

MINUTES

FLORIDA BARBERS' BOARD
THE FLORIDAYS RESORT
125662 INTERNATIONAL DRIVE
ORLANDO, FLORIDA 32821

Sunday, October 13, 2019
9:00 a.m. (EST)

General Business Meeting

The Florida Barbers' Board meeting was called to order at approximately 9:07 a.m. by Ms. Veronica Wold, Acting Chair.

Board Members Present

Verinica Wold
Eddie Stewart
Russell Mayer

Board Members Absent

Michelino NiBaldi, Chair (excused)
Antonett Munchalfen (unexcused)

Other Persons Present

Krista Woodard, Executive Director, DBPR
Timothy Frizzell, Assistant Attorney General, Office of the Attorney General
Virginia Dailey
Ulises Cartaye
Bennie Norwood
Dennis Johnson
D'Andre Gardner
LeSedrick Ross
Christian Vargas
Kory Smith
Rafael Moreno
Asis Emory

The meeting was opened with a roll call and a quorum was established. The Board voted to excuse the absence of Mr. Nibaldi from today's meeting and not to excuse the absence of Ms. Munchalfen from today's meeting.

II. APPROVAL OF BOARD MEETING MINUTES

- A. April 7, 2019 – General Business Meeting Minutes
- B. May 6, 2019 – General Business Meeting Minutes
- C. June 9, 2019 – General Business Meeting Minutes
- D. August 5, 2019 – Telephone Conference Call Meeting Minutes

Mr. Stewart moved to approve all of the minutes from the previous meetings as listed on the agenda. Mr. Mayer seconded the motion and it passed unanimously.

III. DISCIPLINARY MATTERS

A. Reconsideration

Ms. Crystal Stephens, Assistant General Counsel, presented the following cases for reconsideration by the Board.

1. **Top Notch Barbershop; Lake Worth; Case No. 2018-052512**
2. **Top Notch Barbershop; Lake Worth; Case No. 2018-011298**
3. **Top Notch Barbershop; Lake Worth; Case No. 2017-056807**
4. **Top Notch Barbershop; Lake Worth; Case No. 2017-041391**

Mr. Christian Vargas, was present and sworn in, stating that the Respondent for these cases had a family emergency and would not be in attendance for today's proceedings.

Mr. Stewart made a motion to table discussion of the cases until the next meeting at which time the Respondent would be able to appear before the Board. Ms. Wold seconded the motion and it passed unanimously.

B. Informal Hearings

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 penalty shown below:

1. **Johnny Willie Wade III; Panama City; Case No.: 2017-030122**
\$13.55 costs only to be paid within 30 days
Revocation of license BR 3678
2. **Opa Locka Barber Shop; Miami Gardens, Case No.: 2019-014495**
\$300 fine and \$65.16 costs to be paid within six months
Re-inspection within 90 days
3. **Luis E. Santiago, Panama City; Case No.: 2017-035565**
\$84.27 costs only to be paid within 30 days
Revocation of license BR 4410

C. Election of Rights Waiver

Ms. Stephens presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, and have elected to waive their rights to a hearing in this matter. The Board moved to 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:

1. **44th Street Barbershop; Oakland Park; Case No.: 2019-009796**
\$1750 fine and \$191.05 costs to be paid within six months
Re-inspection as soon as practicable from the date of the Final Order

2. **Wisner Choute Barbershop; Ft. Lauderdale; Case No.: 2019-027333**
\$100 fine and \$76.96 costs to be paid within six months

D. Motion for Waivers

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:

1. **Rogelio Aguilar; Deland; Case No.: 2018-061117**
\$194.45 costs only to be paid within 30 days
Revocation of license BB 8901190
2. **Allstars Barber Shop; Pompano Beach; Case No.: 2019-022481**
\$250 fine and \$82.19 costs to be paid within six months
3. **Arcadio Almonte de la Cruz; Oakland Park; Case No.: 2019-012335**
\$250 fine and \$42.13 costs to be paid within six months
4. **Faded Barbers; Tamarac; Case No.: 2019-008511**
\$90.20 costs only to be paid within 30 days
5. **Kontrol Barbershop Corp.; Maim; Case No.: 2019-023855**
\$250 fine and \$68.99 costs to be paid within six months
6. **Loquistyles Barbershop, Inc.; Greenacres; Case No.: 2018-061530**
\$300 fine and \$124.06 costs to be paid within six months
7. **Elton S. Mondesir; Delray Beach, Case No.: 2019-024054**
\$250 fine and \$111.73 costs to be paid within six months
8. **Ricardo Montero Mojica; Tampa; Case No.: 2019-005597**
\$250 fine and \$108.46 costs to be paid within six months
9. **One Luv Cuts; Miramar; Case No.: 2019-015647**
\$500 fine and \$82.18 costs to be paid within six months
Re-inspection as soon as practicable from the date of the Final Order
10. **Platinum Barbershop; Delray Beach; Case No.: 2019-019219**
\$500 fine and \$107.90 costs only to be paid within six months
Revocation of license BS 1082509
11. **Dwan D. Powell; Pomona Park; Case No.: 2018-061081**
\$141.14 costs only to be paid within 30 days
Revocation of license BB 8901107
12. **Richard's Barbershop; Pompano Beach; Case No.: 2019-013016**
\$250 fine and \$182.62 costs to be paid within six months

13. **Xavier Santiago Torres; Palm Springs; Case No.: 2018-033150**
\$250 fine and \$151.71 costs to be paid within six months
14. **Scissors Barbershop; Miami; Case No.: 2019-030592**
\$300 fine and \$51.51 costs to be paid within six months
15. **Super Megacutz Corp; Miami; Case No.: 2019-010831**
\$1000 fine and \$51.53 costs to be paid within six months
16. **Top Notch Barbershop WPB, LLC; WPB; Case No.: 2018-031232**
\$2050 fine and \$168.04 costs to be paid within six months
17. **Top Notch Barbershop WPB, LLC; WPB; Case No.: 2019-000357**
\$600 fine and \$168.87 costs to be paid within six months
18. **Upper Kutz Barbershop; Greenacres; Case No.: 2019-021564**
\$500 fine and \$202.75 costs to be paid within six months
19. **Uptown Barbershop, LLC; West Palm Beach; Case No.: 2019-010825**
\$200 fine and \$151.71 costs to be paid within six months
Re-inspection as soon as practicable from the date of the Final Order
20. **Clifton Wilson; Fort Pierce; Case No.: 2018-062956**
\$500 fine and \$151.71 costs to be paid within six months
Re-inspection as soon as practicable from the date of the Final Order

E. Settlement Stipulation

Ms. Stephens presented the following cases for consideration by the Board. The Board moved to adopt the Settlement Stipulations of the parties as the Board's final action in these matters and incorporate them and all of its terms into Final Orders and imposed the penalties shown below:

1. **Blessed Cuts & Styles, LLC; Ft. Lauderdale; Case No.: 2019-014492**
\$250 fine and \$76.97 costs to be paid within six months
2. **Fade Kings Barbershop, Inc.; WPB; Case No.: 2018-032587**
\$200 fine and \$160.65 costs to be paid within six months
3. **Katalog Barber Shop; Margate; Case No.: 2019-026000**
\$200 fine and \$97.96 costs to be paid within six months
4. **Le Chic Barbershop and Salon, Inc.; Lauderdale Lakes; Case No.: 2018-041585**
\$600 fine and \$98.33 costs to be paid within six months
5. **MVP Cuts and Styles; Pompano Beach, Case No.: 2019-015931**
\$250 fine and \$82.19 costs to be paid within six months
6. **The Remix; Lake Worth; Case No.: 2018-059785**
\$750 fine and \$108.95 costs to be paid within six months
7. **Supremes Barber Lounge; Coral Springs, Case No.: 2019-006175**
\$100 fine and \$82.19 costs to be paid within six months

F. Voluntary Relinquishment

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 penalties shown below:

- 1. Daril Orlando Paula Garcia; Naples, Case No.: 2017-043740**
\$33.9. costs only; Voluntary relinquishment of license BB8900515

IV. DEPARTMENT ATTORNEY REPORT

Ms. Stephens informed the Board that as of September 10, 2019, there were 23 public case and 14 private barber cases in the legal section.

V. APPLICATIONS

Licensure Applications

Andre Bruce

Mr. Bruce was not in attendance for the meeting. After review and discussion, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

Ulises Cartaya

Mr. Cartaya was present for the meeting and sworn in by the court reporter. After review and discussion, the Board moved to approve the application.

Elizabeth Corona Reyna

Ms. Reyna was not in attendance for the meeting. After review and discussion, the Board moved to approve the application.

Asis S. Emory

Ms. Emory was present for the meeting and sworn in by the court reporter. After review and discussion, the Board moved to approve the application.

Ibtisam Hamdan

Mr. Hamdam was not in attendance for the meeting. After review and discussion, the Board moved to deny the application for failure to demonstrate completion of formal education comparable to the requirements in Section 61G3-16.005, Florid Administrative Code or that he completed an apprenticeship program of 1200 hours or more in barbering, or that he has a combination of the two.

Dennis Johnson Jr.

Mr. Johnson was present for the meeting and sworn in by the court reporter. After review and discussion, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

Franklin Antonio Lopez

Mr. Lopez was not in attendance for the meeting. After review and discussion, the Board moved to approve the application.

Alberto Mesa Leon

Mr. Leon was not in attendance for the meeting. After review and discussion, the Board moved to approve the application.

Rafael E. Moreno

Mr. Moreno was present for the meeting and sworn in by the court reporter. After review and discussion, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

Joseph Newton

Mr. Newton was not in attendance for the meeting. After review and discussion, the Board moved to approve the application.

Bennie E. Norwood

Mr. Norwood was present for the meeting and sworn in by the court reporter. After review and discussion, the Board moved to approve the application.

Anthony R. Patino

Mr. Patino was not in attendance for the meeting. After review and discussion, the Board moved to deny the application for failure to demonstrate completion of formal education comparable to the requirements in Section 61G3-16.005, Florida Administrative Code or that he completed an apprenticeship program of 1200 hours or more in barbering, or that he has a combination of the two.

Juan Elias Patricio

Mr. Patricio was not in attendance for the meeting. After review and discussion, the Board moved to deny the application for failure to demonstrate completion of formal education comparable to the requirements in Section 61G3-16.005, Florida Administrative Code or that he completed an apprenticeship program of 1200 hours or more in barbering, or that he has a combination of the two. The board also noted that the applicant was previously denied and failed to disclose it on his application.

Kevin Valle Rios

Mr. Valle Rios was not in attendance for the meeting. After review and discussion, the Board moved to deny the application for failure to demonstrate completion of formal education comparable to the requirements in Section 61G3-16.005, Florida Administrative Code or that he completed an apprenticeship program of 1200 hours or more in barbering, or that he has a combination of the two. The board also noted that the applicant was previously denied and failed to disclose it on his application.

Lasedrick M. Ross

Mr. Ross was present for the meeting and sworn in by the court reporter. After review and discussion, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

Kory Smith

Mr. Smith was present for the meeting and sworn in by the court reporter. After review and discussion, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with his criminal probation.

Patrick Wilson

Mr. Wilson was not in attendance for the meeting. After review and discussion, the Board moved to approve the application.

VI. REPORTS

A. EXECUTIVE DIRECTOR REPORT

1. Financial Report for Period Ending June 30, 2019

Ms. Krista Woodard, Executive Director, reported that the balance in the Board's operating account as of June 30, 2019, was over \$3.3 million, and the balance in the unlicensed activity account was \$363,965 for the same period.

B. BOARD ATTORNEY REPORT – TIMOTHY FRIZZELL

1. October 2019 Rules Report

Mr. Frizzell advised that the only outstanding rule that is currently going through the rule making process is Rule 61G3-16.006, F.A.C. Restricted Barber License.

2. Rule 61G3-25, Florida Administrative Code – Inactive/Null and Void Licenses a. Section 455.271, Florida Statutes - HB 827 – Null and Void Status

Mr. Frizzell informed that the Legislature changed Chapter 455.271, F.S. and required each board to establish a reinstatement process for null and void licenses. He advised that DBPR currently has a reinstatement of a null and void license process.

Mr. Frizzell advised that he has drafted proposed language to satisfy the new statute requirement. He advised that the language was provided in the agenda materials and if the board agreed with the language to offer motion to accept the proposed language.

The Board approved the proposed 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.

3. Section 455.213(3), Florida Statutes – General licensing provisions a. HB 7125

Mr. Frizzell advised that this list of criminal offenses, as approved by the Board on November 3, 2012, has already been discussed in length and should the board want to or need to revise the list at any time that the board office would bring the list back to the board for review.

4. 2019-20 Annual Regulatory Plan

The Board voted to ratify the 2019-2020 Annual Regulatory Plan as presented in the agenda materials.

At 12:45 p.m. the Board recessed the general business meeting to convene the closed meeting pursuant to Section 286.011(8), Florida Statutes¹ to have the discussion regarding settlement negotiations and litigation expenditures.

II. RULE 61G3-16.006, FLORIDA ADMINISTRATIVE CODE

– RESTRICTED BARBER LICENSE

- a. Closed meeting pursuant to Section 286.011(8), Florida Statutesⁱⁱ – Discussion regarding settlement negotiations and litigation expenditures
- b. Open Meeting - General Discussion regarding Rule 61G3-16.006, Florida Administrative Code

At 2:15 p.m. the board reconvened the general business meeting for discussion regarding Rule 61G3-16.006, Florida Administrative Code.

The Board unanimously voted upon and agreed to come to a consensus and to proceed with the counter proposal as presented and was given to opposing counsel during the recession. Mr. Milne advised that the Board directed Board Counsels to do further research to determine whether it would be appropriate to add additional wording in the rule as currently drafted to add reference to the fact that minimum educational hours would have a range up to 900 as mandated by the appropriate state and federal regulations. The Board also instructed Board Counsels to enter into abatement, in good faith with the Petitioner, to hold the proceedings at DOAH and if appropriate, to continue with rulemaking to accommodate the range of hours.

VIII. BOARD MEMBER COMMENTS

NONE

IX. PUBLIC COMMENTS

NONE

X. OLD BUSINESS

NONE

XI. NEW BUSINESS

NONE

XII. ELECTIONS

Elections were tabled to a future meeting when more board members would be in attendance.

XIII. DATES AND LOCATIONS OF FUTURE MEETINGS

- **January 5, 2020 – St. Augustine Beach**
- **April 19, 2020 – Sarasota**
- **July 19, 2020 – Celebration**
- **October 11, 2020 – Fernandina Beach**

XIV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at approximately 2:17 p.m.

ⁱ "Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency. . ."

ⁱⁱ "Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the

governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency. . .”