

MINUTES

FLORIDA BOARD OF COSMETOLOGY TELEPHONE CONFERENCE CALL MEETING

Monday, October 12, 2020

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

Board Members Present

Robin Tabano
Rhonda Griffis, Chair
Jared Sutherland, Vice Chair
Stephania Streit
Fran Poppell

Board Members Absent

Adrienne Harvey (excused)
Laurel Candelario (excused)

Other Persons Present

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Lynette Norr, Assistant Attorney General, Office of the Attorney General
Crystal Stephens, Assistant General Counsel, Office of the General Counsel, DBPR
Goliath Davis, Assistant General Counsel, Office of the General Counsel, DBPR
Skye Esry, Assistant General Counsel, Office of the General Counsel, DBPR
Ray Convery, Court Reporter
Isabel De Leon
Deborah Lewis
Rolexus Jenkins
Karina Morelley
Michael Nguyen
Tram Trung
Dung Le
Dien Vu
Hoang Con
Tallia Lee

The meeting was opened with a roll call and a quorum was established. The Board excused the absences of Ms. Adrienne Harvey and Ms. Laurel Candelario from the meeting.

DISCIPLINARY MATTERS

Informal Hearing

Ms. Crystal Stephens, Goliath Davis, and Ms. Skye Esry, Assistant General Counsels, 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 these matters, that the Board accept the allegations as stated in the Administrative Complaints and adopt them as the findings of fact and conclusions of law of the Board and imposed the penalties shown below:

- Isabel De Leon; Orlando; Case No. 2019028886
\$500 fine and \$327.96 costs to be paid within six months
- Natural Shades of Beauty; Lauderhill; Case No. 2019053704

\$150 fine and \$84.94 costs to be paid within six months

- Lavish Beauty Bar; West Palm Beach; Case No. 2020003286
\$250 fine and \$73.24 costs to be paid within six months
- Rolex Jenkins; West Palm Beach; Case No. 2020006238
\$250 fine and \$73.24 costs to be paid within six months
- Patricia De Leon; Pembroke Pines; Case No. 2020003393
\$500 fine and \$187.54 costs to be paid within six months

The following cases were pulled from the agenda:

- Linda Muniz; Fern Park; Case No. 2019018357
- Dominican Sisters Beauty Shop; Ft. Lauderdale; Case No. 2019061349
- Maritza Beauty Salon; Lantana; Case No. 2020000138
- Parisian Nail Spa Miami; Miami; Case No. 2020005230
- Thuy Nguyen; Tampa; Case No. 2020016191

Election of Waiver of Rights and Final Order

Ms. Stephens, Mr. Davis, and Ms. Esry presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, and have elected to waive their rights to a hearing in these matters. The Board moved to 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:

- Pink & White Nail Bar; Brandon; Case No. 2020007029
\$500 fine and \$98 costs to be paid within six months
- Tram Trung; Tampa; Case No. 2020015437
\$25.30 cost only; revocation of license FV9614861
- Dung Le; Tampa; Case No. 2020015515
\$74.65 costs only to be paid within 90 days; revocation of license FV9618145

The following cases were pulled from the agenda:

- Tien Nguyen; Panama City; Case No. 2019059096
- H Famous Nails; Oakland Park; Case No. 20200009542
- Creative Nails by T; Port St. Lucie; Case No. 2020010173
- Lovely Nails & Spa by CP; Riviera Beach; Case No. 2020011116

Motion for Waiver of Rights and Final Order

Ms. Stephens, Mr. Davis, and Ms. Esry 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:

- Happy Nails; Deland; Case No. 2020010118
\$500 fine and \$208.91 costs to be paid within six months
- Top Design Nails; Stuart; Case No. 2020008046
\$850 fine and \$179.16 costs to be paid within six months
Suspension of license CE10018868 until successful re-inspection
- Tallia Amari Lee; Jacksonville; Case No. 2019057833
\$1,000 fine and \$179.28 costs to be paid within six months
- Top Design Nails; Stuart; Case No. 2020008046
\$1,150 fine and \$179.16 costs to be paid within six months
- Mai Tran; Tampa; Case No. 2020015664
\$84.39 costs only; revocation of license FV9613937

The following cases were pulled from the agenda:

- Creative Family Nails Spa; Port St. Lucie; Case No. 2020004414
- Thi Nguyen; Odessa; Case No. 2020015857
- Nails West Bar; Boca Raton; Case No. 2020011864
- Sharpe Image Hair Salon; West Palm Beach; Case No. 2020003490
- Behnosh Ghaini; Tallahassee; Case No. 2018062863
- Luminous Nails and Spa; Port St. Lucie; Case No. 2020004108
- Tender Touch; Pompano Beach; Case No. 2020006205
- NY Beauty Supply; Tamarac; Case No. 2020003290
- Claude Thomas; Lauderdale Lakes; Case No. 2019054508
- Mardona Estime; Pompano Beach; Case No. 2020007900
- Venetian Nail Spa; Jupiter; Case No. 2020010096
- Tung Pham; West Palm Beach; Case No. 2020002179
- Courtney Amour Beauty Bar and Spa; Gainesville; Case No. 2020012349
- Bich Nguyen; Tampa; Case No. 2020015881
- Nhat Pham; Tampa; Case No. 2020015659
- Van Le; Riverview; Case No. 2020015663
- Truong Nguyen; Tampa; Case No. 2020015669

- Impression Beauty Salon; Sunrise; Case No. 2019051496
- Nail Experts and Thuan Dang; Crestview; Case Nos. 2020001938 & 2019045468
- Madeleine Ravelo; N. Miami; Case No. 2019042646
- Topsy Salon and Spa; Ft. Lauderdale; Case No. 2019060910
- Serenity Nail & Spa; Panama City; Case No. 2020001953
- USA Nails & Day Spa; Ft. Lauderdale; Case No. 2019061375
- Xuan Le; Stuart; Case No. 2019063111
- Thien Quang Hoang; Niceville; Case No. 2020004560
- Keren Narcisse; Lake Worth; Case No. 2019058868
- Poze Net Barbershop and Beauty Salon; N. Miami; Case No. 2020007984
- Maureen Mowry; Holiday; Case No. 2019053576
- Crownedbykk; Pompano Beach; Case No. 2020007639
- Elite Nails & Spa; West Palm Beach; Case No. 2020003030
- Xuan Le; Stuart; Case No. 2020013988
- Phuoc Bui; Port St. Lucie; Case No. 2020013984
- Nicole's Unisex Beauty Salon; N. Miami; Case No. 2020013537
- Tam Nguyen; Tampa; Case No. 2020015874
- Minh Nguyen; St. Petersburg; Case No. 2020016160
- An Le; Tampa; Case No. 2020015665

Settlement Stipulation

Ms. Stephens, Mr. Davis, and Ms. Esry presented the following cases for consideration by the Board. The Board moved to adopt the Stipulations of the parties as the Board's final action in these matters and incorporate them and all of their terms into a Final Order and imposed the penalties shown below:

- Angel Nails and Thuan Bui Lam; Lantana; Case Nos. 2020012310 & 2020019563
\$500 fine and \$206.03 costs to be paid within six months
- Abbey Nails & Spa; Lynn Haven; Case No. 2019054524
\$250 fine and \$47.19 costs to be paid within six months
- Brow Arc; Port St. Lucie; Case No. 2019024243
\$400 fine and \$167.65 costs to be paid within six months
- Kinh Nguyen; Ft. Walton Beach; Case No. 2019064115

\$250 fine and \$39.36 costs to be paid within six months

- Regal Nails and Huong Ho; Port St. Lucie; Case No. 2019054063 & 2019057414
\$550 fine and \$313.32 costs to be paid within six months
- Nails Fever; Pompano Beach; Case No. 2019053409
\$50 fine and \$86.58 costs to be paid within six months
- Elite Nails & Spa; West Palm Beach; Case No. 2019047124
The Board rejected the settlement stipulation
- Tung Pham; West Palm Beach; Case No. 2019050027
The Board rejected the settlement stipulation
- La Thi Nguyen; Panama City; Case No. 2019060095
\$500 fine and \$26.31 costs to be paid within six months
- Ricky Lam; Destin; Case No. 2019061683
\$250 fine and \$39.58 costs to be paid within six months
- Hot Nails and Spa; Destin; Case No. 2020001962
\$250 fine and \$26.31 costs to be paid within six months
- Kim Nguyen; Panama City Beach; Case No. 2020003845
\$250 fine and \$26.31 costs to be paid within six months
- Allure Nails & Spa; Coral Springs; Case No. 2019063319
\$500 fine and \$84.98 costs to be paid within six months
- Mimi Nails & Spa; Oakland Park; Case No. 2020003027
\$850 fine and \$82.42 costs to be paid within six months
- Ulta Salon Cosmetics & Fragrance; Bolingbrook, Illinois; Case No. 2019060424
\$500 fine and \$158.86 costs to be paid within six months
- Glamour Nails and Ngoc Doan; Mary Esther; Case Nos. 2020001997 & 2019063972
\$500 fine and \$66.98 costs to be paid within six months
- Red Nails; Mary Ester; Case No. 2020001947
\$250 fine and \$38.06 costs to be paid within six months
- Classy Nails; Riverview; Case No. 2020003685
\$500 fine and \$96.20 costs to be paid within six months
- Millennium Nail & Day Spa and Tammy Nguyen; Tallahassee; Case No. 2020005733 & 2020005909
\$500 fine and \$41.76 costs to be paid within six months
- Studio Nails; Pensacola; Case No. 2019061704
\$150 fine and \$86.04 costs to be paid within six months
- Luxury Nails; Lake City; Case No. 2019061766
\$350 fine and \$504.98 costs to be paid within six months
- Millenia Nails & Day Spa; Orlando; Case No. 2019063519
\$500 fine and \$687.75 costs to be paid within six months

- Body & Soul Retreat; Lighthouse Point; Case No. 2020012066
\$900 fine and \$82.56 costs to be paid within six months
- Nguyet Van; Orlando; Case No. 2020016533
\$250 fine and \$293.66 costs to be paid within six months
- Prestige Nail Spa and Diane Torres; Port St. Lucie; Case Nos. 2020017964 & 2020010177
\$500 fine and \$309.32 costs to be paid within six months
- Pink & White Nail Spa; Miami; Case No. 2020006936
\$500 fine and \$61.41 costs to be paid within six months
- Santi International Salon; Miami; Case No. 2020007369
\$200 fine and \$60.38 costs to be paid within six months

Voluntary Relinquishment

Ms. Stephens 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:

- Nam Nguyen; Pinellas Park; Case No. 2020015573
\$305.51 costs only, revocation of license FV9618142
- Phong Nguyen; Pinellas Park; Case No. 2020015851
\$93.62 costs only, revocation of license FV9617888
- Dinh Nguyen; Tampa; Case No. 2020015832
\$113.76 costs only, revocation of license FV9617843

Department Attorney Report

Ms. Stephens informed the Board that as of September 4, 2020, there were 160 open cosmetology cases in the legal section.

APPLICATIONS

Continuing Education Courses

Initial Review

1st Choice CE – HIV/AIDS Course 2 Hour Internet
After review, the Board moved to approve the course.

ASM Beauty World Academy – Cosmetology CE Course 10 Hour Internet
After review, the Board moved to deny the course based incorrect disinfection procedures, grammatical errors, incorrect references, and outdated references.

PDH Academy – Florida Cosmetology Essentials 10 Hour Correspondence
After review, the Board moved to approve the course with the following contingencies: strike references to hair braiders, hair wrappers, and body wrappers, update references, update laws and rules, and add sentence that specifies MMA is illegal in Florida. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

PDH Academy – Florida Cosmetology Essentials 10 Hour Internet

After review, the Board moved to approve the course with the following contingencies: strike references to hair braiders, hair wrappers, and body wrappers, update references, update laws and rules, and add sentence that specifies MMA is illegal in Florida. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Paragon CET – HIV/AIDS Epidemic Update for Florida 2 Hour Internet

After review, the Board moved to approve the course.

Paragon CET – HIV/AIDS Epidemic Update for Florida 2 Hour Correspondence

After review, the Board moved to approve the course.

Mountain Troll Marketing – HIV/AIDS CE for Cosmetology 2 Hour Internet

After review, the Board moved to approve the course with the following contingencies: strike references to hair braiders, hair wrappers, and body wrappers, and add sentence that specifies MMA is illegal in Florida. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Mountain Troll Marketing – Cosmetology CE with Domestic Abuse Emphasis 10 Hour Internet

After review, the Board moved to approve the course with the following contingencies: strike references to hair braiders, hair wrappers, and body wrappers, add sentence that specifies MMA is illegal in Florida, and strike references to “MSDS” and replace with “SDS”. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

RECESS

There being no further business, the meeting was recessed at approximately 2:45 p.m.

Tuesday, October 13, 2020

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

Board Members Present

Rhonda Griffis, Chair
Robin Tabano
Jared Sutherland, Vice Chair
Stephania Streit

Board Members Absent

Laurel Candelario (excused)
Fran Poppell (excused)
Adrienne Harvey (excused)

Other Persons Present

Krisa Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Lynette Norr, Assistant Attorney General, Office of the Attorney General
Crystal Stephens, Assistant General Counsel, Office of the General Counsel, DBPR
Goliath Davis, Assistant General Counsel, Office of the General Counsel, DBPR
Skye Esry, Assistant General Counsel, Office of the General Counsel, DBPR
Ray Convery, Court Reporter
Jade Register
Katrina October
Rose Bannister
Sage-Marie Bentley

Ravyn Alling
Roxanne Zapata
Carol Moseman
Candace Wadlington
Grace Lovett

The meeting was opened with a roll call and a quorum was established. The Board excused the absences of Ms. Adrienne Harvey, Ms. Fran Poppell, and Ms. Laurel Candelario from the meeting.

APPROVAL OF MINUTES

The Board approved the minutes of the following Board meetings:

- August 27, 2019
- October 14-15, 2019
- December 16, 2019
- January 6-7, 2020
- February 12, 2020
- April 20, 2020
- June 22, 2020

APPLICATIONS

Licensure Applications

Initial Review

Jade Register

Ms. Register was present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Katrina October

Ms. October was present for the meeting. After review, the Board moved to approve the application.

Rose Bannister

Ms. Bannister was present for the meeting. After review, the Board moved to approve the application.

Grisel Yanez Gonzalez

Ms. Gonzalez was not present for the meeting. After review, the Board moved to approve the application.

Sage-Marie Bentley / Ohio

Ms. Bentley was present for the meeting. After review, the Board moved to approve the application.

Sian Brice / Great Britain

Ms. Brice was not present for the meeting. After review, the Board moved to approve the application.

Ktwona Frazier-Barr

Ms. Frazier-Barr was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Ravyn Alling

Ms. Alling was present for the meeting. After review, the Board moved to approve the application.

Roxanne Zapata

Ms. Zapata was present for the meeting. After review, the Board moved to approve the application.

Ivanna Chacon-Sanchez

Ms. Chacon-Sanchez was not present for the meeting. After review, the Board moved to approve the application.

Carol Moseman

Ms. Moseman was present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Crystal Addison

Ms. Addison was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Candace Wadlington

Ms. Wadlington was present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

NEW BUSINESS

Declaratory Statement – Jayne Chandler

The request was tabled for a future meeting.

Petition for Variance or Waiver of Rule 61G5-22.016, Florida Administrative Code (FAC) – Sage-Marie Bentley

Ms. Bentley was present for the meeting. After review, the Board approved the request.

Declaratory Statement – Jeff Gaewood

After review, the Board denied the request due to the request being legally insufficient.

OTHER BUSINESS

Board Attorney Report

61G5-18.00015, (FAC) – Cosmetologist and Compensation Defined (definitions)

The Board approved the following language and 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(1) A cosmetologist is a person who is licensed to perform the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair braiding, hair coloring, permanent waving, and hair relaxing, for compensation. A cosmetologist may also perform non-invasive hair removals, including wax treatments but not including electrolysis as that term is defined in chapter 478, F.S., manicures, pedicures, and skin care services. For the purposes of this act “compensation” is defined as the payment of money or valuable consideration directly or indirectly paid or promised, expressly or impliedly, or the intent to collect or receive payment of money or the intent to collect or receive anything of value in exchange for cosmetology services. For the purposes of this act “medical

purposes” is defined as any form of bodily intrusion into the orifices, skin, muscles, or any other tissues of the body.

(2) Definitions: In the practice of cosmetology and its specialties, the following definitions apply:

(a) “Microblading” is a form of semi-permanent tattooing that involves using tiny, fine-point needles that make up a small disposable blade and handle that deposit pigment simultaneously under your skin. Microblading is beyond the scope of a Florida cosmetology license.

(b) “Manual exfoliation” is the physical removal of dead skin cells through light abrasion using a sponge or cloth with or without the use of a granulated scrub, or using a dermaplaning blade.

(c) “Chemical exfoliation” is the use of products containing chemicals that either loosen or dissolve dead cell buildup. Examples of exfoliating chemicals are alpha hydroxy acids (AHAs), which are gentle, naturally occurring acids that remove dead skin cells.

(d) “Mechanical exfoliation” is the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques, peeling creams or drying preparations that are rubbed off, and microdermabrasion. Microdermabrasion is a type of mechanical exfoliation that involves using a closed vacuum to shoot aluminum oxide or other crystals at the skin with a hand-held device that exfoliates dead cells.

(e) “Semipermanent lashes” are lash extensions that are applied directly onto existing eyelashes with a glue that is specially formulated to not damage the lash or irritate the eyes. This process generally takes about 2 hours to apply and must be maintained. A cosmetology license is required to apply these lashes to a client.

(f) “Strip lashes” and “individual lashes” are full, partial, or small clusters of false lashes applied with an adhesive. This process takes very little time to apply and as they are not long-lasting, they are usually applied for a specific event.

(g) “Makeup application” includes makeup primer, face paint, lipstick, eyeliner, eye shadow, foundation, rouge or cheek color, mascara, strip lashes, individual lashes, face powder, corrective stick, and makeup remover. Makeup application does not require a cosmetology license.

(h) “Massaging” in the practice of cosmetology is limited to the face, scalp, neck, hands, and feet and includes manipulation of the skin for the application of creams or lotions with the hands or a smooth object such as a small stone for aesthetic purposes. Manipulation of an individual's soft body tissue for the purposes of improving health or well-being, therapeutic massages, reflexology massages, and massaging the torso are outside the scope of a cosmetology license.

61G5-17.016, (FAC) – Time for Payment of Administrative Fines

The Board agreed to the proposed amendment if the rule is retained.

In cases where the Board imposes costs and/or an administrative fine for violation of Chapter 455 or 477, F.S., or the rules promulgated thereunder, the costs and/or fine penalty shall be paid to the Department of Business and Professional Regulation within thirty (30) days of its imposition by order of the Board unless otherwise stated by the Board.

61G5-18.008, (FAC) – Cosmetologist License Renewal

The Board approved the following language and 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

~~(1) A cosmetologist shall renew his (or) her license on or before October 31 each biennial year, according to the fee schedule as outlined in Rule 61G5-24.008, F.A.C.~~

~~(2) Spouses of members of the Armed Forces of the United States are exempted from all licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.~~

Split 11th Circ. Says Ga. Dental Board Must Face Antitrust Suit

Ms. Lynette Norr, Assistant Attorney General, informed the Board that the correspondence was included in the agenda for informational purposes.

Executive Director Report

Financial Report for Period Ending March 2020

Ms. Krista Woodard, Executive Director, reported that the balance in the Board's operating account as of March 31, 2020, was over \$4.3 million, and the balance in the unlicensed activity account was \$363,965 for the same period.

Cosmo 8 - Initial HIV/AIDS Course Application

The Board approved the changes to the application as provided by Ms. Woodard.

Correspondence

Complaints and Investigative Statistics – July 2020 – August 2020

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

Cosmetology Examination Summary – January 2020 – August 2020

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

Dates and Locations of Future Meetings

November 15, 2020 – Conference call

January 11-12, 2021 – Location to be determined

April 19-20, 2021 – Location to be determined

July 19-20, 2021 – Orlando

October 11-12, 2021 – Sarasota

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:00 a.m.