

MINUTES

FLORIDA BARBERS' BOARD
HAMPTON INN & SUITES AMELIA ISLAND
19 SOUTH 2ND STREET
FERNANDINA BEACH, FLORIDA 32034

Monday, May 16, 2011

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 9:00 a.m., by Chair Herman White.

Board Members Present

Herman White, Chair
Carl Troup, Vice Chair
Julie Rivera
Edwin Stewart
Thomas Vaughn
Andrew Raines

Board Members Absent

None

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Rachel Clark, Assistant Attorney General, Attorney General's Office
Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, DBPR
Loretta McDonald, Court Reporter
Ronda Shallow
Michael Deininger
Elvis Perez
Gregory Carter II
Brian Edwards
Jose Sanchez
Alain Fernandez
Troy Saunders

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

Mr. Edwin Stewart moved to accept the minutes from the February 28, 2011, board meeting. Vice Chair Carl Troup seconded the motion and the motion passed unanimously.

DISCIPLINARY MATTERS

Reconsideration of Final Order

Justin Brothers; St. Petersburg; Case No. 2008.010358

Mr. Brothers was not present for the meeting. Ms. Kathleen Brown-Blake, Assistant General Counsel, informed the board that the case was presented at the May 17, 2010, meeting in error. Ms. Brown-Blake recommended that the board vacate the final order that was filed on June 8, 2010, imposing a fine of \$1,000 and costs of \$78.40. Mr. Stewart moved to vacate the final order. Mr. Tommy Vaughn seconded the motion and the motion passed unanimously.

Informal Hearings

Ms. Brown-Blake presented the following cases 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 the law of the board and imposed the penalties shown below:

Gina Marie Baglini; Sarasota; Case No. 2010.026346

Ms. Baglini was not present for the meeting. Mr. Stewart moved that the board dismiss the case based on insufficient evidence to support the allegations. Ms. Julie Rivera seconded the motion and the motion passed unanimously.

Kut Kingz; Orlando; Case No. 2010.022421

The Respondent was not present for the meeting. Mr. Stewart moved that the board impose costs of \$263.72 only, plus revocation of barbershop license BS1077403. Mr. Vaughn seconded the motion and the motion passed unanimously.

Roosevelt Forehand; Jacksonville; Case No. 2010.005197

Mr. Forehand was not present for the meeting. Mr. Stewart moved that the board impose a fine of \$800 and costs of \$80.86. Vice Chair Troup seconded the motion and the motion passed unanimously.

Phillips & Son's Barber Shop; Pompano Beach; Case No. 2010-031090

The Respondent was not present for the meeting. Mr. Stewart moved that the board impose a fine of \$250 and costs of \$198.42. Vice Chair Troup seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Supreme Gentleman; Pompano Beach; Case No. 2010.02448

The Respondent was not present for the meeting. Ms. Brown-Blake presented the department's case and suggested imposing a fine of \$1,000 and costs of \$358.35. Ms. Rivera moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent 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 impose a fine of \$1,000 and costs of \$358.35. Mr. Vaughn seconded the motion and the motion passed unanimously.

Marvin Lindo; Tampa; Case No. 2010.022400

Ms. Brown-Blake requested that this disciplinary case be pulled from the agenda.

Department Attorney Report

Ms. Brown-Blake informed the board that as of April 4, 2011, there were 42 open barber cases in the legal section.

APPLICATIONS

Informal Hearing

Elvis Perez

Mr. Perez was present for the meeting and was sworn in by Ms. Loretta McDonald, Court Reporter. The board denied his application at the February 28, 2011, meeting based on the noted criminal history. 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. Vaughn seconded the motion and the motion passed unanimously.

Initial Review

Jonathan Alvarez

Mr. Alvarez was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Vice Chair Troup seconded the motion and the motion passed unanimously.

Gregory Carter II

Mr. Carter 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. Vaughn seconded the motion and the motion passed unanimously.

Michael J. Deininger

Mr. Deininger was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. Vice Chair Troup seconded the motion and the motion passed unanimously.

Brian R. Edwards

Mr. Edwards was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Vice Chair Troup seconded the motion and the motion passed unanimously.

Alain C. Fernandez

Mr. Fernandez was present for the meeting and was sworn in by the Court Reporter. Ms. Rivera recused herself from voting on this matter. After review, Mr. Stewart moved to approve the application. Mr. Vaughn seconded the motion and the motion passed unanimously.

Maryann Garland / New Hampshire

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

Rafael Gonzalez

Mr. Gonzalez was not present for the meeting. After review, Mr. Stewart moved to deny the application based on the noted criminal history. Vice Chair Troup seconded the motion and the motion passed unanimously.

Jose Sanchez

Mr. Sanchez was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. Vice Chair Troup seconded the motion and the motion passed unanimously.

Troy Saunders

Mr. Saunders was present for the meeting and was sworn in by the Court Reporter. After review, Mr. Stewart moved to approve the application. Vice Chair Troup seconded the motion and the motion passed unanimously.

Ronda G. Shallow / Michigan

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

Brandon Clyburn

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

Continuing Education Provider and Course Applications

Initial Review

COECONTINUINGEDUCATION.COM

Renewal Course Application

2-Hour HIV/AIDS Infection Control – 2 Hours Home Study/Video

After review, Vice Chair Troup moved to approve the application with the following contingency: update the laws and rules reference in the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Rivera seconded the motion and the motion passed unanimously.

Community Casemanagement, Inc.

Renewal Course Application

HIV/AIDS Course – 2 Hours Home Study/Video

After review, Vice Chair Troup moved to approve the application with the following contingencies: replacing all references to “cosmetology” and replacing them with “barbering”, replacing all references to “cosmetologists” and replacing them with “barber”, striking all references to phenol. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Vaughn seconded the motion and the motion passed unanimously.

CosmetologyCampus.com

Renewal Course Application

HIV/AIDS Prevention & Sanitation for Barbers – 2 Hours Home Study/Video

After review, Vice Chair Troup moved to deny the application based on references to the use of phenols, references to cosmetology and salons. Mr. Vaughn seconded the motion and the motion passed unanimously.

Elite CME, Inc.

Renewal Course Application

CE Course for Florida Barbers – 2 Hours Home Study/Video

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Elite CME, Inc.

Course Application

CE Course for Florida Barbers – 2 Hours Home Study/Video

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Exotica Academy, Inc.

Renewal Course Application

Barbering HIV/AIDS – 2 Hours Live Group Study

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Florida Association of Beauty Professionals

Renewal Course Application

Barbers HIV/AIDS Certification – 2 Hours Home Study/Video

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Florida Cosmetology Educators Online

Renewal Course Application

HIV/AIDS Barber Awareness Course – 2 Hours Live Group Study/ Home Study/Video / Internet

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Florida Department of Health/Bureau of HIV/AIDS

Renewal Course Application

HIV 101: In the News – 2 Hours Live Group Study

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

FMES Florida Medical Educational Services

Renewal Course Application

HIV/AIDS for Barbers – 2 Hours Home Study/Video

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Manatee Technical Institute

Course Application

HIV/AIDS – 2 Hours Live Group Study

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Paragon CET

Renewal Course Application

HIV/AIDS: Update for Florida Barbers Initial Licensure – 2 Hours Home Study/Video

After review, Vice Chair Troup moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Other Business

Executive Director's Report

Florida Barbers' Board Newsletter – February 2011

Ms. Barineau informed the board that the Florida Barbers' Board Newsletter was included in the agenda for informational purposes.

Board Attorney's Report

Rule 61G3-16.005, Florida Administrative Code – Endorsement

The board approved the following language as provided by Ms. Rachel Clark, Assistant Attorney General, which eliminates the requirement for barbers endorsing from another state to go through the evaluation process; barbers endorsing from another country will still be required to go through the evaluation process.

61G3-16.005 Endorsement:

The Department of Business and Professional Regulation shall issue a license by endorsement to a person who:

- (1) Makes application and pays to the Department the fee specified in Rule 61G3-20.002, F.A.C.;
- (2) Demonstrates that he or she possesses a current active license in another state or country;
- (3) Demonstrates that he or she has satisfactorily completed a written examination comparable to or more stringent than the examination given by the Department;
- (4) Demonstrates that he or she has completed:

(a) 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and, at a minimum, covering the subjects of Safety, Sanitation and Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or

(b) An apprenticeship program of 1,200 hours; or

(c) A combination thereof.

(5) Certifies that he or she has read and understood and will abide by Chapters 455 and 476, F.S. and Chapter 61G3, F.A.C.

(6) For purposes of demonstrating that an~~the~~ applicant from a territory or foreign country has met the requirements of subsections (2), (3) and (4) above, the applicant must provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services.

Division of Regulation

Complaints and Investigative Statistics Report – July 2010 – March 2011

Ms. Barineau informed the board that the complaints and investigative statistics report was included in the agenda for informational purposes.

Bureau of Education and Testing

Barber Examination Summary – July 2010 – March 2011

Ms. Barineau informed the board that the barber examination summary was included in the agenda for informational purposes.

Dates and Locations of Future Meetings

August 8, 2011 – Panama City

November 7, 2011 – Tampa

February 6, 2012 – Orlando

May 21, 2012 – Fernandina Beach

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:45 a.m.