

# MINUTES

FLORIDA BARBERS' BOARD  
RESIDENCE INN  
2301 SADLER ROAD  
FERNANDINA BEACH, FL 32034

Sunday, April 7, 2019

The Florida Barbers' Board meeting was called to order at approximately 9:00 a.m., by Ms. Monica Smith, Chair.

## **Board Members Present**

Monica Smith, Chair  
Michelino Nibaldi, Vice Chair  
Veronica Wold  
Antonett Munchalfen  
Lionel Rodriguez

## **Board Members Absent**

Bill Gilbert

## **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Krista Woodard, Executive Director, DBPR  
Julie Rowland, Government Analyst, DBPR  
Timothy Frizzell, Assistant Attorney General, Office of the Attorney General  
Crystal Stephens, Assistant General Counsel, Office of the General Counsel, DBPR  
GW Harrell, Division Director, DBPR  
Tim Page, Deputy Secretary, DBPR  
Lolonda Jackson, Court Reporter  
Lorenzo Barnes  
Brett Stegar, Esq.  
Maura Seali

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Mr. Bill Gilbert from the meeting.

## **APPROVAL OF MINUTES**

The Board approved the minutes from the January 13, 2019, January 31, 2019, and March 8, 2019, Board meetings.

## **DISCIPLINARY MATTERS**

### **Election of Waiver of Rights and Final Order**

Ms. Crystal Stephens, Assistant General Counsel, presented the following case for consideration by the Board. The Board found that 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 and adopts them as the findings of fact and conclusions of law of the Board and imposed the penalty shown below:

- Osiel Brito; Okeechobee; Case No. 2018022264  
\$500 fine and \$135.38 costs to be paid within six months

- Dwight Williamson; Port St. Lucie; Case No. 2018020874  
\$100 fine and \$117.10 costs to be paid within six months
- Eric Stewart; West Palm Beach; Case No. 2018030111  
\$1,000 fine and \$151.71 costs to be paid within six months

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

Ms. Stephens 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:

- Blades NYC Barbershop II; Lantana; Case No. 2018047007  
\$500 fine and \$129.28 costs to be paid within six months
- Fade Citi Urban Kutz; Port St. Lucie; Case No. 2018019219  
\$100 fine and \$131.72 costs to be paid within six months
- James Pullings, Sr.; Ocala; Case No. 2018051783  
\$500 fine and \$171.50 costs to be paid within six months
- Pat's New Style Barbershop; Port St. Lucie; Case No. 2018014956  
\$600 fine and \$124.73 costs to be paid within six months
- Cibao Barbershop; N. Miami Beach; Case No. 2018053765  
\$800 fine and \$65.15 costs to be paid within six months
- Sean Nyra's Beauty & Barbershop; Riviera Beach; Case No. 2017058152  
\$500 fine and \$184.88 costs to be paid within six months
- Marco Ortiz; Lake Worth; Case No. 2018054472  
\$250 fine and \$136.83 costs to be paid within six months
- Francisco Caceres; Royal Palm Beach; Case No. 2018054691  
\$100 fine and \$110.41 costs to be paid within six months
- Taylor'd Made Barber Gallery; Hollywood; Case No. 2018049307  
\$1,150 fine and \$70.73 costs to be paid within six months
- Top Notch Barbershop; Lake Worth; Case No. 2018052512  
\$1,350 fine and \$121.71 costs to be paid within six months  
Revocation of license BS1079883
- Stewarts Sophisticated Hair Salon; West Palm Beach; Case No. 2018029307  
\$500 fine and \$184.38 costs to be paid within six months
- Johnathan Torres, Jr.; St. Johns; Case No. 2018030574  
\$500 fine and \$307.97 costs to be paid within six months

## **Settlement Stipulation**

Ms. Stephens 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 penalty shown below:

- Finest Fadez; Okeechobee; Case No. 2018024599  
\$500 fine and \$135.38 costs to be paid within six months
- Eli Demichael; Lakeland; Case No. 2017046775  
\$61.75 costs only
- Instyle Cuts and Fades; Miramar; Case No. 2018047136  
\$1,250 fine and \$62.35 costs to be paid within six months
- Esteban Garcia; Okeechobee; Case No. 2018022271  
\$500 fine and \$135.38 costs to be paid within six months
- Profile Barbershop Corp.; Lake Worth; Case No. 2018049209  
\$1,200 fine and \$129.78 costs to be paid within six months
- Magicwrist Barbershop; Ft. Walton Beach; Case No. 2018054018  
\$1,150 fine and \$159.26 costs to be paid within six months
- Efrain Hoyos; Ft. Walton Beach; Case No. 2018059213  
\$500 fine and \$131.25 costs to be paid within six months
- New Era Barbershop III; Wellington; Case No. 2018048616  
\$1,000 fine and \$129.28 costs to be paid within six months
- Latch Life Cuts & Styles; West Palm Beach; Case No. 2018054443  
\$500 fine and \$121 costs to be paid within six months
- VIP Barber Shop; West Palm Beach; Case No. 2017055454  
\$700 fine and \$217.55 costs to be paid within six months
- Oscar Tinajero; Okeechobee; Case No. 2018022351  
\$500 fine and \$135.38 costs to be paid within six months

## **Department Attorney Report**

Ms. Stephens informed the Board that as of March 18, 2019, there were 48 open barber cases in the legal section.

## **APPLICATIONS**

### **Licensure Applications**

#### **Lorenzo Barnes**

Mr. Lorenzo Barnes was present for the meeting and was sworn in by Ms. Lolonda Jackson, Court Reporter. Ms. Robyn Barineau, Executive Director, informed the Board that the application was denied at the January 13, 2019, Board meeting, based on the noted criminal history. After review, the Board moved to overturn the denial and approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

## **Initial Review**

### **Vicente Rivera Santiago**

Mr. Santiago was not present for the meeting. After review, the Board moved to approve the application.

### **Jonathan Cintron Sosa**

Mr. Sosa was not present for the meeting. After review, the Board moved to deny the application based previous unsatisfied discipline.

### **Dedrick Torrence**

Mr. Torrence was not present for the meeting. After review, the Board moved to approve the application.

### **Fernando Marti**

Mr. Marti was not present for the meeting. After review, the Board moved to approve the application with the following contingency: all fines and costs on previous discipline must be paid to the Department within 90 days or the application is denied.

### **Bryce Desy**

MS. Desy was not present for the meeting. After review, the Board moved to approve the application with the following contingency: provide proof of barber education within 90 days.

### **Chad Barnett**

Mr. Barnett 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 his criminal probation.

### **Erickson Salcedo**

Mr. Salcedo was not present for the meeting. After review, the Board moved to approve the application.

### **Rafael Habeych**

Mr. Brett Stegar, Esq. was present for the meeting and was sworn in by the Court Reporter. After review, the Board moved to approve the application.

### **Ryan Palmer**

Mr. Palmer was present for the meeting and was sworn in by the Court Reporter. After review, the Board moved to approve the application.

## **OTHER BUSINESS**

### **Board Attorney Report**

#### **Rule 61G3-16.006, Florida Administrative Code – Restricted Barber License**

The Board approved the reduction of pre-licensure training for a Restricted Barber License from 1200 hours to 500 hours.

(1) No change

(a) All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted license to practice barbering shall consist of a minimum of ~~5004,200~~ hours of training. If an applicant for licensure by examination for a restricted barber license meets all required qualifications except the minimum hours of training, he or she shall be entitled to take the licensure examination if the applicant has completed ~~3004,000~~ hours of training and has been certified by the school or program in which he or she is currently enrolled to have achieved the minimum competency standards of performance in the skills, services and trade techniques listed in paragraph (1)(b). However, if the individual fails to achieve a passing grade on either or both portions of the licensure examination, he or she shall not be eligible to retake either portion of the licensure examination until the individual shall have completed the full ~~5004,200~~ hours of training and instruction.

(b) A school of barbering shall certify on a student examination application that said student has ~~500~~650 hours of training in restricted barbering skills, services and correlating trade techniques along with 550 hours of classroom instruction and lab studies. All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted barber license to practice restricted barbering shall be as specified below:

1. Florida Laws and Rules	150 <del>200</del> Hours
2. Safety, Sanitation and Sterilization	350 <del>400</del> Hours
3. Hair Structure and Chemistry	75 Hours
4. Hair Cutting	300 Hours
a. Taper Cuts	
I. Freehand	
II. Shear over comb	
III. Clipper over comb	
b. Style Cuts (to include blow drying)	
5. Shampooing	100 Hours
6. Shaving, Beard and Mustache Trimming	125 Hours

(2) through (4) No change. Rulemaking Authority 476.064(4), 476.144(6) FS. Law Implemented 476.144(6) FS. History—New 11-12-87, Formerly 21C-16.006, Amended 5-23-99, 4-26-04,\_\_\_\_\_.

The Board will host a meeting in Celebration on Monday, May 6, 2019, beginning at 9 a.m., to discuss the curriculum make-up of the 500 educational hours. Any interested parties are invited to attend and participate.

**Rule 61G3-21.009, Florida Administrative Code – Citations**

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.

(1) A citation and fine shall be issued for a violation of any of the provisions in this paragraph, except when a notice of non-compliance can be issued first, pursuant to rule 61G3-21.012, F.A.C.

(a) Practicing barbering with a license that has been delinquent or inactive for no more than 3 months in violation of sections 476.194(1)(a), 476.204(1)(a), and 455.271(1), F.S.: fine of \$200.00;

(b) Failure to post inspection report in violation of subsection 61G3-19.015(1), F.A.C.: fine of \$50.00;

(c) Failure to properly display barber’s license in violation of subsection 61G3-19.009(1), F.A.C.: fine of \$50.00;

(d) Failure to properly display barbershop’s license in violation of subsection 61G3-19.009(2), F.A.C.: fine of \$50.00;

(e) Failure to post the barbershop requirements listed in rule 61G3-19.011, F.A.C., in violation of rule 61G3-19.012, F.A.C.: fine of \$50.00;

(f) Failure to transfer ownership of barbershop license for not more than 3 months, in violation of rule 61G3-19.013, F.A.C.: fine of \$200.00;

(g) Failure to maintain a portable fire extinguisher, in violation of paragraph 61G3-19.011(2)(c), F.A.C., provided the inspection is not more than 60 days overdue: fine of \$100.00; and

(h) Failure to immediately deposit towels in the proper receptacle, in violation of subsection 61G3-19.011(13), F.A.C.: fine of \$50.00.

(2) A citation and fine shall be issued for a first violation of any of the statutes and rules listed in this paragraph.

(a) Operating a barbershop with a license that has been expired for no more than 3 months in violation of section 476.194(1)(d)1., F.S.: fine of \$200.00;

(b) Relocating a barbershop in violation of sections 476.184(7) and 476.194(1)(d)1., F.S.: fine of \$200.00;

- (c) Performing barber services outside a licensed shop in violation of rule 61G3-19.010, F.A.C.: fine of \$200.00; and
- (d) A citation shall be issued for violation of any of the following safety, code, and structural provisions: paragraphs 61G3-19.011(2)(a)-(bc), (6), and (15)-(22)(a)-(f), F.A.C.: The fine for violation of any one of these provisions shall be \$50.00.
- (3) A citation shall not be issued if more than three of the violations listed in (1) and (2) occur during the same inspection.
- (4) At least three years must pass between the issuance of citations for violations of the same provision.
- Rulemaking Authority 455.224(1), (2), 476.064(4) FS. Law Implemented 455.224 FS. History–New 1-19-92, Amended 3-22-92, 2-18-93, Formerly 21C-21.009, Amended 6-16-94, 9-22-94, 8-21-95, 2-14-96, 11-6-97, 5-13-01, 9-20-05, 12-2-09, 2-26-15, 2-4-19.*

**Rule 61G3-16.0091, Florida Administrative Code – Requirement of Instruction of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education**

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.

- (1) Each person licensed under Chapter 476, F.S., shall complete a department or board approved HIV/AIDS education course as a condition of the renewal of his or her license as follows: –Such course must be taken during the licensure period and prior to expiration of the license.
- (a) Such course must be taken during the licensure period and prior to the expiration of the license for a license to be renewed in an active status; or
- (b) Any person whose license is listed as being in delinquent or inactive status shall take a department or board approved HIV/AIDS education course prior to reactivation of their license.
- (2) through (6) No change. *Rulemaking Authority 455.2228(5), 476.064(4) FS. Law Implemented 455.2228, 455.2179 FS. History–New 5-10-01, Amended 6-5-12, 3-31-13, \_\_\_\_.*

**Rule 61G3-25.004, Florida Administrative Code – Inactive Status; Reactivation**

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.

- (1) Any licensee may elect at the time of license renewal to place the license into inactive status by filing with the Department a completed application for inactive status and by paying the inactive status fee.
- (2) An inactive status licensee may change to active status at any time provided the licensee pays the reactivation fee, completes the required HIV/AIDS education course, and if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee.
- (3) A barber may not work with an inactive or delinquent license. *Rulemaking Authority 476.064(4), 476.155(2), 455.271(3) FS. Law Implemented 455.271 FS. History–New 5-17-95, Amended 12-15-13, \_\_\_\_.*

**Rule 61G3-25.005, Florida Administrative Code – Delinquent Status**

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.

- (1) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the licensee becomes delinquent. The failure by the delinquent status licensee to cause the license to become active or inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by either the Board or Department.
- (2) The delinquent status licensee who applies for active or inactive status shall:

(a) file with the Department a completed application for either active or inactive status; and  
(b) complete the required HIV/AIDS education course if applying for active status; and  
(c) (b) pay to the Board either the active status or inactive status fee, the delinquency fee, and, if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee. *Rulemaking Authority 476.064(4), 455.271 FS. Law Implemented 455.271 FS. History—New 5-17-95, Amended 12-15-13,\_\_\_\_\_.*

### **Executive Director Report**

#### **Financial Report for Period Ending December 2018**

Ms. Barineau reported that the balance in the Board's operating account as of December 31, 2018, was over \$3.2 million, and the balance in their unlicensed activity account was over \$336,000 for the same period.

#### **Paperless Licensing Initiative**

Ms. Barineau informed the Board that as of July 1, 2019, the Department will no longer print licenses.

### **Correspondence**

#### **Complaints and Investigative Statistics – July 2018 – February 2019**

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

#### **Barber Examination Summary – January 2019 – February 2019**

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 7, 2019 – Fernandina Beach  
July 21, 2019 – Celebration  
October 13, 2019 – Orlando  
January 5, 2020 – St. Augustine Beach

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 11:30 a.m.