

MINUTES

FLORIDA BARBERS' BOARD
WYHDHAM BAY POINT RESORT - 4114 JAN COOLEY DRIVE
PANAMA CITY BEACH, FLORIDA 32408

Monday, August 13, 2012

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
Edwin Stewart
Julie Rivera
Andrew Raines
Bill Gilbert

Board Members Absent

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation, (DBPR)
Julie Rowland, Government Analyst, DBPR
Rachel Clark, Assistant Attorney General, Office of the Attorney General, (OAG)
Marlene Stern, Assistant Attorney General, OAG
Dustin Metz, Assistant General Counsel, Office of the General Counsel, DBPR
Rebecca Hughen, Court Reporter
Generoso Capone
Christopher Saenz
Zachary Clemons
Nicholas Boffil
Urcilia Kennedy
Paul Whitfield
Andrew Hayes

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

Mr. Edwin Stewart moved to accept the minutes from the May 21, 2012, Board meeting. Mr. Bill Gilbert seconded the motion and the motion passed unanimously.

DISCIPLINARY MATTERS

Informal Hearings

Mr. Dustin Metz, 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:

Francisco D. Alcantara; Oviedo; Case No. 2011.039958

Mr. Alcantara was not present for the meeting. Ms. Julie Rivera moved that the Board impose a fine of \$1,000 and costs of \$176.63, plus revocation of barber license BB8892865. Mr. Andrew Raines seconded the motion and the motion passed unanimously.

(The) Corner Barbershop; Panama City; Case No. 2011.019887

Mr. Andre Hayes was present for the meeting and was sworn in by Ms. Rebecca Huguen, Court Reporter. Ms. Rivera moved that the Board impose a fine of \$500 and costs of \$158.32, to be paid over a period of six months, with the first payment of \$158.32 due within 30 days of the final order and five monthly payments of \$100 each. Mr. Gilbert seconded the motion and the motion passed unanimously.

Motion for Waiver of Rights and Final Order

Mr. Metz 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:

Flora Goddard; Kissimmee; Case No. 2011.039965

The Respondent was not present for the meeting. Ms. Rivera moved that the Board impose a fine of \$500 and costs of \$151.10, plus revocation of barber license BB8893440. Mr. Raines seconded the motion and the motion passed unanimously.

Moses T. Williams Jr., d/b/a Mo B Kutz Barbershop East; Pensacola; Case No. 2011.026273

Mr. Williams was not present for the meeting. Ms. Rivera moved that the Board impose a fine of \$3,000 and costs of \$490.63. Mr. Stewart seconded the motion and the motion passed unanimously.

April Michelle Thomas; Sarasota; Case No. 2011.023579

Ms. Thomas was not present for the meeting. Mr. Stewart moved that the Board table this matter until the November 5, 2012 meeting. Vice Chair Thomas Vaughn seconded the motion and the motion passed unanimously.

Paula Vargas; Kissimmee; Case No. 2011.039992

Ms. Vargas was not present for the meeting. Ms. Rivera moved that the Board impose a fine of \$1,000 and costs of \$224.08, plus revocation of barber license BB8893550. Mr. Raines seconded the motion and the motion passed unanimously.

Department Attorney Report

Mr. Metz informed the Board that as of July 11, 2012, there were 159 open barber cases in the legal section.

APPLICATIONS

Informal Hearing

Jayson Orlando Lopez / Puerto Rico

Mr. Lopez was not present for the meeting. Ms. Robyn Barineau, Executive Director, noted that the licensure application was denied at the May 21, 2012, board meeting based on discrepancies in the documents provided. After review, Ms. Rivera moved to approve the application. Mr. Gilbert seconded the motion and the motion passed unanimously.

Initial Review

Nicolas Joseph Boffil

Mr. Boffil 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. Rivera seconded the motion and the motion passed unanimously.

Generoso L. Capone Jr. / New Jersey

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

Luis Angel Fernandez

Mr. Fernandez was not present for the meeting. After review, Mr. Raines moved to deny the application based on discrepancies in the documentation provided. Mr. Gilbert seconded the motion and the motion passed unanimously.

Reynaldo Fonseca / Puerto Rico

Mr. Fonseca was not present for the meeting. After review, Vice Chair Vaughn moved to deny the application based on discrepancies in the documentation provided. Mr. Gilbert seconded the motion and the motion passed unanimously.

Orlando Enrique Garcia

Mr. Garcia was not present for the meeting. After review, Mr. Stewart moved to deny the application based on discrepancies in the documentation provided. Vice Chair Vaughn seconded the motion and the motion passed with Mr. Gilbert voting against the motion.

David Jonathan Giglio / Jamaica

Mr. Giglio was not present for the meeting. After review, Chair White moved to deny the application based on discrepancies in the documentation provided. Mr. Stewart seconded the motion and the motion passed unanimously.

Urcila C. Kennedy

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

Edward Robert Patterson

Mr. Fernandez was not present for the meeting. After review, Mr. Gilbert moved to deny the application based on based on evidence of completion of only 600 hours of schooling. Mr. Stewart seconded the motion and the motion passed unanimously.

Christopher Saenz

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

NEW BUSINESS

2013 Legislative Proposals

Ms. Barineau asked the Board to consider any 2013 pro-business legislative initiatives that could be submitted to the Department and the Governor's Office for consideration.

OTHER BUSINESS

Executive Director's Report

Financial Report ending March 31, 2012

Ms. Barineau reported that the balance in the Board's operating account on March 31, 2012, was over \$447,000 and the balance in their unlicensed activity account was over \$301,000 for the same period.

Board Attorney Report

Ms. Clark informed the Board that she will no longer serve as their board counsel, and introduced Ms. Marlene Stern as their new board counsel. The Board thanked her for her service and her commitment to the Board.

Rule 61G3-16.009, Florida Administrative Code – Requirements for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS)

The Board will discuss the rule at the November meeting to ensure the rule meets all statutory requirements imposed by HB 887.

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

The Board will discuss the rule at the November meeting to ensure the rule meets all statutory requirements imposed by HB 887.

Division of Regulation

Complaints and Investigative Statistics Report – July 2011 – June 2012

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 2012

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

Elections

The Board unanimously reelected Mr. Herman White, Chair, and Mr. Thomas Vaughn, Vice Chair, of the Florida Barbers' Board.

Dates and Locations of Future Meetings

November 5, 2012 – Tampa
February 4, 2013 – Orlando
May 6, 2013 – Daytona Beach

ADJOURNMENT

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