

# **MINUTES**

**BOARD OF COSMETOLOGY  
Department of Business and Professional Regulation  
The Florida Hotel and Conference Center  
1500 Sand Lake Road  
Orlando, Florida 32809**

**Sunday, June 3, 2007 – 9:00 a.m.**

The Board of Cosmetology meeting was called to order at approximately 9:00 a.m., by Ms. Laurel Ritenbaugh, Chair.

## **Board Members Present**

Laurel Ritenbaugh, Chair  
Myra Jowers, Vice Chair  
Donna Osborne  
Laura Brown  
Monica Smith

## **Board Members Absent**

## **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation  
Dan Biggins, Assistant Attorney General, Department of Legal Affairs  
Charles Tunnick, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation  
Elizabeth Duffy, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation  
John R. Washington, Division Director, Division of Regulations, Department of Business and Professional Regulation  
Dana Ewaldt, Government Analyst, Department of Business and Professional Regulation

## **Interested Parties Present**

Cindy Greene, Court Reporter  
Jodie Mistretta, Endorsement Applicant  
Nicole O'Conner, Respondent  
Chau T. Bui, Respondent  
Charlotte Stinton  
Rena Woods, Withlacoochee Technical Institute  
Dan Washburn, Springline Corp  
Donna McKinney  
Louise King, Daytona Beach Community College

Carmelia Popp, Dayton Beach Community College  
Nancy Bradley, Commission of Independent Education  
Jerry Gardner, Elite CME  
Mary Sam Butera, Endorsement Applicant  
Maya Thomas, Maya's School of Beaute, Inc.  
John Conely, The Hairwrapps Company  
Robert Valdez, Florida Cosmetology School Association & Manhattan  
Hairstyling Academy  
Yvonne Valdez, Manhattan Hairstyling Acacemy  
Chuck Chapman, Florida Cosmetology Association  
Bonnie Poole, Florida Cosmetology Association  
Moriah Murphy, Florida Association of Beauty Professionals (FAB)

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

#### **Approval of Minutes: January 20, 2007**

Ms. Donna Osborne moved to approve the minutes from the January 20, 2007, board meeting. Mrs. Laura Brown seconded the motion to approve the minutes and the motion passed unanimously.

#### **Approval of Minutes: January 21, 2007**

Mrs. Brown moved to approve the minutes from the January 21, 2007, board meeting. Ms. Osborne seconded the motion to approve the minutes and the motion passed unanimously.

#### **Disciplinary Matters**

##### **Informal Hearings**

Regarding Case No. 2006-018805 against Chau T. Bui of Pinellas Park, Mr. Charles Tunncliff, Assistant General Counsel, stated that the Respondent elected an informal hearing. Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$369.50. The Respondent was present for the meeting along with Mr. Khuong T. Nguyen translating. Ms. Bui and Mr. Nguyen were sworn in by the Court Reporter. Ms. Myra Jowers, Vice Chair, moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$500 and costs of \$369.50 to be paid over a period of six months, with the first payment of \$369.50 due within 30 days of the final order. Mrs. Laura Brown seconded the motion. The motion

passed unanimously.

Regarding Case No. 2005-037532 against J. Russell Salons of Palm Beach, Mr. Tunncliff informed the board that the Respondent elected an informal hearing. Mr. Tunncliff presented the department's case in this matter and suggested assessing a fine of \$1,800 and costs of \$160.56. Ms. Nicole O'Conner, salon manager, was present along with Ms. Jennifer Miller, salon owner. Ms. O'Conner and Ms. Miller were sworn in by the court reporter. Ms. O'Conner did not dispute the facts. Ms. O'Conner offered testimony of corrective actions taken with regard to the inspection report violations. Ms. Monica Smith moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint, that the Respondent committed the offenses as outlined in the Administrative Complaint, and impose a fine of \$1,800 and costs of \$160.56 to be paid over a period of six months, with the first payment of \$160.56 due within 30 days of the final order. Ms. Osborne seconded the motion. The motion passed unanimously.

Regarding Case No. 2006-005335 against Manuel Dela Torre of Lake Worth, Mr. Tunncliff requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Regarding Case No. 2006-005352 against Thy Thy's Nails of Boca Raton, Mr. Tunncliff requested that this disciplinary case be pulled from the agenda to be considered at a later date.

Unless otherwise stated, by appropriate motion the board found that the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint, that the Respondent committed the offenses as outlined in the Administrative Complaint, adopted them as the findings of fact and conclusions of law of the board, and imposed the penalties shown below:

- New Designs Unisex & Nail Salon; Miami  
Case No. 2006-036009  
\$500 fine and \$74.90 costs
- Tip to Toes Nails Salon and Minh V. Le; Tampa  
Case Nos. 2006-042100 and 2006-042165  
\$500 fine and \$110.60 costs
- Trung Q. Dao; Royal Palm Beach  
Case No. 2006-012554  
\$500 fine and \$394.98 costs
- Top Nail and Dung Thai Tran; Tampa  
Case Nos. 2006-042175 and 2006-042170  
\$500 fine and \$110.60 costs

- Lee Nails of Florida; Altamonte Springs  
Case No. 2006-043343  
\$500 fine and \$24.22 costs

### **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:

- Debbie Le; Orlando  
Case No. 2006-042997  
\$500 fine and \$24.12 costs
- Cut It Up, Inc.; Miami Lakes  
Case No. 2006-041559  
\$1,000 fine and \$154.45 costs
- Hien Quang Nguyen; New Port Richey  
Case No. 2006-023621  
\$500 fine and \$394.85 costs
- Janice M. Morris-Baker; Orlando  
Case No. 2006-035361  
\$500 fine and \$78.02 costs
- Larry Donall Lawrence; Sanford  
Case No. 2006-030330  
\$500 fine and \$49.58 costs
- Latryce Dowell; Orlando  
Case No. 2006-028425  
\$500 fine and \$145.46 costs
- Lucia Lina Goncalves; Kissimmee  
Case No. 2006-006105  
\$500 fine and \$101.29 costs
- Nu-Yu Full Service Salon; Miami  
Case No. 2006-049316  
\$500 fine and \$27.79 costs
- Patricia Ann Furlan; Tampa  
Case No. 2006-034852  
\$500 fine and \$66.12 costs

- Phuoc V. Nguyen; Vero Beach  
Case No. 2006-016813  
\$500 fine and \$369.54 costs
- Roberto Aguilar; Jupiter  
Case No. 2006-005265  
\$1,000 fine and \$94.16 costs
- Signature Designs and Drameisha Williams Reese; Deland  
Case Nos. 2006-034760 and 2006-048049  
\$1,000 fine and \$112.47 costs
- Vinh X. Nguyen; Boynton Beach  
Case No. 2006-053184  
\$1,250 fine and \$99.74 costs

### **Settlement Stipulations**

Unless otherwise stated, by appropriate motion the board found the Respondent to have committed the offenses as alleged in the Administrative Complaint and adopted the Stipulation of the parties as the board's final action regarding a penalty to be imposed on the Respondent as follows:

- Galia Karli; Boca Raton  
Case No. 2006-057359  
\$500 fine and \$44.07 costs
- Hang Thuy Truong, d/b/a Nails Plus; Lakeland  
Case Nos. 2006-023574 and 2006-023601  
\$250 fine and \$355.35 costs
- LA Nails; Brandenton  
Case No. 2006-023563  
\$500 fine and \$355.35 costs
- Phuong K. Cavanaugh; Sebastian  
Case No. 2006-014055  
\$300 fine and \$394.98 costs
- Minnesota Regis Corporation, d/b/a Mastercuts #6482; West Palm Beach  
Case No. 2006-005323  
\$1,000 fine and \$144.47  
(Due to a possible conflict of interest, Mrs. Brown  
recused herself from voting in this matter)
- Mark Alan Salon; Tampa  
Case No. 2006-026686  
\$500 fine and \$50.91 costs

- New York's Finest Cuts, Inc.; Lantana  
Case No. 2006-039895  
\$1,000 fine and \$106.87 costs
- Ronald Garcia; Jupiter  
Case No. 2006-005254  
\$1,000 fine and \$96.47 costs
- Ronald M. Styles; Jupiter  
Case No. 2006-005271  
\$250 fine and \$110.16 costs
- Roberto C. Ortega; Tampa  
Case No. 2006-043526  
\$500 fine and \$90.03 costs
- Tatyana D. Fonseca and Experts Beauty Nails; Miami  
Case Nos. 2006-029621 and 2006-032527  
\$500 fine and \$95 costs
- Ton Chi Duong, d/b/a Tiffany Nail and Spa; Tampa  
Case Nos. 2006-023635 and 2006-023632  
\$500 fine and \$409.75 costs
- Tony Pham; Sebastian  
Case No. 2006-014059  
\$500 fine and \$394.98 costs
- US Nails; Orlando  
Case No. 2006-015444  
\$500 fine and \$356.46 costs
- Short Cuts Hair Salon; West Palm Beach  
Case No. 2006-012573  
\$2,000 fine and \$176.98 costs
- Pamela D. Washington; Orlando  
Case No. 2006-030260  
\$300 fine and \$33.51 costs
- Thuy-Tien T. Tran; Hobe Sound  
Case No. 2006-005328  
\$1,500 fine and \$144.47 costs
- Shirin Agharahimi; Tallahassee  
Case No. 2006-050997  
\$500 fine and \$80.09 costs

- Sister Nail Salon; Hobe Sound  
Case No. 2006-005325  
\$1,500 fine and \$144.47 costs
  
- Nurys Calderon, d/b/a Yady's Beauty Salon; North Miami  
Case No. 2006-032427  
\$500 fine and \$70.94 costs
  
- Supercuts #9679; Lake Park  
Case No. 2006-012565  
\$1,000 fine and \$144.98 costs  
(Due to a possible conflict of interest, Mrs. Brown  
recused herself from voting in this matter)

### **Motion to Reconsider**

Regarding Case No. 2006-014047 against Ms. Shalita L. Parks of Tampa, Mr. Tunncliff reminded the board that the Respondent submitted insufficient funds on behalf of 71 hair braiding registrants who paid the Respondent as part of their hair braiding course fee with the expectation that the Respondent was to remit the application fee to the department. Department records reveal the insufficient funds totaled \$2,100 plus \$123 in service charges. Mr. Tunncliff informed the board, to date, approximately 63 of the hair braider registrants remain licensed; however, the department has not received payment. The Administrative Complaint charged the Respondent with a violation of Section 477.028(1)(b), Florida Statutes, by committing fraud, deceit and misconduct in the practice of cosmetology. The matter was presented before the board at their January 21, 2007, board meeting and the final order imposed a fine of \$500, costs of \$298.28, restitution of \$1,840, all to be paid in the form of a cashier's check, money order or cash, and the revocation of Ms. Parks' cosmetology license CL228613. Ms. Parks submitted a motion to reconsider requesting that the board reinstate her cosmetology license. Ms. Parks was present for the meeting and was sworn in by the Court Reporter. Ms. Osborne moved that the board entertain Ms. Parks' request for reconsideration and provide her the opportunity to address the matter. Ms. Jowers seconded the motion. The motion passed with Mrs. Brown voting in opposition. Ms. Parks provided testimony of how her former employee wrote the checks on a closed account and the former employee prevented her from having knowledge of correspondence, from the department, notifying her of the returned checks. Ms. Parks requested that the board reverse the revocation of her cosmetology license based on her recent attempts to remedy this matter. Mr. Tunncliff stated that the department would not prevent the board from overturning their prior motion, however, the department would recommend placing Ms. Parks on probation for an undeterminable amount of time, as well as full payment of all fines, costs and restitution. Ms. Barineau informed the board, to date, Ms. Parks has made payment totaling over \$500 toward the final order amount. After discussion, Ms. Osborne moved that the board uphold the previous motion, thus concluding further discussion. Mrs. Brown seconded the motion. The motion passed unanimously to uphold the previous motion in this disciplinary matter.

## **Department Attorney Report**

Mr. Tunncliff informed the board that as of June 1, 2007, there are 207 open cosmetology cases in the legal section.

Mr. Tunncliff introduced Ms. Elizabeth Duffy, Assistant General Counsel, as the board's new prosecutor. Mr. Tunncliff stated that he will continue to assist with the cosmetology disciplinary cases during the transition period.

## **Applications**

### **Applications for Hair Braiding Courses**

- Creative Designs  
After review and discussion of the course application, Ms. Osborne moved to approve the application. Mrs. Brown seconded the motion. The motion passed unanimously.
- Lakesha Pittman Evans  
After review and discussion of the course application, Ms. Osborne moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.
- Tampa Bay Beauty institute  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Jowers seconded the motion. The motion passed unanimously.
- Techni-Pro Institute  
After review and discussion of the course application, Ms. Osborne moved to deny the application based on the references to cosmetology practices. Ms. Smith seconded the motion and the motion passed unanimously.
- Skies Limited Academy  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Osborne seconded the motion and the motion passed unanimously.

### **Applications for Hair Wrapping Courses**

- Lakesha Pittman Evans  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Jowers seconded the motion and the motion passed unanimously.



- Graham-Moore Hair  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Osborne seconded the motion and the motion passed unanimously.
- Skies Limited Academy  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Osborne seconded the motion and the motion passed unanimously.

### **Applications for Body Wrapping Courses**

- ASM Beauty World Academy, Inc.  
Ms. Robyn Barineau, Executive Director, noted the original application was denied at their January 20, 2007, board meeting due to weight loss claims. After review, Ms. Jowers moved that the board uphold the denial due to inch loss claims stated in the lesson objective. Ms. Smith seconded the motion and the motion passed unanimously.
- Boca Beauty Academy, LLC  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Jowers seconded the motion and the motion passed unanimously.
- Lakesha Pittman Evans  
After review and discussion of the course application, Ms. Osborne moved to approve the application. Ms. Jowers seconded the motion and the motion passed unanimously.
- Hollywood Institute of Beauty Careers  
Ms. Barineau noted an application from Hollywood Institute of Beauty Careers was denied at the November 20, 2006, board meeting due to weight-loss and cellulite reduction. After review and discussion of the course application, Ms. Osborne moved to approve the application with the contingency of removing the “re-measuring” step from the course outline. Ms. Jowers seconded the motion and the motion passed unanimously.
- Aesthetic Beauty Consulting  
After review and discussion of the course application, Mrs. Brown moved to deny the application based to the course description reference to “cellulite circle” and that it is unclear as to what the definition of “cellulite circle” is. Ms. Jowers seconded the motion and the motion passed unanimously.

## **Initial HIV/AIDS Courses**

- Cosmetologycampus.com  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Jowers seconded the motion and the motion passed unanimously.
- Melbourne Beauty School  
After review and discussion of the course application, Ms. Jowers moved to approve the application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Westside Tech  
After review and discussion of the course application, Ms. Osborne moved to approve the application. Mrs. Brown seconded the motion and the motion passed unanimously.
- Graham-Moore Hair  
After review and discussion of the course application, Mrs. Brown moved to approve the application. Ms. Osborne seconded the motion and the motion passed unanimously.

## **Continuing Education Provider and Course Applications**

- All Star Professional Training, Inc.  
OSHA for Florida Cosmetologists (1 Hour Internet)  
After review and discussion, Mrs. Brown moved to deny the application since the material does not pertain to the Florida cosmetology profession. Ms. Osborne seconded the motion and the motion passed unanimously.
- The Manual Lymph Drainage Institute  
MLD: Head, Neck and Face – A Holistic Approach (7 Hours Live Study Group)  
After review and discussion, Mrs. Brown moved to deny the application since the material is beyond the license scope of a facial specialist or cosmetologist and since the course material appears to have been written for the massage therapy profession. Ms. Osborne seconded the motion and the motion passed unanimously.

## **Applications for Licensure**

- Ms. Jodie L. Mistretta / New Jersey  
Ms. Barineau noted that this application for licensure had been agendaed in error under the Public Comments section. Ms. Barineau informed the board that Ms. Jodie Mistretta requested her endorsement application be presented before them for consideration of licensure based on her education and licensure history from New Jersey. Ms. Mistretta was present for the meeting and was sworn in by the Court Reporter. Ms.

Mistretta informed the board that she initially applied for a Florida cosmetology license by endorsement based on her New Jersey cosmetology license. Ms. Mistretta was instructed that she did not meet the full educational requirements for endorsement, however, based on her current New Jersey cosmetology license, she was eligible to apply by examination. Twice, Ms. Mistretta has taken the Florida cosmetology examination but has failed the clinical portion and is now required to return to a Florida cosmetology school for 40 remedial hours before being eligible to continue with the examination process. Ms. Mistretta stated she had attended a New Jersey vocational school and was always under the belief that she had completed 1,200 educational hours as required by New Jersey cosmetology law and that not until receiving a licensure certification from the New Jersey Board of Cosmetology was she aware of the difference in the education hours. With the completion of four full years of schooling, over 20 years of extensive hands-on experience in the industry coupled with various continuing education seminars and classes, Ms. Mistretta stated she felt she had achieved the equivalent of the 200 education hours and requested that the board grant her a Florida cosmetology license by endorsement. Chair Ritenbaugh stated that the board was sympathetic to the hardship and difficulty of the process however, it was not in their authority to grant the request for licensure. After further discussion of the licensure options available, Ms. Mistretta made a decision to withdraw the examination application and proceed by endorsement by completing the required additional 200 education hours. Mrs. Brown moved that the board accept Ms. Mistretta's withdrawal request of her examination application. Ms. Osborne seconded the motion and the motion passed unanimously.

- Ms. Gloria Wiggins

Ms. Barineau noted that this application for licensure had been agendaed in error under the Public Comments section. Ms. Barineau informed the board that Ms. Gloria Wiggins is attempting to obtain the Florida hair braiding and hair wrapping registration. Ms. Wiggins requested that her registration applications be presented before the board for consideration of her receiving registrations based upon her cultural knowledge and previous on-the-job training. Ms. Wiggins was not present for the meeting. Ms. Osborne stated that while she does not doubt Ms. Wiggins' knowledge and ability to perform hair braiding and hair wrapping services, she moved that the board deny Ms. Wiggins' request for a hair braider and hair wrapper registration due to her not having completed the required education programs in accordance to Rule 61G5-31.003, Florida Administrative Code. Mrs. Brown seconded the motion and the motion passed unanimously.

- Ms. Mary Sam Butera / New York

Ms. Barineau informed the board that Ms. Mary Butera requested her endorsement application and documentation be presented before them for consideration of licensure based on her education and licensure history

from New York. Ms. Butera was present for the meeting and was sworn in by the Court Reporter. Ms. Butera informed the board that she applied for a Florida cosmetology license by endorsement based on her New York cosmetology license and was instructed that she did not meet the full educational requirements for endorsement, however, based on her current New York cosmetology license, she was eligible to apply by examination. Ms. Butera stated that she has held a New York cosmetology license for 19 years and has made a career as a hair replacement technician. Ms. Butera requested that the board approve her endorsement application without her being required to fulfill any additional cosmetology educational hours or without being required to take the cosmetology examination. Chair Ritenbaugh stated that the board was extremely sympathetic to her situation and understood that the process can be difficult however, the only options allowed, by law, were to obtain the Florida cosmetology license by examination or by endorsement after achieving the additional 200 educational hours. After further discussion, as an attempt to prevent having a board denied application on file, Ms. Butera asked to withdraw her application. Mrs. Brown moved to accept Ms. Butera's request to withdraw. Ms. Osborne seconded the motion and the motion passed unanimously.

## **Committee Reports**

### **Continuing Education Committee – Laura Brown, Chair**

Mrs. Brown had no additional report at this time.

### **Rules Committee – Donna Osborne, Chair**

Ms. Osborne had no additional report at this time.

### **Legislative Committee – Donna Osborne, Chair**

Ms. Osborne reported that although the cosmetology bill, SB 920, passed during the 2007 legislative session, the Governor vetoed the legislation. Ms. Osborne encouraged the board members, as well as the audience members, to contact the Governor's Office to request that he reconsider the veto decision.

## **Old Business**

### **Proposed Sanitation Flyer for Salons Update**

The board agreed to discuss this matter at their July board meeting.

## **Other Business**

### **Executive Directors Report**

#### **Financial Report, December 31, 2006 – Operating Account**

Ms. Barineau informed the board that as of December 31, 2006, the balance in their operating account was \$59,721. The projection provided by the Budget Office indicates that the board should remain in a positive cash position at least through 2011.

#### **Financial Report, December 31, 2006 – Unlicensed Activity Account**

Ms. Barineau informed the board that the balance in their unlicensed activity account was \$354,939 as of December 31, 2006.

#### **DBPR Board of Cosmetology Newsletter – Spring 2007**

Ms. Barineau noted that the 2007 Spring DBPR Board of Cosmetology Newsletter was included in the agenda for informational purposes.

#### **National Accrediting Commission of Cosmetology Arts & Sciences, Inc. (NACCAS) Newsletter - Volume 3 No. 1**

Ms. Barineau informed the board that the National Accrediting Commission of Cosmetology Arts and Sciences Newsletter was included in the agenda for informational purposes.

#### **Complaints and Investigative Statistics Report July 2006–March 2007**

Ms. Barineau informed the board that the complaints and investigative statistics report for July 2006 through March 2007 was included in the agenda for informational purposes.

#### **National Interstate Council of State Boards of Cosmetology, Inc. (NIC) Newsletter Volume 63 No. 1**

Ms. Barineau informed the board that the National Interstate Council of State Boards of Cosmetology Newsletter was included in the agenda for informational purposes.

Ms. Barineau reminded the board members to file their financial disclosure forms with the Commission on Ethics by July 1, 2007, or they could possibly face financial penalties for each day the form is not received by the Commission. Ms. Barineau also reminded the board members to submit their travel reimbursement information as soon as possible so that all current fiscal year expenses can be paid out of current year funds.

## **Board Attorney's Report**

### **Board of Cosmetology Rules Report – March 2006**

Mr. Biggins informed the board that the March 2006 rules report was included in the agenda for informational purposes.

## **Regulation Report**

Mr. John Washington, Director, Division of Regulation, addressed the board regarding the salon inspection program. Mr. Washington indicated that the Division of Regulation currently has 16 inspectors to conduct inspections of all cosmetology salons, barbershops and veterinary establishments throughout the State of Florida. Mr. Washington requested that the board consider allowing a biannual inspection of a salon which would allow the Division of Regulation to focus, through the re-inspection process, on those salons that are violating the cosmetology laws and rules. Mr. Washington ensured the board that all salons would be inspected at least once every two years. The board agreed to Mr. Washington's proposal and agreed that this plan would be an incentive for compliance by all salons. The board voted to amend Rule 61G5-20.003, Florida Administrative Code, as follows:

“The Department of Business and Professional Regulation shall cause an inspection of all proposed salons to determine if all the requirements have been met. Each licensed salon shall be inspected at least biennially by the Department. No person shall, for any reason intentionally, or directly inhibit an authorized representative of the Department from performing said inspections.”

Mr. Biggins will amend and proceed with filing Rule 61G5-20.003, Florida Administrative Code.

Chair Ritenbaugh requested that Mr. Washington provide the board, at their July board meeting, with a proposed inspection schedule including a policy for following-up on salons with violations.

## **Bureau of Education and Testing**

### **Cosmetology Examination Performance Summary Report**

Ms. Barineau informed the board that the cosmetology examination performance summary report was provided for informational purposes to reflect the performance of the new cosmetology exams which were launched November 2006.

The board requested Ms. Barineau research with the Bureau of Education and Testing to determine if a score report could be two pages in length so that the candidate's examination weaknesses could be reported on a separate page which could be detached by the candidate. The board inquired if the examination strength and weakness information could be made available to the candidate online. Ms. Barineau will report her findings at the next board meeting.

## **Board Member Comments**

The board expressed their disappointment regarding the Governor's veto of the cosmetology legislation.

The board asked that Vice Chair Jowers, Executive Director Robyn Barineau, and board members Laura Brown and Donna Osborne be approved to attend the National Interstate Council of State Boards of Cosmetology annual conference, from August 25-27, 2007, in Rapid City, South Dakota. Ms. Barineau will determine if funds are available to send four people to the conference.

## **Chairperson Comments**

Chair Ritenbaugh had no further comments.

## **Public Comments**

### **Letter from Maya Thomas of Maya's School of Beaute', Inc., Regarding Hair Braiding Restrictions**

Ms. Maya Thomas of Maya's School of Beaute Inc., addressed the board regarding the original intent of the hair braiding law. Ms. Thomas indicated that the hair braiding definition should include the allowance to braid manufactured materials in the hair. Chair Ritenbaugh noted that when manufactured materials are braided into an individual's hair, quite often other cosmetology services such as cutting and trimming must be performed and for those reasons, only a licensed cosmetologist is allowed to braid manufactured materials in the hair. Chair Ritenbaugh stated that a student enrolled in a 16-hour hair braiding course is not as knowledgeable to perform the same level of cosmetology services as someone who attended a full 1,200 hour cosmetology program. Chair Ritenbaugh reminded Ms. Thomas that the hair braiding registration definition language is in the Statute, therefore, it would require a legislative change in order to redefine hair braiding. Ms. Thomas informed the board that individuals are advertising as hair braiding schools and that it is her understanding that only the Commission for Independent Education can license a school in accordance to Chapter 1005, Florida Statutes. Mr. Biggins reminded Ms. Thomas that in accordance with the board's Rule, all providers and courses taught for the purposes of qualifying an individual for initial registration as a hair braider, hair wrapper or body wrapper shall be approved by the board and that the provider of such course is not required to hold a license under Chapter 1005, Florida Statutes. Mr. Biggins recognized Ms. Thomas' points of conflict in the statutes, however, he was unable to address her concerns outside of those associated with the Board of Cosmetology Statute, Chapter 477, Florida Statutes, and he advised Ms. Thomas to seek advice from private counsel or from the Commission for Independent Education in this matter.

Ms. Bonnie Poole, Florida Cosmetology Association, commended the board for not waiving their rule for licensure by endorsement from the requests presented at this meeting. Ms. Poole also expressed her disappointment over the vetoed legislation and encouraged the board to continue to strive for the betterment of the Florida cosmetology

profession.

Ms. Moriah Murphy, Florida Association of Beauty Professionals

Ms. Moriah Murphy, co-Executive Director of the Florida Association of Beauty Professionals (FAB), thanked the board for the opportunity to appear at their meeting. Ms. Murphy informed the board that FAB is a non-profit trade association based in Tallahassee. She added that FAB plans to partner with the board, the department and the cosmetology industry regarding cosmetology initiatives. Ms. Murphy added that FAB intends to participate in future board meetings.

Mr. Robert Valdez, Florida Cosmetology School Association (FCSA), indicated that FCSA is partnering with FAB to bring one voice for the cosmetology industry and schools.

Letter from Salome Macko, with Brad Macko & Associates, Regarding Hair Wrapping Registration Definition

Mr. Biggins will respond to the letter from Salome Macko regarding the definition of hair wrapping.

Email from Tonya Moore Regarding Eyelash Extensions

Ms. Barineau will respond, on the board's behalf, to Ms. Tonya Moore's email thanking her for her concerns regarding eyelash extensions.

Email from Tom Fiala Regarding Photo-Facials and IPL Treatments

Mr. Biggins will respond to the inquiry suggesting that Mr. Tom Fiala seek a declaratory statement to address licensees performing photo-facials and intense pulse light therapy treatments.

Email from Stephanie Schlageter Regarding Thermage

Ms. Barineau will respond, on the board's behalf, to the email inquiry from Stephanie Schlageter referring her to the Board of Medicine with questions relating to thermage procedures.

**Adjournment**

Ms. Barineau reminded the board members that their next meeting is scheduled for July 23 & 24, 2007, in Orlando. There being no further business, the meeting was adjourned at 2:40 p.m.