

MINUTES

FLORIDA BARBERS' BOARD
INTERCONTINENTAL HOTEL
4860 WEST KENNEDY BOULEVARD
TAMPA, FLORIDA 33609

Monday, November 7, 2011

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 9:15 a.m., by Chair Herman White.

Board Members Present

Herman White, Chair
Thomas Vaughn, Vice Chair
Edwin Stewart
Julie Rivera
Andrew Raines

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, Attorney General's Office
Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, DBPR
Dustin Metz, Assistant General Counsel, Office of the General Counsel, DBPR
John Miranda, Inspector, DBPR
Penny Appleton, Court Reporter
Talbert Linwood, Sheridan Technical Center
Zachary Clemons
Sindera Brissett
Michael Blanc
Nelson Sanchez
Demario Hill
Canaveral Nilsa
Daniel Morgan

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

Mr. Edwin Stewart moved to accept the minutes from the August 8, 2011, board meeting. Mr. Andrew Raines seconded the motion and the motion passed unanimously.

Mr. Stewart moved to accept the minutes from the October 4, 2011, board meeting. Mr. Raines seconded the motion and the motion passed unanimously.

DISCIPLINARY MATTERS

Informal Hearings

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

Michael Blanc; Orlando; Case No. 2010.044124

Mr. Blanc was present for the meeting and was sworn in by Ms. Penny Appleton, Court Reporter. Ms. Julie Rivera moved that the board impose a fine of \$500 and costs of \$192.76, to be paid over a period of six months, with the first payment of \$192.76 due within 30 days of the final order and five monthly payments of \$100 each. Mr. Stewart seconded the motion and the motion passed unanimously.

Sindera Brissett; North Lauderdale; Case No. 2010.052597

Ms. Brissett and Mr. Mario Stephens were present for the meeting and were sworn in by the Court Reporter. Mr. Stewart moved that the board impose costs of \$305.92 only. Ms. Rivera seconded the motion and the motion passed unanimously.

Kevin Grant; North Lauderdale; Case No. 2010.061308

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

Marvin Lindo; Tampa; Case No. 2010.022400

Mr. Lindo was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$500 and costs of \$108.61, to be paid over a period of six months, with the first payment of \$108.61 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against barber license BB55272 until all fines and costs are paid. Vice Chair Thomas Vaughn seconded the motion and the motion passed unanimously.

Platinum Cuts; Lauderdale Lakes; Case No. 2010.061312

The Respondent was not present for the meeting. Mr. Raines moved that the board impose a fine of \$500 and costs of \$108.49, to be paid over a period of six months, with the first payment of \$108.49 due within 30 days of the final order and five monthly payments of \$100 each. Mr. Stewart seconded the motion and the motion passed unanimously.

Raz Barbershop and Hair; Orlando; Case No. 2010.062292

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$500 and costs of \$94.43, to be paid over a period of six months, with the first payment of \$94.43 due within 30 days of the final order and five monthly payments of \$100 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Floyd Spence; Miramar; Case No. 2011.024729

Mr. Spence was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$750 and costs of \$80.82, to be paid over a period of six months, with the first payment of \$80.82 due within 30 days of the final order and five monthly payments of \$150 each. Mr. Raines seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Ms. Brown-Blake and 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:

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

The Respondent was not present for the meeting. Mr. Raines moved that the board impose a fine of \$1,000 and costs of \$636.06, to be paid over a period of six months, with the first payment of \$636.06 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.

Victor Costas; Poinciana; Case No. 2010.059319

Mr. Costas was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$250 and costs of \$114.54, to be paid over a period of six months, with the first payment of \$114.54 due within 30 days of the final order and five payments of \$50 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Cut & Curl World; Cocoa; Case No. 2011.033936

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$300 and costs of \$221.71, to be paid over a period of six months, with the first payment of \$221.71 due within 30 days of the final order and five payments of \$60 each, plus suspension against barbershop license BS10629 until all fines and costs are paid. Mr. Raines seconded the motion and the motion passed unanimously.

Hot Spot Barbershop; Kissimmee; Case No. 2010.043727

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$600 and costs of \$335.20, to be paid over a period of six months, with the first payment of \$335.20 due within 30 days of the final order and five payments of \$120 each, plus suspension against barbershop license BS1076424 until all fines and costs are paid. Mr. Raines seconded the motion and the motion passed unanimously.

Claude Johnson; Gainesville; Case No. 2010.045242

Mr. Johnson was not present for the meeting. Vice Chair Vaughn moved that the board impose a fine of \$500 and costs of \$443.67, to be paid over a period of six months, with the first payment of \$443.67 due within 30 days of the final order and five payments of \$100 each, plus suspension against barber license BR1721 until all fines and costs are paid. Mr. Raines seconded the motion and the motion passed unanimously.

The Barber Shop 4th Quarter; Pensacola; Case No. 2011.017887

The Respondent was not present for the meeting. Ms. Rivera moved that the board impose a fine of \$550 and costs of \$612.81, to be paid over a period of six months, with the first payment of \$612.81 due within 30 days of the final order and five payments of \$110 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Settlement Stipulations

Zachary Clemons; Tallahassee; Case No. 2010.045196

Mr. Clemons was present for the meeting and was sworn in by the Court Reporter. 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 \$500 and costs of \$404.98, to be paid over a period of six months, with the first payment of \$404.98 due within 30 days of the final order and five monthly payments of \$100 each, one year of probation against barber license BB52733, plus attendance at two board meetings between February 2012 and January 2013. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Styles Unisex Barber Shop; Miami; Case No. 2010.059157

The Respondent 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 \$500 and costs of \$116.78, to be paid over a period of six months, with the first payment of \$116.78 due within 30 days of the final order and five monthly payments of \$100 each. Vice Chair Vaughn seconded the motion and the motion passed unanimously.

Department Attorney Report

Ms. Brown-Blake informed the board that as of October 14, 2011, there were 35 open barber cases in the legal section.

APPLICATIONS

Informal Hearing

Joel Vega Jr.

Mr. Vega was not present for the meeting. The board denied his application at the August 9, 2011, meeting based on the noted criminal history. After review, Mr. Stewart moved to approve the application. Ms. Rivera seconded the motion and the motion passed unanimously.

Initial Review

Hugo Camara / Puerto Rico

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

Richard Cunningham

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

Roberto Davila Objio / Puerto Rico

Mr. Objio 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.

Rocco Di Bacco / Connecticut

Mr. Di Bacco 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.

Ariel A. Grasset / Puerto Rico

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

Keith D. Hicks / Puerto Rico

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

Demario M. Hill

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

James E. Lebron / Puerto Rico

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

Claude K. Mannuel / Puerto Rico

Mr. Mannuel 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 unanimously.

Daniel K. Morgan

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

Jose Ortiz Cintron / Puerto Rico

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

David Rivera Valentin / Puerto Rico

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

Nelson F. Sanchez

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

Dayan Silva / Puerto Rico

Mr. Silva 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 unanimously.

Silvo Spacca / Puerto Rico

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

Juan David Vazquez / Puerto Rico

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

Continuing Education Provider and Course Applications

Initial Review

Informed

Course Application

HIV/AIDS and Other Communicable Diseases – 2 Hours Home Study/Video

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

Other Business

Executive Director's Report

Financial Report ending June 30, 2011

Ms. Barineau reported that the balance in the board's operating account on June 30, 2011, was over \$812,000 and the balance in their unlicensed activity account was over \$279,000 for the same period.

Florida Barbers' Board Newsletter – August 2011

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

Board Attorney's Report

Rule 61G3-16.005, Florida Administrative Code – Endorsement

Ms. Rachel Clark, Assistant Attorney General, informed the board of the email she received from the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) regarding the board's proposed amendment to this rule. After discussion, the board agreed to continue to move forward with the rule amendment.

Rule 61G3-21.002, F.A.C. – Aggravating and Mitigating Circumstances

The board agreed to withdraw the repeal of this rule as this rule should not have been marked for repeal.

Rule 61G3-21.007, F.A.C. – Stipulations

The board agreed to repeal the rule, and that this repeal would have no negative impact on small business or would likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule repeal.

Rule 61G3-16.009, F.A.C. – Requirements for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS)

The board agreed to open the rule for development, they approved the proposed rule language, they agreed that the rule amendment would have no negative impact on small business or would likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule amendment, and they authorized staff to bring the rule amendment through the promulgation process to adoption:

(3) Courses may be presented as live presentation courses, ~~or~~ home study courses, or video courses. All home study courses shall include a written post course examination which must be graded by the provider. Post-course examinations may be open-book examinations. Persons taking the course must achieve a 75% passing score on all post-course examinations in order to receive a certificate of completion.

Rule 61G3-16.0091, F.A.C. – Requirements for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency (Syndrome HIV/AIDS) for Continuing Education

The board agreed to open the rule for development, they approved the proposed rule language, they agreed that the rule amendment would have no negative impact on small business or would likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule amendment, and they authorized staff to bring the rule amendment through the promulgation process to adoption:

(3) Courses may be presented as live presentation courses, ~~or~~ home study courses, or video courses. All home study courses shall include a written post course examination which must be graded by the provider. Post-course examinations may be open-book examinations. Persons taking the course must achieve a 75% passing score on all post-course examinations in order to receive continuing education credit.

Division of Regulation

Complaints and Investigative Statistics Report – July 2011 – September 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 – September 2011

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

Dates and Locations of Future Meetings

February 6, 2012 – Orlando

May 21, 2012 – Fernandina Beach
August 27, 2012 – Panama City

ADJOURNMENT

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