

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL BUSINESS AND REGULATION

CONFIDENTIAL PROCEEDINGS

VOLUME 2

PAGES 6 - 130

IN RE: BARBERS BOARD
PUBLIC HEARING

MEMBERS OF THE BOARD: KRISTA WOODARD
MICHELINO NIBALDI
VERONICA WOLD
TIMOTHY STEWART
RUSSELL MAYER
TIMOTHY FRIZZELL, ESQ.

DATE: SUNDAY, SEPTEMBER 15, 2019

TIME: COMMENCING AT: 9:03 a.m.
CONCLUDING AT: 11:29 a.m.

LOCATION: SPRINGWOOD SUITES
1300 EXECUTIVE CENTER BLVD
TALLAHASSEE, FLORIDA

REPORTED BY: KAIRISA J. MAGEE
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1 (Proceedings commenced at 9:03 a.m.)

2 MS. WOLD: I thought DBPR wasn't going to be
3 allowed in here.

4 MR. MILNE: No, they're -- they're --

5 MR. FRIZZELL: They're not allowed in.

6 MR. MILNE: You're my client.

7 MS. WOLD: We are, but -- okay.

8 MR. MILNE: You -- the board is. They're --
9 they're merely the agency that supports your
10 efforts, and they're not entitled to be here at
11 the meeting today.

12 MR. FRIZZELL: The shade meeting statute
13 limits it specifically to members of the board,
14 their attorneys, their executive director, and a
15 single court reporter.

16 MR. MILNE: Okay. Okay.

17 So at this point, we need to take the role
18 again, please, Krista?

19 MS. WOODARD: Yes. Michelino Nibaldi?

20 MS. NIBALDI: Here.

21 MS. WOODARD: Veronica Wold?

22 MS. WOLD: Here.

23 MS. WOODARD: Eddie Stewart?

24 MR. STEWART: Here.

25 MS. WOODARD: Russell Mayer?

1 MR. MAYER: Here.

2 MS. WOODARD: Antoinette Montousin has
3 requested to be excused.

4 MS. NIBALDI: So moved.

5 MR. STEWART: Second.

6 MS. NIBALDI: All in favor?

7 (Members respond "aye.")

8 MS. NIBALDI: Any opposed?

9 MR. MILNE: All right. My name is Robert
10 Milne. I'm lead counsel in the litigation. I've
11 been appointed by -- my boss is the head of the
12 Administrative Law Bureau to defend you in this
13 rule challenge brought by FACTS.

14 And FACTS, at this point, has proposed a
15 settlement of this lawsuit. I believe that that
16 settlement has been disseminated to you. It's
17 before you for consideration.

18 There are three options, essentially: You
19 can accept the settlement, reject the settlement
20 and just tell me to keep on litigating, or
21 counter propose --

22 MS. WOLD: I don't have that.

23 MR. MILNE: Okay. Allow me to give you the
24 settlement agreement.

25 MR. FRIZZELL: Is it not in your folder?

1 MS. WOLD: It's not in my folder.

2 MR. MILNE: Here it is.

3 MR. FRIZZELL: Yeah. I brought -- I brought
4 copies of that.

5 MS. WOLD: Is it on the agenda?

6 MS. WOODARD: No, that's it. That's it on
7 the agenda.

8 MS. WOLD: What he has, I don't have.

9 MR. MILNE: Ms. Wold, there's -- there's --

10 MS. WOLD: Thank you.

11 MR. MILNE: -- a cover letter signed by
12 Morris Scally Sheehan (ph), and there is a
13 proposed amended rule --

14 MS. WOLD: Okay.

15 MR. MILNE: -- at 850 hours.

16 MR. STEWART: Do we not have that?

17 MR. FRIZZELL: I have -- I brought extra
18 copies. So I'm handing you --

19 (Simultaneous speaking.)

20 MR. FRIZZELL: It may very well be, but --

21 MR. MAYER: I do have this.

22 MR. FRIZZELL: They're -- they're very
23 similar. There are a lot of very similar
24 documents.

25 (Simultaneous speaking.)

1 But that is different, you're right.

2 That is everybody, so everybody is on the
3 same page.

4 MS. WOLD: Okay. Thank you.

5 MR. MILNE: All right. In -- in order for
6 you, as a board, to consider the settlement
7 proposal, it's also necessary for you to
8 understand where we count the hour in the
9 litigation.

10 And in the last week we have been taking
11 depositions, and our offices had high level,
12 detailed, and frank discussions with the Florida
13 Department of Education, the count -- counsel
14 independent education -- education, NACCAS, the
15 accrediting body for the schools that are members
16 of FACTS. And we've also spoken to the Atlanta
17 office of the United States Department of
18 Education tasked with disbursement of Title IV
19 funding for accredited programs in the barbering
20 context.

21 And all my comments today are confined
22 exclusively to the settlement proposal, the
23 status of the litigation so we can evaluate the
24 merits of the settlement proposal. And I'm
25 filing my comments to the restricted barbering

1 course. Because the rule does not have any
2 impact on the 1,200 hours for the barbering
3 course as the normal barbering course. It only
4 has an impact on the restricted course. So
5 that's what we'll be talking about today.

6 I'm going to give you some overview. In the
7 lawsuit it's called a rule challenge. FACTS has
8 alleged that its membership will be adversely
9 impacted in the immediate future by the operation
10 of a 500-hour minimum rule.

11 Yes, sir.

12 MR. STEWART: Can I ask a question before we
13 get any further?

14 MR. MILNE: Yes.

15 MR. STEWART: FACTS, is this a school that's
16 challenging us?

17 MR. MILNE: It's a trade association, yes.

18 MR. STEWART: Okay. All right.

19 MR. MILNE: And their membership is going --
20 they're saying their membership, a substantial
21 amount of their membership is going to be
22 damaged.

23 Now, to prevail in a rule challenge -- and
24 this is about the most positive thing I can say
25 about the litigation. I've been litigation --

1 litigating in the United Kingdom and here for 39
2 years. And my main function is to litigate and
3 try and win cases. Right. So I'm telling you
4 from what I now know.

5 And we have -- Tim and I have spent an
6 enormous amount of time preparing for this and
7 also fighting the case.

8 Here's where we are. We're going to go to
9 trial on the 26th and 27th of this month in
10 front of the Division of Administrative Hearings.
11 The petitioner bringing the rule challenge is the
12 trade association, FACTS, they have to win to
13 actually get into court. Then they have the
14 burden of proving that they have standing, which
15 means a substantial amount of their members will
16 be adversely impacted in the immediate future by
17 the operation of this rule.

18 If they don't show that, we can knock them
19 out. That's about the only positive thing I can
20 say about the litigation at this point. And I'll
21 go into the less pleasant things about our -- our
22 position in due course.

23 But in our research and talking with the
24 United States Department of Education and in
25 talking with the Florida Department of Education,

1 trying to field witnesses who will support our
2 lawsuit, we were told by the -- by the Florida
3 Department of Education they will not testify in
4 support of a 500-hour rule.

5 We know now that from our depositions and
6 from research with the -- the United States
7 Department of Education and with NACCAS that if
8 they teach a course that exceeds by 50 percent,
9 the minimum required by a state regulation, they
10 will lose accreditation.

11 If they lose accreditation, they'll lose
12 Title IV funding access. And, in fact, if those
13 schools continue to pay up, they have to repay
14 the United States Department of Education.

15 So what does that do? It means at a stroke,
16 the moment this rule goes into effect of 500
17 hours, they will have to immediately start
18 teaching their courses that exceed 500 hours by
19 50 percent. That 50 percent in excess of 500
20 hours is 750 hours. They're teaching at 1,200.
21 They've all signed an agreement, which we've seen
22 in discovery. And all these schools do that have
23 access to Title IV funding and 90 percent of the
24 students rely on this funding to get their
25 education and enter into the profession. They

1 all sign an agreement saying that they will not
2 teach in excess of 50 percent of the hours of the
3 minimum requirement regulated -- required by
4 state regulation.

5 So not only will they be in breach and
6 they'll have to stop teaching that course, not
7 the school, but that course will be discredited
8 by NACCAS. If it's discredited, that's another
9 double blow, because if it's discredited,
10 United States Department of Education will not
11 disburse Title IV funding to an uncredited
12 course.

13 Their regulations are in lockstep and
14 it's -- and we've spoken to the Atlanta office.
15 We know that this is -- we've verified it in the
16 penalty, and nobody in this room intended for
17 that to happen when they were drafting this
18 500-hour rule. What we didn't know about,
19 there's worse. At 500 hours, students can't get
20 a Pell Grant.

21 Even though your intention was to cut
22 through unnecessary red tape and get kids into
23 school and to be complaint and in the
24 professional with the least amount of money
25 'cause it's the right thing to do, at 500 hours

1 they don't even get a Pell Grant. So that's kind
2 of self-defeating at that hour -- at that hour
3 level.

4 The only edge I have at the moment in -- in
5 good faith in the litigation is the damages --
6 the damage allegations raised by FACTS. Yes, we
7 know that this regulatory scheme between USDOE
8 and NACCAS will mean if you're teaching a 1,200
9 and you go to 500 minimum required by the state,
10 those classes have to immediately stopped.

11 What does that mean? They can teach out the
12 kids that are in the cohort on the day before the
13 rule becomes effect. They can teach them out.
14 They can't take another single student the moment
15 that rule goes in effect.

16 In the meantime -- and Tim has had extensive
17 phone conversations with all the stake holders in
18 federal and state government on this. What
19 happens, the schools can't teach that course for
20 a year because it takes roughly a year to maybe
21 12, 13, 14, 15 months for a new compliant course
22 for a restricted barber program to be approved,
23 not only by NACCAS, but the United States
24 Department of Education.

25 MR. FRIZZELL: NACCAS and NCIS.

1 MR. MILNE: NC - whatever. You know what
2 I'm talking about.

3 Having said that, this can be fixed. CIE,
4 the Commission of Independent Education, is quite
5 happy to support a rule where there is 600 hours
6 and a substandard amount of actual barbering
7 skills being taught. It's also been very frank
8 with us, it wants to have a sufficient amount of
9 hours for the students to be safe in the salon
10 when they're touching customers and sanitation
11 and safety, how to hold sharp instruments,
12 straight razors, scissors, that sort of thing.

13 So 500 hours, Florida Department of
14 Education won't testify on our behalf. If they
15 won't testify on our behalf and if inadvertently
16 we deprive these students of the Pell Grant, and
17 they have no actual barbering skills to be
18 certified with internally in our rule, that's
19 really not defensible.

20 My only shot is taking -- taking out the
21 opposition at the initial threshold standing
22 argument by saying, and our depositions show,
23 substantial amount of your members works about 20
24 to 30 percent.

25 At the best it's 30 percent of your

1 membership will be affected when this rule goes
2 in effect, 'cause they won't be able to teach out
3 for a year. Apart from the kids they're teaching
4 out, they can't bring in further Pell Grants.

5 MR. MAYER: They can't bring in new
6 students --

7 MR. MILNE: Exactly.

8 MR. MAYER: -- for a year?

9 MR. MILNE: They're frozen. We're -- we
10 understand that we've seen the documentation that
11 the schools have to sign obliging themselves not
12 to do that and also we know that those Title IV
13 fundings immediately get cut off.

14 So -- and it appears that it's indefensible
15 if our own Department of Education will not field
16 witnesses to support me in this lawsuit at 500
17 hours, and our own rules require that the schools
18 that graduate the students at 500 hours have to
19 certify what their competency is in. And if
20 we're not teaching any competencies, 'cause
21 it's -- as it's currently drafted, its rules and
22 laws and safety and sanitation, it's basically
23 indefensible from a lawsuit position.

24 MR. MAYER: All right. So if they don't
25 pass that first test, is it understood, then,

1 they have to go back for a certain amount of
2 hours if they don't pass the state board tests?

3 MR. MILNE: No, no. What -- there is --
4 they can take the test again. But at 500 hours,
5 they're not going to have the money to get into
6 class, basically, 'cause they're -- they're shut
7 from the Pell Grant. So we have glaring
8 inconsistencies that can't really be justified,
9 because DOE won't support us in this, but I need
10 live witnesses to bring my case forward.

11 My only shot is -- is to fight them on
12 standing. And at this point, they don't have any
13 documentation to show the actual damages, but
14 they've hired a professor at FSU whose specialty
15 is damaged modeling analysis. They will fix that
16 hole in their logic by the time we go to trial.
17 I guarantee it.

18 Having said that, from Friday the Department
19 of Education has advised us that they would be
20 willing to go into court and support a rule of
21 600 hours. At 600 hours you have students that
22 have access to a Pell Grant. At 600 hours they
23 actually have -- and at 600 hours it's obviously
24 half the cost of a 1,200-hour course. You have
25 an attractive proposal to get back into

1 compliance or to enter into the profession. And
2 you've cut through a lot of red tape, but you
3 have minimum barbering schools embedded in your
4 revised rule to address the inconsistencies
5 within the rule. And it makes sense to go on
6 that basis.

7 So from my discussions with -- with the
8 elements in government involved in this part of
9 the education, they would be happy to see a
10 600-hour course where the key components in
11 barbering skills are actually taught that can be
12 then certified by the schools and these kids
13 actually have concrete skills and can go forward.

14 So -- and I can give you further chapter and
15 verse and detail and documentation at a later
16 time, if you -- if you like, from our discovery,
17 which is public record at this point, as to the
18 interlocking relationship with USDOE and NACCAS
19 about their prohibition about 50 percent being
20 more than 50 percent of ours being taught under
21 the minimum regulation. So that's where we are.

22 And at this stage, it's appropriate to
23 consider the settlement offer.

24 Now, I have some further information on the
25 settlement. They're proposing an 850-hour

1 course. Well, guess what, at 850 hours they are
2 not teaching in excess of 50 percent of the
3 minimum if -- of 850. They can teach their 1,200
4 course -- 1,200 courses. But we also know their
5 own experts have said, under oath, just for the
6 regular barbering course, they could just
7 professionally design a course that would please
8 everybody at 900 hours, that has the 300 hours of
9 chemicals that regular barbers need and -- I'm
10 not an expert in this. I'm calling it "regular
11 barbers" as opposed to "restricted barbers."

12 MS. WOODARD: Restricted, yes.

13 MR. MILNE: So it's 300 hours of chemicals,
14 and then 600 hours of the rest of it, and you've
15 got a regular barber program. They've just
16 shaved it --

17 MR. MAYER: Shave it at 300 hours.

18 MR. MILNE: Yeah. They've shaved 300 hours
19 at a stroke. They're offering 850, because even
20 at 850 they can still have access to that Title
21 IV, and they don't get discredited, and they're
22 not in excess of the 50 percent internal
23 prohibition and so forth.

24 MR. MAYER: Well, you would think the
25 schools lowering the hours by 300 hours, it would

1 bring -- they're going to say they're going to
2 lose money, but that's also to bring in more
3 students. It will be more affordable --

4 MR. MILNE: Yes, certainly.

5 MR. MAYER: -- to cover those costs.

6 MR. MILNE: That's one of the arguments that
7 we have considered.

8 MR. MAYER: Okay.

9 MR. MILNE: Literally you're on the money.

10 Okay. So there's -- we've heard a lot of
11 pointing of the most bleak damage models, but
12 what's really going to happen is, if we -- if
13 they're in excess of the 50 percent, they're
14 going to have to rapidly bring a new complaint,
15 lesser downgraded, downscaled in hours course to
16 bear. It takes about a year for that to happen.

17 So they're going to be a year out in lost
18 revenue. And -- and that is -- I'm sure you
19 didn't intend that to happen when you were
20 drafting the rule. So you're looking to the
21 students and trying to get the students
22 unburdened from red tape, unburdened from the --
23 from unnecessary cost, and get them into the
24 profession.

25 But since we now know that their own --

1 FACTS's own experts is -- of private -- well,
2 private -- they have said under oath, We can do
3 this at 900.

4 Well, we all know restricted barbers don't
5 need chemicals. Restricted barbers need 600
6 hours, if we follow their math, and their math is
7 from their own experts. So not only at 600 hours
8 does that jive with what their experts says can
9 be done professionally. And that's being --
10 taking the words out of the mouth of the
11 opposition. It also gives the students access to
12 a Pell Grant and it also means that our Florida
13 Department of Education is -- is going to support
14 that rule; so ...

15 MR. STEWART: That makes sense.

16 MR. MILNE: And it was inadvertent damage
17 that we're causing that nobody intended this
18 to -- to reap that sort of damage, but by the
19 same token, we didn't know this really until we
20 took three days -- two days of depositions down
21 in Fort Lauderdale and we spent a lot of time
22 researching this and then we verified this
23 independently with USDOE, NACCAS, and our
24 Department of Education. And it was telling to
25 us that at -- on Friday they said, we can't --

1 we're not going to give you any witness, but if
2 you do 600 hours, we're happy to testify, and
3 this is what we'd like to see.

4 So before I go any further, is that clear to
5 you, ladies and gentlemen?

6 MR. MAYER: Since I haven't attended any
7 other meetings as a group here, we're for the
8 State of Florida --

9 MR. MILNE: Yes.

10 MR. MAYER: -- right?

11 And what hours are we exactly hoping to set?
12 Or is that -- do we have a number in mind yet?

13 MR. MILNE: We -- we had a rule of 500, but
14 it means that, if at 500 you can't get kids to
15 get a Pell Grant -- I mean, they've got to have
16 money to start with -- the reality is you're not
17 going to have any funding. Those courses will be
18 out of funding, and they won't be attended.

19 MR. MAYER: That's what I was thinking, 500
20 is a little low --

21 MR. MILNE: Yeah.

22 MR. MAYER: -- definitely --

23 MR. MILNE: Yes, sir.

24 MR. STEWART: Excuse me. Could I ask: What
25 does the governor's office think?

1 MR. MILNE: Well, the governor's office is,
2 with great respect to them, relying on you, as
3 the experts here, to find the right way forward.

4 All I can tell you -- and because they've --
5 they've calibrated this settlement so that
6 they're protecting the financial interests in
7 getting access to Title IV monies, by having the
8 850. That's safe for them. Now, your task has
9 been to get the students into the profession
10 without having to spend unnecessary amounts of
11 money or unnecessary amounts of clock hour time
12 that they have to pay for. They're going into
13 debt for this. To get that --

14 (Simultaneous speaking.)

15 MR. STEWART: Can -- can I say that I am a
16 former teacher and program director of a barber
17 school? I hate to tell you this, but Pell Grants
18 is a way to make money for the students to buy
19 cars to buy clothes to buy grass, whatever they
20 choose to buy.

21 And the second thing is our programs, no
22 matter what they are, no matter what the hours
23 are -- not the -- not the rule. They are a
24 suggestion.

25 DOA is not going to back you up one minute

1 on what you do, 'cause they just don't do that.
2 They -- they say, I don't know. That person is
3 out. You'll need to talk to Tim.

4 Well, I know two or three Tims that don't
5 even work there that I can talk to, but the
6 problem is we're talking about making restricted
7 barbering achievable.

8 MR. MILNE: Correct.

9 MR. STEWART: They don't need to know
10 anything about shampooing 'cause most of them
11 don't even have a working shampoo bowl in their
12 shops. Those regular barbershops are four chairs
13 and a sink over there that they can't use.

14 MR. MAYER: Correct.

15 MR. STEWART: So the industry is loading
16 people in, because they're getting Pell Grants,
17 and they're working just long enough to find out
18 this is not an easy business. You must be behind
19 that chair --

20 MR. MAYER: Over half of the students -- you
21 know, half of the students that graduate don't
22 end up in barbering after a year. They've left
23 to pursue the profession, they can't handle it.
24 And so it's probably a little bit more than
25 50 percent now.

1 MR. MILNE: Gentlemen, if -- if I may. In
2 the shade meeting it's an exception to our
3 government in the sunshine law, and if we go
4 outside discussing the settlement pros and
5 cons -- and I've given you the context of our
6 litigation for you to come to that decision -- we
7 will breach the exemption, and then all this is
8 public record. So I would ask that we stay
9 within the protection of the shade meeting --

10 MR. STEWART: Yes.

11 MR. MILNE: -- and we restrict --

12 MR. STEWART: So basically what you're
13 saying is you can give us information, but we
14 can't give it to you?

15 MR. MILNE: No. I'm -- I'm saying for you
16 to make a decision on whether to accept the 850
17 proposed or to reject it and to say to Timothy
18 and me, Guys, just go (indiscernible) and keep on
19 litigating.

20 And I'm happy to do that, but my only shot
21 of winning does not come out of the threshold
22 standing issue and say to the judge, Judge, they
23 don't have a substantial amount of their board --
24 their -- their association members who are going
25 to be affected, it's only 20 percent, and anyway,

1 that's going to happen a year from now.

2 If we get to the failure to adhere to basic
3 rule-making process, such as having a rule that
4 is internally inconsistent, well, because we
5 did -- the State would have estimated regularly
6 cost wrong, which we probably may have done.
7 It's open to criticism. We lose on those two.

8 We've got one shot, but the other two shots
9 are probably indefensible. So if I don't get
10 them out the door on the threshold issue of
11 standing, as this rule is currently drafted, I
12 don't have any live bodies from Department of
13 Education to support it. I'm going to lose the
14 case.

15 That's why in this context I believe your
16 options, then, are to either accept this or make
17 a counter proposal and --

18 MS. WOLD: That's my -- that was my thought.

19 MR. MILNE: Yeah, yeah. So I think
20 rejecting it out of hand and just saying to me,
21 Go litigate, Rob. It's fine to Rob, because
22 that's what I do, and I'll do it to the best of
23 my ability.

24 As to counsel, do I think that's achievable
25 or even reasonable? Probably not. I would say

1 these guys, board members, given where we are and
2 what we now know -- and we've known a lot of
3 information of record for the short period of
4 time, and we're giving you this from the highest
5 levels of these institutions that we've talked
6 to. The recommendations before you, in real
7 terms, unless you decide otherwise, is either to
8 accept the 850 hours or make a counter.

9 Now, on the 850, they have protected their
10 interests financially, and they're very sanguine
11 about that. But we know from what their own
12 experts have said for restricted course, if you
13 take out the 300 of the chemicals, you can do
14 that in 600.

15 I have somebody who will testify on my
16 behalf at 600. I've -- and in the last -- since
17 I've been down in Fort Lauderdale litigating
18 this, I met with Mike, our board chair. I've
19 shared with him -- and he's seen the litigation
20 documents, and we've kept him up -- up -- we've
21 briefed him periodically on what we found out
22 from leadership in these government agencies.

23 MR. MAYER: So he's saying that it can't be
24 done professionally at 600 hours?

25 MR. MILNE: Yes, sir.

1 MR. MAYER: I agree with that if correct --
2 (Simultaneous speaking.)

3 MR. STEWART: Let -- let me just school both
4 of you young fellows. In 1964 when I went to
5 Tallahassee Barber School we went 600 hours.

6 MR. MILNE: Okay.

7 MR. STEWART: And I was trained, and I've
8 been cutting hair 50 years.

9 MR. MILNE: Right.

10 MR. STEWART: Six hundred hours was all they
11 required, and that was -- we did beard trims. We
12 did light dying. We did -- we didn't do perms.

13 MR. MILNE: Right.

14 MR. STEWART: We didn't do the full color.

15 MR. MILNE: And -- and that would be
16 consistent with the current restricted program.

17 MR. STEWART: Well, I said with the 500
18 hours, somebody went through a lot of trouble --

19 MR. MILNE: Right.

20 MR. STEWART: -- to get this 500-hour thing
21 drawn up here, and just because you don't
22 think -- well, I think you can. I don't -- I
23 don't think that -- the only people that you're
24 satisfying are -- you're playing to the schools.

25 MR. MILNE: I was what?

1 MR. STEWART: The schools, the barber
2 colleges. They have been jerking the barber
3 board around for 30 years. They have -- they do
4 not have anything that associates them to the
5 barber board. They do everything through DOAH.
6 If they want hours, they go to DOAH. If they
7 want funding, they go -- whatever they want, they
8 go to DOAH. They don't ask the barber board to
9 regulate them. They don't ask us to set their
10 curriculum.

11 MR. MILNE: Are you saying, sir, that the
12 school's approach is merely to litigate what they
13 want?

14 MR. STEWART: They won't litigate what they
15 want.

16 MR. MILNE: Well, if we can stay within the
17 sphere of our litigation, I believe the realistic
18 options are then to -- and to stay within our
19 shade meeting, because nothing that I advise you
20 on or your comments are public record until the
21 end of the litigation has happened, because that
22 protects our discussions and your directions
23 to -- to me and Tim, as your trial counsel.

24 That's attorney-client privileged for the moment.

25 MS. WOLD: So do we make a motion to deny?

1 MR. MILNE: What -- what we'll do is, you --
2 you have to come to a consensus as to what you
3 guys want to do. You're either going to accept
4 this 850, or there is a counter proposal. I
5 don't think it's realistic just to reject them;
6 tell them to go -- I can take ten more
7 depositions and argument of the threshold issue,
8 but if I lose, uncorrected as it is, I'm probably
9 going to lose. And it's not the best use of your
10 time or money. And if we don't have to have a
11 judge make that decision, if we can fix this, I'd
12 rather you have the power to fix it, then we give
13 it to a third party who doesn't know anything
14 about your profession.

15 MS. WOLD: So I'm okay with that. I'm okay
16 with getting -- not taking 850 --

17 MR. MILNE: Right.

18 MS. WOLD: -- and changing it to 600.

19 MR. MILNE: Okay. On -- on that point, I
20 have been in pains to tell your board chair where
21 we are in lockstep. And the latest communication
22 from DOE was -- sorry -- from -- well, we spoke
23 to DOE on Friday, but then when we were told by
24 our Florida Department of Education they can
25 support 600, we did -- then did a whole new

1 analysis.

2 Michelino has taken the Department of
3 Education's recommendations or suggestions and
4 revised the rule for your consideration as a
5 counter proposal, which Tim is going to show you
6 now.

7 MR. STEWART: Do you know --

8 MR. MILNE: What's that?

9 MR. STEWART: I'm not sure what I'm allowed
10 to say to you because you've just said you -- we
11 can't talk about certain things, but the -- we
12 don't require 1,200 hours as you've been saying.
13 If you look in the law book, it's about the
14 third or fourth page over, is it only requires,
15 like, 750.

16 MR. MILNE: Well, we're dealing with a
17 proposed rule challenge.

18 MS. WOLD: Why not --

19 (Simultaneous speaking.)

20 MR. STEWART: I understand that. What I'm
21 saying we don't -- that's not the proposed --
22 that's not the law. We don't require 1,200
23 hours.

24 MR. MILNE: We're in the situation within
25 the scope of this discussion where the realities

1 are, if this rule became effective, if they lose
2 the rule challenge as currently drafted, it will
3 go into 500. That will be the minimum. It
4 doesn't have to be the minimum. You could teach
5 longer than, but you can't teach more than
6 50 percent of 500. Based on that we --

7 MR. STEWART: Well, 50 percent of 500, does
8 that mean they can only do 250 additional?

9 MR. MILNE: Additional. So --

10 MR. STEWART: Or can they do 500 additional?

11 MR. MILNE: No, if -- if the minimum is 500
12 today, as a matter of law they can teach to 750.

13 MR. STEWART: That's what we would require
14 now?

15 MR. MILNE: Yes, sir. That's what this rule
16 would require.

17 MR. STEWART: And that's what -- okay. That
18 would get them their Pell Grants if that's
19 what --

20 MR. MILNE: Yes.

21 (Simultaneous speaking.)

22 MR. STEWART: -- if we do it for 500 hours,
23 as is proposed.

24 MR. MILNE: No, no. If as proposed, you
25 don't get a Pell Grant. If you go to 600, you

1 get a Pell Grant.

2 MR. STEWART: We -- we -- we can do 500.
3 They can -- they can put the extra 250 hours on
4 and get Pell Grants?

5 MR. MILNE: Yes.

6 MR. STEWART: So what's the big deal? Let's
7 go to 500 --

8 MR. MILNE: Well --

9 MR. STEWART: -- make it easy for the guy
10 that can't get a Pell Grant.

11 MR. MILNE: Okay.

12 MR. STEWART: You can't get a Pell Grant;
13 you can't get a Pell. There's nobody in this
14 room that can get a Pell Grant. So you're
15 talking about people that are using the system to
16 get Pell Grants.

17 MR. MILNE: Again, we're -- we're going
18 outside the scope.

19 MR. STEWART: I understand. But you keep
20 shushing me because you're a lawyer and that's
21 how y'all do. I'm not a lawyer; I'm barber, and
22 we talk.

23 MR. MILNE: Okay.

24 MR. STEWART: And I'm telling you that this
25 500-hour proposal is just fine. Let them get it.

1 They can put 250 extra hours on there, get all
2 the money they want. And a man that's washing
3 cars or greasing cars but his wife is a teacher's
4 aide and their family income is too high, he
5 can't get into the program because some person
6 that's sitting home watching television, and As
7 The World Turns, decides they need to get a
8 little something something coming in, and they go
9 to get a Pell Grant.

10 But I've got a school in my town that is
11 almost loaded up with students, and they're the
12 ones that can't get Pell Grants. They're the
13 ones that can't go to Pensacola State at night.
14 They're the ones that want to get into the school
15 and get out so they can get into the barbershop.

16 It's -- it's called the Barber Academy owned
17 by a nice, young, black man in Pensacola, and
18 he's -- he's got all the students and all the
19 business he can do.

20 And it's -- you know, this is -- this
21 persons that are coming after the barber board,
22 we've been come after with a lot better than
23 that. And most of the time we lose because
24 nobody backs us up.

25 MR. MILNE: If I can talk about losing at

1 500, and we're in the context of litigation and
2 we are in lockstep, I can't avoid the litigation,
3 we've got to go forward with the litigation 500.
4 If we don't prevail on standing and their
5 position, isn't that great -- it's not
6 undefensible, but they're going to improve their
7 position by the time we get to trial.

8 MR. STEWART: I expected you to do the same
9 thing.

10 MR. MILNE: And so do I. And that's --
11 (Simultaneous speaking.)

12 MR. MILNE: I've got to say -- I've got the
13 same attitude in litigation --
14 (Simultaneous speaking.)

15 MR. STEWART: Let's go get them.

16 MR. MILNE: If -- if I don't get past
17 that -- and let me advise you, the Court will
18 hear the standing argument, but it will then hear
19 the rest of the case anyway. And then come to
20 the decision at the very end whether they lost on
21 standing or not. But it's going to hear the
22 whole case.

23 Once it's heard the whole case, that's
24 potentially going to give a different context to
25 how the Court looks at the standing argument, and

1 our chances of prevailing, if we don't do
2 anything to fix this rule, are not good.

3 MR. STEWART: Do you know how many hours or
4 how many courses you've got to have to be a
5 barber instructor?

6 MR. MILNE: No.

7 MR. MAYER: It's 1,500, isn't it?

8 (Simultaneous speaking.)

9 MR. STEWART: You've got to have a license
10 for five years. That's it.

11 (Simultaneous speaking.)

12 MR. MAYER: Oh, I thought you had to have --
13 extend the hours over the five years.

14 MR. STEWART: Nope, nope, nope, nope, nope.

15 MR. MILNE: I'm the first one to say that I
16 was, until about two weeks ago, ignorant of
17 the -- I've had the benefit of your profession,
18 but I have -- I don't know the internal
19 relati- --

20 MR. STEWART: Do you know who did that to
21 us?

22 MR. MILNE: Who's this?

23 MR. STEWART: DOAH.

24 MR. MILNE: Okay.

25 MR. STEWART: The Department of Education.

1 Do you know that barber schools have no
2 inspection? Do you know who did that to us?
3 DOAH.

4 Do you know that we just heard 300 cases in
5 the last year, year and a half -- and Walter was
6 in the group where we had people that had gone to
7 a barber school, stolen their template --

8 MR. MILNE: Yeah.

9 MR. STEWART: -- and wrote all the
10 information they needed to get licensed from
11 Florida based on their Cuban or Colombian
12 education, and they'd never been to Cuban or
13 Colombia. So there's nobody inspecting the
14 school record.

15 Guess who did that to us? DOAH.

16 MR. MILNE: All right --

17 MR. STEWART: So we're -- we have had DOAH
18 up to here.

19 Unfortunately, Ms. Woodard has only been
20 with this group a short time. And Julie Roland
21 is recovering from a tragic illness.

22 They could just tell you horror stories
23 about the things we've gone through, but then
24 they come back. They go to a real barber school
25 for 200 hours.

1 MR. MILNE: Well, let's just -- let's --
2 (Simultaneous speaking.)

3 MR. STEWART: One month. Wait a minute,
4 please.

5 One month. They go to school one month,
6 and then they come back to the us 'cause the
7 school has legally evaluated them. So they went
8 to school basically, at the most, 200 hours and
9 they're getting credit for having gone to barber
10 school after they cheated us a year ago.

11 So this is not something we just started
12 playing with. We've been playing with this ten
13 years. And it had -- thanks to Julie and her --
14 she just enjoyed busting people's butts. And
15 she -- she kept -- we got 300 illegals off the
16 street.

17 Now, we go to board meetings every three
18 months, and we sit there, and we do unlicensed
19 activity. Do you know how many --

20 MR. MILNE: Mr. Stewart, if we're going to
21 stay within the very narrow confines of our shade
22 meeting and keep my and your discussion with the
23 board members privileged and confidential until
24 the end of the litigation, I urge you to please
25 help me preserve that exception by addressing

1 what we can only address today. And I'm getting
2 a lot more context from your comments, which only
3 inform me better, and I appreciate your candor.
4 Having said that, we really must draw the circle,
5 stay within the circle.

6 MR. STEWART: Well, under that circumstance,
7 why did we bother to come down to Tallahassee?

8 MR. MILNE: Because I have --

9 MR. STEWART: We could of done this on the
10 telephone, just say, Well, do what you want to
11 do.

12 MR. MILNE: Well, I have, currently,
13 litigation going on, on the 26th and the 27th.
14 I have a shot at winning on standing, but if I
15 don't win on standing, it's all going to rapidly
16 unravel and go badly.

17 We have an opportunity to --

18 MR. STEWART: How bad could it go? I've got
19 a license.

20 MR. MILNE: Well, this is what will
21 happen --

22 MR. STEWART: I've got a license.

23 MR. MILNE: The -- the judge will say, This
24 is an invalid rule. He'll strike the rule.
25 We'll start from scratch. Which is fine, we can

1 start from scratch. We'll be much better
2 educated, but we will have to do a new rule. Or,
3 because I'm in the middle of this litigation, it
4 will be appropriate for you to consider a counter
5 offer if that's your pleasure. And if that's
6 your pleasure, you've seen the counter offer
7 proposal drafted by Michelino Nibaldi.

8 I'm going to ask him to fill you in on this
9 counter proposal, and then I'll finish with some
10 comments of my own about where we are in the
11 litigation. Okay?

12 Sir, I yield the floor.

13 MR. NIBALDI: Thank you.

14 Good morning, board members. I've had the
15 opportunity to work with Rob and Tim on this and
16 seeing a lot of their discovery and the
17 litigation. From my personal take on this, I
18 would prefer to reject Morris Scanley Sheehan's
19 proposal of 850 hours, and now what you see in
20 front of you today is a 600-hour course.

21 As you all know, or some of you may not,
22 because two of you gentlemen are new today, the
23 original proposal was for 500 hours. We were
24 just learning Florida laws and rules and safety,
25 sanitation and sterilization.

1 It's my personal opinion that this would
2 work much greater in the sense of many points
3 that Rob has made. The students will be able to
4 get their Pell Grants. I believe, as a board,
5 we'll see a lot less unlicensed activity, and
6 they'll actually have some competency now where
7 they'll learn practical skills.

8 As you see here, we have some hours in
9 different areas with beard trimming, haircuts --

10 MR. MILNE: It would be useful to go through
11 what you've suggested.

12 MS. NIBALDI: Okay. So we have No. 1,
13 Florida's laws and rules at 50 hours; safety,
14 sanitation, and sterilization at 175; hair
15 structure and chemistry at 75.

16 MR. STEWART: Why do restricted barbers need
17 hair structure and chemistry?

18 MR. NIBALDI: Well, let me finish, and then
19 we'll --

20 MR. STEWART: I'm just asking.

21 MR. NIBALDI: Yeah, yeah.

22 MR. STEWART: Just making a note so you can
23 underline that when you go back.

24 MS. NIBALDI: Absolutely.

25 MR. STEWART: They don't need to know one

1 minute of hair structure and chemistry, 'cause
2 they can't do none of it. So knock that 200 --
3 that 75 off, and you're already down to almost
4 the 500 that I suggested or that the governor
5 suggested.

6 But I didn't mean to interrupt.

7 MR. NIBALDI: No. 4 is haircutting, 200
8 hours; shampooing at 25; and shaving, beard, and
9 mustache trimming at 75. So you'll have a total
10 of 600 hours.

11 Also, with this they will not be able to
12 challenge the board, which I believe was at 300
13 hours at the initial proposal; correct? They
14 would have to do the full 600 hours of the
15 program. Which I, personally, am more
16 comfortable with, as well.

17 Now, as far as the hours, I believe that is
18 open up for discussion.

19 MR. MILNE: There -- there's also -- if I --
20 if I may also point out to -- and this counter
21 proposal also addresses their damage complaint.
22 And I know inadvertently there is going to be
23 damage to 20 to 30 percent of these schools who
24 will lose revenue over that year.

25 As drafted, this counter proposal

1 grandfathers in those schools for a year from
2 when the rule goes into effect. So they can
3 immediately get the compliant course up and for
4 accreditation, which takes about 12 months, but
5 in that 12 months, they can still teach the old
6 course. But then that disappears after 12
7 months, and they can no longer teach it again.
8 But that cuts out from under them the argument
9 that we don't care about the fact that they lost
10 profit and they can't teach their course. So the
11 very limited grandfathering mechanism is to --
12 and we're in litigation, is to address their
13 damage model.

14 So -- and that was my suggestion, because as
15 a litigator, I'm trying to figure out how can I
16 work around this, bypass that, fight on this, and
17 win on that. So that's why that's come in there,
18 because that might take the wind out of their
19 sails, 'cause, at the end of the day, they're
20 concerned about protecting their money.

21 Another thing that came out of the discovery
22 is --

23 MR. STEWART: I can produce that training.

24 MR. MILNE: -- if they have a minimum of
25 500 -- as Mr. Stewart very correctly pointed out,

1 he skewered the point. He said, Well, they could
2 teach up to 750.

3 We've heard testimony that, in reality, if
4 the minimum is 600, all the schools are going to
5 be teaching 600. They're not going to be
6 teaching any more than that, 'cause they have to
7 compete. But I -- I --

8 MR. STEWART: Their choice.

9 MR. MILNE: Their choice, but it's going to
10 be marginal --

11 MR. STEWART: If they don't want the Pell
12 Grant --

13 (Simultaneous speaking.)

14 MS. WOLD: I would like to know why a board
15 member was -- is drafting -- and this is nothing
16 against you -- why a board member is drafting
17 hours without the board, as a whole?

18 MR. MILNE: Because it's only --

19 MS. WOLD: Because that's not how it's been
20 done in the past.

21 MR. MILNE: For sure. We're in litigation
22 mode. We got this information --

23 MS. WOLD: Then we should be on a conference
24 call doing this stuff together.

25 MR. MILNE: Well --

1 MR. STEWART: You know, there's nothing in
2 here about evaluation, getting the data, they can
3 go back to the other one and evaluate somebody --
4 there's not one word in your evaluation.

5 MR. MILNE: If I may address your comment,
6 ma'am.

7 I got back from South Florida on Friday.
8 Other people in my office are tasked with dealing
9 and -- and getting information back from USDOE,
10 the accrediting organization, NACCAS, and from
11 Florida Department of Education.

12 It came to a head by Friday afternoon when
13 we got this information. It was not practical to
14 address this and lay it out for you until --

15 MS. WOLD: So did you just choose a member,
16 or how did that work?

17 MR. MILNE: The chair has been -- I've been
18 reporting to him, because he's -- he's --

19 MS. WOLD: Co-chair or assistant chair?

20 MR. MILNE: Yeah, the assistant chair.

21 He's been accessible, and you are --

22 MS. WOLD: Because she's -- she's gone, he's
23 in charge?

24 MR. MILNE: Yes. You are my client. He was
25 accessible, and he came up to Tallahassee to help

1 educate me --

2 MS. WOLD: I understand.

3 MR. MILNE: -- and -- and work on this, but
4 this is merely a draft. This is not carved in
5 stone. This is taking on board comments from
6 Department -- Florida Department of Education for
7 your consideration, but it ultimately is for you
8 to decide how to --

9 MS. WOLD: Well, I think No. 1 and No. 2 are
10 way off, because the majority -- I -- I would say
11 90 percent of the problem you see, as a board,
12 have to do with No. 1 and No. 2.

13 MR. MILNE: Okay.

14 MS. WOLD: Not chemistry and shampooing, at
15 all.

16 MR. MILNE: And that's my ignorance, but
17 also it may be the uninformed but well
18 intentioned --

19 MS. WOLD: Well, I don't do hair. I'm a
20 citizen.

21 MR. MILNE: -- comments from USDA.

22 MS. WOLD: I just know from being on the
23 board what's come before us so many times that I
24 also know --

25 MR. MAYER: I do think you have some good

1 points there. I agree with you. As a barber for
2 45 years, how long does it really take you to
3 learn to shampoo somebody's hair if it's not
4 long? I mean, it could work --

5 (Simultaneous speaking.)

6 MR. MILNE: And we all shampoo our own hair.

7 (Simultaneous speaking.)

8 MS. WOODARD: Wait. Can we hold? The court
9 reporter can only get one person speaking at a
10 time. I'm sorry.

11 MR. STEWART: You need to speed up.

12 What we're talking about is how did these
13 laws and all get -- I was there when they drafted
14 them, believe it or not. They did a lot of these
15 numbers to keep cosmetology from being the only
16 ones that could do perms. And they had to start
17 teaching this, that, and the other; so they
18 started assigning hours.

19 Well, in the book about ten years ago, they
20 decided the hours wasn't how we needed to do
21 this. It had to be weighted. Then of the test,
22 75 percent of it had to be about this; 25 had to
23 be about this or however they -- so it was about
24 the weight.

25 So you'll notice in the law book it changed

1 from hours to weight and percentage. They did
2 this so that barbers could do perms, because the
3 cosmetology department was coming after us. They
4 were shutting down shops charging for doing
5 perms. So we had the meetings and went through
6 all the stuff.

7 We actually had to go before the board and
8 convince them that we needed to be able to have
9 shampoo girls, that we needed to be able to have
10 perm -- do perms, stuff like this. So all this
11 comes from there.

12 You never had to have 25 hours in shampooing
13 until 20 years ago or 30 years ago when we started
14 wanting to do perms. When men quit wearing nice,
15 short haircuts, like you gentlemen are wearing, and
16 they starting wearing hair down to their shoulders,
17 and they wanted it to be permed so they -- these
18 things have changed. And then somebody turned it all
19 over to DOAH, bless their hearts.

20 MS. WOLD: Do we have the 500-hour ruling
21 that we voted on as a board?

22 MR. FRIZZELL: Yes.

23 MR. MILNE: Yes.

24 MS. WOLD: What -- what was the hours?

25 MR. MILNE: It was 500.

1 MS. WOLD: Yes. And disseminated how?

2 MR. FRIZZELL: 350 in safety, sanitation,
3 and sterilization, and 150 in Florida laws and
4 rules.

5 MS. WOLD: I think we should take that
6 and -- and add in -- or decrease it a little bit
7 and add in maybe haircutting and --

8 (Simultaneous speaking.)

9 MR. MILNE: So I would say this --

10 MS. WOLD: But we voted on that as a whole,
11 because that was where the majority of our cases
12 are coming from.

13 MR. MILNE: Right. The -- the deficiency in
14 the rule, as it stands, is you don't have any
15 competencies in actual barbering skills.

16 MS. WOLD: Right.

17 MR. MILNE: And that is a glaring
18 inconsistency in your rule and --

19 MR. STEWART: The not the intent of the
20 barber board --

21 MR. MILNE: I know that.

22 MR. STEWART: -- at all to --

23 MR. MILNE: I know that, but it's a weakness
24 in a lawsuit.

25 MR. STEWART: It's still not in the -- it's

1 not the barber board's duty --

2 MS. WOLD: I think that a hundred and or --

3 (Simultaneous speaking.)

4 THE COURT REPORTER: I can only take one
5 person at a time.

6 MS. NIBALDI: Guys, guys. Excuse me.

7 MR. MILNE: Please, ma'am.

8 MS. WOLD: Sorry.

9 I think that only 225 hours in the top two
10 is going to be a problem, a major problem. It's
11 going to cause us a lot of -- a lot of work,
12 because that's where we have our cases from.

13 MR. MILNE: Okay.

14 MS. WOLD: So I think that combined with
15 whatever you all think the minimum hair stuff
16 should be is where -- is where that should be
17 broken up.

18 MR. MILNE: If I may throw something out for
19 your consideration, remember we're in the
20 litigation --

21 MS. WOLD: Right.

22 MR. MILNE: -- context. To fix this rule, I
23 would have to show that there are actual
24 barbering skills being taught -- not to get a
25 good haircut, just basic skill level, so that

1 the -- the graduates of this program are safe to
2 go out there and cut hair. That's all.

3 MR. STEWART: Are you aware that 95 percent
4 of the students that come into a barber school,
5 not cosmetology, a barber school, have been
6 cutting hair for excess of a year, maybe five
7 years?

8 MR. MILNE: Yes. We've heard testimony.
9 (Simultaneous speaking.)

10 MR. STEWART: You don't need to teach them
11 anything about haircutting. You can't.

12 MS. WOLD: Sorry.

13 MR. STEWART: You can beat them in the head,
14 and they're still going to put that line around
15 the edge the start close haircuts, and honestly,
16 that is as contrary as anything can be.

17 But people that are trying to teach
18 haircutting in 75 hours or 200 hours, you can't
19 teach haircutting in 200 hours. If a guy's got
20 it, he's got it; if he don't, you can't teach it.

21 MS. WOLD: That was the point of it being a
22 restricted barber program or not.

23 MR. MILNE: Right. They couldn't touch
24 chemicals.

25 MS. WOLD: Right. In addition to they have

1 to work under somebody to learn.

2 MR. MILNE: But we don't have that in the
3 rule.

4 MR. STEWART: They got rid of that. They've
5 taken away that --

6 MR. MILNE: Which is unfortunate. The
7 apprenticeship program is very much --

8 (Simultaneous speaking.)

9 MR. MILNE: Right. In Europe they're --
10 (Simultaneous speaking.)

11 MR. STEWART: It says nothing in the law
12 that the barber board is to teach people to cut
13 hair. It says to protect the public.

14 MS. WOLD: Correct, which is where the top
15 two things came from.

16 MR. MILNE: And I think, also, it's a fair
17 comment, and we can be attacked in the litigation
18 if we don't address it, is -- if you aren't
19 training the students how to correctly hold a
20 straight razor, the clippers, the scissors, et
21 cetera, not to get a perfect haircut, but just so
22 that they're safe in the shop and they know basic
23 administration of tools skills, you're putting
24 them at a disadvantage and maybe putting the
25 public at -- at risk and their safety.

1 So the criticism has been no schools have
2 been taught. I understand from Mr. Stewart that
3 there's a big element of this initiative to try
4 and bring in the unlicensed into compliance and
5 bring them within a licensed environment, which
6 is a great thing to do. But for the students who
7 have never done anything, they will definitely
8 also have to be dealt with in this rule, and that
9 will require some basic skills.

10 (Simultaneous speaking.)

11 MR. MILNE: And -- and I'm scrambling at the
12 last minute being told by DOE what they would
13 like to see and support in the litigation. And
14 therefore --

15 MR. STEWART: I'd like to see -- I'd like to
16 see DOE give us back the barber schools. Let us
17 control what they teach.

18 MR. MILNE: In the best --

19 MR. STEWART: But that ain't going to happen
20 either.

21 MR. MILNE: Well, that's the best case
22 scenario --

23 MR. STEWART: I'm just saying that what we
24 would like and what we're going to get is
25 absolutely two different things.

1 MR. MILNE: Very, very true.

2 (Simultaneous speaking.)

3 MS. NIBALDI: Excuse me, guys. If I may --

4 MR. STEWART: You don't have to raise your
5 hand to talk to me. I have to raise mine to talk
6 to you.

7 Go ahead.

8 MR. MILNE: And then -- and I'm out of my
9 depth on the --

10 MR. NIBALDI: Mutual respect.

11 MR. MILNE: -- on -- on the internal
12 realities of your profession.

13 MR. STEWART: I think Michelino drafted a
14 pretty good thing here, but I think he had the
15 wrong influence. If he'd had me influence
16 him ...

17 MR. MILNE: Anyway --

18 MR. STEWART: We can't put that in there.

19 MR. MILNE: Please, I'm not an expert in
20 this profession. I would confer --

21 (Simultaneous speaking.)

22 MR. STEWART: And I want to let you all know
23 I've had a cosmetology license for 25 years,
24 along with my 50-year barber license.

25 MR. MAYER: I didn't know that.

1 MR. STEWART: You know that I've been a
2 director of a school -- two schools, and I've
3 been a barber instructor. I've seen this stuff
4 come and go.

5 MR. NIBALDI: And we've spoken about that.

6 MR. STEWART: Not much, though, because we
7 don't talk, except anything about your baby --

8 MR. MILNE: Board members --

9 MR. STEWART: -- and your wife.

10 MS. NIBALDI: No, no.

11 MR. MILNE: Board members, may we keep --
12 can we keep the circle focused on --

13 MS. NIBALDI: Yes.

14 MR. MILNE: -- a counter proposal.

15 If that's your pleasure, if you want to
16 reject the offer from FACTS, that's fine. If you
17 want to consider a counter proposal, you'll see
18 on the extreme right-hand column is left blank
19 for the board's pleasure. In the middle column
20 is only suggestions from DOE. It's for you to
21 decide what to fill those gaps with.

22 MR. STEWART: Can I give you one more fact?

23 MS. NIBALDI: And I just want to mention --

24 MR. STEWART: Governor Rick Scott stepped up
25 to the microphone, and in one minute's time

1 terminated the barber's test, practical test,
2 because he wanted -- that was the worst thing
3 that ever happened to the barbering industry. We
4 cannot practically test. We have to take the
5 school's word.

6 Governor DeSantis can do the same thing if
7 he wants to make it 500 hours. If he wants to
8 make it a six, go for it.

9 MR. MILNE: Sir, that is the problem that
10 I'm facing within the litigation. The schools
11 have nothing really to certify as to barbering
12 schools, other than, yes, the barbers know about
13 the -- the rules, and they know about safety and
14 sanitation, but they don't know anything about
15 barbering skills. And that's -- that's just --

16 MR. STEWART: That's not true.

17 MR. MILNE: And -- well --

18 MR. STEWART: They've got more skills the
19 day they walked in --

20 (Simultaneous speaking.)

21 MR. STEWART: -- than most of the
22 instructors.

23 MR. MILNE: That's not the --

24 MR. STEWART: Do you know a cosmetologist
25 can --

1 (Simultaneous speaking.)

2 MR. NIBALDI: Eddie. Eddie.

3 (Simultaneous speaking.)

4 MR. MILNE: That's not the evidence I'll be
5 able to use if I'm trying to win this lawsuit.

6 MR. NIBALDI: Let's stay in the content.

7 MR. MILNE: And -- and all my comments
8 directed how to figure out how to fix the
9 lawsuit. Nothing more than that, really. So I'm
10 coming and -- and you're playing the devil's
11 advocate very well.

12 MR. STEWART: Thank you, sir.

13 MR. MILNE: And I appreciate the depth, the
14 knowledge, and the candor with which you impart
15 that to me.

16 And I'm the first to say I am very ignorant
17 of your profession. We're much more educated in
18 the last two weeks than I ever knew I was going
19 to be. I'm really focused on how I'm going to
20 fix this lawsuit. Is there a way to fix the rule
21 to make --

22 (Simultaneous speaking.)

23 MR. MILNE: -- make the position -- no,
24 not -- not quite yet -- make the position go
25 away. But before anything else --

1 (Simultaneous speaking.)

2 MS. WOLD: Mr. Milne has something to say.

3 MR. MILNE: Yes. And I want to stop
4 talking.

5 There is the empty column on your right, and
6 that's your experience, your knowledge, and your
7 intelligence has to fill that with what you, as
8 the board, want to do.

9 And now I'm -- please, let me shut up.

10 MR. NIBALDI: Okay, if I may.

11 So these hours that you see here, I think we
12 all know and all of us have been barbers for a
13 long time. Veronica's not, but she is very
14 knowledgeable of this board. And what we want to
15 do is just give basic competency, which -- which
16 was originally proposed, is not there. Just so
17 they, per se, know how to handle a clipper, a
18 shear, a razor.

19 We all know, as barbers, I think, at a
20 1,200-hour program, most of them that come out of
21 barbering school, maybe you can count on one hand
22 of whom is ready to work in a barbershop and give
23 a good haircut.

24 MR. STEWART: If they go to my barber
25 school, they all know how to do it, or they don't

1 graduate.

2 MR. NIBALDI: Okay. Thank you, sir.

3 MR. STEWART: You're welcome.

4 MR. NIBALDI: As Rob mentioned, this is open
5 for discussion. This is -- none of these hours
6 are concrete. So I believe we can open that
7 discussion and listen to recommendations.

8 MR. STEWART: I think you did a --

9 MS. NIBALDI: Sir?

10 MR. STEWART: I think you did an extremely
11 good job in --

12 MS. NIBALDI: Thank you.

13 MR. STEWART: -- drafting this thing. You
14 just left out some stuff that you should have
15 really put in there. And I think it's very -- it
16 was a nice guideline, but it's way off.

17 For one thing, you -- 200 hours of
18 haircutting is just so much, so much. Sometimes
19 it takes 1,600 hours to teach somebody to cut
20 hair.

21 Sometimes you can get a guy in there that
22 can cut hair better than you and you go, God,
23 look at that. That's just -- that's just so much
24 crap to add to the page.

25 Twenty-five hours of shampooing, beard

1 trimming. You cannot teach shaving. That's
2 something you've got to touch. You can work for
3 your whole life -- and back when I got my license
4 you had to sharpen the razor. Whoa, that was
5 tough. And now you just --

6 (Simultaneous speaking.)

7 MR. STEWART: -- check the razor blade.

8 So I'm just saying that it's so much -- it's
9 so much just added for -- for show.

10 MS. NIBALDI: So if I may interrupt --

11 MR. STEWART: In the 500 hours that they
12 gave safety and sanitation, that's plenty for a
13 restricted barber. For a full licensed barber,
14 oh, no.

15 MR. NIBALDI: Eddie, so you have the --
16 sorry. Just real quick --

17 MR. STEWART: And I wonder why there's 2,500
18 for a Florida license --

19 MS. NIBALDI: We know that.

20 MR. STEWART: -- 'cause they think it's that
21 important.

22 MS. NIBALDI: So that empty column there is
23 open to however you would like to see the hours
24 adjusted.

25 MR. MAYER: We can put our own hour

1 adjustment --

2 MS. NIBALDI: Absolutely, then it's open for
3 discussion.

4 (Simultaneous speaking.)

5 MS. NIBALDI: Veronica, please.

6 MR. STEWART: We need to do that --

7 (Simultaneous speaking.)

8 MR. STEWART: -- we could just --

9 MS. NIBALDI: Please let her --

10 MR. STEWART: -- turn in the paper.

11 MS. WOLD: So there --

12 MR. STEWART: I'm being a lawyer now, I'm
13 talking over you. Don't worry about it.

14 MS. NIBALDI: Veronica, please.

15 MS. WOLD: So the reason we voted the way we
16 did was because the purpose of the board is to --
17 not to regulate, or it's really just for the
18 safety of the public, bottom -- period.

19 So -- and the -- we went over the majority
20 of the cases, and they were -- 90 percent of them
21 were related to the top two.

22 So I understand what you're saying about
23 litigation, but you're sounding like the other
24 side. Because that's their biggest argument that
25 they won't know how to cut hair.

1 So my proposal is that we keep Florida laws
2 and rules at 150; safety, sanitation, and
3 sterilization at 250; add haircutting at 150; and
4 shaving at 50; and drop shampooing, hair
5 structure, and chemistry. And that gives you the
6 minimum 600 --

7 MR. MILNE: And -- and --

8 MS. WOLD: -- and still has some of what you
9 need.

10 MR. MILNE: If you like to put those numbers
11 in on your sheet so that can be discussed.
12 Perhaps you want to take each one of those
13 elements so that we can address the first,
14 second, and all the elements and come to a
15 consensus.

16 MR. NIBALDI: So is that okay? When
17 everybody's done filling it out, we can collect
18 it --

19 MR. STEWART: Yeah, and we'll have our --

20 MS. NIBALDI: -- analyze it.

21 (Simultaneous speaking.)

22 MS. NIBALDI: Just write your name on it,
23 please.

24 MR. MILNE: So if you like to give some
25 thought to what hours you would like to see on

1 these different categories, we can then discuss
2 those.

3 MR. STEWART: Why do y'all got the law open
4 for Jacks (ph). And I'd like to see us get
5 control of the barber schools, as long as y'all
6 are just lawyering.

7 MR. MILNE: Jacks is a process.

8 (Simultaneous speaking.)

9 MR. STEWART: Jacks is going to take that
10 long.

11 (Simultaneous speaking.)

12 MS. NIBALDI: We have a suggestion to take
13 a --

14 MR. MILNE: A break?

15 MR. NIBALDI: Yep. Five, ten minutes is
16 fine, 15 minutes?

17 MS. WOLD: Yeah.

18 MR. MILNE: Why -- why doesn't everybody
19 hang onto their paperwork --

20 MS. WOLD: Okay.

21 MR. MILNE: -- refine it and then we can
22 come back and have a discussion on it?

23 MR. NIBALDI: Okay. We're going to take a
24 short recess.

25 (Recess 10:05 a.m. until 10:15 a.m.)

1 MR. NIBALDI: We're going to reconvene.

2 So I believe where we left off we're still
3 open for discussion, and everyone is writing the
4 time or the hours that they suggest or recommend.

5 Did everyone get to finish?

6 (Simultaneous speaking.)

7 MR. STEWART: I did. Thank you so much.

8 I didn't have to change anything. I like it
9 as written.

10 MR. NIBALDI: Okay. So Eddie is as written.
11 Veronica, you finished yours; correct?

12 MS. WOLD: Yes.

13 MS. NIBALDI: Would you mind handing it
14 over, just --

15 MS. WOLD: Oh, yeah. I thought we were
16 going to keep it.

17 MS. NIBALDI: -- so we can take a look and
18 discuss it. At the time, I think we took a
19 break.

20 So Eddie's is as is.

21 (Simultaneous speaking.)

22 MS. NIBALDI: Yeah. As is, yeah, the
23 original proposal.

24 MS. WOODARD: Uh-huh.

25 MR. NIBALDI: Still working on yours?

1 MR. MAYER: No, I'm done.

2 MS. NIBALDI: Okay. Do you mind passing
3 it --

4 MR. MAYER: Sure.

5 MS. NIBALDI: -- over, please.

6 MR. MAYER: Yes.

7 MS. NIBALDI: Thank you.

8 (Simultaneous speaking.)

9 MR. MILNE: Excuse me?

10 MR. STEWART: He needs to verbalize that,
11 pass it forward.

12 (Simultaneous speaking.)

13 MR. NIBALDI: Okay. So I have Russell's, he
14 is first. So it looks like you're keeping
15 Florida laws and rules at 50 hours; safety,
16 sanitation, and sterilization at 75; and then
17 just changing haircutting to 300.

18 Am I correct?

19 MR. MAYER: Yes, and I got rid of the two
20 other to add to the haircutting. I thought that
21 needed a little more experience there.

22 MS. NIBALDI: Two Ss, two Ls; right?

23 MR. MAYER: Yes.

24 MR. MILNE: You -- you mean, for the record,
25 that you would suggest getting rid of the

1 shampooing and shaving?

2 MR. MAYER: No, not shaving.

3 MR. MILNE: Okay.

4 MR. NIBALDI: Okay. So I didn't say
5 shaving, mustache, and beard trimming. I
6 apologize.

7 MR. MAYER: Yeah.

8 MR. STEWART: Do you know how many shaves
9 that most people do in the barbershop?

10 (Simultaneous speaking.)

11 MR. STEWART: None. You got --

12 MS. NIBALDI: And this is a total of --

13 (Simultaneous speaking.)

14 MR. MAYER: When I was working, I was doing
15 three or four every day. Every day.

16 MR. STEWART: Where?

17 MR. MAYER: Kennedy's All-American Barber
18 Club.

19 MS. NIBALDI: Yeah, I heard of them.

20 MR. STEWART: I don't know where that is.

21 MR. MAYER: Yeah, a straight razor.

22 MR. MILNE: Does it take skill to use a
23 straight razor?

24 (Simultaneous speaking.)

25 MS. WOLD: Does it take skill. That's --

1 (Simultaneous speaking.)

2 MR. MAYER: I'm also fourth generation
3 barber, and I take my profession as -- very
4 seriously, and I hate to see it go where it's
5 going --

6 MR. MILNE: Right.

7 MR. MAYER: -- 'cause it's not like it used
8 to be, at all. And it's just getting where you
9 getting all these people coming out, they've
10 got -- have their license and they're not
11 properly trained and the market's already flooded
12 with people that are trying to get jobs. And
13 they get the job, and they're not good enough to
14 keep it, because they haven't been trained well
15 enough.

16 (Simultaneous speaking.)

17 MR. STEWART: They can build a business.
18 They don't know how to work.

19 (Simultaneous speaking.)

20 MR. MAYER: Hear it and see it all the time.

21 MS. NIBALDI: One-fifty -- this is --

22 (Simultaneous speaking.)

23 MS. NIBALDI: Eddie -- Eddie as the original
24 proposal, and I am okay with --

25 (Simultaneous speaking.)

1 MR. MILNE: All right.

2 (Simultaneous speaking.)

3 MR. NIBALDI: But it's open --

4 MR. MILNE: I'm going to lose -- you give me
5 paper, I will lose it.

6 MS. NIBALDI: Okay. I thought that's your
7 favorite, paper.

8 (Simultaneous speaking.)

9 MS. WOLD: It's okay.

10 MS. NIBALDI: Okay. So, Tim, you're just
11 writing down --

12 MR. FRIZZELL: I'm just putting together --

13 MS. NIBALDI: Okay.

14 MR. FRIZZELL: -- and this is -- and
15 you're -- you will stay as written?

16 MS. NIBALDI: Yes.

17 MR. FRIZZELL: Okay. I'm just creating kind
18 of a spreadsheet.

19 MR. STEWART: Well --

20 MR. NIBALDI: Okay.

21 MR. STEWART: -- I hope that we have settled
22 the -- whatever we came here for.

23 MR. MILNE: If -- if we're ready to talk
24 about each of the categories --

25 MR. NIBALDI: We are.

1 MR. MILNE: Okay.

2 MS. NIBALDI: Please.

3 MR. MILNE: After you, sir.

4 MR. NIBALDI: Okay. All right.

5 So everyone has differences here in the --
6 in the time. Three of us are okay, I can say,
7 with 600 hours, just altering some hours.

8 Eddie is firm at the 500 of the original
9 proposal.

10 MR. FRIZZELL: May I ask Ms. Krista a
11 question?

12 MS. WOODARD: Yes.

13 MR. FRIZZELL: Ms. Krista, when we did a
14 review as -- as Ms. Wold had requested, was
15 the -- could -- would -- did you do a breakdown
16 if there was an issue with the actual Florida
17 laws and rules, or was the primary issues in
18 safety, sanitation, and sterilization?

19 Were there -- were there violation being
20 handed out for violations of Florida laws and
21 rules? And I'm just trying to get an
22 understanding --

23 (Simultaneous speaking.)

24 MS. WOODARD: I think it was violations of
25 both of those, yes.

1 MR. FRIZZELL: Violations of both of those?

2 MS. WOODARD: Yes.

3 MR. FRIZZELL: Okay. Very good. Thank you.

4 MR. STEWART: I didn't understand what you
5 just asked her.

6 MR. FRIZZELL: Basically where the
7 violation -- like, the primary violation and
8 that's actual --

9 (Simultaneous speaking.)

10 MS. WOLD: Can we look at the minutes from
11 that maybe?

12 MR. FRIZZELL: We could.

13 MS. WOLD: Where we voted on --

14 MR. STEWART: See, I've been out for a year.
15 I don't know anything about that --

16 MS. WOLD: I don't remember which date that
17 was.

18 MR. FRIZZELL: Oh, I just -- just for --
19 just for my own personal --

20 MS. WOLD: I know, but it can be pulled up
21 quickly.

22 MR. NIBALDI: Now, can I give my -- may I
23 speak openly and give my suggestion?

24 MR. FRIZZELL: You're the chair, sir.

25 MS. NIBALDI: And there it is. Okay.

1 So, you know, to my fellow board members,
2 I'm okay with 600 hours, and the reason is
3 because I would like these students to be able,
4 you know, to get a Pell Grant to go. I don't
5 want the industry to go backwards and these folks
6 not take the opportunity to go to barbering
7 school, you know, for that -- for that reason.

8 And to Eddie's point that they can go and
9 reapply or -- or something like that, right, for
10 the accreditation, but --

11 MR. STEWART: That wasn't it. It was the
12 school can evaluate a student and they can go on.
13 That's nothing addressed in your thing about
14 that.

15 MS. NIBALDI: Okay. And I'm comfortable, as
16 well, with it, because they can't challenge the
17 board at 300 hours. So they would have to do
18 these whole 600 hours.

19 You know, it is my belief that it'll -- it
20 will be easier on all of us if we move forward at
21 600 hours. Of course, we can make some -- some
22 alterations.

23 I think we can all come to an agreement at
24 some point and, you know, as openly suggested of
25 everyone's opinion.

1 Sir?

2 MR. STEWART: Do you know why students are
3 allowed to challenge the board?

4 MR. NIBALDI: I can't say I do.

5 MR. STEWART: Okay. The reason was back 20
6 years ago, when you passed a test, we did not
7 have computers. You had to put your application
8 in the mail, send it to Tallahassee, wait for
9 them to work it through the system. They send
10 your test date to you, which only happened once a
11 month. Then you'd have to go take that test. It
12 had to be evaluated and graded, mailed back to
13 you.

14 So they did the evaluation so that a person
15 could send their application a month ahead of
16 time before they got -- they only had 1,000
17 hours. They could send it in, and by the time
18 they got it back, filled it out, sent it back to
19 Tallahassee, they have their 1,200 hours.

20 Now, when the computers came in and the
21 people doing testing in your own hometown and the
22 governor taking away our practical exam, it don't
23 even need to have a challenge that need to
24 actually take that out. You don't need to be
25 able to challenge the board. You need to do

1 1,200 hours. You need to do 600 hours, not
2 challenge the board at 500, 'cause we do it all
3 instantly now. That was something that we've
4 been trying to get the law opened up when the
5 attorneys and Jacks who were fooling with it and
6 it changed and it just hasn't happened, because
7 Robin was --

8 MR. MILNE: Gentlemen, lady, as currently --
9 the counter proposal takes the challenge out.
10 This counter proposed the rule --

11 (Simultaneous speaking.)

12 MR. STEWART: Just take that 1,200 part.

13 MR. FRIZZELL: The 1,200 hours is part of
14 the statute.

15 MR. MILNE: And that's for the regular
16 barbering.

17 MR. FRIZZELL: Right.

18 MR. MILNE: Just within the context of --

19 MR. FRIZZELL: The rule.

20 MR. MILNE: -- the restricted barbering
21 rule, the challenge has been taken out in this
22 counter proposal.

23 MR. STEWART: Also, the evaluation -- these
24 barber schools -- I don't know if y'all know
25 this, I come in from North Carolina, bring my

1 North Carolina license -- and I'm just saying
2 North Carolina. It doesn't have veracity -- go
3 to a school, cut hair for the owner, he can
4 evaluate him and give him 1,200 hours. And they
5 can either take the test or ask for reciprocity.

6 What these schools can do is unbelievable.
7 But it was made -- the rules were made by
8 schoolteachers, not by barbers. And these
9 schoolteachers are -- you got to admit, they're
10 wonderful human beings, that they are
11 bright-eyed --

12 MR. NIBALDI: And I know it as well as you
13 do because, you know, I've taught, short time,
14 but, you know, I think as, you know, Rob
15 suggested, we should really just concentrate on
16 this right here, what's proposed. And all your
17 points are --

18 MR. STEWART: I agree.

19 (Simultaneous speaking.)

20 MR. STEWART: I agree with you, Mikey, and I
21 agree 100 percent, but I think you ought to
22 consider adopting what the full board sat down
23 and voted on when I wasn't there. Rather than
24 add hours, y'all had a full board meeting.

25 According to Veronica, y'all did everything

1 and y'all wrote it down. Why would you change
2 that?

3 Okay, we don't need any more board meetings.
4 We'll just get together in a shade meeting and
5 fix it, and that's --

6 MR. MILNE: Well, we're in the context of
7 being -- going to trial at the end of the month.
8 That's why we're having this shade meeting.

9 You don't like the 850 hour, we have the
10 opportunity to try and fix this, make a counter
11 proposal and stall -- stop the litigation.

12 If they were to reject this, I'm -- it's
13 still open for us to ask the Division of
14 Administrative Hearings to relinquish
15 jurisdiction so you can continue with your rule
16 making at 600.

17 So if we can get to consensus of these
18 categories, once there's a consensus, we will
19 then open the meeting for a formal vote and
20 present the counter proposal to these -- to
21 opposing counsel, the public, if you like. And
22 then our meeting will be done.

23 MR. STEWART: This was the consensus of
24 opinion of the full board. Yes?

25 MS. WOLD: I'm looking at the minutes from

1 4/19, it's 150 laws and rules and 350 safety,
2 sanitation, sterilization.

3 MR. NIBALDI: And that's what he has there.

4 MR. STEWART: That's with the full board, so
5 four of us are going to come into a shade meeting
6 and change what the full board wanted to do?
7 Okay.

8 MR. MILNE: In the context of we're in
9 litigation now --

10 MS. WOLD: We're in litigation.

11 MR. MILNE: -- and this is a full board.

12 MS. WOLD: Right.

13 MR. FRIZZELL: Yes, you -- this -- this is
14 the full board.

15 MS. WOLD: At this --

16 MR. MILNE: You have the control.

17 MR. STEWART: We have a consensus -- what do
18 you call this? It's "quorum"?

19 MR. MILNE: Yes.

20 MR. STEWART: We have a quorum, but this
21 ain't the full board.

22 MR. FRIZZELL: We're only missing one
23 member; so ...

24 MS. WOLD: It is, right now.

25 MS. NIBALDI: It is now.

1 MR. MAYER: We have enough for a quorum,
2 but --

3 (Simultaneous speaking.)

4 MR. FRIZZELL: We only missing one -- one
5 board member missing. Unfortunately, you know, a
6 couple of board members have resigned their
7 position, but at the moment --

8 MR. STEWART: Didn't we just load it up?

9 MR. FRIZZELL: No, you replaced.

10 MR. STEWART: Yeah.

11 MR. MILNE: So we're missing one board
12 member, but we do have a quorum.

13 MS. WOLD: Right.

14 MR. MILNE: Effectively this is the full
15 board today.

16 MR. STEWART: Well, seven people or however
17 many y'all get --

18 MS. WOLD: So we would like to keep it that
19 way, but we have to come to a settlement to keep
20 them from having to fight it in litigation.

21 MR. STEWART: I'm not -- yeah. We've
22 already argued this. You know, I feel when this
23 comes down to folk, just remember when y'all were
24 all together several months ago and y'all -- I
25 guarantee you had a lot of discussion. It wasn't

1 a five-minute meeting or an hour meeting. It was
2 a day meeting. Y'all decided that this is what
3 you want.

4 MS. NIBALDI: Yes, and if I may, through --

5 MR. STEWART: Why didn't you change it then?
6 Why didn't you make it 650 then?

7 MR. MILNE: Because we weren't in
8 litigation.

9 MR. STEWART: If it wasn't the best interest
10 of the student, the board, and everybody else,
11 why did y'all come up with 500 hours? I mean,
12 why did y'all professionals and lay members not
13 come up with 650 hours then, because we had --
14 because we had these learned attorneys here now
15 twisting it around so that it fits better to
16 their -- to the court.

17 MR. MILNE: I -- I was in the context of
18 merely saying, I have to go to trial at the end
19 of the month. I like to litigate, that's my
20 skill set. Here are the ups and the downs of
21 going forward. There is a settlement proposal
22 that you've been duty bound to consider, which
23 you've rejected.

24 The alternative, which I think is viable, is
25 a counter proposal, but that's within your power.

1 I can't say anything further than that, 'cause
2 I'm just the litigator. You're the board.

3 MS. WOLD: And I agree, I think, to -- to
4 settle things down a little bit and work with
5 them and show that we're here to help them in
6 addition to protecting the safety of the state.
7 We should change around the hours a little bit to
8 fit the bare minimum, which is 600.

9 MR. STEWART: And I'm --

10 MR. MILNE: To -- to address the deficiency
11 within the rule about competency.

12 MS. WOLD: Correct.

13 MR. STEWART: This whole restricted barber
14 thing is a sham.

15 MR. NIBALDI: I'm sorry, is what?

16 MR. STEWART: It's a sham.

17 MR. NIBALDI: Oh, okay.

18 MR. STEWART: We decided 25 years ago, if
19 you're going to be a barber, you need to be able
20 to compete with a cosmetologist and do perms,
21 colors, put it in our law. Then we took it out
22 and created a restricted barber. We took away
23 apprenticeship, we took away the test. We have
24 watered our law down about as much as it needs to
25 be watered, but together y'all decided we water

1 it down one more time and get 500 hours was
2 enough hours.

3 Well, let's just leave it there. The
4 government can change it. The DB -- the DOAH can
5 change it. Jacks can change it. To me, that's
6 the lowest common denominator, let's build from
7 there. Then, if they want to put in two more
8 hundred hours, they only got 700.

9 MR. NIBALDI: And if I may, I know this is
10 your first meeting back, but again, this is my
11 opinion. It's been a long and -- and -- and
12 grueling process for something that we thought
13 that wouldn't be this painful.

14 With everything you say it's completely
15 valid, but the thing is we're here for this
16 today. It's only 100 hours off from what you
17 prefer and which was originally proposed. But at
18 the same time, I personally would like it to end,
19 and I think it would make everyone happy. And
20 again, to the point you have -- the students will
21 be able to -- you know, would be able to, you
22 know --

23 MS. WOLD: No.

24 MR. NIBALDI: -- would be able to get their
25 grant. You know, there's no challenge.

1 And as a board, we're probably going to see
2 a lot less cases of unlicensed activity, 'cause I
3 can tell you -- and I'm sure everyone knows my
4 story, but I'll tell you again, that -- you know,
5 really quick. I started at a young age, I lived
6 in New Jersey, never got my license. When I came
7 here, I did so. And I almost didn't complete the
8 program, because I'm saying to myself, I'm going
9 to waste \$16,000 for what? Yes, they're going to
10 show me some things, but I'm still -- I'm still
11 paying that loan. And if I didn't have, you
12 know, from my personal experience -- real quick,
13 just let me finish please.

14 MR. STEWART: I just want you to know I'm in
15 line.

16 MS. NIBALDI: Okay. And I didn't have
17 family to stay with. There's no way that I would
18 have been able to go -- you know, to barbering
19 school and pay -- and pay for rent.

20 And I don't want to see the profession die.
21 Things come about, things change, and we all have
22 to compromise. I'm -- I'm stuck in my ways.

23 MR. STEWART: Yeah.

24 MS. NIBALDI: I like certain things a
25 certain way. I'm -- I'm only 40, I'm getting

1 older now.

2 MR. MAYER: Yeah. I agree with that, yeah.

3 MS. NIBALDI: But they're not trying to take
4 the license away. And I think, personally, that
5 if we can all come to an agreement on -- on the
6 hours at 600, I really, personally, don't
7 think -- I think we have a good shot here of
8 potentially ending this today or -- or in the --
9 or in the next few days.

10 MR. MAYER: Yeah, yeah.

11 MR. NIBALDI: I know these gentlemen have
12 worked very hard, because I've -- personally have
13 worked with them. They've done their due
14 diligence. I mean, they've done a phenomenal
15 job, and I'm not just saying that.

16 But again, everyone is just trying to come
17 to a common ground, and I think initially, when
18 it was proposed at the 500 hours, things come up
19 as they start to litigate and do discovery that
20 we say to ourselves, Oh wow, we didn't think of
21 that. And then any one of us -- but now we kind
22 of see it.

23 And we're just trying to make them
24 competent, because I don't want to be part of a
25 board in ten years -- and I may not. And then I

1 know these kids went through this program, and I
2 say to myself, Wow, I made that decision. But at
3 least I know that someone was able to show them
4 how to hold the clipper, how to hold -- you know,
5 how to hold a razor, even if it's just sliding
6 the little metal thing out and placing a
7 double-edged blade in there, you know, I feel a
8 little bit better with it, even though my initial
9 decision and my vote was on that 500 hours.

10 MR. STEWART: Can I do the work for you, you
11 two?

12 MR. NIBALDI: Yes. They can do --

13 MR. STEWART: I like to call for the vote.

14 MR. MILNE: Well, before we do that, we need
15 to know what the categories are, because we need
16 to have some consensus to make a detailed counter
17 offer. So we need to finish that up. So we need
18 to finish that up, then we can open the meeting
19 and have a formal vote on it.

20 So categories, please.

21 MR. NIBALDI: Yes.

22 MR. MILNE: So the first category is Florida
23 laws and rules. What's your consensus?

24 MS. WOLD: I think --

25 (Simultaneous speaking.)

1 MR. NIBALDI: May I?

2 MR. MILNE: Please.

3 MR. NIBALDI: So Veronica has 150 hours.

4 Russell is okay with the 50; so am I.

5 MR. FRIZZELL: And Mr. Stewart also as 150
6 hours.

7 MS. NIBALDI: No, theirs is 50. Oh, yeah.
8 Eddie is the original proposal.

9 MR. FRIZZELL: Yes.

10 MR. MILNE: There are two 150s, and we've
11 got two at 50.

12 MS. NIBALDI: So two -- sorry, 150 and
13 two --

14 MR. MILNE: Add 50. That's my understanding
15 on the first category.

16 MS. NIBALDI: Yes.

17 MR. MILNE: All right. How to you want to
18 address that, board members? Is there room for
19 movement? Is there room for further discussion?

20 MS. NIBALDI: I'm -- I'm open.

21 MS. WOLD: I guess -- I mean --

22 MR. MILNE: Well, what are your concerns,
23 ma'am?

24 MS. WOLD: I think my concerns are just in
25 what we see and that the majority are in those

1 first two categories, and if we reduce those
2 hours, they're really not going to know what
3 they're talking about or doing and --

4 MR. MILNE: It's a public safety issue, in
5 your view?

6 MS. WOLD: Yes.

7 MR. NIBALDI: And to that point, I totally
8 get it, because of course that's what we see, but
9 then when you started to -- to talk about it, I
10 started to think -- and I think my personal
11 opinion is it's them just being ignorant and
12 thinking -- just because I've -- I've personally
13 been in those shops, leaving the hair on the
14 floor, the neck strip on the -- you know, you're
15 not supposed to do that. Do you do that in your
16 house?

17 MS. WOLD: Yeah.

18 MS. NIBALDI: You know, do you take the
19 toilet paper and throw it on the floor, not in
20 the toilet?

21 I think it's just all a part of a maturation
22 process and -- and being responsible for who
23 in -- in your position. I mean, they -- they
24 know better than that. I mean, a lot of these
25 laws and rules are common sense.

1 I spoke to the -- you know, or attorneys
2 about it. This is not construction and OSHA's
3 involved and you're building scaffolds and things
4 like that. I mean, a lot of these rules, you
5 know, are common sense, and that's just my view
6 on it.

7 But yes, I mean, the whole main thing is to
8 protect everybody. I don't want to go in a dirty
9 shop.

10 MS. WOLD: Yeah, it was 200, though. To
11 drop it to 50, I --

12 MS. NIBALDI: No. I'm opening -- I'm open
13 to -- if it has to come up, I'm -- I'm opening --
14 I'm open to it.

15 MR. STEWART: It's the entire safety and
16 sanitation is the entire purpose of the barber
17 board.

18 MS. WOLD: Well, that's the -- that's the
19 second category. This is Florida laws and rules,
20 but it's still part of it.

21 MR. STEWART: We need -- the second purpose
22 is to know the law. Know when your license has
23 got to be renewed.

24 MS. WOLD: Right.

25 MR. STEWART: Know who is going to be

1 renewing, knowing where you go if you need
2 relief.

3 If you call the DBPR and ask that young lady
4 a question, she's going to have to go ask
5 somebody else, somebody else until she gets up to
6 probably Julie.

7 MR. NIBALDI: Let me suggest this and this
8 is just a suggestion. Eddie and Veronica are at
9 the original proposal hours of 150 for Florida
10 laws and rules. Okay? So that's 150 hours.

11 MS. WOLD: Uh-huh.

12 MR. NIBALDI: Eddie is with the original
13 proposal of 350, and Veronica dropped hers from
14 350 to 250.

15 MS. WOLD: Which is a lot --

16 MS. NIBALDI: Yeah.

17 MS. WOLD: -- because it was 400.

18 MS. NIBALDI: Eddie, can I ask you: Would
19 you be comfortable with 250 hours at safety,
20 sanitation, and sterilization?

21 MR. STEWART: No. I think safety and
22 sanitation ought to be at least 350 hours, simply
23 because that's what we do. We do safety and
24 sanitation. We don't do haircutting. We don't
25 do shaving. Schools do that. Department of

1 Education sets all that up. They tell them what
2 they've got to do; we don't.

3 MR. NIBALDI: And, Russell, are you opening
4 to making those hours of safety, sanitation, and
5 sterilization higher than 175, if need be, for
6 everyone --

7 MR. MAYER: If need be.

8 MS. NIBALDI: -- to come in agreement?

9 MR. MAYER: Yeah. If need be, I would be,
10 but --

11 MR. NIBALDI: Okay. So you have Veronica
12 and Eddie with a combination of Florida laws
13 safety, sanitation, and sterilization. I'm sure
14 you wouldn't mind if it went up to 350, that will
15 take us to 500.

16 Now, I'm going to just look over a couple
17 other categories here.

18 (Short pause.)

19 MS. NIBALDI: Okay. So what I'm going to do
20 is I am going to suggest something that came to
21 my head, and then I have a question for you
22 gentlemen, the attorneys here.

23 So if we have Florida laws and rules at 150,
24 safety, sanitation, and sterilization at 350,
25 that's 500, and we did haircutting at 100 hours,

1 which would make the 600. Now --

2 MR. STEWART: Now, you're just searching for
3 hours. You can't teach haircutting in 100.

4 MR. MILNE: How -- how long do it take to --

5 MR. STEWART: Twelve hundred if you
6 really --

7 (Simultaneous speaking.)

8 MS. WOLD: Yeah, but that's not reasonable.

9 (Simultaneous speaking.)

10 MR. MAYER: You -- you need more than 100,
11 definitely.

12 MR. STEWART: Yeah. That's -- you just --

13 MR. MAYER: Down here it's marked off to
14 200. I mean, that's -- I think 300 is low.

15 MR. NIBALDI: Gentlemen, let -- please, let
16 me just finish just so -- I just want to finish
17 what I was saying just to make my point.

18 MR. STEWART: This whole thing is stupid.
19 It takes 1,200 hours to teach a barber how to be
20 a barber.

21 MS. NIBALDI: Understood.

22 MR. STEWART: Now, y'all are trying -- we
23 are, the state is, the governor is, I don't know
24 who proposed this. They're trying to drop it
25 down.

1 You can't teach haircutting. Just say if
2 they go to barber school they learn safety and
3 sanitation. If they don't learn to cut hair, the
4 public will get rid of them in a hurry. And if
5 the public don't, the boss barber will.

6 So why do we worry about that?

7 MR. MILNE: Because the problem is I'm stuck
8 in a litigation right now, and the focus of this
9 meeting is to get a fix of the litigation and to
10 get control back to your board so that you
11 continue with your rule making and finesse it in
12 the manner that you know best.

13 But for today, there's no escaping the fact
14 we're in the litigation context. So we have to
15 stay within that circle of focus to deal with
16 that problem.

17 MS. NIBALDI: And that --

18 MR. MILNE: That's all this meeting is about
19 today.

20 MR. STEWART: I understand what you're
21 saying. I really do, but it's not fair.

22 MR. MILNE: I'm not saying it's fair.

23 MR. STEWART: It's just like going in front
24 of an attorney or a policeman, and they're asking
25 you all kinds of questions, and you turnaround

1 and say, blah, blah, blah, blah. And they ask
2 questions --

3 MR. MILNE: Board members --

4 (Simultaneous speaking.)

5 MR. STEWART: I'm asking a question here.

6 (Simultaneous speaking.)

7 MR. MILNE: I don't have much ammunition to
8 fight my fight. I'm asking for help.

9 MS. NIBALDI: Sure.

10 (Simultaneous speaking.)

11 MR. MAYER: I put next to haircutting was to
12 add to it, not take away from it.

13 MR. NIBALDI: Okay. Yes.

14 MR. MAYER: Okay? That was to add to what
15 was there. I added more hours to it --

16 MS. NIBALDI: And I was going to finish a
17 point, if I may.

18 MR. MAYER: Okay.

19 MR. MILNE: The point that just occurred to
20 you?

21 MS. NIBALDI: I believe -- yes.

22 The discussion that we had -- yeah, so with
23 safety, sanitation, and sterilization, the school
24 would be able to kind of, in confines, be able to
25 teach haircutting that can fall under that

1 category, if they choose be, to make an
2 adjustment.

3 MR. MILNE: Doesn't matter what you call it,
4 it's actually what the course is going to be.

5 MR. NIBALDI: Sure.

6 MR. STEWART: You -- you -- it's pointless
7 trying to call a potato a chimpanzee. It doesn't
8 work.

9 MS. NIBALDI: Sure.

10 MR. MILNE: You've got to call it for what
11 it is.

12 MS. WOLD: So are you saying that going to
13 litigation without what you all have come up with
14 is not going to work? If it's not what DOE says
15 should be, then it's not --

16 MR. MILNE: DOE is merely a suggestion,
17 ma'am.

18 MS. WOLD: Okay.

19 MR. MILNE: It's not carved in stone, by any
20 means. They -- they are not informed in this
21 process as much as the board is. So it's just
22 throwing out what they would, as a discussion
23 balloon, be comfortable supporting if we were to
24 litigate this.

25 MR. NIBALDI: And correct me if I'm wrong,

1 then you would not have a witness?

2 MR. MILNE: Without 1,500 --

3 (Simultaneous speaking.)

4 MR. NIBALDI: Well, without 600.

5 MR. MILNE: Yeah. And without a witness
6 from our own Department of Education in my back,
7 I might as well just fold the tent and walk away,
8 because at this point I don't have a witness to
9 support, to provide sworn testimony in support of
10 our position. So I'm really -- my legs are cut
11 out from under me.

12 MR. STEWART: Really defeatist attitude.

13 MS. WOLD: And so with the minimum hours of
14 haircutting, do they feel comfortable litigating?

15 MR. MILNE: Say again?

16 MS. WOLD: With the minimum hours of
17 haircutting added to it?

18 MR. MILNE: Yes, yes. They'll supported it
19 at 600 if you've got competencies, which
20 internally, as our rule requires the school to
21 certify, they'd happy with that. And they want
22 to see some basic tools, at least on -- on the
23 rules, so that that's covered.

24 And actually, from the uninitiated, that
25 makes sense. It would certainly make sense to

1 the Court.

2 Whereas certain of them, they've got a great
3 argument saying, Hey, your rule for restricted
4 doesn't even teach the basic competencies, and
5 your internal rule says the schools have to
6 certify these competencies.

7 MR. STEWART: You know what the problem is
8 here is you are a professional arguer. And we
9 came --

10 MR. MILNE: My wife's accused me of that
11 more than once.

12 MR. STEWART: You tell your wife that I am
13 sure she's right, but we can't argue with you.

14 MR. MILNE: Well, I don't know. My wife's a
15 teacher. She --

16 MR. STEWART: Well, she's not here. But
17 we -- we cannot --

18 (Simultaneous speaking.)

19 MR. STEWART: In a minute everybody's going
20 to vote, and it's not going to make any
21 difference anyways; so ...

22 MR. NIBALDI: I don't know. I don't like to
23 lose.

24 MR. MILNE: I'm just trying to tell you from
25 my perspective, looking at the litigation, what I

1 need to do to fix it and give me an arguable
2 chance of winning. And since this meeting is
3 contemplating a counter proposal to maybe make
4 the litigation go away, at least give that a
5 shot, if you can, in good conscience.

6 MR. STEWART: Sure.

7 MS. NIBALDI: I mean, we're only 100 hours
8 off. It's -- and I think that we can alter these
9 hours, the four of us together, and figure
10 something out.

11 MR. STEWART: Well, maybe the three of y'all
12 together can.

13 MR. NIBALDI: Okay. That's fine.

14 MS. WOLD: Do we have to have a full
15 agreement?

16 MR. MILNE: Well, we have to make a -- we
17 have to make a counter proposal. To do that we
18 need consensus, because once you decide what the
19 counter proposal is, then we have to open the
20 meeting to the public and have a vote in the
21 public.

22 MS. WOLD: So what is going to be agreeable
23 to you? Because we all have to be in consensus.

24 MR. MILNE: Well, you need to have a quorum,
25 at least, which should be three out of four.

1 MS. WOLD: Nothing but the -- the original.

2 MR. STEWART: What y'all came up with when
3 you were in that meeting. Veronica was -- when
4 you are watering down our lawns --

5 MS. WOLD: But we weren't being sued at that
6 point.

7 MR. STEWART: -- as the best watering
8 down -- when -- if we go to this, then they can
9 come back and negotiate and then he can agree
10 or --

11 MS. WOLD: That's what they're doing.

12 MR. STEWART: That's right.

13 MS. WOLD: They're negotiating now. They've
14 sued us.

15 MR. STEWART: So we -- if we start -- if we
16 start out buying a used car and we start out at
17 \$20,000 it's only going to go up. So let's start
18 out at ten.

19 MR. MILNE: Let -- let me say this: If your
20 instructions, as my client, are to litigate
21 anything more than 600, I will litigate that and
22 I will litigate to my dying day.

23 I will not negotiate, I will not say, Well,
24 they meant 600, but it really is 700.

25 It's 600. That's it. It doesn't go one

1 millimeter north of that. If those are your
2 instructions to me, I have to obey them, and
3 that's what I'll do.

4 MR. STEWART: That's -- that's just
5 politics. I don't know what we're --

6 MR. MILNE: This is not politics. This is
7 actually --

8 (Simultaneous speaking.)

9 MR. MILNE: -- litigation.

10 MR. STEWART: I've got to stick this whole
11 thing right in their ear. It's stupid. It takes
12 1,200 hours to teach a restricted barber. Why
13 they come up with 500? Why they want to come
14 to -- it's beyond me. Why aren't we going up to
15 25 like they are in California.

16 And then -- then you're also portable. You
17 will not be portable with this. You cannot take
18 your license to any other state except New York.

19 MS. WOLD: So if a consensus is not an
20 option --

21 MR. STEWART: And with this --

22 (Simultaneous speaking.)

23 MS. WOLD: -- is a quorum okay?

24 MR. MILNE: Yes.

25 MS. WOLD: Okay.

1 MR. MILNE: There will be consensus at a
2 quorum level.

3 MS. WOLD: Okay.

4 MR. MILNE: And we -- we hear the passionate
5 arguments that Mr. Stewart -- which will -- and
6 the historical background to all this, which has
7 informed debate.

8 MR. STEWART: It -- it -- just -- my mouth
9 fell open when I read about this.

10 MR. MAYER: And so did mine.

11 (Simultaneous speaking.)

12 MR. MAYER: You're going to have all these
13 other barbers from other states coming here,
14 'cause we don't require enough hours any more.
15 We're going to be flooded.

16 MS. WOLD: But our job is not to regulate.

17 MR. MAYER: Well, I'm just saying in
18 general, that's what's going to happen, but --

19 MR. STEWART: If we go down to 500 hours,
20 they're going to come in here sweep licenses out
21 by these --

22 MR. MAYER: All these students have went to
23 school aren't going to be able to find a job.
24 The market's going to be flooded, and it is now,
25 but I know we need to make the ruling. I get

1 that. But in the end, it's not going to be good
2 for Florida, and these kids are going to school
3 thinking they can make a career out of it.
4 They're not going to be able to make any money.
5 The competition is going to be so hard for that.
6 They're -- you know, if the ...

7 (Simultaneous speaking.)

8 MR. STEWART: If we go for the lowest common
9 denominator here, then we can go up from there.
10 And somebody way above our pay grade is going to
11 make their decision, probably from DOAH.

12 MS. WOLD: Well, we already made the
13 decision with the help of the governor and the
14 executive directors, but they've sued us. So
15 they're presenting a higher --

16 MR. STEWART: Well, that was their decision.

17 MS. WOLD: -- that would go 500 hours.

18 MR. STEWART: Okay.

19 MS. WOLD: And -- and then they have sued us
20 and said they want to meet us at 850. So now
21 we're trying to just come to a consensus to
22 either not accept that or accept that. And if
23 we're not, then what are we going to counter
24 with?

25 MR. MILNE: And as I believe, Ms. Wold, we

1 are currently in the position where we're
2 rejecting the 850 that they're offering. So then
3 the option is, is there a counter offer? And I
4 believe that's what you want to pursue, and
5 that's --

6 MS. WOLD: Correct.

7 MR. MILNE: -- where, at least at a quorum
8 level, the three of the four of you, you need to
9 agree what the counter offer is going to be.

10 MS. WOLD: So there's no point in arguing
11 the 500 at this point, because we're -- we're
12 past that, 'cause --

13 MR. STEWART: No. That's what we're
14 arguing, is the 500 or 600.

15 MS. WOLD: Six hundred, but we have to
16 adjust the hours to fit.

17 MR. STEWART: Right after this meeting we're
18 all going to be friends. It don't make any
19 difference what we vote. I'm going to be friends
20 with the attorneys. I'm going to make my -- make
21 you buy me a whiskey drink, and I'm still going
22 to vote for the 500.

23 MR. NIBALDI: This is true.

24 MR. STEWART: You can vote for 600.

25 MS. NIBALDI: I always respect everyone's

1 decision and -- exactly.

2 MR. STEWART: It has no determination on
3 anything. It's not going to make or break the
4 world.

5 MR. NIBALDI: So let me -- excuse me. Let
6 me ask this: If Mr. Stewart is firm in his
7 decision with what was originally proposed, if
8 now the other three of us come to a conclusion on
9 ours, can we still move forward, yes or no?

10 MR. FRIZZELL: Yes.

11 MS. NIBALDI: Okay.

12 MR. MILNE: Yes, you can come to a quorum
13 decision, the three of you, with the descending
14 vote from Mr. Stewart, but for this to be a
15 workable counter offer, it has to be sufficiently
16 precise so that they can take that to their
17 people that they represent and discuss it. But
18 it -- for -- for an offer to be valid, it has to
19 be sufficiently precise. So we're going through
20 the --

21 MR. NIBALDI: Meaning everyone in agreement.

22 MS. WOLD: Right.

23 MR. MILNE: The quorum, the three of you.
24 So it really is -- and if you can come to a
25 decision on what these blank spaces are -- and

1 that's why they're left intentionally blank,
2 because that's up to you. Once you come to the
3 three-to-one vote on that, if that's the way this
4 is trending, then we can -- once that's carved
5 out, then we can go into an open meeting saying,
6 This is our counter proposal.

7 MS. WOLD: Well, what's -- your the hair
8 people. So what's the bare minimum on the hair
9 part? Skip -- I mean, 'cause we just --

10 MR. NIBALDI: So I'm -- just I'm sure you
11 probably have forgotten. Russell is at -- is at
12 300; so raising it from two to three. I'm okay
13 with the proposal at two, but I'm open to
14 adjusting it. And then you, Veronica, were
15 okay -- or reducing it to 150.

16 MS. WOLD: Yeah. I mean, I'm okay with that
17 coming up, but what --

18 MS. NIBALDI: So are you okay with
19 raising --

20 MS. WOLD: Do you have to have shaving? Do
21 you have to have -- you do have to have shaving.
22 So how much is the bare minimum shaving and the
23 bare minimum cutting? Right?

24 MR. MILNE: Just to -- to protect the safety
25 of them. Right.

1 MS. WOLD: Correct.

2 MR. MAYER: Excuse me. Are you a barber,
3 yourself, or --

4 MS. WOLD: No, I'm a citizen member.

5 MR. MAYER: Okay. Thank you.

6 MS. WOLD: That's why I'm deferring to you
7 all.

8 MR. MAYER: Okay. Thank you.

9 MR. MILNE: And -- and --

10 MR. MAYER: I didn't know.

11 MR. MILNE: Mr. Mayer, we would be delighted
12 to have any more information that you have on
13 this subject.

14 MR. FRIZZELL: May I make a math point out?
15 Okay. If we were to leave the Florida laws and
16 rules at 150 and the safety, sanitation at 350,
17 which is the 500 hours that were currently
18 proposed, we're -- we're suggesting to raise it
19 to 600 hours, that gives us an extra 100 hours.
20 Two out of -- two out of the four members have --
21 agree with removing hair structure and chemistry
22 and shampooing down to zero. That gives an
23 additional 100 hours to play with. So that gives
24 200 hours to --

25 MR. MILNE: To barbering skills.

1 MR. FRIZZELL: -- to break -- to break into
2 barbering skills. The rest of the --

3 MR. MILNE: Which is also kissing cousins
4 with safety and sanitation.

5 MS. WOLD: Right.

6 MR. MILNE: Which is your concern, I
7 believe, and everybody's concern.

8 MS. NIBALDI: And I'm okay with taking
9 that -- that out, as well.

10 MR. FRIZZELL: With -- what out?

11 MS. NIBALDI: The -- excuse me.

12 MR. MILNE: Shampooing and --

13 MS. NIBALDI: The hair structure and
14 chemistry and the shampooing. If it comes down,
15 I'm -- I'm fine with taking those both out, as
16 well.

17 MR. FRIZZELL: Okay. So that -- so without
18 touching the original proposal --

19 MS. NIBALDI: Okay.

20 MR. FRIZZELL: -- you have -- if you want to
21 propose 600 hours, that gives you 200 hours to
22 break down into haircutting and shaving.

23 MR. NIBALDI: Okay. And then what hours,
24 I'm sorry, are the Florida laws and rules of
25 safety, sanitation, and sterilization?

1 MR. FRIZZELL: They would remain 500 at the
2 original proposal, 150 for Florida laws and
3 rules, 350 for the safety, sanitation, and
4 sterilization.

5 MS. WOLD: So then how does that -- how
6 did --

7 MS. NIBALDI: Yeah, that would make 700,
8 because --

9 MS. WOLD: Yes.

10 MR. MAYER: No, it would not, because you're
11 getting rid of 100 hours in hair structure and
12 chemistry and -- you're getting rid of 75 hours
13 in hair structure and chemistry and 25 hours in
14 shampooing. You would break up these additional
15 200 hours.

16 So it would bring your -- your original
17 proposal -- so --

18 MS. WOLD: That math doesn't add up.

19 MR. FRIZZELL: Oh, you're right, it does
20 not. Never mind.

21 MS. WOLD: Yeah.

22 MR. FRIZZELL: Thank you.

23 MR. MILNE: Yes.

24 MR. FRIZZELL: It's 100 hours.

25 MS. WOLD: So we -- yeah. We -- that's why

1 I asked him what's the minimum hair stuff,
2 because if they're --

3 (Simultaneous speaking.)

4 MR. MILNE: It's okay. So Florida --

5 MS. WOLD: -- then we'll have to come down
6 on that one and two --

7 MR. MILNE: So if you have your Florida laws
8 and rules of safety --

9 MS. WOLD: -- to meet what they think is
10 required for.

11 MR. MAYER: That's what I thought. To add
12 an extra 100 hours to showing how to cut hair.

13 MS. NIBALDI: But if we -- if we take away
14 the hair structure, chemistry and the shampooing,
15 which is 100, Veronica is okay with taking
16 safety, sanitation, and sterilization down to
17 250.

18 So now you have that other 100, which will
19 bring you into 600 and have that extra 100 to
20 play with that Tim was suggesting.

21 (Simultaneous speaking.)

22 MR. NIBALDI: I'm okay -- I'm okay with the
23 150, Florida laws and rules. I'm okay with
24 safety, sanitation, and sterilization at 250.
25 And I am okay with taking away hair structure and

1 chemistry and shampooing. So if --

2 MS. WOLD: So where do you put the other
3 150 -- 150 haircutting and 50 --

4 MS. NIBALDI: Okay. Sorry. My brain's just
5 processing it all, and I'm --

6 MR. STEWART: Up to the written part, are
7 you going to add in there where it says, "No
8 Challenge"?

9 MS. NIBALDI: So wait, we have an extra --
10 (Simultaneous speaking.)

11 MR. NIBALDI: We have an extra 200, 'cause
12 you add 150, 250. That's 500. I'm sorry, no.

13 MS. WOLD: No, that's 400.

14 MS. NIBALDI: Four hundred. Sorry.

15 MR. FRIZZELL: Yeah. So you would be at
16 400 right now, yes.

17 MS. WOLD: That's two more hundred.

18 MR. FRIZZELL: Yes.

19 MS. WOLD: So 150 in haircutting and 50 in
20 shaving? Or do you --

21 MR. MILNE: Is that reasonable in that
22 scenario?

23 MS. WOLD: Or how do you want to divide
24 that? I don't know.

25 MR. MAYER: Well, I gave him my papers with

1 the numbers written down; so --

2 MS. NIBALDI: You have 50 in Florida laws
3 and rules; 175 in safety, sanitation, and
4 sterilization; 300 in haircutting; and 75 in
5 shaving.

6 MR. NIBALDI: I -- I know Russell's at 300
7 for haircutting. Veronica's at 150. I would be
8 okay with the 150 and the 50 in shaving, and the
9 reason is because I believe, like Eddie said,
10 it's more of a finesse thing, either you have it
11 or you don't.

12 MR. STEWART: Why don't you just move
13 shaving up into haircutting and shaving?

14 MS. WOLD: Can you do that?

15 MR. MILNE: It -- it has to be a separate
16 category.

17 MR. NIBALDI: Yeah, 'cause then it becomes,
18 I think, kind of like --

19 MS. WOLD: Do you want to reduce --

20 MS. NIBALDI: -- up in the air, per se.

21 MS. WOLD: -- Florida laws and rules to make
22 more for haircutting or shaving?

23 MS. NIBALDI: Are you okay with that? I
24 would be okay with it. I'm -- I'm very open
25 on --

1 MR. STEWART: So haircutting --

2 MS. NIBALDI: -- so ...

3 MR. STEWART: -- just put a slash
4 haircutting and --

5 MS. WOLD: Okay. I guess --

6 MR. STEWART: -- shaving and then you have
7 plenty of hours in there.

8 MS. NIBALDI: So are you coming onboard with
9 us now?

10 MR. STEWART: No.

11 MS. NIBALDI: Okay.

12 MS. WOLD: How much do you want to reduce
13 it?

14 MR. STEWART: I'm just trying help you all
15 sink your own ship.

16 MS. WOLD: Right -- the original -- so right
17 now you've only reduced Florida laws and rules by
18 50 from the original, but you've reduced safety,
19 sanitation, and sterilization by 150.

20 MS. NIBALDI: Okay.

21 MS. WOLD: And that's a lot.

22 MR. FRIZZELL: Yes.

23 MS. NIBALDI: Okay. So --

24 MS. WOLD: So if you reduce Florida laws and
25 rules, you just have to remember what the

1 original numbers were.

2 MR. NIBALDI: So how about -- so in a
3 typical school week of barbering is 30 hours. So
4 can we say that in 30 hours in a week they can
5 pretty much learn the Florida laws and rules or
6 get a good idea of what they are? I mean, it's
7 only -- and this is just my suggestion. It's
8 only 20 hours. They have a gist of it in 30.
9 What is really an extra 20 going to do? I mean,
10 that's just something I'm, you know, bringing up
11 to have you guys think about it.

12 MS. WOLD: From 100 -- from 200 original
13 hours to 30?

14 MS. NIBALDI: Yes. And then I think -- so
15 allow me a moment.

16 MS. WOLD: I think that's way too low.

17 MR. STEWART: And now do you all realize
18 that the students can take this stuff home and
19 read it and learn it at home?

20 MS. WOLD: That's true, but are they going
21 to?

22 MR. STEWART: If you introduce it to them at
23 school --

24 (Simultaneous speaking.)

25 MS. NIBALDI: Okay. One person at a time.

1 MR. MILNE: Don't -- don't -- please, kindly
2 not talk over each other, because our madam court
3 reporter is going to have a very hard time, and
4 we need a record.

5 MS. NIBALDI: Veronica.

6 MS. WOLD: I wasn't saying anything.

7 MS. NIBALDI: Oh, okay.

8 MS. WOLD: Mr. Mayer was.

9 MR. MAYER: I'm sorry if I interrupted.
10 Am I correct in to pass the state board, you
11 have to take a written test?

12 MR. NIBALDI: Absolutely.

13 MR. MAYER: So you would have to know your
14 sanitation rules and regulations to get your
15 license?

16 MS. NIBALDI: Absolutely.

17 MR. MAYER: Okay. So then I would have to
18 study at home or learn it or I wouldn't pass.

19 MR. MILNE: Yeah. If you don't pass the
20 test --

21 (Simultaneous speaking.)

22 MR. MAYER: But I do agree with her maybe a
23 little more than 30 hours on that, maybe at least
24 50.

25 MR. FRIZZELL: Sixty would be two weeks.

1 MR. MAYER: And -- and then the rest, at
2 least, go to haircutting.

3 MR. STEWART: Can I give y'all a practical
4 example? I assigned one of my instructors to
5 teach Florida law, the whole book, 19 pages in a
6 week, one hour a night.

7 MS. WOLD: Okay. What if we did this --

8 MR. STEWART: That's five hours, by the way.

9 MS. WOLD: So it was originally 400, and we
10 knocked it down to 250 on sanitation. That's
11 63 percent roughly. So what if we take Florida
12 laws and rules and reduce it by that percentage?

13 MR. FRIZZELL: What is that number?

14 MS. WOLD: I don't know yet. I have to
15 figure out how to figure it out the other way.

16 (Simultaneous speaking.)

17 MS. NIBALDI: And just because -- and this
18 is my -- just because you are a consumer member,
19 your opinion is valued --

20 MS. WOLD: 125?

21 MS. NIBALDI: -- just as much as all of us.

22 MR. STEWART: Suck up.

23 MS. NIBALDI: I'm not a suck up. She's very
24 efficient at what she does.

25 MR. STEWART: You're right.

1 MR. FRIZZELL: So that would allow an
2 additional 25.

3 MR. STEWART: My wife says --
4 (Simultaneous speaking.)

5 MS. WOLD: Yeah. That -- that's 100 -- 125
6 hours minimum, but that gives us a percentage to
7 work with instead of just randomly coming up with
8 numbers.

9 MR. MILNE: And -- and for this to really
10 help the students, you have to bear in mind, and
11 I'm sure you are looking at from just my
12 perspective, that you can't set them up to fail.
13 They need to be able to have enough instruction
14 to be able to pass the written test.

15 Yes, they'll have self-study and all that,
16 but how much do you really need to honestly be
17 taught to know the parameters so that they can
18 get on with their work and actually have a chance
19 to pass the test?

20 MR. STEWART: It's really, really obvious
21 you've never taught barber school.

22 MR. MILNE: Sir, I'm the first one to admit
23 that.

24 MR. STEWART: It is unbelievable --

25 MS. WOLD: That -- that would be 375

1 hours --

2 MR. STEWART: -- how much hangover you can
3 do --

4 (Simultaneous speaking.)

5 MS. WOLD: -- in the top two and leave you
6 with 325 to disseminate among the haircutting.
7 And then we could say we reduced one and two by
8 63 percent to try to help.

9 MR. NIBALDI: And then what does that come
10 up with? Or what do you come up with?

11 MS. WOLD: If you reduce those two by 63
12 percent, it's 375, leaving you 325 for the
13 haircutting portion.

14 MS. NIBALDI: Well, that would be 700, no?

15 MS. WOLD: Oh, shoot, 225. Sorry.

16 MR. NIBALDI: My brain works sometimes.

17 MS. WOLD: You're right.

18 MR. FRIZZELL: Better than mine here.

19 (Simultaneous speaking.)

20 MS. WOLD: I would say mine is three, but I
21 took away one and I'm still --

22 MR. MILNE: You'll notice I'm not throwing
23 any numbers out, because I can barely write.

24 MS. NIBALDI: Yeah.

25 (Simultaneous speaking.)

1 MS. NIBALDI: Okay. So let -- let me say
2 this now --

3 (Simultaneous speaking.)

4 MS. WOLD: The one with the --

5 MR. NIBALDI: -- as we continue to talk and
6 you're figuring out percentages and going back to
7 the original proposal. Then if the whole main
8 point of us being here today is Florida laws,
9 rules, safety, sanitation, and sterilization, and
10 we feel, as a whole, that the majority, if we go
11 into a percentage, should be in that, then it
12 would be my assumption that we would be
13 comfortable with the haircutting and the shaving,
14 beard and mustache trimming not be a significant
15 amount of hours, because we're worried about
16 protecting the safety of the public, and we feel
17 like that falls under Florida laws and rules,
18 safety, sanitation, and sterilization.

19 Anyone correct me if they feel differently.

20 MR. MILNE: As long as we're not playing
21 games with what things to categorize, because
22 that won't fly.

23 MS. NIBALDI: Yeah.

24 MR. MILNE: And that's not straight.

25 We have to address the deficiency, the

1 glaring deficiency in the rule as drafted that
2 there are no competencies to be mentioned --

3 MS. NIBALDI: Correct.

4 MR. MILNE: -- and certified by the school.

5 And from what I now know in all truth, it
6 would appear that basic barbering schools go hand
7 in -- sorry -- that teaching of basic barbering
8 skills, at the very least, go hand-in-hand with
9 safety and sanitation, mostly safety.

10 And if you do put some measurable skill sets
11 in there that can be certified, you are
12 increasing the safety of the public, it would
13 appear.

14 MR. NIBALDI: Thank you.

15 MR. STEWART: It would appear, but it --
16 it --

17 (Simultaneous speaking.)

18 MR. MILNE: And remember, we're in the
19 litigation context, this may also make sense --

20 (Simultaneous speaking.)

21 MS. WOLD: I mean, he --

22 MS. NIBALDI: In the categories?

23 MS. WOLD: If we look --

24 (Simultaneous speaking.)

25 MR. STEWART: If you go safety and

1 sanitation 500 hours is gracious, but I mean
2 could you just read -- the book is there.
3 Everything is there. You just read it.

4 MR. MILNE: But to fix the rule -- to have a
5 chance of honestly trying to settle this --

6 (Simultaneous speaking.)

7 MR. MILNE: -- with a counter proposal
8 that's concrete and hits all those positive
9 points that we don't have at 500, it's obvious
10 that barbering skills have to be in there for our
11 rule to work.

12 So that's up to you. I'm just trying to
13 remain within the focus of what we're tasked with
14 here today.

15 MR. NIBALDI: So if we keep it originally --
16 not originally -- as the new proposal, 50 hours
17 Florida laws and rules, 175 safety, sanitation,
18 and sterilization, we've gotten rid of hair
19 structure and chemistry, which is 75 hours, and
20 another 25 hours of shampooing. So that's 100
21 hours to disperse into other categories.

22 MS. WOLD: Oh, I don't have that one that
23 you all did anymore, but I --

24 MR. STEWART: It seems like you don't need
25 all that.

1 MS. WOLD: -- I don't agree with that.

2 MR. MILNE: What -- what part don't --

3 MS. WOLD: Those low numbers on one and two.

4 MR. MILNE: Florida laws, rules, regs, and
5 sanitation.

6 (Simultaneous speaking.)

7 MS. WOLD: Yeah. 'Cause I don't have the
8 numbers that you all -- yeah. I think that is
9 too low.

10 MR. MILNE: And -- and for the record, these
11 suggested numbers come from DOE. They're not
12 our --

13 MS. WOLD: Right.

14 MR. MILNE: -- numbers. It's for you in the
15 blank space to decide what those numbers would
16 be.

17 MS. NIBALDI: So raising some of the hours
18 in the first two categories --

19 MS. WOLD: Yeah. I think the first two --

20 MS. NIBALDI: -- and then we'd be --

21 MS. WOLD: -- dropping them from the
22 original 500 is -- needs to be done very
23 cautiously. And only to make sure that you have
24 the basic haircutting required amounts. That's
25 why I asked you what those are, but --

1 MR. STEWART: The -- the whole thing that
2 you all are missing is that, when they dropped or
3 decided they wanted to drop the restricted
4 license from 1,200 hours or 1,000 down to 500,
5 there's got to be a reason they're doing this.
6 It's because you're bringing in people that
7 already can cut hair and teaching them rules and
8 sanitation so that they will be -- they'll know
9 the law, they will know when to do their license
10 and all of the other laws, and they will be
11 clean. It wasn't about teaching them to cut
12 hair, teaching them to shampoo hair.

13 MS. WOLD: Right.

14 MR. STEWART: You know that. And believe
15 me, 500 hours is gracious, plenty. Because you
16 could do 10,000 hours, and they're not going to
17 do anything when they get in the shop except go
18 back to their old habits.

19 So when you --

20 MS. WOLD: Right, but --

21 MR. STEWART: -- you know, you don't need to
22 add -- when they get to the school, they want to
23 cut hair. They're going to be begging to get out
24 to the floor and cut hair.

25 MR. MILNE: And that may be the truth of it.

1 I won't be able to prove that in court.

2 MS. WOLD: Right. And how -- the bottom
3 line was not to regulate as much, just to keep in
4 mind the safety.

5 MR. NIBALDI: What about this one, it hasn't
6 been broughten up, and you may say I'm crazy.
7 What if -- we need 600; right? So we'll just
8 cross it out here. It's 400 hours, safety,
9 sanitation, and sterilization, and 200 hours
10 Florida laws and rules. And then we have our 600
11 hours.

12 MR. MILNE: Say that again.

13 MS. WOLD: So no haircutting? No, because
14 he said he can't -- he can't win that in court,
15 we've got to have --

16 (Simultaneous speaking.)

17 MR. MILNE: And also that's a safety issue.
18 You need basic skills.

19 MS. WOLD: Right. So what is the bare
20 minimum and haircutting and beard --

21 MR. STEWART: I can tell you -- I can tell
22 you, Mikey, when you came into the business and
23 teach him in about a week and then the rest of it
24 he picked up on his own.

25 You could take me when I came in the

1 business. I was 16 years old, I didn't have crap
2 for an idea what I was doing. It took them 700
3 hours just to teach me to cut hair.

4 Then I went to the shop as an apprentice,
5 worked 18 months. Then I worked another two
6 years before I got good enough to go to a style
7 shop and learn how to be a Sebring (ph) barber.

8 So now you got four years invested in me
9 learning, and you got two weeks invested in
10 Mikey. I just didn't have the skills.

11 MS. NIBALDI: So what if 150 hours in
12 haircutting, 50 hours in shaving, and you have
13 400 hours to divide between Florida laws and
14 rules, safety, sanitation, and sterilization?

15 MR. STEWART: Now you're dividing the one
16 thing we do.

17 MS. WOLD: Yeah.

18 MR. MAYER: I'm okay with it.

19 MR. STEWART: Safety and sanitation you're
20 dividing. It's the one thing we do.

21 MS. WOLD: Yeah.

22 MR. STEWART: We regulate safety and
23 sanitation.

24 MR. FRIZZELL: It would be 400 hours in
25 safety and sanitation.

1 MR. MILNE: It would divide --

2 (Simultaneous speaking.)

3 MS. NIBALDI: Well, no, Florida laws -- I'm
4 sorry.

5 MS. WOLD: No.

6 MR. FRIZZELL: My understanding from what
7 you're saying is, is -- what he's saying is, is
8 that his proposal is 400 hours in those two
9 categories.

10 MS. WOLD: So do you --

11 (Simultaneous speaking.)

12 MS. NIBALDI: A combination of the two.

13 MR. STEWART: If y'all are going to change
14 anything, add two, don't -- don't cut down
15 Florida -- the first two, one and two.

16 MS. WOLD: So you want to -- how do you want
17 to divide that up?

18 (Simultaneous speaking.)

19 MS. NIBALDI: All right. Hold on. Just
20 give me one second, sorry, because I have a lot
21 of papers in front of me. And I just want to
22 make sure --

23 MR. STEWART: Florida law and safety and
24 sanitation's at 500 according to the old
25 approach. For God's stake, don't cut that down.

1 MR. MILNE: Yeah ...

2 MR. STEWART: Even though I'm still not
3 going to vote for it.

4 MR. NIBALDI: So if you look at it now, what
5 we have in front of us today, which was suggested
6 by DOE, if you combine those two numbers, it's
7 only 225 hours. So now we're taking it up to
8 400. We are suggesting 150 for haircuts, 50 for
9 shaving. And it seems like everyone would be
10 more comfortable with that because we want to
11 make sure and we feel that the public would be
12 protected. And with 150 hours in haircutting and
13 shaving, they would have the minimum competency.
14 And that's what with -- you know, our attorneys
15 would -- seems like they would prefer in moving
16 forward.

17 MR. MILNE: That will help me fight my case
18 then.

19 MR. NIBALDI: That would help to assist them
20 fight their -- fight their case.

21 MS. WOLD: Yeah.

22 MR. NIBALDI: Does it seem doable for the
23 majority of us under that suggestion?

24 MR. MAYER: That would be a total of 500 or
25 six?

1 MS. NIBALDI: No, you have six, you have 150
2 haircutting --

3 MR. MAYER: Okay. I'm all for the six.

4 MR. MILNE: Let's just put it for the record
5 then and consensus.

6 MS. WOLD: Now, how much --

7 MS. NIBALDI: Okay. I'm just --

8 MS. WOLD: -- Florida laws and rules versus
9 safety?

10 MS. NIBALDI: What would you suggest? I
11 would like to hear your suggestion, please, if
12 you wouldn't mind.

13 MS. WOLD: So 75 hours in Florida laws and
14 rules and the rest in safety, sanitation, and
15 sterilization.

16 MS. NIBALDI: So 325, safety, sanitation,
17 sterilization and 75 Florida laws and rules.

18 MS. WOLD: At the very least.

19 MS. NIBALDI: I'm okay with that.

20 MR. MILNE: And that's 400, yes.

21 MR. NIBALDI: I'm okay with that.

22 MR. MILNE: Mr. Mayer?

23 MR. MAYER: Yeah, I'm okay.

24 MR. MILNE: All right. What else? Then
25 you've got 200 hours left; right?

1 MS. NIBALDI: Yeah, so 150 -- I apologize.
2 150 hours in haircutting, 50 hours in shaving,
3 beard and mustache trimming. And remember we
4 were X'ing out hair structure and chemistry and
5 shampooing, those two categories.

6 (Simultaneous speaking.)

7 MR. MILNE: For consensus purposes --

8 MS. NIBALDI: Yes.

9 MR. MILNE: -- one last time, Florida rules,
10 Mr. Mayer, ma'am, Michelino, what is the number?

11 MS. NIBALDI: Florida laws and rules, 75
12 hours; safety, sanitation, and sterilization, 375
13 hours.

14 MS. WOLD: No, 325.

15 MR. NIBALDI: I'm sorry, excuse me. Safety,
16 sanitation, and sterilization 325 hours;
17 haircutting 150 hours; and shaving, beard and
18 mustache trimming 50 hours, for a total of 600.

19 MR. MILNE: Okay. And would you also agree
20 to delete the challenge portion of the rule?

21 MS. WOLD: Yes.

22 MR. NIBALDI: Yes.

23 MS. WOLD: Definitely.

24 MR. MILNE: Mr. Stewart are you in agreement
25 to delete the challenge part of the rule?

1 MR. STEWART: I -- I think that would be
2 great.

3 MR. MILNE: Okay. Mr. Mayer?

4 MR. MAYER: I am -- I'm okay with that.

5 MR. MILNE: So we're unanimous -- you are
6 unanimous on deleting the challenge part of the
7 rule.

8 And then addressing that unintended damages
9 that I know y'all didn't know about at the time,
10 and certainly intend, are you okay with
11 grandfathering them in so that they can bring up
12 their other -- the new complaint course to come
13 up to 600?

14 MR. NIBALDI: Yes.

15 MS. WOLD: I don't know what that means.

16 MR. MILNE: Well, if we grandfather them
17 in -- in to teach their old courses from the
18 second this rule goes in, they will be able to
19 teach that for a year while they bring their new
20 course online.

21 MS. WOLD: Okay. Yes.

22 MR. MILNE: And they won't be damaged. And
23 that will help my argument.

24 MS. WOLD: Yes.

25 MS. NIBALDI: Yes.

1 MR. MILNE: Mr. Mayer?

2 MR. MAYER: I'm in favor.

3 MR. MILNE: Eddie? Mr. Stewart, sir?

4 MR. STEWART: Yes, I think I agree. I
5 didn't hear you exactly, but --

6 MR. MILNE: And -- and -- and, you know, we
7 don't want to damage people unintentionally and
8 it's a fair thing to do.

9 MS. NIBALDI: Yes.

10 MR. MILNE: And people are grandfathered in.
11 So we -- I believe you're unanimous.

12 MS. NIBALDI: Yes.

13 MR. MILNE: Okay. Before we open this up,
14 can we just take one more comfort break?

15 MS. NIBALDI: Oh, please. I'm ready to --

16 MR. MILNE: You know, because this is very
17 dynamic, and I'm ignorant about your profession,
18 but this is -- I'm learning a lot from this, you
19 know.

20 MS. NIBALDI: We will recess.

21 (Recess 11:16 a.m. until 11:28 a.m.) s

22 MR. MILNE: I believe that if you have
23 reached a consensus on a counter offer, the next
24 step of the proceedings would be to open the
25 meeting to the public and propose you counter

1 offer and have a vote on it.

2 And -- and -- well, before the final vote,
3 propose a counter offer, get public comments and
4 the vote. So that would be the next proceeding.

5 MS. NIBALDI: Okay.

6 MR. MILNE: And if it's your pleasure, I
7 would advise that --

8 MR. NIBALDI: Please, thank you, sir.

9 (Simultaneous speaking.)

10 (Short pause in proceedings.)

11 MS. NIBALDI: Thank you.

12 (Simultaneous speaking.)

13 (Conclusion of Volume 2 at 11:29 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA**COUNTY OF LEON**

I, KAIRISA JOI MAGEE, PROFESSIONAL STENOGRAPHER, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 6th day of November, 2019.

KAIRISA JOI MAGEE, PROFESSIONAL STENOGRAPHER

MR. FRIZZELL: [49] 7/4 7/11 8/24 9/2 9/16 9/19 9/21 15/24 49/21 50/1 69/11 69/13 69/16 70/9 70/12 70/25 71/2 71/5 71/11 71/17 71/23 74/12 74/16 74/18 77/12 77/21 78/3 78/8 85/4 85/8 102/9 104/13 104/25 105/9 105/16 105/19 105/25 106/18 106/21 106/23 108/14 108/17 110/21 112/24 113/12 113/25 115/17 122/23 123/5
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MR. NIBALDI: [74] 41/12 42/17 42/20 43/6 55/9 56/4 58/1 58/5 59/9 60/1 60/3 61/14 63/15 64/14 64/22 64/25 65/9 65/24 66/12 67/3 69/2 69/19 69/24 70/3 71/21 73/3 75/11 77/2 80/14 80/16 81/8 81/23 83/10 84/11 84/20 84/25 85/2 86/6 88/6 88/11 89/2 89/10 90/14 92/12 93/4 93/24 94/3 95/21 96/12 101/22 102/4 102/20 103/9 105/22 107/21 108/10 109/5 109/16 111/1 112/11 115/8 115/15 116/4 117/13 118/14 121/4 124/3 124/18 124/21 125/20 126/14 126/21 127/13 129/7
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MS. WOLD: [172]
MS. WOODARD: [12] 7/18 7/20 7/22 7/24 8/1 9/5 20/11 48/7 65/23 70/11 70/23 71/1
THE COURT REPORTER: [1] 51/3

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'cause [21] 14/25 17/2 17/20 18/6 25/1 25/10 39/6 43/1 44/19 45/6 61/20 68/7 74/2 80/1 82/2 99/14 101/12 103/9 108/11 109/17 119/7

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