

MINUTES

FLORIDA BOARD OF COSMETOLOGY
RENAISSANCE TAMPA HOTEL
4200 JIM WALTER BLVD.
TAMPA, FLORIDA 33607

Tuesday, October 4, 2016 – 9:00 a.m.

The Board of Cosmetology meeting was called to order at approximately 9:00 a.m., by Ms. Laurel Ritenbaugh, Chair.

Board Members Present

Laurel Ritenbaugh, Chair
Robin Tabano, Vice Chair
Stephania Wilson
Fran Poppell
Rhonda Griffis
Jared Sutherland
Adrienne Harvey

Board Members Absent

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Lynette Norr, Assistant Attorney General, Office of the Attorney General
Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR
Rebecca Hayes, Chief Attorney, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Rebecca Witt, Court Reporter
Cecilia Williams
Johanne Clement
Cu Phan
Tai Shuie
Kaelin Jutras
George Pinkney
Tania Jorge
Elizabeth Perez
Debra Neal
Abigail Ruelas
Laquinta Osorio

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

DISCIPLINARY MATTERS

Informal Hearing

Mr. Dillon Jess, 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 law of the Board and imposed the penalties shown below:

- Luxy Nails; Middleburg

Case No. 2016015846
\$500 fine and \$120.54 costs to be paid within six months

- Thuy T. Tran; Palm Beach Gardens
Case No. 2015051371
\$1,000 fine and \$264.80 costs to be paid within six months
- Sawgrass Nails; Ponte Vedra Beach
Case No. 2016009109
\$500 fine and \$136.83 costs to be paid within six months
- Phuong Nam Luu; Mobile, AL
Case No. 2015044725
Mr. Jess requested that the case be pulled from the agenda

Motion for Waiver of Rights and Final Order

Mr. Jess 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:

- Cenophat Smith; Delray Beach
Case No. 2015022371
\$500 fine and \$121.78 costs to be paid within six months
- Samantha Dubin; Deerfield Beach
Case No. 2014010191
\$500 fine and \$268.88 costs to be paid within six months
- Carmen Mota; Miami
Case No. 2015050358
\$500 fine and \$36.23 costs to be paid within six months
- Cu Phan; Plant City
Case No. 2015031216
\$500 fine and \$98.52 costs to be paid within six months
- Top 10 Nails and Hung Van Pham; Orange Park
Case Nos. 2016005391 & 2016007997
\$500 fine and \$276.58 costs to be paid within six months
- Xclusive Salon; Ft. Lauderdale
Case No. 2015051794
\$700 fine and \$109.79 costs to be paid within six months
- U S Nails; Palm Beach Gardens
Case No. 2015049634
\$500 fine and \$150.45 costs to be paid within six months
Revocation of license CE9962252
- Nails Bar, Duong Nguyen, and Trien Pham; Palm Beach Gardens
Case Nos. 2015052172, 2015053304, & 2015053541

\$350 fine and \$527.83 costs to be paid within six months

- Super Look Barbershop; Sunrise
Case No. 2016010547
\$1,000 fine and \$39.80 costs to be paid within six months
Suspension of license CE9962739 until all outstanding fines are paid in full
- Brianna Jerviss; Coconut Creek
Case No. 2015053821
\$1,000 fine and \$324.76 costs to be paid within six months
- Perfect 10 Nails and Duong Huynh; Hollyhill
Case Nos. 2016002527 & 2016007389
\$500 fine and \$312.07 costs to be paid within six months
- Red Nail by KB and Ken Khuong Bui; Sebastian
Case Nos. 2015055856 & 2016002940
\$1,000 fine and \$276.59 costs to be paid within six months
- Nga Thi Phu; Orlando
Case No. 2015041807
Mr. Jess requested that the case be pulled from the agenda

Settlement Stipulation

Mr. Jess 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:

- Nail Spa of Clearwater and Dung Nguyen; Clearwater
Case Nos. 2016004053 & 2015052887
\$1,000 fine and \$147.67 costs to be paid within 30 days
- Babylon Nails & Spa; Jacksonville
Case No. 2016003284
\$500 fine and \$125.64 costs to be paid within 30 days
- Ane Mashiach; Boca Raton
Case No. 2016010989
\$500 fine and \$167.55 costs to be paid within 30 days
- Cocoa Nails; Cocoa
Case No. 2015054070
\$500 fine and \$123.16 costs to be paid within 30 days
- Nails Salon; Cocoa
Case No. 2015056088
\$500 fine and \$168.11 costs to be paid within 30 days
- Salon at Macy's; Minneapolis, MN
Case No. 2015051564
\$250 fine and \$287.49 costs to be paid within six months
- Zen Nail Spa; Orange Park
Case No. 2016027727
\$500 fine and \$131.51 costs to be paid within 30 days

- Blade; Miami
Case No. 2015053723
\$100 fine and \$52.52 costs to be paid within 30 days
- Regal Nails, Salon & Spa and Binh Truong; Port Orange
Case Nos. 2016008001 & 2016012607
\$500 fine and \$246.31 costs to be paid within 30 days

Voluntary Relinquishment

- Robert Posley; St. Petersburg
Case No. 2015054157
Voluntary relinquishment of license HB7535

Recommended Order

Tania Jorge; Hialeah; Case No. 2014000858

Ms. Tania Jorge and her attorney, Ms. Elizabeth Perez, were present for the meeting and were sworn in by Ms. Rebecca Witt, Court Reporter. The Board moved to reject all of the Petitioners Exceptions and to impose a fine of \$500 to be paid within six months, plus revocation of license CL1196463.

Department Attorney Report

Mr. Jess informed the Board that as of September 9, 2016, there were 99 open cosmetology cases in the legal section.

APPLICATIONS

Hair Braiding Courses

N Vi Salon – Classroom

After review, Ms. Rhonda Griffis moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, outdated references, incorrect references, and incorrect disinfection procedures. Mr. Jared Sutherland seconded the motion and the motion passed unanimously.

Paradise Hair & Braids – Classroom

After review, Vice Chair Robin Tabano moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, incorrect references, and outdated references. Ms. Griffis seconded the motion and the motion passed unanimously.

Fine Line Hair Design – Classroom

After review, Vice Chair Tabano moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, and vulgar language. Mr. Sutherland seconded the motion and the motion passed unanimously.

1 Healthy Hair Care Braids – Classroom

Mr. George Pinkney was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Adrienne Harvey moved to approve the course with the following contingencies: strike reference to “HIV jumping from apes to humans” in the course materials, correct grammatical errors, and update references. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

It's Beauty Academy and Salon – Classroom

After review, Vice Chair Tabano moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, incorrect references, and incorrect disinfection procedures. Ms. Griffis seconded the motion and the motion passed unanimously.

Salon Life – Classroom

Ms. Cecilia Williams was present for the meeting and was sworn in by the Court Reporter. After discussion, Ms. Griffis moved to approve the course with the following contingencies: strike reference to "MSDS" and replace with "SDS" in the course materials, strike references to "phenols" in the course materials, strike "What is necessary to know about Flu" from the course materials, and strike paragraph regarding gauze masks from the course materials. 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.

Cry's Knats – Classroom

After review, Ms. Harvey moved to deny the course based on the course being outside the scope of practice of Board of Cosmetology licensees, and outdated references. Ms. Griffis seconded the motion and the motion passed unanimously.

The Paisley Parlor – Classroom

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

Hair Wrapping Courses

Cry's Knats – Classroom

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

Continuing Education Courses

Beauty Academy – Florida Cosmetology Essentials 16 Hour Correspondence

After review, Ms. Harvey moved to deny the course based on the course content being product driven, vulgar language, and outdated references. Mr. Sutherland seconded the motion and the motion passed unanimously.

CETTRAINING.COM – Cosmetology Continuing Education 16 Hour Internet

After review, Vice Chair Tabano moved to deny the course based on incorrect references, and outdated references. Ms. Griffis seconded the motion and the motion passed unanimously.

C.O.E. Continuing Education – Continuing Education Composition 16 Hour Internet

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

C.O.E. Continuing Education – Continuing Education Composition 16 Hour Correspondence

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

Herbal Skin Solutions – Skin Care Analysis 4 Hour Classroom

Ms. Kaelin Jutras was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Harvey moved to approve the course with the following contingency: strike references to "Diagnosis" and "Treatment" from the course materials. The correction must be submitted to the

Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

Herbal Skin Solutions – Botulinum Toxin A in Aesthetics 4 Hour Classroom

Ms. Jutras was present for the meeting. After review, Ms. Harvey moved to deny the course based on the course being outside the scope of practice of Board of Cosmetology licensees. Ms. Griffis seconded the motion and the motion passed unanimously.

Herbal Skin Solutions – Spray Tanning 2 Hour Classroom

Ms. Jutras was present for the meeting. After review, Vice Chair Tabano moved to approve the course with the following contingency: strike reference to “pale white skin” in the course materials. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Griffis seconded the motion and the motion passed unanimously.

Herbal Skin Solutions – Understanding Ingredients in Cosmeceuticals 2 Hour Classroom

Ms. Jutras was present for the meeting. After review, Ms. Griffis moved to approve the course with the following contingency: strike reference to “Herbal Skin Solutions Vitamin C” and replace with Vitamin C” in the course materials. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Vice Chair Tabano seconded the motion and the motion passed unanimously.

Quasar Bio-Tech – Photo Therapy 4 Hour Classroom

After review, Ms. Griffis moved to deny the course based on the course content being product driven. Mr. Sutherland seconded the motion and the motion passed unanimously.

Herbal Skin Solutions – Microdermabrasion – Manual Exfoliation 4 Hour Classroom

Ms. Jutras was present for the meeting. After review, Ms. Harvey moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Herbal Skin Solutions – Chemical Peeling Agents 4 Hour Classroom

Ms. Jutras was present for the meeting. After review, Ms. Griffis moved to approve the course. Ms. Griffis seconded the motion and the motion passed unanimously.

Sesderma USA – Skin Pathologies Workshop 4 Hour Classroom

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

NEW BUSINESS

Petition for Declaratory Statement – David Bremer

After discussion, based on Mr. Bremer’s request, the Board tabled this matter until the January 23-24, 2017, Board meeting

OTHER BUSINESS

Board Attorney Report

2016-2017 Annual Regulatory Plan

Ms. Lynette Norr, Assistant Attorney General, provided the Board with the proposed Annual Regulatory Plan. The Board approved the plan as provided by Ms. Norr.

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 development.

Correspondence

Complaints and Investigative Statistics – July 2016 – August 2016

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

Cosmetology Examination Summary – January 2016 – August 2016

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

Dates and Locations of Future Meetings

- January 23-24, 2017 – Tampa
- April 24-25, 2017 – Fernandina Beach
- July 17-18, 2017 – Celebration
- October 16-17, 2017 – Hutchison Island

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 2:00 p.m.

Wednesday, October 5, 2016

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

Board Members Present

- Laurel Ritenbaugh, Chair
- Robin Tabano, Vice Chair
- Fran Poppell
- Rhonda Griffis
- Stephania Wilson
- Jared Sutherland
- Adrienne Harvey

Board Members Absent

Other Persons Present

- Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
- Lynette Norr, Assistant Attorney General, Office of the Attorney General
- Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR
- Rebecca Hayes, Chief Attorney, Office of the General Counsel, DBPR
- Julie Rowland, Government Analyst, DBPR
- Rebecca Witt, Court Reporter
- Thuy Tran

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

APPROVAL OF MINUTES

The Board approved the minutes from the July 18-19, 2016, Board meeting.

APPLICATIONS

Licensure Applications

Initial Review

Thuy Thi Tran

Ms. Tran was present for the meeting and was sworn in by the Court Reporter. After review, Vice Chair Tabano moved to deny the application based on previous discipline and continued disregard for the laws and rules. Ms. Griffis seconded the motion and the motion passed unanimously.

Ramon Rosales / New York

Ms. Rosales was not present for the meeting. After review, Vice Chair Tabano moved to deny the application based on unverifiable documentation. Ms. Griffis seconded the motion and the motion passed unanimously.

Margarete Menis / Puerto Rico

Ms. Menis was not present for the meeting. After review, Ms. Harvey moved to deny the application based on unverifiable documentation. Vice Chair Tabano seconded the motion and the motion passed unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 9:30 a.m.