

MINUTES

FLORIDA BARBERS' BOARD
BAY POINT MARRIOTT
4200 MARRIOTT DRIVE
PANAMA CITY BEACH, FLORIDA 32408

Monday, August 8, 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
Thomas Vaughn, Vice Chair
Julie Rivera
Andrew Raines

Board Members Absent

Edwin Stewart

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
Patsy Wilson, Court Reporter
Brian Edwards
Jonathan Alvarez
Jerral Jordan
Chad Singletary
Trailiney Woods

The meeting was opened with a roll call and a quorum was established. Chair White excused Mr. Edwin Stewart's absence from the meeting.

Mr. Andrew Raines moved to accept the minutes from the May 16, 2011, board meeting. Vice Chair Thomas Vaughn seconded the motion and the motion passed unanimously.

DISCIPLINARY MATTERS

Informal Hearings

Ms. Kathleen Brown-Blake, Assistant General Counsel, 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:

809 Barber Shop; Ocoee; Case No. 2010.058868

The Respondent was not present for the meeting. Ms. Julie Rivera moved that the board impose a fine of \$100 and costs of \$221.71. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

A-Class Cuts and Lounge; Orlando; Case Nos. 2010.17376 and 2010.047387

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$1,000 and costs of \$334.56, to be paid over a period of six months, with the first payment of \$334.56 due within 30 days of the final order and five monthly payments of \$200 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Vivaldi Alsindor; Orlando; Case No. 2010.045215

Mr. Alsindor was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$1,000 and costs of \$236.16, to be paid over a period of six months, with the first payment of \$236.16 due within 30 days of the final order and five monthly payments of \$200 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Barber Kings and Beauty Queens; Orlando; Case No. 2010.058711

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$300 and costs of \$348.69, to be paid over a period of six months, with the first payment of \$348.69 due within 30 days of the final order and five monthly payments of \$60 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Fade Citi Urban Kutz and Dwight Williamson; Port St. Lucie; Case Nos. 2010.013147 and 2010.037193

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$1,000 and costs of \$284.30, plus attendance at two board meetings between January 2012 and December 2013. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Loqui Styles; Lake Worth; Case No. 2010.048350

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$600 and costs of \$83.08, to be paid over a period of six months, with the first payment of \$83.08 due within 30 days of the final order and five monthly payments of \$120 each. Mr. Raines seconded the motion and the motion passed unanimously.

Perry's Barber Shop & Hair Care; Orlando; Case No. 2010.027892

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$1,000 and costs of \$70.76. Mr. Raines seconded the motion and the motion passed unanimously.

Perry's Barber Shop & Hair Care; Orlando; Case No. 2010.043043

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$500 and costs of \$195.59. Mr. Raines seconded the motion and the motion passed unanimously.

Felix Robaina; Belle Glade; Case No. 2010.059526

Mr. Robaina was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$500 and costs of \$62.91, to be paid over a period of six months, with the first payment of \$62.91 due within 30 days of the final order and five payments of \$100 each. Mr. Raines seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

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:

Jeffrey Allen; Tallahassee; Case No. 2010.045207

Mr. Allen was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$1,000 and costs of \$153.03, to be paid over a period of six months, with the first payment of \$153.03 due within 30 days of the final order and five payments of \$200 each. Mr. Raines seconded the motion and the motion passed unanimously.

American Barber & Spa Corp.; Case No. 2010.054381

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$550 and costs of \$40.71, to be paid over a period of six months, with the first payment

of \$40.71 due within 30 days of the final order and five payments of \$110 each. Mr. Raines seconded the motion and the motion passed unanimously.

Earnest Butler III; Tallahassee; Case No. 2010.043034

Mr. Butler was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$500 and costs of \$93.60, to be paid over a period of six months, with the first payment of \$93.60 due within 30 days of the final order and five payments of \$100 each. Mr. Raines seconded the motion and the motion passed unanimously.

Fast Break Barber Shop; Orlando; Case No. 2010.043661

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$300 and costs of \$183.83. Mr. Raines seconded the motion and the motion passed unanimously.

Heart of the City Hair and Nail Exp.; Jacksonville; Case No. 2010.062241

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$700 and costs of \$71.97, to be paid over a period of six months, with the first payment of \$71.97 due within 30 days of the final order and five payments of \$140 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Just Blaze Barbershop; Apopka; Case No. 2010.058323

The Respondent was not present for the meeting. Vice Chair Vaughn moved that the board impose a fine of \$700 and costs of \$213.88, to be paid over a period of six months, with the first payment of \$213.88 due within 30 days of the final order and five payments of \$140 each. Mr. Raines seconded the motion and the motion passed unanimously.

Lewis Logan; West Palm Beach; Case No. 2010.030109

Mr. Logan was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$1,000 and costs of \$133.91, to be paid over a period of six months, with the first payment of \$133.91 due within 30 days of the final order and five payments of \$200 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Elijah Moore; Orange Park; Case No. 2010.046604

Mr. Moore was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$500 and costs of \$162.42, to be paid over a period of six months, with the first payment of \$162.42 due within 30 days of the final order and five payments of \$100 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Perfection Sports Barber; Orlando; Case No. 2010.043054

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$1,500 and costs of \$254.93, to be paid over a period of six months, with the first payment of \$254.93 due within 30 days of the final order and five payments of \$300 each. Mr. Raines seconded the motion and the motion passed unanimously.

Redmond & Dallas; Perry; Case No. 2010.020836

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$500 and costs of \$61.41, to be paid over a period of six months, with the first payment of \$61.41 due within 30 days of the final order and five payments of \$100 each. Mr. Raines seconded the motion and the motion passed unanimously.

Wiltons Hair Works; High Springs; Case No. 2011.011874

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$700 and costs of \$67.76, to be paid over a period of six months, with the first payment of \$67.76 due within 30 days of the final order and five payments of \$140 each. Mr. Raines seconded the motion and the motion passed unanimously.

World Cut Salon & Barber and Clifford Edward Belle; Gainesville; Case Nos. 2010.051543 and 2010.050995

The Respondent was not present for the meeting. After review, the board tabled this matter until the November 7, 2011, meeting to allow Ms. Brown-Blake to gather additional information on the case.

Mo B Kutz; Pensacola; Case No. 2010.039445

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

Settlement Stipulations

Ricardo S. Anderson; St. Petersburg; Case No. 2011.001710

Mr. Anderson was not present for the meeting. Ms. Rivera moved that the board 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 impose a fine of \$750 and costs of \$162.42, to be paid over a period of six months, with the first payment of \$162.42 due within 30 days of the final order and five monthly payments of \$150 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Department Attorney Report

Ms. Brown-Blake informed the board that as of July 14, 2011, there were 45 open barber cases in the legal section.

APPLICATIONS

Informal Hearing

Jonathan Alvarez

Mr. Alvarez was present for the meeting and was sworn in by Ms. Patsy Wilson, Court Reporter. The board denied his application at the May 16, 2011, meeting based on the noted criminal history. After review, Vice Chair Vaughn moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Ms. Rivera seconded the motion and the motion passed unanimously.

Brian Edwards

Mr. Edwards was present for the meeting and was sworn in by the Court Reporter. The board denied his application at the May 16, 2011, meeting based on the noted criminal history. After review, the board tabled the application until the November 7, 2011, meeting to allow Mr. Edwards to provide documentation on the outcome of the criminal charges.

Rafael Gonzalez III

Mr. Gonzalez was not present for the meeting. The board denied his application at the May 16, 2011, meeting based on the noted criminal history. After review, Ms. Rivera moved to approve the application. The board also imposed probation on the license to run concurrent with his criminal probation. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Initial Review

Richard Blackshear

No action was taken.

Juan J. Figueroa Rivera

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

Jerral Jordan

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

Frankly Ramirez

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

Kenia M. Rodriguez

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

David Shears

Mr. Shears was not present for the meeting. After review, Vice Chair Vaughn moved to approve the application. Mr. Raines seconded the motion and the motion passed unanimously.

Chad Singletary

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

Joel Vega Jr.

Mr. Vega was not present for the meeting. After review, Ms. Rivera moved to deny the application based on the noted criminal history. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Traininey Woods

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

Continuing Education Provider and Course Applications

Initial Review

Academy of Health and Beauty

Course Application

2-Hour HIV/AIDS CE Course – 2 Hours Live Group Study

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

Continuingcosmetology.com

Course Application

Florida 2-Hour HIV/AIDS CE for Barbers – 2 Hours Home Study/Video

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

New Business

Criminal Offense Guidelines

The board approved the updated list of criminal history offenses that can be approved by the Department without board approval.

Other Business

Executive Director's Report

Financial Report ending March 31, 2011

Ms. Barineau reported that the balance in the board's operating account on March 31, 2011, was over \$937,000 and the balance in their unlicensed activity account was over \$276,000.

Board Attorney's Report

Rule 61G3-16.005, Florida Administrative Code – Endorsement

Ms. Rachel Clark, Assistant Attorney General, informed the board that the amendment to this rule continues to move through the rulemaking process.

The board agreed to repeal the following rules and that these repeals would have no negative impact on small business:

- Rule 61G3-15.006, F.A.C. – General Information
- Rule 61G3-15.015, F.A.C. – Guidelines for Disciplinary Cases or Other Cases in Which Substantial Interests are Determined by the Board
- Rule 61G3-15.020, F.A.C. – Security and Monitoring Procedures for Licensure Examination
- Rule 61G3-15.021, F.A.C. – Final Orders
- Rule 61G3-15.022, F.A.C. – Designation of Official Reporter
- Rule 61G3-16.003, F.A.C. – Examination Review Procedure
- Rule 61G3-21.008, F.A.C. – Installment Payment of Fines
- Rule 61G3-18.001, F.A.C. – Biennial Renewal of Barber License
- Rule 61G3-18.002, F.A.C. – Biennial Renewal of Barber Assistant Registration
- Rule 61G3-19.0135, F.A.C. – Relocation of a Barbershop
- Rule 61G3-20.001, F.A.C. – Collection and Payment of Fees
- Rule 61G3-20.0075, F.A.C. – Examination Review Fee
- Rule 61G3-21.005, F.A.C. – Mitigation; Notice of Mitigation and Aggravation
- Rule 61G3-21.002, F.A.C. – Aggravating and Mitigating Circumstances
- Rule 61G3-16.0041, F.A.C. – Foreign Language Examination

Division of Regulation

Complaints and Investigative Statistics Report – July 2010 – June 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 – January 2011 – June 2011

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

Elections – Vice Chair

The board unanimously elected Mr. Thomas Vaughn as the Vice Chair of the Barbers' Board.

Dates and Locations of Future Meetings

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 12:20 p.m.