050 and costs of \$144.98. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-068880 against Changing Faces Hair Design of Orlando, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2006-065838 against Kadija African Hair Braiding of Jacksonville, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,000 and costs of \$141.29. The Respondent was not present for the meeting. Ms. Osborne moved that the board find 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 the 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 \$1,000 and costs of \$141.29, plus a three-month suspension of the Respondent's cosmetology salon license number CE9962654 due to aggravating circumstances of repeated violations. Vice Chair Jowers seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-068714 against Mastercuts #918 of Leesburg, Ms. Duffy presented the department's case and suggested assessing a fine of \$500 and costs of \$27.85. The Respondent was not present for the meeting. Ms. Osborne 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 the 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 \$27.85. Ms. Fincel seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-062645 against New York Nails JM, Inc., of St. Petersburg, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,000 and costs of \$84.55. The Respondent was not present for the meeting. Ms. Osborne 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 the 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 \$1,000 and costs of \$84.55. Ms. Jowers seconded the motion and the motion passed unanimously.

Regarding Case No. 2006-028465 against Top Nails of Tequesta, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,500 and costs of \$152.03. The Respondent was not present for the meeting. Ms. Osborne moved that the board find 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 the 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 \$1,500 and costs of \$152.03. Ms. Jowers 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 the findings of fact and conclusions of law of the board, and imposed the penalties shown below:

- Angela Mowry; Trinity  
Case No. 2006-069297  
\$500 fine and \$27.85 costs
- Ashley Lozier; Tampa  
Case No. 2006-026687  
\$500 fine and \$44.47 costs
- Best Nails & Spa and Bensen T. Stockinger; Haines City  
Case Nos. 2006-064334 and 2006-064345  
\$500 fine and \$184.66 costs
- Erin Brittany Spence; Tallahassee  
Case No. 2006-046886  
\$500 fine and \$90.33 costs
- First Nails and Tu Tranh Nguyen; Tampa  
Case Nos. 2006-062641 and 2006-062631  
\$500 fine and \$51.71 costs
- Koukla Hair Boutique, Inc.; Miami  
Case No. 2006-031062  
\$500 fine and \$186.59 costs
- Latoya Harvey; West Palm Beach  
Case No. 2006-000935  
\$500 fine and \$95.68 costs
- Lovable Looks, Inc.; Cocoa  
Case No. 2007-004424  
\$500 fine and \$14.08 costs
- Nails Right Now; Plantation  
Case No. 2007-007417  
\$1,000 fine and \$14.08 costs

- Nicecuts, Inc.; Coral Springs  
Case No. 2007-002734  
\$500 fine and \$18.77 costs
- Qing Zhoa Yan; Tampa  
Case No. 2006-056074  
\$500 fine and \$86.06 costs
- Shalita Parks; Tampa  
Case No. 2006-066695  
\$500 fine and \$63.84 costs
- Thanh N. Phan and Venus Nails; Orlando  
Case Nos. 2006-055395 and 2006-055399  
\$500 fine and \$25.19 costs
- Yes Nails; Tampa  
Case No. 2006-056085  
\$500 fine and \$89.75 costs

### **Settlement Stipulations**

Regarding Case Nos. 2006-033670 and 2006-041867 against Fantastic Sam's of Valrico, Ms. Duffy presented the department's case and suggested assessing a fine of \$1,000 and costs of \$236.80. Ms. Duffy informed the board that the Respondent entered into a Settlement Stipulation agreement, however, the Respondent was present and requests to withdraw the Settlement Stipulation agreement and proceed with an informal hearing in this matter. Mr. Richard Reeves, the salon owner, and Ms. Georgette Heard, the area supervisor, were present for the meeting. Mr. Reeves and Ms. Heard were sworn in by the Court Reporter. Mr. Reeves stated that he did not dispute the facts. Ms. Donna Osborne 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,000 and costs of \$236.80. Ms. Fincel seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-012569 against Rubiela Medina of Lake Worth, Ms. Duffy requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Unless otherwise stated, by appropriate motion the board found the Respondent to have committed the offenses as alleged in the Administrative Complaint and adopted the Stipulation of the parties as the board's final action regarding a penalty to be imposed on the Respondent as follows:



- Classic Nails and Dung Xuan Tran; Tampa  
Case Nos. 2006-064384 and 2006-064388  
\$500 fine and \$208.51 costs
- Classic Nails and Ken Van Ho; Tampa  
Case Nos. 2006-062590 and 2006-062573  
\$500 fine and \$74.70 costs
- Cuong Quoc Diep; Port St. Lucie  
Case No. 2006-015160  
\$1,250 fine and \$410.98 costs
- Cynthia Dang and Day Spa At Citrus; Tampa  
Case Nos. 2006-042204 and 2006-042195  
\$500 fine and \$120.74 costs
- In Style Nail and Spa; Davenport  
Case No. 2006-010555  
\$500 fine and \$338.40 costs
- Linda Nails and Diem Xuan Thi Nguyen; Tampa  
Case Nos. 2006-064358 and 2006-034355  
\$500 fine and \$74.70 costs
- Lovely Nails and Spa Corporation; Tampa  
Case No. 2006-041868  
\$500 fine and \$74.70 costs
- Modern Nails and Khanh T. Nguyen; Tampa  
Case Nos. 2006-042176 and 2006-042186  
\$500 fine and \$110.60 costs
- Thang Gia Tran and Lee Nails; Gulfport  
Case Nos. 2006-062605 and 2006-062600  
\$1,000 fine and \$51.71 costs
- Thanh Trung Thai and Best Nails; Sarasota  
Case Nos. 2006-064282 and 2006-064284  
\$500 fine and \$84.55 costs
- Tiffany Roy; Brandon  
Case No. 2006-057549  
\$500 fine and \$116.87 costs
- Wonder Nails; West Palm Beach  
Case No. 2006-034229  
\$1,500 fine and \$166.68 costs

## **Department Attorney Report**

Ms. Duffy informed the board that as of July 19, 2007, there are 198 open cosmetology cases in the legal section.

## **Applications**

### **Motion to Reconsider**

#### **Continued Education Course Applications**

- Go To Learn, LLC., d/b/a FAB  
(Formerly Known as North Florida Cosmetology Institute)  
AAA Continuing Education for Salon Professionals – 16 Hours Home Study & Internet  
By appropriate motion, the continuing education course renewal application was denied by the board at their July 23, 2007, board meeting based on inconsistencies of the copyright editions and updates of reference materials. The board agreed to allow Mr. Rick Wallace, co-Executive Director of Florida Association of Beauty Professionals, to resubmit a newer, updated course application since it was discovered that an incorrect course outline and material was submitted to the department by his office. Ms. Osborne moved that the board vacate the denial of the July 23, 2007, board meeting. Vice Chair Jowers seconded the motion and the motion passed unanimously. After review and discussion of the new course outline and material, Ms. Osborne moved that the board approve the material as presented. Vice Chair Jowers seconded the motion. The motion passed unanimously.
  
- Go To Learn, LLC., d/b/a FAB  
(Formerly Known as North Florida Cosmetology Institute)  
HIV/AIDS Awareness – 2 Hours Home Study & Internet  
By appropriate motion, the continuing education course renewal application was denied by the board at their July 23, 2007, board meeting based on inconsistencies of the copyright editions and updates of reference materials. The board agreed to allow Mr. Rick Wallace, co-Executive Director of Florida Association of Beauty Professionals, to resubmit a newer, updated course application since it was discovered that an incorrect course outline and material was submitted to the department by his office. Ms. Osborne moved that the board vacate the denial of the July 23, 2007, board meeting. Vice Chair Jowers seconded the motion and the motion passed unanimously. After review and discussion of the new course outline and material, Ms. Osborne moved that the board approve the material as presented. Vice Chair Jowers seconded the motion. The motion passed unanimously.

## **ELECTIONS**

Ms. Osborne nominated Vice Chair Jowers as Chair of the Board of Cosmetology. Ms. Fincel seconded the motion. The motion passed unanimously.

Vice Chair Jowers nominated Ms. Osborne as Vice Chair of the Board of Cosmetology. Ms. Fincel seconded the motion. The motion passed unanimously.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:15 p.m.