

MINUTES

FLORIDA BOARD OF COSMETOLOGY
FLORIDAYS RESORT
12562 INTERNATIONAL DRIVE
ORLANDO, FLORIDA 32821
January 23-24, 2012

Monday, January 23, 2012

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

Board Members Present

Myra Jowers, Chair
Suzanne Wilhoite
Ginny Fincel, Vice Chair
Laurel Ritenbaugh
Monica Smith

Board Members Absent

Crystal Lackey

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Rachel Clark, Assistant Attorney General, Office of the Attorney General (OAG)
Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, DBPR
Dustin Metz, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Heather Howard, Court Reporter
Gus Ashoo, Bureau of Education and Testing (BET), DBPR
Alex Bosque, BET, DBPR
Myllette Perry, BET, DBPR
Robert Powers, Pinellas Technical Education Center (PTEC)
Gary Esquerre, Pearson VUE
JoAnne Wingate, Pearson VUE
Kay Kendrick, National Interstate Council of State Boards of Cosmetology (NIC)
Sean Colton, Schroeder Measurement Technologies (SMT)
Nhien Le
Theresa Rivera
Hien Nguyen
Duyen Cao
Dan Nguyen
Mai Phan Tuyet
Valerie Tucker
Tonya Holton
Guayxiu Lin

The meeting was opened with a roll call and a quorum was established. Chair Jowers excused Ms. Crystal Lackey's absence from the meeting.

Disciplinary Matters

Voluntary Relinquishment

Rhena Parker; Royal Palm Beach; Case No. 2010.020532

Mr. Dustin Metz, Assistant General Counsel, presented the case for consideration by the board. Ms. Monica Smith moved that the board accept the voluntary relinquishment of cosmetology license CL0099222 as resolution of this case. Ms. Laurel Ritenbaugh seconded the motion and the motion passed unanimously.

Informal Hearings

Mr. Metz presented the following cases for consideration by the board. The Board found that the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint and adopts them as the findings of fact and conclusions of the law of the board and imposed the penalties shown below:

10 Pretty Nails and More; Ft. Lauderdale; Case No. 2010.027991

The Respondent was not for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$491.74, to be paid over a period of six months, with the first payment of \$491.74 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Smith seconded the motion and the motion passed unanimously.

City Nails and Dan Nguyen; Port St. Lucie; Case Nos. 2010.053315 and 2010.058267

Mr. Dan Nguyen was present for the meeting and was sworn in by Ms. Heather Howard, Court Reporter. Vice Chair Ginny Fincel moved that the board impose a fine of \$500 and costs of \$245.11, to be paid over a period of six months, with the first payment of \$245.11 due within 30 days of the final order and five monthly payments of \$100 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE9962744 and nail specialist license FV572680. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and the nail specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Classy Nails; Crestview; Case No. 2010.049514

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$64.80, to be paid over a period of six months, with the first payment of \$64.80 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Mitchell Guzman; Hollywood; Case No. 2010.054367

Mr. Guzman was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$82.39, to be paid over a period of six months, with the first payment of \$82.39 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against nail specialist license FV9568544. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the nail specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Nails & Beyond and Hien Nguyen; The Villages; Case Nos. 2010054068 and 2010.060377

Mr. Hien Nguyen and Ms. Barbara Nguyen were present for the meeting and were sworn in by the Court Reporter. Ms. Smith moved that the board impose a fine of \$500 and costs of \$416.73. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

NT Nail-Tek; Stuart; Case No. 2010.045483

Ms. My Tien and Ms. Nhien Le were present for the meeting and were sworn in by the Court Reporter. Ms. Ritenbaugh moved that the board impose a fine of \$600 and costs of \$224.37, to be paid over a period of six months, with the first payment of \$224.37 due within 30 days of the final order and five monthly payments of \$120 each. Ms. Smith seconded the motion and the motion passed unanimously.

Tuyet Phan and Red Nails; Pembroke Pines; Case Nos. 2010.052134 and 2010.046863

Ms. Tuyet Phan was present for the meeting and was sworn in by the Court Reporter. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$217.27, to be paid over a period of six months, with the first payment of \$217.27 due within 30 days of the final order and five monthly payments of \$100 each. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Francesca Sara Silva Rollo; Jacksonville; Case No. 2010.044727

Ms. Rollo was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$1,000 and costs of \$27.84, to be paid over a period of six months, with the first payment of \$27.84 due within 30 days of the final order and five monthly payments of \$200 each. Ms. Smith seconded the motion and the motion passed unanimously.

Rose Nails; Destin; Case No. 2010.057366

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$114.92. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

SharpCuts Inc.; Atlantic Beach; Case No. 2010.036629

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$250 and costs of \$233.36, plus six months suspension against cosmetology salon license CE9959534. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Village Nail Spa and Vu Nguyen; West Palm Beach; Case Nos. 2010.042217 and 2010.036614

The Respondents were not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$302.32, to be paid over a period of six months, with the first payment of \$302.32 due within 30 days of the final order and five monthly payments of \$100 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE9966474 and nail specialist license FV563411. In the event the Respondents fail to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and the nail specialist license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Wonder Nails; West Palm Beach; Case No. 2010.013127

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$1,000 and costs of \$184.22, to be paid over a period of six months, with the first payment of \$184.22 due within 30 days of the final order and five monthly payments of \$200 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Motion for Waiver of Rights and Final Order

Mr. Metz presented the following cases for consideration by the board. 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, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and imposed the penalties shown below:

Guadalupe Arredondo; Cutler Bay; Case No. 2010.027799

Ms. Arredondo was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$232.72, to be paid over a period of six months, with the first payment of \$232.72 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Smith seconded the motion and the motion passed unanimously.

Tyrone Brooks; Daytona Beach; Case No. 2011.010518

Mr. Brooks was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$276.36. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Caprice Salon and Spa; Sunny Isles Beach; Case No. 2010.047794

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$1,000 and costs of \$72.94, plus suspension against cosmetology salon license CE9961532 until all outstanding fines and costs are paid. Vice Chair Fincel seconded the motion and the motion passed unanimously.

City Nails and Guang Xiu Lin; Port St. Lucie; Case Nos. 2010.042939 and 2010.047386

Ms. Guang Lin and Ms. Susan Taylor were present for the meeting and were sworn in by the Court Reporter. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$228.77, and re-inspection within six months. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Clippers; Tallahassee; Case No. 2010.054065

The Respondent was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$89.80, to be paid over a period of six months, with the first payment of \$89.90 due within 30 days of the final order and five monthly payments of \$100 each, re-inspection within six months, plus six months stayed suspension against cosmetology license CE9966247. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Morelia Croes; Miami; Case No. 2010.057945

Ms. Croes was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$244.87, plus suspension against nail specialist license FV9562148 until all outstanding fines and costs are paid. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Da Vi Nails USA; Perry; Case No. 2010.043773

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$300 and costs of \$377.22, to be paid over a period of six months, with the first payment of \$377.22 due within 30 days of the final order and five monthly payments of \$60 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE9977292. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Daniela's Hair Artist; Miami; Case No. 2010054428

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$59.27, plus suspension against cosmetology salon license CE9953528 until all outstanding fines and costs are paid. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Elocin Hair Therapy; Spring Hill; Case No. 2010.060305

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$77.09, plus suspension against cosmetology salon license CE9961892 until all outstanding fines and costs are paid. Ms. Smith seconded the motion and the motion passed unanimously.

Nethy Evans; Hollywood; Case No. 2010.029890

Ms. Evans was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$90.90, to be paid over a period of six months, with the first payment of \$90.90 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Smith seconded the motion and the motion passed unanimously.

Octavia Fairley; Orlando; Case No. 2010.042972

Ms. Fairley was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$135.56, to be paid over a period of six months, with the first payment of \$135.56 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Tikisha Gobourne; Altamonte; Case No. 2010.035362

Ms. Gobourne was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$156.44, plus suspension against cosmetology license CL1195241 until all outstanding fines and costs are paid. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Linh Hoang; St. Petersburg; Case No. 2011.001123

Ms. Hoang was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$223.19, plus suspension against full specialist license FS868142 until all outstanding fines and costs are paid. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Honeycomb Hair Salon; Orlando; Case No. 2010.031926

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$230.84. Ms. Smith seconded the motion and the motion passed unanimously.

L.A. Nails and Duyen Thanh Cao; Delray Beach; Case Nos. 2010.062324 and 2011.003851

Ms. Than Nguyen and Mr. Jeremy Logan were present for the meeting and were sworn in by the Court Reporter. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$161.33. Ms. Smith seconded the motion and the motion passed unanimously.

Latashia's Hairbraiding and Training; Tampa; Case No. 2010.033322

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$700 and costs of \$203.71, to be paid over a period of six months, with the first payment of \$203.71 due within 30 days of the final order and five monthly payments of \$140 each, plus revocation of course provider registration PVD 228 for hair braiding, hair wrapping and body wrapping courses. Ms. Smith seconded the motion and the motion passed unanimously.

Legacy Hair Salon; Orlando; Case No. 2010.058877

Mr. Metz requested that this case be pulled from the agenda.

Cynthia Miller; Greenville; Case No. 2011.017371

Ms. Miller was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$242.35, plus suspension against cosmetology license CL1201122 until all outstanding fines and costs are paid. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Nandy Unisex Beauty Salon; N. Miami; Case No. 2010.047786

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$69.56, re-inspection within six months, plus suspension against cosmetology salon license CE9971061. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Nobe Beauty Salon; Miami; Case No. 2010.058027

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$69.02, plus suspension against cosmetology salon license CE9979380 until all outstanding fines and costs are paid. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Tuan Ngo; Bradenton; Case No. 2010.024052

Mr. Ngo was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$169.63, plus suspension against nail specialist license FV9567826 until all outstanding fines and costs are paid. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Claretta Pickering; Tallahassee; Case No. 2010.057253

Ms. Pickering was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$314.64, to be paid over a period of six months, with the first payment of \$314.64 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Smith seconded the motion and the motion passed unanimously.

(The) Prime Cuts Salons; Palm Beach Gardens; Case No. 2010.044747

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$800 and costs of \$154.84, plus suspension against cosmetology salon license CE9966797 until all outstanding fines and costs are paid. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Reflections Hair Salon Inc.; Perry; Case No. 2010.044657

Ms. Tonya Holton was present for the meeting and was sworn in by the Court Reporter. Vice Chair Fincel moved that the board impose a fine of \$550 and costs of \$322.89, to be paid over a period of six months, with the first payment of \$322.89 due within 30 days of the final order and five monthly payments of \$110 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Theresa Rivera; Largo; Case No. 2010.012156

Ms. Rivera was present for the meeting and was sworn in by the Court Reporter. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$220.94, to be paid over a period of six months, with the first payment of \$220.94 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Smith seconded the motion and the motion passed unanimously.

Raylsa Roman; Orlando; Case No. 2010.015045

Ms. Roman was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$142.33, to be paid over a period of six months, with the first payment of \$142.33 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Smith seconded the motion and the motion passed unanimously.

Sakura Nail Spa; Gainesville; Case No. 2010.054076

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$134.72, to be paid over a period of six months, with the first payment of \$134.72 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Sky Nails; Ocala; Case No. 2010.041285

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$124.90, to be paid over a period of six months, with the first payment of \$124.90 due within 30 days of the final order and five monthly payments of \$100 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE9957917. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

T & L Nails & Spa and Tony Pham; Sebastian; Case Nos. 2010.055895 and 2010.061345

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$212.83, to be paid over a period of six months, with the first payment of \$212.83 due within 30 days of the final order and five monthly payments of \$100 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE9969774

and nail specialist license FV9543921. In the event the Respondents fail to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license and nail specialist license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Trendsetterz, LLC; Tallahassee; Case No. 2010.057529

The Respondent was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$1,500 and costs of \$87.28, to be paid over a period of six months, with the first payment of \$87.28 due within 30 days of the final order and five monthly payments of \$300 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE9975276. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

VIP; Jacksonville; Case No. 2010.055455

The Respondent was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$105.38. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

"V" Nails; Miami; Case No. 2010.054388

The Respondent was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$62.66, to be paid over a period of six months, with the first payment of \$62.66 due within 30 days of the final order and five monthly payments of \$100 each, plus suspension against cosmetology salon license CE9978933 until all outstanding fines and costs are paid. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Settlement Stipulations

Golden Nails Inc. and Phan My Nguyen; West Palm Beach; Case Nos. 2011.013267 and 2011.019451

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a final order and impose a fine of \$550 and costs of \$244.05, to be paid over a period of six months, with the first payment of \$244.05 due within 30 days of the final order and five monthly payments of \$110 each. Ms. Smith seconded the motion and the motion passed unanimously.

Pro Nails and Marie Ha; Ft. Pierce; Case Nos. 2011.008978 and 2011.013425

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a final order and impose a fine of \$850 and costs of \$238.83, to be paid over a period of six months, with the first payment of \$238.83 due within 30 days of the final order and five monthly payments of \$170 each. Ms. Smith seconded the motion and the motion passed unanimously.

Sur La Mer Salon and Valerie Glupczynski-Tucker; Vero Beach; Case Nos. 2011.010889 and 2011.013434

Ms. Valerie Glupczynski-Tucker was present for the meeting and was sworn in by the Court Reporter. Ms. Ritenbaugh moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a final order and impose a fine of \$400 and costs of \$298.83, to be paid over a period of six months, with the first payment of \$298.83 due within 30 days of the final order and five monthly payments of \$80 each. Ms. Smith seconded the motion and the motion passed unanimously.

Tropical Nails; Destin; Case No. 2010.060891

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a final order and impose a fine of \$500 and costs of \$128.27, to be paid over a period of six months, with the first payment of \$128.27 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Smith seconded the motion and the motion passed unanimously.

VIP Nail Salon and Chuong H. Le; Palm City; Case Nos. 2011.016733 and 2011.020988

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the board adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a final order and impose a fine of \$650 and costs of \$255.87, to be paid over a period of six months, with the first payment of \$255.87 due within 30 days of the final order and five monthly payments of \$130 each. Ms. Smith seconded the motion and the motion passed unanimously.

Department Attorney Report

Mr. Metz informed the board that as of January 6, 2012, there were 314 open cosmetology cases in the legal section.

New Business

Cosmetology Examination Presentations

National Interstate Council of State Boards of Cosmetology (NIC)

Ms. Kay Kendrick, President, (NIC), and Mr. Sean Colton, Shroeder Measurement Technologies, shared a PowerPoint presentation on the NIC national cosmetology examination.

Bureau of Education and Testing (BET) and Pearson VUE

Mr. Gus Ashoo, Chief, (BET), Mr. Alex Bosque, BET, Ms. Mylette Perry, BET, Mr. Gary Esquerre, Pearson VUE, and Ms. JoAnne Wingate, Pearson VUE, shared a PowerPoint presentation on the Department's cosmetology examination.

Adjournment

There being no further business, the meeting was adjourned at approximately 3:15 p.m.

Tuesday, January 24, 2012

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

Board Members Present

Myra Jowers, Chair
Ginny Fincel, Vice Chair
Laurel Ritenbaugh
Monica Smith
Suzanne Wilhoite

Board Members Absent

Crystal Lackey

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Rachel Clark, Assistant Attorney General, Office of the Attorney General (OAG)
Julie Rowland, Government Analyst, DBPR
Heather Howard, Court Reporter
Robert M. Martinez
Robert S. Powers
Lismarie Calderon
Brendaliz Rodriguez
Diana Richardson
Ana Lima

Bonnie Poole, Florida Cosmetology Association

The meeting was opened with a roll call and a quorum was established. Chair Jowers excused Ms. Crystal Lackey's absence from the meeting.

Vice Chair Ginny Fincel moved to approve the minutes from the October 24-25, 2011, board meeting. Ms. Laurel Ritenbaugh seconded the motion and the motion passed unanimously.

Ms. Monica Smith moved to approve the minutes from the November 29, 2011, board meeting. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Applications

Licensure Applications

Informal Hearing

Lismarie Calderon / Puerto Rico

Ms. Robyn Barineau, Executive Director, noted that the licensure application was denied at the October 25, 2011, board meeting based on inconsistent documentation and for failure to demonstrate that she meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Lismarie Calderon and Mr. Oscar Rodriguez were present for the board meeting and were sworn in by Ms. Heather Howard, Court Reporter. After review, Ms. Ritenbaugh moved to approve the application. Ms. Suzanne Wilhoite seconded the motion and the motion passed unanimously.

Initial Review

Cristian David Altamirano / Puerto Rico

Mr. Altamirano was not present for the meeting. After review, Ms. Ritenbaugh moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Smith seconded the motion and the motion passed unanimously.

Marlen Del Socorro Castaneda Alvarez / Puerto Rico

Ms. Alvarez was not present for the meeting. After review, Vice Chair Fincel moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Jose Victor Calderon-Perez / Puerto Rico

Mr. Calderon-Perez was not present for the meeting. After review, Ms. Ritenbaugh moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Maura Ferrera / Puerto Rico

Ms. Ferrera was not present for the meeting. After review, Ms. Ritenbaugh moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Gladys Gonzalez / Puerto Rico

Ms. Gonzalez was not present for the meeting. After review, Ms. Ritenbaugh moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Ana M. Lima / (Puerto Rico evaluation)

Ms. Ana Lima and Ms. Nilsa Canaverl were present for the meeting and were sworn in by the Court Reporter. After review, Vice Chair Fincel moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Maria A. Millan / Puerto Rico

Ms. Millan was not present for the meeting. After review, Ms. Ritenbaugh moved to approve the application. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Brendaliz Rodriguez / Puerto Rico

Ms. Rodriguez and Mr. Luis Ramos were present for the meeting and were sworn in by the Court Reporter. After review, Ms. Ritenbaugh moved to approve the application. Ms. Wilhoite seconded the motion and the motion passed with Ms. Ritenbaugh voting against the motion.

Marlene Rodriguez / Puerto Rico

Ms. Rodriguez was not present for the meeting. After review, Vice Chair Fincel moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Smith seconded the motion and the motion passed unanimously.

Carla M. Zorrilla / Puerto Rico

Ms. Zorrilla was not present for the meeting. After review, Vice Chair Fincel moved to deny the application as the application contains inconsistent documentation and fails to demonstrate that the applicant meets the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. Ms. Ritenbaugh seconded the motion and the motion passed unanimously. and was sworn in by the Court Reporter.

Initial HIV/AIDS Courses

Initial Review

The Esthetics Association Florida

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Gwendolyn Croskey

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Continuing Education Provider and Course Applications

Initial Review

Beauty and Health Institute

Course Application

16-Hour Continuing Education – 16 Hours Live Group Study/Home Study

After review, Ms. Ritenbaugh moved to approve the application. Ms. Wilhoite seconded the motion and the motion passed unanimously.

ContinuingCosmetolgy.com

Course Application

FL 2 Hour HIV/AIDS CE Course – 2 Hours Internet/Home Study

After review, Ms. Smith moved to approve the application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Cinderella Hair Extensions

Provider Application

Course Application

Cinderella Hair Extensions – 4 Hours Cosmetology Conference/Trade Show

After review, Ms. Smith moved to approve the course provider application. Ms. Ritenbaugh seconded the motion and the motion passes unanimously.

After review, Ms. Ritenbaugh moved to deny the course application based on the course being product driven. Ms. Smith seconded the motion and the motion passed unanimously.

Dermastart, Inc.

Provider Application

Course Application

Understanding Chemical Peels – 6 Hours Live Group Study

After review, Ms. Smith moved to approve the course provider application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

After review, Ms. Smith moved to approve the application with the following contingency: remove disclaimer statement from the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Exotica Academy Inc.

Course Application

Continuing Education – 16 Hours Live Group Study/Home Study/Cosmetology Conference/Trade Show/Internet

After review, Ms. Ritenbaugh moved to approve the application with the following contingency: add reference dates to the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Smith seconded the motion and the motion passed unanimously.

Exotica Academy Inc.

Course Application

HIV/AIDS – 2 Hours Live Group Study/Home Study/Cosmetology Conference/TradeShow/Internet

After review, Ms. Ritenbaugh moved to approve the application with the following contingency: add reference dates to the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Smith seconded the motion and the motion passed unanimously.

Exotica Academy Inc.

Course Application

Chemical Makeup – 2 Hours Live Group Study/Home Study/Cosmetology Conference/Trade Show/Internet

After review, Ms. Ritenbaugh moved to approve the application with the following contingency: add reference dates to the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Smith seconded the motion and the motion passed unanimously.

Exotica Academy Inc.

Course Application

Environmental Issues – 1 Hour Live Group Study/Home Study/Cosmetology Conference/Trade Show/Internet

After review, Ms. Ritenbaugh moved to approve the application with the following contingency: add reference dates to the course outline. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Smith seconded the motion and the motion passed unanimously.

Patti Biro and Associates

Provider Application

Course Application

Integrating Wellness Services in the Spa, Salon and Health Care Worlds– 6 Hours Live Group Study

After review, Ms. Ritenbaugh moved to approve the course provider application. Ms. Smith seconded the motion and the motion passes unanimously.

After review, Ms. Smith moved to approve the application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Robert M. Martinez

Provider Application

Course Application

Continuing Education for Cosmetologists – 16 Hours Live Group Study/Home Study/Cosmetology Conference/Trade Show

Mr. Robert Martinez was present for the meeting. After review, Ms. Smith moved to approve the course provider application. Vice Chair Fincel seconded the motion and the motion passed unanimously.

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Osmosis Pure Medical Skincare

Course Application

Osmosis Skin Transformation System Seminar – 8 Hours Live Group Study

After review, Ms. Smith moved to deny the course application based on the course being product driven. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Applications for Body Wrapping Courses

Informal Hearing

Skin Geeks

Ms. Barineau noted that the application was denied at the October 25, 2011, board meeting, based on the course content being outside of the scope of practice for a body wrapping registration, and references to the use of alcohol as a disinfectant. After review, Ms. Ritenbaugh moved to uphold the denial based on the course content being outside of the scope of practice for a body wrapping registration. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Initial Review

Danik Beauty Academy

After review, Vice Chair Fincel moved to deny the application based on references to the use of formalin and alcohol as a disinfectant, and outdated reference materials. Ms. Smith seconded the motion and the motion passed unanimously.

Ellen Delaney

After review, Ms. Smith moved to approve the application. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Health From Nature Corp.

After review, Ms. Smith moved to deny the application based on the course content being outside of the scope of practice of Florida Board of Cosmetology licensees, and improper references to fat loss and weight loss. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Soro's Body Wrapping

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Spalon Techniques LLC.

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Applications for Hair Braiding Courses

Initial Review

Beauty of Sarah Braid Center

After review, Ms. Smith moved to approve the application with the following contingency: add course number to the course completion certificate. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Cosmo African Hair Braiding

After review, Ms. Smith moved to deny the application based on outdated reference materials, reference to the use of alcohol and phenols as a disinfectant, and improper methods of sanitation and disinfection procedures. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Fanta Sanoko

After review, Ms. Smith moved to approve the application. Chair Jowers seconded the motion and the motion passed unanimously.

Gwendolyn Croskey

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Hair Braiding By Coya

After review, Ms. Smith moved to approve the application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

In His Image Studio

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Soro's Hair Braiding

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Top 2 Bottom

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Applications for Hair Wrapping Courses

Initial Review

Beauty of Sarah Braid Center

After review, Ms. Ritenbaugh moved to approve the application with the following contingency: striking the word “braiding” in the course outline and replacing it with “wrapping”. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Gwendolyn Croskey

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

In His Image Studio

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Phenomenal Hair Gallery

After review, Vice Chair Fincel moved to approve the application with the following contingencies: strike all references to “stimulating the scalp” from the course outline, and striking the word “braiding” in the course outline and replacing it with “wrapping”. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Soro’s Hair Wrapping

After review, Ms. Smith moved to approve the application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Top 2 Bottom

After review, Ms. Ritenbaugh moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

New Business

Petition for Waiver and Variance – Planet Fitness

After discussion, the board denied the variance and rule waiver request filed by Planet Fitness relating to Rule 61G5-2,992(4), Florida Administrative Code – Salon Requirements. Planet Fitness requested that the square footage in their salon be 120 rather than the required 200 square feet.

OSHA Notice - Updates Regarding Brazilian Blowout

The board discussed the warning information and will continue to monitor this issue. Ms. Barineau noted that the OSHA alert had been posted on the board’s website.

Other Business

Executive Director’s Report

Financial Report for Year Ending September 2011

Ms. Barineau reported that the balance in the board’s operating account as of September 30, 2011, was over \$1.3 million, and the balance in their unlicensed activity account was over \$1.6 million for the same period.

National-Interstate Council (NIC) Newsletter September/October 2011

Ms. Barineau informed the board that the September/October NIC Newsletter was included in the agenda for informational purposes.

Florida Board of Cosmetology Newsletter – August 2011

Ms. Barineau informed the board that the Board of Cosmetology Newsletter was included in the agenda for informational purposes.

Leslie Roste – Barbacide

Ms. Barineau informed the board that Ms. Leslie Roste would be present for the April 2012 board meeting in Daytona Beach.

Board Attorney Report

Rule 61G5-29.001(3), Florida Administrative Code - Definitions

The board approved the following amendment to Rule 61G5-29.001(3), Florida Administrative Code - Definitions, and they agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation:

(3) "Facials" means:

(a) The ~~the~~ massaging or treating of the face, neck, ~~skin~~ or scalp with or without the use of mechanical devices using oils, creams, lotions or other cosmetic products, which are used to cleanse and condition the skin, to prevent or correct problems or conditions of the face, ~~and neck,~~ and scalp and to color and beautify the face, ~~and neck,~~ and scalp or enhance their features; and, ~~skin care services for the body.~~

(b) Skin care services for the body as defined in Section 477.013(13), F.S.

Facials shall be performed only by individuals licensed pursuant to Sections 477.019 and 477.0201, F.S., and performed in schools licensed pursuant to Chapter 1005, F.S., or salons licensed pursuant to Section 477.025, F.S.

Regulation Report

Complaints and Investigative Statistics – July 2011 – December 2011

Ms. Barineau informed the board that the Complaints and Investigative Statistics Report was included in the agenda for informational purposes.

Bureau of Education and Testing

Cosmetology Examination Summary – January 2011 – December 2011

Ms. Barineau informed the board that the Cosmetology Examination Summary was included in the agenda for informational purposes.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:40 a.m.