

MINUTES

FLORIDA BARBERS' BOARD
Department of Business and Professional Regulation
The Florida Mall Hotel
1500 Sand Lake Road
Orlando, Florida 32809
Monday, May 15, 2006
9:00 a.m.

General Business Meeting

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

Board Members Present

Peter "Dave" Magda, Chair
Herman White, Vice Chair
Robert Collins
Jeri Scott
Roland Bordelon

Board Members Absent

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Charles Tunncliff, Office of the General Counsel, DBPR
Daniel Biggins, Assistant Attorney General, Department of Legal Affairs
Joy Tootle, Assistant Attorney General, Department of Legal Affairs
Dana Ewaldt, Government Analyst, DBPR

Interested Parties Present

Dianna Gonzales, Court Reporter
Lynda Calcano, International Services
Letty Milazzo, ASM Beauty World Academy
Maura Scali-Sheahan, Florida Community College at Jacksonville
Jackie Lombardi, Florida Barber Academy
Francisco J. Abreu, Endorsement Applicant
Isnara Lacroix, Endorsement Applicant
Francisco Magana, Endorsement Applicant
Mourad Fennane, Endorsement Applicant
Hubert Arnhold, Endorsement Applicant
Monika Arnhold, Endorsement Applicant
Ordisi Garcia, Endorsement Applicant
Anthoni Mergal, Endorsement Applicant
Bernadette Metellus, Endorsement Applicant

Ilrick Moise, Endorsement Applicant
Felix Sanchez, Endorsement Applicant
Neyis Gomez De Ullola, Endorsement Applicant
Didier Vidales, Endorsement Applicant
Steve Western, Endorsement Applicant
B. Rose Camille, Endorsement Applicant
Guildamise Andre, Endorsement Applicant
Manuela Morillo-Mendez, Endorsement Applicant
Rosa Usera-Puello, Endorsement Applicant
Villard Devilus, Endorsement Applicant
Milana Fennane, Translator for Mourad Fennane
Stiefel Guntram, Translator for Hubert Arnhold and Monika Arnhold
Wisner Cineus, Translator for Bernadette Mettellus
Ramon Puello, Translator for Rosa Usera-Puello
Amsterly Pierre, Translator for B. Rose Camille and Guildamise Andre
Francisco Cabral, Translator for Francisco Abreu
Marcus Kemp, Brantley Square Barbershop, Respondent
Rudin Stroud, Front Street Barber Shop, Respondent
Helen Johnson, Front Street Barber Shop, Respondent
Stacey Williams, MVP Barbershop, Respondent
Nolan Roberts, MVP Barbershop, Respondent
Pierre Asmaud
Carol Collins

The meeting was opened with a roll call and a quorum was established. Chair Magda welcomed the new board member Mr. Roland Bordelon. Chair Magda thanked the audience members for attending the meeting.

Mr. Dan Biggins, Assistant Attorney General, introduced his replacement, Ms. Joy Tootle, Assistant Attorney General, as board counsel for the Florida Barbers' Board.

Approval of Minutes: February 12, 2006

Ms. Jeri Scott moved to accept the minutes from the February 12, 2006, Board meeting. Mr. Herman White, Vice-Chair, seconded the motion and the motion passed unanimously.

Approval of Minutes: February 13, 2006

Ms. Scott moved to accept the minutes from the February 13, 2006, Board meeting. Vice-Chair White seconded the motion and the motion passed unanimously.

Disciplinary Matters

Ms. Joy Tootle inquired if all board members had received their board meeting materials and if the members had reviewed and understood all the agenda materials. All board members responded in the affirmative to these questions.

Informal Hearings

Front Street Barber Shop; Valrico; Case No. 2005-045857, 2005-045859 and 2005-045862

The Administrative Complaint charged the Respondent with multiple violations of Section 476.194(1)(e)2, F.S., in that it is unlawful to own or operate a barbershop in which a person not licensed as a barber is permitted to perform services; and a violation of Section 476.194(1)(b), F.S., in that it is unlawful for any person to engage in willful or repeated violations of this act or of any of the rules adopted by the board. Ms. Helen Johnson, barbershop owner, and Mr. Rudin Stroud, barbershop manager, were present and sworn in by the Court Reporter. In an attempt to dispute the allegations of the inspection, Ms. Johnson offered testimony as to the hours of operation of the barbershop and that the shop was closed for business at the time of inspection. Ms. Johnson stated at the time of inspection (approximately 9:00 p.m.) there was a social gathering which included the shop's manager, Mr. Stroud, and his associates. Ms. Tootle explained this was not an evidentiary hearing and if the matter was being disputed, then the case should be pulled from the agenda and brought before the Division of Administrative Hearings (DOAH). Ms. Johnson stated it was not her desire to have a formal hearing and that she waived all options of further dispute. Vice Chair White moved that the board find the Respondent was properly served with the Administrative Complaint, and elected not to dispute the alleged facts, that there is competent and substantial evidence in the investigative file to support the allegations, that the Respondent committed the offenses as outlined in the Administrative Complaint, and that the board impose a penalty on the Respondent of a \$1,500 fine and costs of \$79.52. Mr. Robert Collins seconded the motion and the motion passed unanimously.

Keeping It Real; Orlando; Case No. 2005-026503

Mr. Charles Tunncliff requested this disciplinary case be pulled from the agenda to be considered at a later date.

MVP Barbershop; Jacksonville; Case No. 2005-060493

Mr. Tunncliff noted this matter was agended as a Motion for Waiver of Rights and Final Order due to no Election of Rights being filed with his office, however, since the Respondent was present, the matter should be considered as an informal hearing pursuant to Section 120.57(2), F.S. Mr. Stacey Williams and Mr. Nolan Roberts were sworn in by the Court Reporter. The Administrative Complaint charged the Respondent with a violations of Section 476.204 (1)(i), F.S., in that it is unlawful for any person to violate or refuse to comply with any provision of Chapter 476 or a rule or final order of the board; and a violation of Section 476.194 (1)(b), F.S., in that it is unlawful for any person to engage in willful or repeated violations of Chapter 476 or of any of the rules adopted by the board. After discussion, Vice Chair White moved that the board find the Respondent was properly served with the Administrative Complaint, and elected not to dispute the alleged facts, that there is competent and substantial evidence in the investigative file to support the allegations, that the Respondent committed the offenses as outlined in the Administrative Complaint, and that the board impose a penalty on the Respondent of a \$550 fine and costs of \$153.05. Ms. Scott seconded the motion and the motion passed unanimously.

Motions for Waiver of Rights and Final Order

Unless otherwise stated, by appropriate motion the board found that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, the board accepted the allegations as stated in the Administrative Complaint and adopted them as the findings of fact and conclusions of law of the board, and imposed the penalties shown below:

- Julius Clark; Miami
Case No. 2004-046479
\$500 fine and \$122.25 costs
- Victor Dornell Davis; St. Petersburg
Case No. 2005-009283
\$500 fine and \$94.50 costs
- Quillermo E. Delgado; Green Acres
Case No. 2005-044080
\$1,000 fine and \$68.12 costs
- Just Barbers; Lauderhill
Case No. 2005-022545
\$1,150 fine and \$355.68 costs
- Antonio Hester; Miami
Case No. 2004-035050
\$1,000 fine and \$262.51 costs
- Mas Compas Barbershop; North Lauderdale
Case No. 2005-038848
\$2,550 fine and \$58.50 costs
- Miguel Omar Olan; West Palm Beach
Case No. 2005-0044073
\$1,000 fine and \$83.74 costs
- Eric Oscar; North Lauderhill
Case No. 2005-062189
\$2,000 fine and \$34.41 costs
- Guillermo Enrique Rivas; Miramar
Case No. 2004-041459
\$500 fine and \$210.82 costs
- Nelson Sanchez; Palm Springs
Case No. 2005-044043
\$1,500 fine and \$151.98
- Oneil Woodstock; Lauderhill

Case No. 2004-039714
\$1,000 fine and \$317.15 costs

- Oneil Woodstock; Lauderhill
Case No. 2004-037684
\$1,000 fine and \$317.15 costs

Settlement Stipulations

All Pro Cuts & Styles; Orlando; Case No. 2005-013635

The Administrative Complaint charged the Respondent with multiple violations of Section 476.204(1)(i), F.S., in that it is unlawful for any person to violate or refuse to comply with any provisions of chapter 476 or a rule or final order of the Board; a violation of Section 476.194(1)(e)1, F.S., in that it is unlawful for any person to own or operate a barbershop which is not licensed under the provisions of this chapter; and a violation of Section 476.194(1)(c), F.S., in that it is unlawful to hire or employ any person to engage in the practice of barbering unless such person holds a valid license as a barber. The department suggested assessing a fine of \$500 and costs of \$163.48. Chair Magda inquired as to incorporating a term into the Settlement Stipulation that the Respondent appear before them due to numerous prior violations. Mr. Tunncliff stated that a Respondent's appearance cannot be mandated unless the matter was a criminal violation supported by a court proceeding. However, Mr. Tunncliff noted if the Board rejects the Settlement Stipulation, his office would proceed with a formal hearing. After discussion, Ms. Scott moved to reject the Settlement Stipulation. Vice Chair White seconded the motion and the motion passed unanimously.

Brantley Square Barbershop; Altamonte Springs; Case No. 2005-003496

Mr. Marcus Kemp was present and sworn in by the Court Reporter. The Administrative Complaint charged the Respondent with multiple violations of Section 476.204(1)(i), F.S., in that it is unlawful for any person to violate or refuse to comply with any provisions of Chapter 476 or a rule or final order of the Board. The department suggested assessing a fine of \$500 and costs of \$141.99. Vice Chair White moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all its terms into a final order. Ms. Scott seconded the motion and the motion passed unanimously.

Abdurrafi Muhammad; Gainesville; Case No. 2004-030133

The Administrative Complaint charged the Respondent with a violation of Section 476.194(1)(a), F.S., in that it is unlawful for any person to engage in the practice of barbering without an active license barber issued pursuant to the provisions of this act by the department. The department suggested assessing a fine of \$1,250 and costs of \$270.86 with a 12-month payment plan. Vice Chair White moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all its terms into a final order. Mr. Collins seconded the motion. All board members voted in favor of the motion, with Ms. Scott opposing the motion.

New Image; Ft. Lauderdale; Case No. 2005-024957

The Administrative Complaint charged the Respondent with a violation of Section 455.227(1)(p), F.S., in that it is unlawful to delegate or contract for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them; multiple violations of Section 476.194(1)(c), F.S., in that it is unlawful for any person to hire or employ any person to engage in the practice of barbering unless such person holds a valid license as a barber; and multiple violations of Section 476.204(1)(i), F.S., in that it is unlawful for any person to violate or refuse to comply with any provision of this chapter or rule or final order of the board. The department suggested assessing a fine of \$2,000 and no costs with a 12-month payment plan. Vice Chair White moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all its terms into a final order. Ms. Scott seconded the motion and the motion passed unanimously.

Prosecuting Attorney's Report

Status Report

Mr. Tunncliff reported that as of May 5, 2006, there were 53 barber cases in the legal section.

Mr. Tunncliff informed the board that Ms. Tiffany Harrington, Assistant General Counsel, has been hired as the new attorney to handle barbering disciplinary cases in the future. He added that he intends to continue to assist with the barbering disciplinary cases for approximately one more year.

Applications

Out-Of-Country Endorsement Applications

Francisco J. Abreu / Dominican Republic

Mr. Francisco Abreu was present along with his translator Mr. Francisco Cabral. Mr. Abreu and Mr. Cabral were sworn in by the Court Reporter. Mr. Abreu's out-of-country endorsement application was continued from the February 13, 2006, board meeting due to insufficient documentation evidencing that he had taken and passed a written and practical examination. After review of the examination documentation, Vice Chair White moved to approve the endorsement application. Mr. Roland Bordelon seconded the motion. Ms. Scott opposed the motion. The motion passed approving Mr. Abreu for licensure by endorsement.

Isnara Lacroix / Haiti

Ms. Isnara Lacroix was present along with her translator, Ms. Lynda Calcano. Ms. Lacroix and Ms. Calcano were sworn in by the Court Reporter. Ms. Lacroix's out-of-country application was continued from the February 13, 2006, board meeting due to the curriculum breakdown not demonstrating the required shaving services or hours in the subject areas of

safety, sanitation and sterilization. After review of the documentation, Vice Chair White moved to approve the endorsement application. Mr. Bordelon seconded the motion and the motion passed unanimously approving Ms. Lacroix for licensure by endorsement.

Francisco Magana / Mexico

Mr. Francisco Magana was present along with his translator, Ms. Clacano. Mr. Magana and Ms. Calcano were sworn in by the Court Reporter. Mr. Magana's out-of-country endorsement application was continued from the February 13, 2006, board meeting due to supporting translated documents not providing proof of a written and practical examination, nor did the curriculum documents include the required subjects of safety, sanitation and sterilization or hair shampooing. After review of the supplemental documentation, Vice Chair White moved to approve the endorsement application. Mr. Collins seconded the motion and the motion passed unanimously approving Mr. Magana for licensure by endorsement.

T.J. Hunter Jennings / Canada

The out-of-country endorsement application was denied at the February 13, 2006 board meeting based on there being conflicting school names on the verification documents and that the documentation did not provide proof of the required subject matter of safety, sanitation and sterilization. Mr. T.J. Hunter Jennings requested an informal hearing of the application denial, however, he did not provide additional supplemental documentation to support the endorsement application nor was Mr. Jennings present for the hearing. After a second review of the application and documentation, Vice Chair White moved to uphold the denial of his endorsement application. Ms. Scott seconded the motion and the motion passed unanimously.

Mourad Fennane / Morocco

The out-of-country endorsement application was denied at the February 13, 2006, board meeting based on there being no proof of a written and practical examination, and the course curriculum did not include shaving services or the subject areas of safety, sanitation and sterilization. Mr. Mourad Fennane requested an informal hearing of the application denial. Mr. Fennane was present along with his translator, Ms. Milana Fennane. Mr. Fennane and Ms. Fennane were sworn in by the Court Reporter. Mr. Fennane provided additional translated documents showing proof of apprenticeship training hours which included the required subject matter of safety, sanitation and sterilization and shaving services. After discussion, Ms. Scott moved to approve the endorsement application. Vice Chair White seconded the motion and the motion passed unanimously approving Mr. Fennane for licensure by endorsement.

Hubert Arnhold / Germany

Mr. Hubert Arnhold was present along with his translator, Mr. Stiefel Guntram. Mr. Arnhold and Mr. Guntram were sworn in by the Court Reporter. Chair Magda noted that there was no curriculum breakdown demonstrating the required barbering subjects and services. The documentation provided showed proof of 780 apprenticeship hours; however, the endorsement requirement is at least 1,000 hours. After discussion, Mr. Arnhold agreed to waive the 90 day requirement of Florida Statutes Chapter 120 in an attempt to provide the required documentation showing proof of school training hours and curriculum breakdown documentation. Vice Chair White moved to table this matter until additional curriculum documentation can be provided for review at the next board meeting. Mr. Bordelon seconded the motion and the motion passed unanimously.

Monika Arnhold / Germany

Ms. Monika Arnhold was present along with her translator, Mr. Stiefel Guntram. Ms. Arnhold and Mr. Guntram were sworn in by the Court Reporter. Chair Magda noted that there was not a curriculum breakdown demonstrating the required barbering subjects and service. The documentation provided showed proof of 780 apprenticeship hours; however, the endorsement requirement is at least 1,000 hours. After discussion, Ms. Arnhold agreed to waive the 90 day requirement of Florida Statutes Chapter 120 in an attempt to provide the required documentation showing proof of school training hours and curriculum breakdown documentation. Vice Chair White moved to table this matter until additional curriculum documentation can be provided for review at the next board meeting. Mr. Bordelon seconded the motion and the motion passed unanimously.

Isabelle Arnhold / Germany

Chair Magda noted that the documentation provided did not include a curriculum breakdown demonstrating the required barbering subjects and services. Ms. Isabelle Arnhold was not present for the meeting; however, she was being represented by her father, Mr. Hubert Arnhold. Ms. Arnhold provided a faxed written request to waive the 90 day requirement of Florida Statutes Chapter 120 as an attempt to provide the required curriculum breakdown documentation. Vice Chair White moved to table this matter until additional curriculum documentation can be provided for review at the next board meeting. Ms. Scott seconded the motion and the motion passed unanimously.

Ordisi A. Garcia / Dominican Republic

Ms. Ordisi Garcia was present along with her translator, Ms. Calcano. Ms. Garcia and Ms. Calcano were sworn in by the Court Reporter. After discussion, Vice Chair White moved to approve the out-of-country endorsement application. Mr. Collins seconded the motion. Chair Magda, Vice Chair White and Mr. Collins voted to approve the motion. Ms. Scott and Mr. Bordelon opposed the motion. By majority vote, Ms. Garcia was approved for licensure by endorsement.

Andrew H. Gillings / Jamaica

Mr. Andrew Gillings was not present for the meeting. Chair Magda noted that the curriculum documentation did not demonstrate the required shaving services, or chemical services. After discussion, Vice Chair White moved to deny the application due to shaving services and chemical services not being demonstrated in the course curriculum. Mr. Collins seconded the motion and the motion passed unanimously.

William J. Hueca / Dominican Republic

Mr. William Hueca was not present for the meeting. Chair Magda noted that the curriculum breakdown did not demonstrate the required shaving services and the documentation did not provide proof of a written and practical examination. Vice Chair White moved to deny the application based on the curriculum breakdown not including the required shaving services and there being no demonstration of a written and practical examination. Ms. Scott seconded the motion and the motion passed unanimously.

Anthoni M. Mergal / Dominican Republic

Mr. Anthoni Mergal was not present for the meeting. Ms. Scott pointed out a discrepancy in the completion of the training hours; 2,300 training hours could not be completed within 9-months as was noted on the certification of hours. Ms. Scott moved to deny the application based on the discrepancy in the number of training hours completed. Vice Chair White seconded the motion and the motion passed unanimously.

Bernadette Metellus / Haiti

Ms. Bernadette Metellus was present along with her translator, Mr. Wisner Cineus. Ms. Metellus and Mr. Cineus were sworn in by the Court Reporter. Ms. Scott moved to deny the application based on there being no shaving services, or, safety, sanitation and sterilization demonstrated in the training course curriculum breakdown. Ms. Metellus offered testimony that those items were taught in the training course. Ms. Metellus requested to waive the 90 day requirement of Chapter 120, F.S., as an attempt to provide additional documentation in support of the required barbering course subjects. After discussion, Ms. Scott withdrew the denial motion. Vice Chair White moved to table this matter until additional curriculum documentation can be provided for review at the next board meeting. Mr. Bordelon seconded the motion and the motion passed unanimously.

Ilrick Moise / Haiti

Mr. Ilrick Moise was present and sworn in by the Court Reporter. Vice Chair White noted that the application did not include a statement that no barbering license was issued in Haiti nor did the curriculum breakdown demonstrate the required shaving services. Vice Chair White moved to deny the application based on the missing licensure statement and no demonstration of shaving services. Mr. Moise offered testimony as to school hours and training. Mr. Moise requested a waiver of the 90 day requirement of Chapter 120, F.S., as an attempt to provide additional documentation in support of the required shaving services as well as obtaining a statement from his country that no barbers' license is issued in Haiti. Vice Chair White withdrew the denial motion. Vice Chair White moved to table the endorsement application until additional curriculum documentation can be provided for review at the next board meeting. Mr. Bordelon seconded the motion. Chair Magda, Vice Chair White, Mr. Collins and Mr. Bordelon voted in favor of the motion. Ms. Scott opposed the motion.

Felix Sanchez / Dominican Republic

Mr. Felix Sanchez was present along with his translator, Ms. Calcano. Ms. Sanchez and Ms. Calcano were sworn in by the Court Reporter. After discussion, Vice Chair White moved to approve the endorsement application with a contingency of correction of the HIV / AIDS completion certificate which reflects the Florida Barbers' Board. Mr. Bordelon seconded the contingency motion and the motion passed unanimously.

Neyis A. Gomez De Ullola / Dominican Republic

Ms. Neyis Gomez De Ullola was not present for the meeting. Ms. Lettie Milazzo, with ASM Beauty World was present to represent this applicant. Ms. Milazzo provided the board with a signed release form. Vice Chair White moved to approve the endorsement application. Mr. Bordelon seconded the motion and the motion passed unanimously approving Ms. De Ullola for licensure by endorsement.

Didier Alberto Vidales / Colombia

Mr. Didier Alberto Vidales was present and sworn in by the Court Reporter. After discussion, Vice Chair White moved to approve the endorsement application. Mr. Collins seconded the motion and the motion passed unanimously.

Heraldo Amin Whittle / Jamaica

Mr. Heraldo Whittle was not present for the meeting. Chair Magda noted that the curriculum breakdown did not demonstrate the required shaving services or chemical services. Vice Chair White moved to deny the endorsement application due to the lack of shaving services and chemical services not being demonstrated in the curriculum documentation.

Steve Western / Dominican Republic

Mr. Steve Western was present and sworn in by the Court Reporter. After discussion, Vice Chair White moved to approve the endorsement application. Mr. Bordelon seconded the motion and the motion passed unanimously.

Midrese Boulin / Haiti

Ms. Midrese Boulin was not present for the meeting. After discussion, Vice Chair White moved to deny the endorsement application due to safety, sanitation and sterilization not being demonstrated in the curriculum documentation. Mr. Bordelon seconded the motion and the motion passed unanimously.

Brunette R. Camille / Haiti

Ms. Brunette Camille was present along with her translator, Mr. Amsterly Pierre. Ms. Camille and Mr. Pierre were sworn in by the Court Reporter. Chair Magda noted the curriculum breakdown did not demonstrate the required subject matter of safety, sanitation and sterilization. Ms. Camille requested a waiver of the 90 day requirement of Chapter 120, F.S., as an attempt to provide additional documentation in support of the required subjects. Vice Chair White moved to table this matter until additional curriculum documentation can be provided for review at the board next board meeting. Mr. Bordelon seconded the motion and the motion passed unanimously.

Franclaude Gilles / Haiti

Mr. Franclaude Gilles was not present for the meeting. Ms. Robyn Barineau, Executive Director, informed the board that notification was received in the board office stating that due to a conflict, Mr. Gilles would not be in attendance. He requested the review of his endorsement application be rescheduled. Ms. Tootle stated that the board is required to continue with the application review process and should the application be denied, the applicant has the option of requesting a hearing based on the Notice of Intent to Deny. Chair Magda noted that the course breakdown did not demonstrate the required shaving services or hours in the subject areas of safety, sanitation and sterilization. Vice Chair White moved to deny the application based on there being no shaving services, and safety, sanitation and sterilization demonstrated in the curriculum. Ms. Scott seconded the motion and the motion passed unanimously.

Guildamise Andre / Haiti

Ms. Guildamise Andre was present along with her translator, Mr. Amsterly Pierre. Ms. Andre and Mr. Pierre were sworn in by the Court Reporter. Chair Magda noted that there was not a curriculum breakdown included. Ms. Camile requested a waiver of the 90 day requirement of Chapter 120, F.S., as an attempt to provide additional documentation. Vice Chair White moved to table this matter until additional curriculum documentation can be provided for review at the board next board meeting. Mr. Bordelon seconded the motion and the motion passed unanimously.

Charles Y. Joseph / Haiti

Mr. Charles Joseph was not present for the meeting. Chair Magda noted that the curriculum breakdown did not demonstrate the required subject areas of safety, sanitation and sterilization. Vice Chair White moved to deny the endorsement application due to safety, sanitation and sterilization not being demonstrated in the curriculum documentation. Ms. Scott seconded the motion and the motion passed unanimously.

Fritz Joseph / Haiti

Mr. Fritz Joseph was not present for the meeting. Chair Magda noted that the curriculum breakdown did not demonstrate the required subject areas of safety, sanitation and sterilization. Vice Chair White moved to deny the endorsement application due to safety, sanitation and sterilization not being demonstrated in the curriculum documentation. Ms. Scott seconded the motion and the motion passed unanimously.

Sandra M. Maria / Dominican Republic

Ms. Sandra Maria was not present for the meeting. The endorsement application documentation showed no evidence of Ms. Maria holding a current barbers' license in another state or country. Vice Chair White moved to deny the endorsement application based on there being no evidence of a current barbers' license in another state or country. Mr. Collins seconded the motion and the motion passed unanimously.

Manuela Morillo-Mendez / Dominican Republic

Ms. Manuela Morillo-Mendez was not present for the meeting. The review of the endorsement application revealed an outstanding/unpaid citation against Ms. Morillo-Mendez. Ms. Barineau noted that it was department policy that a license not be issued when there is an open disciplinary matter. Vice Chair White moved to approve the endorsement application. Ms. Scott seconded the motion and the motion passed unanimously.

Rosa J. Usera-Puello / Dominican Republic

Ms. Rosa Usera-Puello was present along with her translator, Ms. Calcano. Vice Chair White noted that the translated document did not demonstrate the required razor/shaving services. Ms. Calcano testified to a scrivener's error in the translation. She indicated the original un-translated document did include shaving services. Based on Ms. Calcano's testimony, Vice Chair White moved to approve the endorsement application. Mr. Bordelon seconded the motion and the motion passed unanimously.

Villard Devilus / Haiti

Mr. Villard Devilus was present and sworn in by the Court Reporter. After discussion, Vice Chair White moved to approve the endorsement application. Mr. Collins seconded the motion and the motion passed unanimously.

Continuing Education Applications

Sweeting Educators – HIV/AIDS Review Course (2 Hours Live)

Vice Chair White made a motion to approve the provider application and HIV/AIDS course application for Sweeting Educators. Ms. Scott seconded the motion and the motion passed unanimously.

Miami Dade College – HIV/AIDS Course (4 Hours Live)

Vice Chair White made a motion to approve the provider application and HIV/AIDS course application for Miami Dade College. Ms. Scott seconded the motion and the motion passed unanimously.

Old Business

Barbering Definitions

Chair Magda tabled this matter for discussion at the next Barbers' Board meeting.

Other Business

Executive Director's Report

Financial Report, December 31, 2005, Operating Account

Financial Report, December 31, 2005, Unlicensed Activity Account

Ms. Barineau noted that the Financial Reports of the Operating Account and Unlicensed Activity Account were included in the agenda for informational purposes and that both accounts reflect a positive ending balance.

Email from Deputy Secretary Yecke Regarding Improvements to the DBPR Internet Site

Ms. Barineau informed the board that the email from Deputy Secretary Yecke regarding improvements to the DBPR Internet Site was included in the agenda for informational purposes.

Complaints and Investigative Statistics Report July 2005-March 2006

Ms. Barineau noted that the Complaints and Investigative Statistics Report for July 2005 through March 2006 was included in the agenda for informational purposes.

Ms. Barineau informed the board that the Division of Regulation conducted 11 unlicensed activity sweeps during the last fiscal year. To date, during the current fiscal year, 12 unlicensed activity sweeps have been conducted. She also informed the board that there were some recent arrests at a Tampa flea market barbershop for unlicensed activity. Ms. Barineau asked the board to provide her with suspected unlicensed activity areas for possible stings or sweeps by the Division of Regulation.

National Association of Barber Boards of America (NABBA) 80TH Annual Conference, Denver Colorado, September 2006

The board agreed to send Chair Magda, Vice Chair White and Mr. Bordelon to the 80th Annual NABBA Conference being held in Denver, Colorado, in September 2006. Should there be sufficient travel budget, they also agreed to send Ms. Scott to the conference.

NABBA Barber Clips Newsletter – Issue 2, February 2006

Ms. Barineau noted that the NABBA Barber Clips Newsletter was included in the agenda for informational purposes.

Florida Barbers' Board March 2006 Newsletter

Ms. Barineau informed the board that a copy of the March 2006 Florida Barbers' Board newsletter was included in the agenda for informational purposes and that it is currently posted on the board's website. Ms. Barineau informed the board that the cost to mail a 6-8 page newsletter to 2,600 barbershops would be approximately \$250.

Ms. Barineau solicited the board for their assistance with articles to be included in upcoming newsletters.

Board Membership

Ms. Barineau advised the board that the department is currently attempting to address the board member vacancy situation. The department is seeking assistance from all boards to assist with locating qualified applicants to fill vacancies on all boards. All interested applicants should contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire for completion and filing with the Governor's Appointments Office.

Board Member Handbook

Ms. Barineau inquired if all board members had received a Board Member Handbook and informed the board that she will be discussing the roles and responsibilities of a board member at a future meeting.

Board Attorney Report

Rule 61G3-16.005, F.A.C., – Endorsement

Ms. Tootle informed the board that the change to the endorsement rule, Rule 61G3-16.005, Florida Administrative Code, which further clarified the requirements for licensure by endorsement, was effective May 3, 2006.

Rule 61G3-19.011, F.A.C., - Barbershop Requirements

Ms. Tootle informed the board that the Joint Administrative Procedures Committee (JAPC) objected to the amendment filed to Rule 61G3-19.011(6), Florida Administrative Code, relating to the number of sinks required in a barbershop. JAPC indicated that the proposed change is too vague. After discussion, the board agreed to utilize the shampoo bowl language as is currently contained in the cosmetology rule. Ms. Tootle suggested the following language:

“Each barbershop shall have one or more shampoo bowls equipped with hot and cold running water. The shampoo bowls shall be located in the area where barbering services are performed.”

Ms. Scott moved to accept the amendment to Rule 61G3-19.011(6), F.A.C., as provided by Board Counsel. Vice Chair White seconded the motion. The motion passed unanimously. Ms. Tootle will amend and proceed with filing Rule 61G3-19.011(6), F.A.C.

Rule 61G3-16.0092(6), F.A.C., - Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements

The board agreed to amend Rule 61G3-16.0092(6), Florida Administrative Code, to change the number of days a continuing education provider has to transmit course completion information to the department from five days to 30 days so as to comply with Chapter 455, Florida Statutes. The change to the rule will be as follows:

“... Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within ~~5~~ 30 business days of the completion of the course or prior to the licensee’s renewal date, whichever occurs sooner.”

Vice Chair White moved to accept the amendment to Rule 61G3-16.0092(6), F.A.C. Ms. Scott seconded the motion. The motion passed unanimously. Ms. Tootle will amend and proceed with filing the amendment to Rule 61G3-16.0092(6), F.A.C.

Bureau of Education and Testing

Ms. Barineau noted the Barbers and Restricted Barbers practical examination pass/fail rates for Tallahassee and Casselberry examination sites were provided by Ms. Lyra Erath, Psychometrician, Bureau of Education and Testing, as per their request. Additionally, Ms. Erath provided research results regarding South Florida practical examination sites and the South Florida examiners. She will keep the board updated with information regarding South Florida examination sites and examination administrators.

Chairperson Report / Comments

Chair Magda reminded the board that the National Association of Barber Boards of America (NABBA) will host the 2007 annual convention in Orlando, Florida. Chair Magda would like for all board members and staff to participate in the 2007 NABBA annual convention.

Public Comments

Ms. Maura Scali-Sheahan, Florida Community College at Jacksonville, indicated it was her belief that some of the documentation being provided by the out of country endorsement

applicants was falsified. Ms. Scali-Sheahan suggested the board test all out of country endorsement applicants. She also suggested the barbering curriculum include required number of services as opposed to the current required number of hours. Ms. Scali-Sheahan stated the Florida Barbers' Board should again license barber instructors as well as master barbers.

Mr. Jackie Lombardi, Florida Barber Academy, suggested the legitimacy of the documentation being submitted for out of country endorsement applicants be better scrutinized.

Elections

Vice Chair White moved to reelect Mr. Dave Magda as Board Chair and himself as Vice Chair. Mr. Collins seconded the motion. The motion passed unanimously.

Adjournment

The board agreed to conduct their next general business meeting on August 13 and August 14, 2006, in St. Augustine, Florida.

There being no further business, the meeting was adjourned at 5:00 p.m.