

# MINUTES

FLORIDA BARBERS' BOARD  
MISSION INN RESORT  
10400 COUNTY ROAD 48  
HOWIE-IN-THE-HILLS, FL 34737

Sunday, January 10, 2016 – 9:00 a.m.

The Florida Barbers' Board meeting was called to order at approximately 9:00 a.m., by Mr. Herman White, Chair.

## **Board Members Present**

Herman White, Chair  
Bill Gilbert, Vice Chair  
Edwin Stewart  
Monica Smith  
Veronica Wold  
Lionel Rodriguez  
Julie Rivera

## **Board Members Absent**

## **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Marlene Stern, Assistant Attorney General, Office of the Attorney General  
Ramsey Revell, Assistant General Counsel, Office of the General Counsel, DBPR  
Julie Rowland, Government Analyst, DBPR  
Diana Garcia, Court Reporter  
Michael Clark  
Martez Lovely  
Herman Washington  
Timothy Bass  
Tony Riha  
David Staton

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

## **APPROVAL OF MINUTES**

The Board approved the minutes from the November 2, 2015, Board meeting.

## **DISCIPLINARY MATTERS**

### **Informal Hearing**

Ms. Ramsey Revell, 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:

- Cut Above the Rest; Miramar  
Case No. 2014025026  
\$1,000 fine and \$192.91 costs to be paid within six months  
Revocation of license BS12197

- Jesus Figueroa; Jupiter  
Case No. 2015004100  
\$500 fine and \$119.56 costs to be paid within six months
- Big City Barbershop and Luis Ramirez; North Palm Beach  
Case Nos. 2015007577 & 2015008297  
\$750 fine and \$255.45 costs to be paid within six months
- Patrick Ferril; Port St. Lucie  
Case No. 2015022440  
\$500 fine and \$138.12 costs to be paid within six months

**Motion for Waiver of Rights and Final Order**

Ms. Revell 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:

- Fade Shop at Main Street; Miami Lakes  
Case No. 2014047111  
\$300 fine and \$96.94 costs to be paid within six months
- Ambioris Rivera; Miami  
Ms. Revell requested that this case be pulled from the agenda
- Leudis Mendoza; Port Richey  
Case No. 2015001839  
\$500 fine and \$177.81 costs to be paid within six months
- Down South Kutz; Miami  
Case No. 2015009179  
\$850 fine and \$35.17 costs to be paid within six months
- Sam's Barbershop and Hicham Faouatih; Tampa  
Case Nos. 2015017637 & 2015017643  
\$500 fine and \$136.32 costs to be paid within six months  
Revocation of license BS1081828
- Macho's Barber Shop; Miami  
Case No. 2015010842  
\$900 fine and \$49.43 costs to be paid within six months
- Jacarro Smith; Miami  
Case No. 2015011310  
\$250 fine and \$43.13 costs to be paid within six months
- New York Barbershop and Nora Bonilla; Sebastian  
Case Nos. 2015022891 & 2015024928  
\$700 fine and \$259.91 costs to be paid within six months
- Dada Unisex Beauty Salon; West Palm Beach  
Case No. 2015025465

\$300 fine and \$129.79 costs to be paid within six months

### **Settlement Stipulation**

Ms. Revell presented the following case 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:

- Asicalao Barbershop; Apopka  
Case No. 2015004660  
\$500 fine and \$299.45 costs to be paid within six months

### **Voluntary Relinquishment**

- Demetrio Castillo; Miami  
Case No. 2015016143  
\$164.06 costs only, and voluntary relinquishment of license BR2978

### **Department Attorney Report**

Ms. Revell informed the Board that as of December 8, 2015, there were 70 open barber cases in the legal section.

## **APPLICATIONS**

### **Licensure Applications**

#### **Informal Hearing**

##### **Martez Lovely**

Mr. Lovely was present for the meeting and was sworn in by Ms. Diana Garcia, Court Reporter. Ms. Robyn Barineau, Executive Director, informed the Board that the application was denied at the November 2, 2015, Board meeting, because the application failed to demonstrate that he met the requirements of Rule 61G3-16.005, Florida Administrative Code. After review, Mr. Eddie Stewart moved to uphold the denial because the application failed to demonstrate that he met the requirements of Rule 61G3-16.005, Florida Administrative Code. Vice Chair Bill Gilbert seconded the motion and the motion passed unanimously.

#### **Initial Review**

##### **Jhonny Castillo**

Mr. Castillo was not present for the meeting. After review, Ms. Monica Smith moved to approve the application. Ms. Julie Rivera seconded the motion and the motion passed unanimously.

##### **Brandon Figueroa**

Mr. Figueroa was not present for the meeting. After review, Vice Chair Gilbert moved to deny the application as the application fails to demonstrate that the applicant meets the requirements of Rule 61G3-16.005, Florida Administrative Code. Ms. Veronica Wold seconded the motion and the motion passed unanimously.

##### **Kaleah Flynn / Haiti**

Ms. Flynn was not present for the meeting. After review, Mr. Stewart moved to approve the application. Vice Chair Gilbert seconded the motion and the motion passed unanimously.

##### **Eudys Fernandez Rodriguez / Dominican Republic**

Mr. Rodriguez was not present for the meeting. After review, Mr. Stewart moved to deny the application as the application fails to demonstrate that the applicant meets the requirements of Rule

61G3-16.005, Florida Administrative Code. Ms. Smith seconded the motion and the motion passed unanimously.

Nichola Lynch / England

Ms. Lynch was not present for the meeting. After review, Mr. Stewart moved to deny the application as the application fails to demonstrate that the applicant meets the requirements of Section 476.144(6), Florida Statutes and Rule 61G3-16.006, Florida Administrative Code. Ms. Wold seconded the motion and the motion passed unanimously.

Jordan Lee-Chin

Mr. Lee-Chin was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Ms. Rivera seconded the motion and the motion passed unanimously.

Timothy Bass

Mr. Bass was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation. Ms. Smith seconded the motion and the motion passed unanimously.

Petr Vacatko / Czeck Republic

Mr. Vacatko was not present for the meeting. After review, Vice Chair Gilbert moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Harold Rivera

Mr. Rivera was not present for the meeting. After review, Ms. Smith moved to deny the application based on unsatisfied previous discipline. Ms. Rivera seconded the motion and the motion passed unanimously.

Alex Zholendz / New York

Mr. Zholendz was not present for the meeting. After review, Vice Chair Gilbert moved to approve the application. Mr. Lionel Rodriguez seconded the motion and the motion passed unanimously.

Herman Washington

Mr. Washington was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Chrisnold Jean Pierre

Mr. Pierre was not present for the meeting. After review, Ms. Wold moved to deny the application based on failure to disclose previous unsatisfied discipline on the application. Ms. Smith seconded the motion and the motion passed with Mr. Stewart voting against the motion.

Michael Taylor

Mr. Taylor was not present for the meeting. After review, Mr. Stewart moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Michael Clark / Hawaii

Mr. Clark was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Rivera moved to approve the application. Vice Chair Gilbert seconded the motion and the motion passed unanimously.

David Staton / Ohio

Mr. Staton was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. The Board also imposed probation on the license to run

concurrent with his criminal probation. Mr. Rodriguez seconded the motion and the motion passed unanimously.

### **Executive Director Report**

#### **Financial Report for Period Ending September 2015**

Ms. Barineau reported that the balance in the Board's operating account as of September 30, 2015, was over \$1.8 million, and the balance in their unlicensed activity account was over \$247,000 for the same period.

#### **Proposed Fee Reduction**

Ms. Barineau provided the Board with information related to a Department proposal to reduce renewal fees by 30 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 April 2016 meeting:

- 61G3-20.009, F.A.C. – Barber License Biennial Renewal Fee
- 61G3-20.010, F.A.C. – Biennial Barbershop Licensure Renewal Fee
- 61G3-20.0105, F.A.C. – Barbershop Delinquent Renewal Fee
- 61G3-20.015, F.A.C. – Renewal of Inactive License Fee
- 61G3-20.020, F.A.C. – Delinquent License Fee

### **Correspondence**

#### **Complaints and Investigative Statistics – July 2015 – October 2015**

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

#### **Barber Examination Summary – January 2015 – November 2015**

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

### **Dates and Locations of Future Meetings**

- April 17, 2016 – Brandon
- July 17, 2016 – Naples
- October 17, 2016 – Orlando

### **ADJOURNMENT**

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