

MINUTES

FLORIDA BARBERS' BOARD
FLORIDAYS RESORT
12562 INTERNATIONAL DRIVE
ORLANDO, FLORIDA 32821

Monday, October 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, Chair.

Board Members Present

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

Board Members Absent

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Deborah Loucks, Assistant Attorney General, Office of the Attorney General
Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Diana Brundage, Court Reporter
Arthur Gray
Robert Wallach
Jose Camacho
Joseph Laroche
Francisco Alcantara
Francis Paula
Felix Diaz
Argelis Nunez
Ben Landford
Ezri Damschroder
Eva Pizarro
Betzaida James
Yvonne Turner
Jean Damier
Vaitiare Padron
Maybel Hernandez

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

APPROVAL OF MINUTES

The Board approved the minutes from the July 17, 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:

- Bladez Barbershop; Pembroke Pines
Case No. 2015030365
\$1,100 fine and \$114.01 costs to be paid within six months
- Felix Diaz; Tamarac
Case No. 2015041373
Revocation of license BR3681, the three year time period to reapply for licensure was waived
- Five Star Cuts; Miami
Case No. 2016004380
\$300 fine and \$33.06 costs to be paid within six months
- Mambo Style Barbershop; Coral Gables
Case No. 2016025441
\$400 fine and \$43.23 costs to be paid within six months

Motion for Waiver of Rights and Final Order

Mr. Jess 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:

- Jovan Urdaz; West Palm Beach
Case No. 2015004023
\$500 fine and \$119.56 costs to be paid within six months
- Sport Cut Barber Shop; Ocala
Case No. 2015017123
\$800 fine and \$323.79 costs to be paid within six months
- Edwin Velez, Jr.; Loxahatchee
Case No. 2015021925
\$500 fine and \$138.12 costs to be paid within six months
- Louis Washington, Jr.; Plant City
Case No. 2015017842
\$500 fine and \$154.72 costs to be paid within six months
- Sharee Whipple; Riviera Beach
Case No. 20150022425
\$500 fine and \$358.09 costs to be paid within six months
- Custom Kuts; Winter Haven
Case No. 2015018424
\$500 fine and \$74.97 costs to be paid within six months

- Magic Clips Barbershop; Orange City
Case No. 20150013828
\$500 fine and \$282.35 costs to be paid within six months
- Luis Parra; Pembroke Pines
Case No. 2015036312
\$500 fine and \$182.14 costs to be paid within six months
- Flat Tops and Fades; Opa-Locka
Case No. 2016004400
\$500 fine and \$38.55 costs to be paid within six months
- Silfredo Martinez; Orlando
Case No. 2015041360
\$237.37 costs only
Revocation of license BR2890
- Francis Paula; Orlando
Case No. 2015041364
\$147.40 costs only
Revocation of license BR3152
- Juan Reyes; Orlando
Case No. 2015041347
\$230.70 costs only
Revocation of license BR3629
- The Corner Barber Shop; Panama City
Case No. 2016007464
\$500 fine and \$136.79 costs to be paid within six months
- Over Look and Adelson Jules-Saint; Port St. Lucie
Case Nos. 2015039485 & 2015040446
\$600 fine and \$81.12 costs to be paid within six months
- Joham Toussett; Junction City, KS
Case No. 2015041236
\$202.38 costs only
Revocation of license BR3408
- Juan Mendoza; Naples
Case No. 2016001595
Mr. Jess requested that this case be pulled from the agenda
- Richard Asencio; Boca Raton
Case No. 2016001553
\$1,000 fine and \$144.88 costs to be paid within six months
- Andre Inman; Port St. Lucie
Case No. 2015055521
\$500 fine and \$166.79 costs to be paid within six months
- Maria Dosantos; Weston
Case No. 2016007288
\$500 fine and \$101.27 costs to be paid within six months

- Raymond Unisex Salon; North Miami
Case No. 2016018306
\$500 fine and \$54.72 costs to be paid within six months
- Cache Latino; Winter Springs
Case No. 2016021067
\$500 fine and \$373.32 costs to be paid within six months
- Jesse Sosa; Deltona
Case No. 2016014785
\$106.65 costs only
Revocation of license BR4184

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:

- Diamond Thomas; Davenport
Case No. 2015032962
\$500 fine and \$103.20 costs to be paid within six months
- VIP Barbershop III and Ritchie Sandoval; Sunrise
Case Nos. 2015028546 & 2015029183
\$292.59 costs only
- National Barbershop Association; Miami
Case No. 2015050585
\$500 fine and \$31.35 costs
- AXX Barbershop; Orlando
Case No. 2015045485
\$1,500 fine and \$282.87 costs
- James Hair Design; Pompano Beach
Case No. 2016001456
\$250 fine and \$149.46 costs
- Farandula Barbershop; Miami
Case No. 2016019144
\$250 fine and \$48.35 costs
- Next Cut; Orlando
Case No. 2015054600
\$500 fine and \$259.43 costs to be paid within six months

Voluntary Relinquishment

- Joseph LaRoche; Lake Worth
Case No. 2015007172
Voluntary relinquishment of license BR2866

- Jose Camacho Gonzalez; Miami
Case No. 2015016276
Mr. Jess requested that this case be pulled from the agenda
- Saul Rivera; Kissimmee
Case No. 2015041350
Voluntary relinquishment of license BR3164

Department Attorney Report

Mr. Jess informed the Board that as of October 10, 2016, there were 62 open barber cases in the legal section.

APPLICATIONS

Licensure Applications

Informal Hearing

Marvin Burch

Mr. Burch was not present for the meeting. Ms. Robyn Barineau, Executive Director, informed the Board that the application was denied at the July 17, 2016, Board meeting, based on the noted criminal history. After review, Mr. Eddie Stewart moved to uphold the denial based on the noted criminal history. Ms. Veronica Wold seconded the motion and the motion passed unanimously.

Initial Review

Francisco Alcantara

Mr. Alcantara was present for the meeting and was sworn in by Ms. Diana Brundage, Court Reporter. After review, Mr. Stewart moved to deny the application based on previous unsatisfied discipline and failure to disclose previous discipline. Ms. Wold seconded the motion and the motion passed unanimously.

Luis J. Ortiz

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

Jean Damier / Haiti

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

Victor Colon De Jesus

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

Saul Reyes Rivera

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

Rodney Lee Boyd

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

Katrina Vega

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

Edward Gay, Jr.

Mr. Gay was not present for the meeting. 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. Wold seconded the motion and the motion passed unanimously.

Chad Lund

Ms. Betzaida James, Ms. Eva Pizarro, and Ms. Ezri Damschroder were present for the meeting and were 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. Vice Chair Monica Smith the motion and the motion passed unanimously.

Tristian Jeffries

Ms. Yvonne Turner 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. Antonett Munchalfen seconded the motion and the motion passed unanimously.

Constantanee Turner

Mr. Turner was not present for the meeting. After review, Vice Chair 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

2016-2017 Annual Regulatory Plan

Ms. Deborah Loucks, Assistant Attorney General, provided the Board with the proposed Annual Regulatory Plan. The Board approved the plan as provided by Ms. Loucks.

Rule 61G3-21.012, Florida Administrative Code – Notice of Non-Compliance

The Board agreed that this rule should be opened for development and approved the following language. 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.

(1) ~~As an alternative to the provisions of Section 455.225(1) and (2), F.S.,~~ the department may shall provide a licensee with a notice of non-compliance for an initial offense of ~~a minor violation. Minor violations that do not endanger the public health, safety and welfare and which do not demonstrate a serious inability to practice the profession are~~ the rules and statutes listed below.

~~(a) Rule 61G3-18.001, F.A.C. — barber license renewal, provided the expiration date has not exceeded 30 days.~~

(a) Section 455.271(1), F.S.: Engaging in the practice of barbering with a license that has been delinquent for 30 days or less.

(b) Section 455.271(1), F.S.: Engaging in the practice of barbering with a license that has been inactive for 30 days or less.

- ~~(b)~~ (c) Rule 61G3-19.015, F.A.C. – failure to post inspection report.
- ~~(e)~~ (d) Rule 61G3-19.009, F.A.C. – failure to laminate and properly display license as long as license is current.
- ~~(d)~~ Rule 61G3-19.009, F.A.C. – failure to display picture on license.
- (e) Rule 61G3-19.012, F.A.C. – failure to post sanitation rules.
- (f) Rule 61G3-19.013, F.A.C. – failure to transfer ownership on license, provided the transfer has not exceeded 30 days.
- (g) Rule 61G3-19.011, F.A.C. – failure to maintain a portable fire extinguisher, provided the expiration date does not exceed 30 days.
- (h) Rule 61G3-19.011, F.A.C. – failure to immediately deposit towels in the proper receptacle; ~~provided there is not an accumulation of towels.~~
- (2) Failure to correct the above violations within 15 days of receipt of the notice of non-compliance shall result in the institution of regular disciplinary proceedings.
- ~~(2) In accordance with Chapter 95-402, Laws of Florida, the department shall issue a notice of non-compliance as a first enforcement action against a licensee for a minor violation of a rule. Pursuant to Chapter 95-402, Section (2)(b), Laws of Florida, the Board designates the following rule for which a violation would be a minor violation of a rule, for which a notice of non-compliance is issued: violations of Rule 61G3-19.015, F.A.C. Rulemaking Authority 476.064(4) FS. Law Implemented 455.225(3) FS. History–New 12-22-94, Amended 2-14-96, 5-1-96, 11-6-97, 11-25-09.~~

Executive Director Report

Financial Report for Period Ending June 2016

Ms. Barineau reported that the balance in the Board’s operating account as of June 30, 2016, was over \$1.9 million, and the balance in their unlicensed activity account was over \$250,000 for the same period.

Correspondence

Complaints and Investigative Statistics – July 2016 – August 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 – September 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

- January 22, 2017 – Tampa
- April 23, 2017 – Fernandina Beach
- July 16, 2017 – Celebration
- October 15, 2017 – Hutchison Island

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:30 p.m.