

MINUTES

FLORIDA BARBERS' BOARD
EMBASSY SUITES – BRANDON
10220 PALM RIVER ROAD
TAMPA, FLORIDA 33619

Sunday, April 17, 2016 9:00 a.m.

General Business Meeting

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

Board Members Present

Bill Gilbert, Vice Chair
Edwin Stewart
Monica Smith
Veronica Wold
Lionel Rodriguez
Michelino Nibaldi

Board Members Absent

Antonett Munchalfen

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Marlene Stern, Assistant Attorney General, Office of the Attorney General
Rebecca Hayes, Chief Attorney, Office of the General Counsel (OGC), DBPR
Ramsey Revell, Assistant General Counsel, (OGC), DBPR
Dillon Jess, Assistant General Counsel, (OGC), DBPR
Julie Rowland, Government Analyst, DBPR
Rob Darling, Court Reporter
Jeff Peters
Annetta Correia
Arthur Gray
Edwin Velez
Antonio Torres
Ritchie Sandoval
Rita Dilandro
Lester Marin
Wilton Tapia
Christopher Torres

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

APPROVAL OF MINUTES

The Board approved the minutes from the January 10, 2016, Board meeting.

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:

- Severe Barbershop; Miami
Case No. 2015014727
\$1,000 fine and \$164.25 costs to be paid within six months
30 days suspension against license BS1077116
- Do It Right Barber Shop; Alachua
Case No. 20152015013828
Mr. Jess requested that this case be pulled from the agenda
- Wilton Tapia; Tampa;
Case No. 201506667
Revocation of license BR2922
- Magic Clips Barbershop; Orange City
Case No. 2015013828
Mr. Jess requested that this case be pulled from the agenda
- Jose Camacho Gonzalez; Orlando
Case No. 2015016276
Mr. Jess requested that this case be pulled from the agenda
- Bladez Barbershop; Pembroke Pines
Case No. 2015030365
Mr. Jess requested that this case be pulled from the agenda
- Edward Carmona; Miami
Case No. 2015016334
\$280.68 costs only
Revocation of license BR3158
- Hair Palace Barber Studio; Miami
Case No. 2015022771
Mr. Jess requested that this case be pulled from the agenda
- National Barbershop Association; Miami
Case No. 2015050585
Mr. Jess requested that this case be pulled from the agenda
- Annetta Correia; Winter Park
Case No. 2015025189
\$383.80 costs only

Motion for Waiver of Rights and Final Order

Mr. Jess requested that the following cases be pulled from the agenda:

- Herard Barber Shop; West Palm Beach
Case No. 2015003680
- Jovan Urdaz; West Palm Beach
Case No. 2015004023
- Sports Cut Barber Shop; Ocala

Case No. 2015017123

- Over Look and Adelson Jules-Saint; Port St. Lucie
Case Nos. 2015020655 & 2015021970
- Edwin Velez Jr.; Loxahatchee
Case No. 2015021925
- Custom Kuts Barber Shop; Winter Haven
Case No. 2015018424
- Diamond Thomas; Davenport
Case No. 2015032962
- Luis Parra; Pembroke Pines
Case No. 2015036321
- Sharee Whipple; Riviera Beach
Case No. 2015022425
- Louis Washington Jr.; Plant City
Case No. 2015017842
- Jovan Urdaz; West Palm Beach
Case No. 2015029060
- A Cut Above The Rest; Miramar
Case No. 2015042297

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:

- W Sanders, Inc.; Miami
Case No. 2015018639
\$600 fine and \$46.47 costs to be paid within six months
- Pinnacle Barbers; Hallandale
Case No. 2015035627
\$1,000 fine and \$245.45 costs to be paid within six months
- Faded Fresh Barbershop and Ruben Javier; Lake Wales
Case Nos. 2015019961 & 2015019964
\$1,750 fine and \$259.66 costs to be paid within six months
- Brooklyn Cutz; Hollywood
Case No. 2015031522
\$900 fine and \$35.16 costs to be paid within six months
- New Era Barbershop; Deerfield Beach
Case No. 2015044270
\$500 fine and \$269.94 costs to be paid within six months
- VIP Barbershop III and Ritchie Sandoval; Jupiter
Case Nos. 2015028546 & 2015029183

Mr. Jess requested that the cases be pulled from the agenda

Voluntary Relinquishment

- Ariel Perez Jr.; Plant City
Case No. 2015016387
\$220.71 costs only, and voluntary relinquishment of license BR3328

Department Attorney Report

Mr. Jess informed the Board that as of March 21, 2016, there were 51 open barber cases in the legal section.

APPLICATIONS

Licensure Applications

Informal Hearing

Nichola Lynch / England

Mr. Lynch was not present for the meeting. Ms. Robyn Barineau, Executive Director, informed the Board that the application was denied at the January 10, 2016, Board meeting, because the application failed to demonstrate that he met the requirements of Rule 61G3-16.005, Florida Administrative Code. After review, it was determined that materials were in dispute and that this matter should be forwarded to the Division of Administrative Hearings for resolution.

Jordan Lee-Chin

Mr. Lee-Chin was not present for the meeting. Ms. Barineau informed the Board that the application was denied at the January 10, 2016, Board meeting, based on the noted criminal history. After review, Ms. Monica Smith moved to uphold the denial based on the noted criminal history. Mr. Lionel Rodriguez seconded the motion and the motion passed unanimously.

Initial Review

Rita Dilandro / New York

Ms. Dilandro was present for the meeting and was sworn in by Mr. Rob Darling, Court Reporter. After review, Mr. Eddie Stewart moved to approve the application. Mr. Michelino Nibaldi seconded the motion and the motion passed unanimously.

Jaslier Cruz

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

James Nieva, Jr. / Columbia

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

Saturnino Reynoso / New York

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

Abdul Rahim / Puerto Rico

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

Omar Sawyers

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

Antonio Torres

Mr. Torres was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application with the following contingency: all fines and cost must be made to the Department prior to licensure. Ms. Veronica Wold seconded the motion and the motion passed unanimously.

Lester Marin

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

Adan Luis Rosado / Puerto Rico

Mr. Rosado was not present for the meeting. After review, Ms. Smith moved to deny the application based on unverifiable documentation. Ms. Wold seconded the motion and the motion passed unanimously.

Josue Torres Resto

Mr. Resto was not present for the meeting. After review, Ms. Smith moved to deny the application based on unverifiable documentation. Ms. Wold seconded the motion and the motion passed unanimously.

Christopher Torres

Mr. Torres 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. Nibaldi seconded the motion and the motion passed unanimously.

Alfred Arnold, III

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

OTHER BUSINESS

Board Attorney Report

Anti-Trust Presentation

Ms. Marlene Stern, Board Counsel, gave a presentation on Anti-Trust and how it relates to the Board following the North Carolina Board of Dental Examiners v. FTC ruling. The presentation provided background information on the case, the FTC's guidelines in response to the ruling, possible implications of the ruling, and possible changes that may arise in the State of Florida.

Proposed Fee Reduction

The Board agreed to reduce the following renewal fees by 30%. They also 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.

- 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

Executive Director Report

Financial Report for Period Ending December 2015

Ms. Barineau reported that the balance in the Board's operating account as of December 30, 2015, was over \$1.7 million, and the balance in their unlicensed activity account was over \$240,000 for the same period.

Correspondence

Complaints and Investigative Statistics – July 2015 – February 2016

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 – February 2016

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

Dates and Locations of Future Meetings

- October 17, 2016 – Orlando
- January 8, 2017 – Tampa
- April 23, 2017 – Fernandina Beach
- July 16, 2017 – Celebration
- October 15, 2017 – Hutchison Island

Elections

The Board unanimously elected Mr. Bill Gilbert, Chair, and Ms. Monica Smith, Vice Chair, of the Florida Barbers' Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 1:10 p.m.