

## **MINUTES**

**FLORIDA BARBERS' BOARD  
Department of Business and Professional Regulation  
Northwood Centre  
1940 North Monroe Street  
Tallahassee, Florida 32399**

**Monday, November 5, 2007 - 9:00 a.m.**

### **General Business Meeting**

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

#### **Board Members Present**

Herman White, Chair  
Carl Troup, Vice Chair  
Jeri Scott  
Robert Collins

#### **Board Members Absent**

#### **Other Persons Present**

Secretary Holly Benson, Department of Business and Professional Regulation  
Charlie Liem, Chief of Staff, Department of Business and Professional Regulation  
Tim Vaccaro, Director, Division of Professions, Department of Business and Professional Regulation  
Robyn Barineau, Executive Director, Department of Business and Professional Regulation  
William Oglo, Assistant Attorney General, Department of Legal Affairs  
Elizabeth Duffy, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation  
Dana Ewaldt, Government Analyst, Department of Business and Professional Regulation  
Alex Bosque, Bureau of Education and Testing, Department of Business and Professional Regulation  
Cindy Peters, Bureau of Education and Testing, Department of Business and Professional Regulation  
Kelly Torres, Bureau of Education and Testing, Department of Business and Professional Regulation  
Alexandra Auguste-Toussaint, Bureau of Education and Testing, Department of Business and Professional Regulation  
Kasandra Broadnax, Bureau of Education and Testing, Department of Business and Professional Regulation

Julie Rowland, Department of Business and Professional Regulation  
Sue Habershaw, Court Reporter

**Interested Parties Present**

Yolanda Munoz-Ramirez, Endorsement Applicant  
Jeffrey Phillips, Elite CME  
Carol Collins

The meeting was opened with a roll call and a quorum was established. Mr. White, Chair, thanked the audience members for attending the meeting.

Secretary Holly Benson introduced Chief of Staff Charlie Liem to the board and welcomed the board to Tallahassee. Secretary Benson informed the board of the document imaging project and thanked them for their support of the initiative. Secretary Benson thanked the board for their support of the 2008 license renewal fee holiday for their licensees.

**Approval of Minutes: Meeting of September 16, 2007**

Ms. Jeri Scott moved to accept the minutes from the September 16, 2007, board meeting. Mr. Carl Troup, Vice Chair, seconded the motion. The motion passed unanimously.

**Disciplinary Matters**

Mr. William Oglo, Assistant Attorney General, inquired if all the board members had received their board meeting materials and if the members had reviewed all the materials. All members responded in the affirmative to these questions.

**Informal Hearing**

Helen Salter; Crestview; 2007-022854

Regarding Case No. 2007-022854 against Helen Salter of Crestview, Ms. Elizabeth Duffy, Assistant Attorney General, requested that this case be pulled from the agenda to be considered at a later date.

Ike's Enterprises; Weston; 2007-006978

Regarding Case No. 2007-006978 against Ike's Enterprises of Weston, Ms. Duffy stated that the Respondent elected an informal hearing, however, the Respondent was not present for the meeting. Ms. Duffy presented the department's case in this matter and suggested assessing a fine of \$1,500 and costs of \$141.71. Ms. Duffy informed the board that the fine and costs are paid in full. Ms. Scott moved that the board find 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,500 and costs of \$141.71. Vice Chair Troup seconded the motion. The motion passed unanimously.

### **Motions for Waiver of Rights and Final Order**

#### **Lisa Glick; Boca Raton; 2007-029150**

Regarding Case No. 2007-029150 against Lisa Glick of Boca Raton, Ms. Duffy requested that this case be pulled from the agenda to be considered at a later date.

Unless otherwise stated, by appropriate motion the board found 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, the board accepted the allegations as stated in the Administrative Complaint and adopted them as the findings of fact and conclusions of law of the board, and imposed the penalties shown below:

- Fade Master La Diferencia; Miami  
Case No. 2007-011530  
\$1,000 fine and \$132.60 costs
- Thomas Santos; Orlando  
Case No. 2006-026926  
\$500 fine and \$427.41 cost
- Willie D. James; Riviera Beach  
Case No. 2006-042266  
\$1,000 fine and \$144.23 costs

### **Settlement Stipulations**

#### **Mr. G's Barber Shop & Beauty Salon; Orlando; 2007-002966**

Regarding Case No. 2007-002966 against Mr. G's Barber Shop & Beauty Salon of Orlando, Ms. Duffy presented the department's case and suggested assessing a fine of \$2,500 and costs of \$68.90. Ms. Duffy informed the board that the Respondent entered into a Settlement Stipulation which incorporated a six-month payment plan. Ms. Duffy noted that three payments have been made, to date. Ms. Scott moved that the board find 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, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$2,500 and costs of \$68.90 and that the final order incorporate a six-month payment plan with the first payment of

\$485.57 being due within 30 days of the date of the final order plus five monthly payments of \$416.67 until paid in full. Vice Chair Troup seconded the motion. The motion passed unanimously.

## **Prosecuting Attorney's Report**

### **Status Report**

Ms. Duffy reported that as of October 31, 2007, there were 57 barber cases in the legal section.

## **Applications**

### **Out-of-Country Endorsement Applications**

#### **Damian Trigiani / Argentina**

Mr. Damian Trigiani's out-of-country endorsement application was denied at the November 13, 2006, board meeting since the documentation failed to demonstrate completion of course work covering the subjects of hair structure and chemistry, and safety, sanitation and sterilization and the completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Trigiani requested an informal hearing in the application denial matter. Mr. Trigiani was not present for the meeting. After review of the additional documentation submitted, Ms. Scott moved that the board approve the application. Vice Chair Troup seconded the motion. The motion passed unanimously.

#### **Roberto Perez / Cuba**

Mr. Roberto Perez's out-of-country endorsement application was denied at the July 15, 2007, conference call board meeting since the documentation failed to demonstrate completion of course work covering chemical services, specifically course work in permanent waving. The application was placed on the agenda in error. Mr. Perez requested a formal hearing of the denial. Mr. Oglo stated that he will contact Mr. Perez's attorney in order to proceed with the formal hearing.

#### **Dionicia Izquierdo-Torres / Venezuela**

Ms. Dionicia Izquierdo-Torres' out-of-country endorsement application was denied at the September 16, 2007, board meeting since the documentation failed to provide evidence of her having completed course work in hair structure and chemistry, and there was no proof of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Ms. Izquierdo-Torres requested an informal hearing in the application denial matter. Ms. Izquierdo-Torres was not present for the meeting. After review and discussion of the additional documentation, Ms. Scott moved that the board approve the application. Vice Chair Troup seconded the motion and the

motion passed unanimously.

Alain A. Cao / Cuba

Mr. Alain Cao was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation failed to demonstrate completion of course work covering the subjects of hair structure and chemistry and shaving services as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Richard DeLa Rosa / New York & Dominican Republic

Mr. Richard DeLa Rosa was not present for the meeting. After review and discussion, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Raquel Fernandez / Dominican Republic

Ms. Raquel Fernandez was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation failed to demonstrate completion of course work in shaving services as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion and the motion passed unanimously.

Jean-Marc Jolicoeur / Haiti

Mr. Jean-Marc Jolicoeur was not present for the meeting. Ms. Scott moved that the board deny the application since the documentation failed to demonstrate completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Bryan M. Jusino / Dominican Republic

Mr. Bryan M. Jusino was not present for the meeting. Ms. Scott moved that the board deny the application since the documentation failed to demonstrate completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion. The motion passed unanimously.

Yolanda Munoz-Ramirez / Dominican Republic

Ms. Yolanda Munoz-Ramirez was present for the meeting along with Ms. Carmen Morrillo translating. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the

motion and the motion passed unanimously.

Ramon E. Rodriguez / Dominican Republic

Mr. Ramon E. Rodriguez was not present for the meeting. After review, Chair White moved that the board approve the application. Vice Chair Troup seconded the motion. Ms. Scott was opposed to the motion. By majority vote, the motion passed approving the application.

Carlos M. Rosario / Puerto Rico

Mr. Carlos M. Rosario was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation provided did not demonstrate completion of 1,200 hours as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion and the motion passed unanimously.

Monfred Sinclair / Costa Rica

Mr. Monfred Sinclair was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation failed to demonstrate completion of course work in the subjects of shaving, safety, sanitation and sterilization or hair structure and chemistry and there was no proof of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion and the motion passed unanimously.

Marilyn Martinez / Dominican Republic

Ms. Marilyn Martinez was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Jean Claude Ouazanan / France

Mr. Jean Claude Ouazanan's out-of-country endorsement application was denied at the November 13, 2006, board meeting since the documentation failed to demonstrate completion of course work covering the subjects of shaving, safety, sanitation and sterilization and the completion of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Mr. Ouazanan requested an informal hearing in the application denial matter. Mr. Ouazanan was not present for the meeting. After review of the additional documentation submitted, Ms. Scott moved that the board approve the application. Vice Chair Troup seconded the motion. The motion passed unanimously.

Exancia Charles / Haiti

Ms. Exancia Charles was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Ulrick Felisnor / Haiti

Mr. Ulrick Felisnor was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Yolanda Matamoros / Venezuela

Ms. Yolanda Matamoros was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Jean Baptiste Michel / Haiti

Mr. Jean Baptiste Michel was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Alis Ortega / Colombia

Ms. Alis Orgega was not present for the meeting. After review, Ms. Scott moved that the board deny the application since the documentation provided did not demonstrate completion of 1,200 hours of course work in shaving services, hair structure and chemistry, chemical services, shampooing services and there was no proof of a written and practical examination as required by Rule 61G3-16.005, Florida Administrative Code. Vice Chair Troup seconded the motion and the motion passed unanimously.

Caresar Rivera / Haiti

Mr. Caresar Rivera was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

Rosalba Rivera / Colombia

Ms. Rosalba Rivera was not present for the meeting. After review, Ms. Scott moved that the board approve the application based on the documentation provided. Vice Chair Troup seconded the motion and the motion passed unanimously.

## Eric Ayache / France

Mr. Eric Ayache's out-of-country endorsement application was denied at the February 5, 2007, board meeting since no curriculum breakdown was provided to demonstrate evidence completion of 1,000 hours of schooling covering the subjects required by Rule 61G3-16.005, Florida Administrative Code. Mr. Ayache requested an informal hearing in the application denial matter. Mr. Ayache was not present for the meeting. After review of the additional documentation submitted, Ms. Scott moved that the board approve the application. Vice Chair Troup seconded the motion. The motion passed unanimously.

## **Old Business**

### National Association of Barber Boards of America (NABBA) 81<sup>st</sup> Annual Conference Meeting Minutes

Ms. Barineau noted that the NABBA 81<sup>st</sup> Annual Conference Meeting Minutes were included in the agenda for informational purposes.

## **Other Business**

### Executive Director's Report

#### DBPR Barbers' Board Newsletter – Fall 2007

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

Ms. Barineau noted that the financial reports for the quarter ending September 30, 2007, will be available at the next board meeting.

### Board Attorney's Report

Mr. Oglo informed the board that the amendment to Rule 61G3-16.009(1), Florida Administrative Code, Display of License, requiring licensees to laminate a picture on their license for posting at their workstations is progressing through the rulemaking process.

#### Rule 61G3-16.0092, Florida Administrative Code – Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements

Mr. Oglo introduced an amendment to Rule 61G3-16.0092, Florida Administrative Code, to mirror the recent amendment to Chapter 455, Florida Statutes,

for electronic reporting of continuing education courses. Mr. Oglo presented the board with the amended language as follows:

“(6) Providers shall maintain a system of recordkeeping which provides for storage of approved courses. Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within 30 business days of the completion of the course ~~or prior to the licensee’s renewal date, whichever occurs sooner.~~ However, the continuing education provider shall electronically report to the Department completion of a licensee’s course within 10 business days beginning on the 30<sup>th</sup> day before the renewal deadline or prior to the renewal date, whichever occurs sooner. The list of attendees submitted electronically to the Department shall not include applicants taking the course for initial licensure. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5<sup>th</sup> of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the licensee. This list shall include the provider’s name and provider number, the name and license number of the attendee, the date the course was completed and the course number. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider.”

Ms. Scott moved that the board approve the changes as presented by Board Counsel. Vice Chair Troup seconded the motion. The motion passed unanimously. Mr. Oglo will move forward with the development of the Rule.

#### Rule 61G3-16.010, Florida Administrative Code, - Supervised Practice Exception

Mr. Oglo mentioned that Vice Chair Troup had previously spoken with several employees in the Tampa Bureau of Investigative Services Regional Office who suggested that the supervised practice exception rule be more narrowly defined. Currently, there are no specific time parameters set forth in the rule to define how long a student can work, under the supervision of a licensed barber, after the completion of an examination. A copy of the proposed draft was included in the agenda. The board agreed that all members need to review the language more closely for further discussion at the next meeting.

#### **Regulation Report**

##### Complaints and Investigative Statistics Report July 2007 – September 2007

Ms. Barineau noted that the Complaints and Investigative Statistics Report for July 2007 through September 2007 was included in the agenda for informational purposes.

## **Bureau of Education and Testing**

Progress Report & Examination Summary

Barber Examination Summary

Restricted Barber Examination Summary

Ms. Kelly Torres, Bureau of Education and Testing, introduced herself to the board. Ms. Torres informed the board that new barber examination items were launched in August and she provided the board with the pass/fail rates for the barber and restricted barber written and practical examination for the current year and the past fiscal year.

Mr. Alex Bosque, Bureau of Education and Testing, asked the board to consider conducting their practical examination standardization in August or November 2008 in conjunction with one of their board meetings. Mr. Bosque added that standardization is the best way to ensure consistency between the examiners when grading the practical examination.

## **Board Member Comments**

There were no board member comments to report.

## **Chairperson Comments**

Chair White stated that after much thought and consideration of the internship proposal, he did not feel as if the board was ready to pursue the legislative initiative at this time. After discussion, the board agreed that there is still a great amount of work needed with the language and they agreed to forego the initiative at this time. Should internship or apprenticeship language be proposed by an outside source during the 2008 legislative session, Ms. Barineau assured the board that she would notify them of the proposal.

## **Public Comments**

There were no public comments to report.

## **Dates and Locations of Future Meetings**

The board will conduct future meetings as follows:

- Monday, February 25, 2008, 9:00 a.m. in Ocala
- Monday, May 19, 2008, 9:00 a.m. in Orlando

## **Adjournment**

There being no further business, the meeting was adjourned at 11:30 a.m.