

MINUTES

FLORIDA BOARD OF COSMETOLOGY
PLAZA RESORT & SPA
600 N. ATLANTIC AVENUE
DAYTONA BEACH, FLORIDA 32118

Monday, April 2, 2012

General Business Meeting

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
Crystal Lackey

Board Members Absent

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)
Dustin Metz, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Christie Sammaro, Court Reporter
Connie Popp, Daytona Beach State College
Barbara Petrock, Daytona Beach State College
Denise DeOliveira
Ana Regis
Tien Huynh
Kathryn Baunez

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

Disciplinary Matters

Reconsideration of Final Order

Dynasty Hair Salon; Kissimmee; Case No. 2009.012066

Mr. Dustin Metz, Assistant General Counsel, informed the board that this case was presented at the October 12, 2009, meeting. Mr. Metz recommended that the board vacate the final order that was filed on November 25, 2009, imposing a fine of \$500 and costs of \$109.06. Vice Chair Ginny Fincel moved to vacate the final order based on this case being resolved. 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:

90s Nails and Xuyen Thu Huynh; West Palm Beach; Case Nos. 2011.015040 and 2011.021053

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$750 and costs of \$251.04. Ms. Monica Smith seconded the motion and the motion passed unanimously.

Paradise Nails & Spa and Loc Nguyen Bakthy; Vero Beach; Case Nos. 2011.004686 and 2011.011759

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$600 and costs of \$238.95, to be paid over a period of six months, with the first payment of \$238.95 due within 30 days of the final order and five monthly payments of \$120 each. Ms. Suzanne Wilhoite seconded the motion and the motion passed unanimously.

Bliss Pedicure Spa; Panama City; Case No. 2011.019839

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$850 and costs of \$230.09, to be paid over a period of six months, with the first payment of \$230.09 due within 30 days of the final order and five monthly payments of \$170 each. Ms. Crystal Lackey seconded the motion and the motion passed unanimously.

Brazilian Depot Hair Salon; Deerfield Beach; Case No. 2011.019296

Ms. Denise DeOliveira and Ms. Ana Regis were present for the meeting and were sworn in by Ms. Christie Sammaro, Court Reporter. Vice Chair Fincel moved that the board impose a fine of \$1,150 and costs of \$98.82, to be paid over a period of six months, with the first payment of \$98.82 due within 30 days of the final order and five monthly payments of \$230 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE85969. 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.

Browne's Beauty; Miami; Case No. 2010.028275

The Respondent was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$100.23, to be paid over a period of six months, with the first payment of \$100.23 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 CE9977919. 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. Lackey seconded the motion and the motion passed unanimously.

California Nails and John Son Phan; Sebastian; Case Nos. 2011.011749 and 2011.028901

The Respondents were not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$1,750 and costs of \$300.04, to be paid over a period of six months, with the first payment of \$300.04 due within 30 days of the final order and five monthly payments of \$350 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE84283 and nail specialist license FV561523. 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. Smith seconded the motion and the motion passed unanimously.

Classy Nail; Palm Bay; Case No. 2011.006922

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

Sunshine Nails Salon and Thoa Cao; Loxahatchee; Case Nos. 2011.015032 and 2011.021047

The Respondents were not present for the meeting. Ms. Smith moved that the board impose a fine of \$950 and costs of \$246.87, to be paid over a period of six months, with the first payment of \$246.87 due within 30 days of the final order and five monthly payments of \$190 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

eyebrowDesigner; Miami; Case No. 2011.017005

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$600 and costs of \$181.86, to be paid over a period of six months, with the first payment of \$181.86 due within 30 days of the final order and five monthly payments of \$120. Ms. Lackey seconded the motion and the motion passed unanimously.

Fantastic Sam's; St. Petersburg; Case No. 2011.020970

The Respondent was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$500 and costs of \$90.83, plus suspension against cosmetology salon license CE44336 until all outstanding fines and costs are paid. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Florida Nail Spa; Lynn Haven; Case No. 2011.016615

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$215.97, to be paid over a period of six months, with the first payment of \$215.97 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.

Florida Nails Care; Stuart; Case No. 2011.002848

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$550 and costs of \$137.83, to be paid over a period of six months, with the first payment of \$137.83 due within 30 days of the final order and five monthly payments of \$110 each, plus six months stayed suspension against cosmetology salon license CE9961095. 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.

K & F Nails; Chipley; Case No. 2011.016716

The Respondent was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$500 and costs of \$225.10, to be paid over a period of six months, with the first payment of \$225.10 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.

Kevin Nails; Gulf Breeze; Case No. 2010.061145

The Respondent was not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$500 and costs of \$114.96, to be paid over a period of six months, with the first payment of \$114.96 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.

Nails By T II and Thuy T. Tran; North Palm Beach; Case Nos. 2011.015026 and 2011.020985

The Respondents were not present for the meeting. Ms. Lackey moved that the board impose a fine of \$1,300 and costs of \$300.78, plus revocation of cosmetology salon license CE80693 and nail specialist license FV5351751. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

North West Florida Aesthetics; Chipley; Case No. 2011.016144

The Respondent was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$150 and costs of \$138.19, to be paid over a period of six months, with the first payment of \$138.19 due within 30 days of the final order and five monthly payments of \$30 each. Ms. Smith seconded the motion and the motion passed unanimously.

Ocean Spa; Panama City; Case No. 2011.019877

The Respondent was not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$800 and costs of \$172.32, to be paid over a period of six months, with the first payment of \$172.32 due within 30 days of the final order and five monthly payments of \$160 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Ocean Spa; Panama City; Case No. 2011.035548

The Respondent was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$1,100 and costs of \$294.87, to be paid over a period of six months, with the first payment of \$294.87 due within 30 days of the final order and five monthly payments of \$220 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Pink & White Nail Spa; Panama City; Case No. 2011.019854

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$100 and costs of \$229.24. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Pink & White Nails Spa Studio; Clearwater; Case No. 2011.015236

Mr. Tien Huynh and Mr. Christopher Givon 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 \$220.83. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Regal Nails and Thu Thi Tran; Vero Beach; Case Nos. 2011.022535 and 2011.026643

The Respondents were not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$1,850 and costs of \$265.21, to be paid over a period of six months, with the first payment of \$265.21 due within 30 days of the final order and five monthly payments of \$370 each, re-inspection within six months, plus six months stayed suspension against cosmetology salon license CE84942 and full specialist license FS875010. 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 full specialist license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Regal Nails of Crestview; Crestview; Case No. 2010.049505

The Respondent was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$68.36, to be paid over a period of six months, with the first payment of \$68.36 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Lackey seconded the motion and the motion passed unanimously.

Step It Up Salon and Gina L. Serra; West Palm Beach; Case Nos. 2011.009005 and 2011.009017

The Respondents were not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$1,100 and costs of \$244.04, to be paid over a period of six months, with the first payment of \$244.04 due within 30 days of the final order and five monthly payments of \$220 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Shear Genius; Lynn Haven; Case No. 2011.016608

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$209.93, to be paid over a period of six months, with the first payment of \$209.93 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.

Super Look Inc.; Sunrise; Case No. 2011.016146

The Respondent was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$89.91, to be paid over a period of six months, with the first payment of \$89.91 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.

Top Nails; Pensacola; Case No. 2011.022679

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$600 and costs of \$392.91, to be paid over a period of 12 months, with the first payment of \$392.91 due within 30 days of the final order and eleven monthly payments of \$55 each. Ms. Wilhoite 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:

Louis Barber; Tallahassee; Case No. 2011.007323

Mr. Barber was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$500 and costs of \$48.37, to be paid over a period of six months, with the first payment of \$48.37 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.

Natalie Barnes; Tallahassee; Case No. 2011.007338

Ms. Brooks was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$334.05, to be paid over a period of six months, with the first payment of \$334.05 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Bellezza Salon and Spa; Panama City; Case No. 2011.003275

The Respondent was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$900 and costs of \$123.36, to be paid over a period of six months, with the first payment of \$123.36 due within 30 days of the final order and five monthly payments of \$180 each, re-inspection within six months, plus six months stayed suspension against cosmetology license CE9965278. 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. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Obrian Breedlove; Orlando; Case No. 2011.001114

Mr. Breedlove was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$500 and costs of \$143.72, to be paid over a period of six months, with the first payment of \$143.72 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.

Linda Bridges; Orlando; Case No. 2011.017785

Ms. Bridges was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$1,500 and costs of \$119.06. Ms. Smith seconded the motion and the motion passed unanimously.

BV Beauty Salon, d/b/a BV Beauty Enterprises, Inc.; Miami; Case No. 2011.011657

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$550 and costs of \$135.58, to be paid over a period of six months, with the first payment of \$135.58 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.

Derrick's Cut Masters; Daytona Beach; Case No. 2011.002025

The Respondent was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$500 and costs of \$333.02, to be paid over a period of six months, with the first payment of \$333.02 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.

Toan Chi Duong; Tampa; Case No. 2011.016927

Mr. Duong was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$1,000 and costs of \$175.50, plus six months suspension against nail specialist license FV5215. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Fade Factory; Orlando; Case No. 2010.059786

The Respondent was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$499.93, plus six months stayed suspension against cosmetology salon license CE9979445. 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. Wilhoite seconded the motion and the motion passed unanimously.

Ryan J. Hines; Tallahassee; Case No. 2011.007310

Mr. Hines was not present for the meeting. Ms. Smith moved that the board impose a fine of \$500 and costs of \$70.64, to be paid over a period of six months, with the first payment of \$70.64 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Madison Avenue Nail Salon and Denise Katherine Smith; Jensen Beach; Case Nos. 2011.015636 and 2011.015626

The Respondents were not present for the meeting. Ms. Lackey moved that the board impose a fine of \$850 and costs of \$233.88, to be paid over a period of six months, with the first payment of \$233.88 due within 30 days of the final order and five monthly payments of \$170 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Mane Stop, LLC.; Merritt Island; Case No. 2011.007673

The Respondent was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$500 and costs of \$107.12, to be paid over a period of six months, with the first payment of \$107.12 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Jennie Michel; Tallahassee; Case No. 2011.015009

Ms. Michel was not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$500 and costs of \$56.20, to be paid over a period of six months, with the first payment of \$56.20 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.

Rafael Olmedo; West Palm Beach; Case No. 2011.004564

Mr. Olmedo was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$1,500 and costs of \$95.98, plus revocation of cosmetology license CL1198218. Vice Chair Fincel seconded the motion and the motion passed with Ms. Smith and Ms. Ritenbaugh voting against the motion.

Gina I. Paoluccio; Lake Worth; Case No. 2011.017379

Ms. Paoluccio was not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$500 and costs of \$439.01, to be paid over a period of six months, with the first payment of \$439.01 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.

Regal Nails; Panama City Beach; Case No. 2011.003596

The Respondent was not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$100 and costs of \$123.36. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Teresa Louise Riggs; Merritt Island; Case No. 2011.007791

Ms. Riggs was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$500 and costs of \$92.38, to be paid over a period of six months, with the first payment of \$439.01 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.

Sheila D. Ross; Gainesville; Case No. 2011.020463

Ms. Ross was not present for the meeting. Ms. Ritenbaugh moved that the board impose a fine of \$500 and costs of \$225.82, to be paid over a period of six months, with the first payment of \$225.82

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.

Donald Roye; West Palm Beach; Case No. 2011.001046

Mr. Roye was not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$1,000 and costs of \$61.41. Ms. Smith seconded the motion and the motion passed unanimously.

Set It Off, d/b/a Latonia Williams and Chanelle Hill; Daytona Beach; Case No. 2011.016064

The Respondents were not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$500 and costs of \$65.34, to be paid over a period of six months, with the first payment of \$65.34 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.

Bettina Frances Snyder; Melbourne; Case No. 2011.016172

Ms. Snyder was not present for the meeting. Ms. Lackey moved that the board impose a fine of \$500 and costs of \$275.13, to be paid over a period of six months, with the first payment of \$275.13 due within 30 days of the final order and five monthly payments of \$100 each. Ms. Wilhoite seconded the motion and the motion passed unanimously.

US Nails and Huong B. Tran; North Pam Beach; Case Nos. 2011.019471 and 2011.019475

The Respondents were not present for the meeting. Vice Chair Fincel moved that the board impose a fine of \$550 and costs of \$125.54, to be paid over a period of six months, with the first payment of \$125.54 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.

Thieu Thi Tran; Royal Palm Beach; Case No. 2011.011826

Mr. Tran was not present for the meeting. Ms. Lackey moved that the board dismiss the case as the citation has been paid in full. Ms. Smith seconded the motion and the motion passed unanimously.

Ultimate Weave Express; Tampa; Case No. 2011.003482

The Respondent was not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$1,500 and costs of \$155.45, to be paid over a period of six months, with the first payment of \$155.45 due within 30 days of the final order and five monthly payments of \$300 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Michael D. Ward; Gibsonton; Case No. 2011.015262

Mr. Ward was not present for the meeting. Ms. Wilhoite moved that the board impose a fine of \$500 and costs of \$127.16, to be paid over a period of six months, with the first payment of \$127.16 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.

Settlement Stipulations

Brow Art and Frozan Amiri; Vero Beach; Case Nos. 2011.039511 and 2011.039505

Ms. Kathryn Baunez was present for the meeting and was sworn in by the Court Reporter. Vice Chair Fincel 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 \$1,150 and costs of \$200.54, to be paid over a period of six months, with the first payment of \$200.54 due within 30 days of the final order and five monthly payments of \$230 each, plus six months stayed suspension against cosmetology license CE9985113. 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.

Amandeus Corporation; Miami; Case No. 2011.007837

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 \$250 and costs of \$24.33, plus six months stayed suspension against cosmetology license CE9984290. 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. Wilhoite seconded the motion and the motion passed unanimously.

Brow Art; Jensen Beach; Case No. 2011.019351

Ms. Kathryn Baunez was present for the meeting and was sworn in by the Court Reporter. Ms. Smith 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 \$1,200 and costs of \$127.77, to be paid over a period of six months, with the first payment of \$127.77 due within 30 days of the final order and five monthly payments of \$240 each. Ms. Lackey seconded the motion and the motion passed unanimously.

Creation Nail & Spa Inc. and Linh Chiem; Palm City; Case Nos. 2011.017042 and 2011.017045

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 \$1,350 and costs of \$277.28, to be paid over a period of six months, with the first payment of \$277.28 due within 30 days of the final order and five monthly payments of \$270 each, plus six months stayed suspension against cosmetology license CE9972669 and full specialist license FS860892. 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 full specialist license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

K-Nails by Chuan V. Mai and Chuan Van Mai; Vero Beach; Case Nos. 2011.011740 and 2011.025695

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 \$600 and costs of \$219.85, to be paid over a period of six months, with the first payment of \$219.85 due within 30 days of the final order and five monthly payments of \$120 each, plus six months stayed suspension against cosmetology license CE9960231 and nail specialist license FV569434. 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 nail specialist license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

K Nails and Dat Tan Nguyen; Ft. Pierce; Case Nos. 2011.008990 and 2011.015612

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 \$1,150 and costs of \$111.05, to be paid over a period of six months, with the first payment of \$111.05 due within 30 days of the final order and five monthly payments of \$230 each, plus six months stayed suspension against cosmetology license CE9962926 and nail specialist license FV565554. 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 nail specialist license will be suspended. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Top Nails; Palm Bay; Case No. 2011.027155

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 \$334.84, to be paid over a period of six months, with the first payment of \$334.84 due within 30 days of the final order and five monthly payments of \$100 each, plus six months stayed suspension against cosmetology license CE9974903. 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. Wilhoite seconded the motion and the motion passed unanimously.

Jason Von Nieda; Daytona Beach; Case No. 2011.003652

Mr. Von Nieda was not present for the meeting. Vice Chair Fincel moved that the board reject the Stipulation of the parties. Ms. Wilhoite seconded the motion and the motion passed unanimously. The board proposed a counter offer of costs of \$290.18, plus revocation of cosmetology license CL229629.

Department Attorney Report

Mr. Metz informed the board that as of March 7, 2012, there were 321 open cosmetology cases in the legal section.

Adjournment

There being no further business, the meeting was adjourned at approximately 2:00 p.m.

Tuesday, April 3, 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
Crystal Lackey

Board Members Absent

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
Sharon Dunlap, Court Reporter
Karen Scolfon, Fortis Institute
Maura Scali-Sheahan, Fortis Institute
Connie Popp, Daytona Beach State College
Barbara Petrock, Daytona Beach State College
Bonnie Poole, Florida Cosmetology Association
Jennifer Bugbee
Victoria Clark
Ahamed Kamal
Faiza Farooqi

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

Ms. Laurel Ritenbaugh moved to approve the minutes from the January 23-24, 2012, board meeting. Ms. Suzanne Wilhoite seconded the motion and the motion passed unanimously.

Applications

Licensure Applications

Initial Review

Katherine J. Allison / New York

Ms. Allison 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.

Rachel Marie Atkins / West Virginia

Ms. Atkins was not present for the meeting. After review, Ms. Ritenbaugh moved to approve the application. Vice Chair Ginny Fincel seconded the motion and the motion passed unanimously.

Kim T. Buchanan / New York

Ms. Buchanan was not present for the meeting. After review, Ms. Monica Smith 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. Crystal Lackey seconded the motion and the motion passed unanimously.

Jennifer Bugbee / Ohio

Ms. Bugbee and Mr. David Bugbee were present for the meeting and were sworn in by Ms. Sharon Dunlap, Court Reporter. After review, Ms. Ritenbaugh moved to approve the application. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Jennifer Lynn Carter

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

Marlen Casteneda / New Jersey

Ms. Casteneda was not present for the meeting. After review, Ms. Smith 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.

Victoria R. Clark

Ms. Clark and Mr. Albert Clark were present for the meeting and were sworn in by the Court Reporter. After review, Vice Chair Fincel moved to approve the application. Ms. Smith seconded the motion and the motion passed unanimously.

Faiza Farooqi / Illinois

Ms. Farooqi and Mr. Ahamed Kamal were present for the meeting and were sworn in by the Court Reporter. After review, Ms. Lackey moved to approve the application. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

El Amri Fatima / New York

Ms. Fatima 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.

Roberto Gomez / Puerto Rico

Mr. Gomez was not present for the meeting. After review, Ms. Lackey 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, with only 1,000 hours of schooling. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Gloria M. 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.

Abraham Hernandez / North Carolina

Mr. Hernandez was not present for the meeting. After review, Ms. Smith 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. Lackey seconded the motion and the motion passed unanimously.

Violeta S. Igribozova / Illinois

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

Aketia Taniel Jackson

Ms. Jackson was not present for the meeting. After review, Ms. Smith moved to deny the application based on the noted criminal history. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Dwight Andrew Kelly / New Jersey

Mr. Kelly was not present for the meeting. After review, Ms. Smith 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, and for failure to disclose previous application denial. Ms. Wilhoite seconded the motion and the motion passed with Ms. Ritenbaugh voting against the motion.

Jonathan Lopez / Massachusetts

Mr. Lopez was not present for the meeting. After review, Ms. Lackey 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.

Jacqueline J. Mendoza / Puerto Rico

Ms. Mendoza was not present for the meeting. After review, Ms. Lackey 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.

Yen T. Ngo / North Carolina

Ms. Ngo was not present for the meeting. After review, Ms. Smith 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.

Mai Thi Nguyen / Massachusetts

Ms. Nguyen was not present for the meeting. After review, Ms. Lackey 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.

Ashley Y. Parker

Ms. Parker was not present for the meeting. After review, Vice Chair Fincel moved to deny the application based on the noted criminal history. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Thanh Nhan Pham / New York

Mr. Pham was not present for the meeting. After review, Ms. Smith 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.

Adamah J. Phillip

Mr. Phillip was not present for the meeting. After review, Ms. Lackey moved to deny the application based on the noted criminal history. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Ralph Prince Roberts III / Puerto Rico

Mr. Roberts was not present for the meeting. After review, Ms. Lackey 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.

Carmen Luz Roman / Puerto Rico

Ms. Roman 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, with only 1,000 hours of schooling. Ms. Wilhoite seconded the motion and the motion passed with Ms. Lackey voting against the motion.

Margarita P. Salas / Puerto Rico

Ms. Salas 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.

Jacqueline Swift / Puerto Rico

Ms. Swift 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.

Samanthi Yea / New Jersey

Ms. Yea was not present for the meeting. After review, Ms. Smith 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.

Initial HIV/AIDS Courses

Initial Review

FCC Coleman Federal Prison Camp Education

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

Hair It Is of Miami Dade

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

Continuing Education Provider and Course Applications

Initial Review

Cosmetologycampus.com

Course Application

Florida 16-Hour Cosmetology Package – 16 Hours Internet

After review, Ms. Smith moved to deny the application based on the course content being outside of the scope of practice for Board of Cosmetology licensees, references to the use of formalin, formaldehyde. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Cosmetologycampus.com

Course Application

Electric Nail File – 4 Hours Internet

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

Cosmetologycampus.com

Course Application

Introduction to OSHA and OSHA Act Basic – 1 Hour Internet

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

Cosmetologycampus.com

Course Application

OSHA Health and Safety Programs Basic – 1 Hour Internet

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

Cosmetologycampus.com

Course Application

Building Your Career – 1 Hour Internet

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

Cosmetologycampus.com

Course Application

The Easy Way to Become Successful in the Beauty Industry – 3 Hours Internet

After review, Ms. Smith moved to approve the application with the following contingency: update course to indicate only licensees, not students or applicants may serve an apprenticeship in a licensed salon. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Vice Chair Fincel seconded the motion and the motion passed unanimously.

East West Seminars

Course Application

Energy Light Rejuvenation – 8 Hours Live Group Study

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

Faze Training and Consulting

Provider Application

Course Application

Florida Cosmetology Continuing Education Course – 16 Hours Internet

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

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

Florida Cosmetology Association, Inc.

Course Application

16-Hour Continuing Education Course – 16 Hours Internet

After review, Vice Chair Fincel moved to approve the application with the following contingency: update reference to the 2012 Mylady textbook. 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.

Wolfgang Luckmann

Course Application

The Japanese Art of Fighting Wrinkles – 8 Hours Live Group Study

After review, Ms. Ritenbaugh moved to deny the application based on the course content being outside of the scope of practice for Board of Cosmetology licensees, and providership number is missing on the course completion certificate. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Applications for Body Wrapping Courses

Initial Review

Body Beauty Line

After review, Ms. Smith moved to deny the application based on the course content not being beneficial as initial education for Board of Cosmetology licensees. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Hair It Is of Miami Dade

After review, Ms. Ritenbaugh moved to deny the application based on the course content being outside of the scope of practice of a body wrapping registration with references to cellulite, weight loss, inch loss, stretch marks. Ms. Wilhoite seconded the motion and the motion passed unanimously.

Applications for Hair Braiding Courses

Initial Review

561 Loc Lounge

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

Diamonds R U/Salon 26

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

Fortis Institute

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

Hair Dynamics Salon

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

Hair It Is of Miami Dade

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

Applications for Hair Wrapping Courses

Initial Review

Hair It Is of Miami Dade

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

Other Business

Executive Director's Report

Financial Report for Year Ending December 2011

Ms. Robyn Barineau, Executive Director, reported that the balance in the board's operating account as of December 31, 2011, was over \$3.25 million, and the balance in their unlicensed activity account was over \$1.92 million for the same period.

NIC Annual Conference Information for August 2012

Ms. Barineau informed the board that the following members were approved to attend the National Interstate Council of State Boards of Cosmetology's (NIC) annual conference in August 2012 in Salt Lake City: Robyn Barineau, Executive Director; Myra Jowers, Chair; Ginny Fincel, Vice Chair; and Laurel Ritenbaugh. All of these ladies serve on NIC committees.

Florida Board of Cosmetology Newsletter – January 2012

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

Travel Suggestions

Ms. Barineau asked that all board members travel to and from board meetings by way of a state-contracted rental car unless they can document a cost savings to drive their personal vehicle.

Board Attorney Report

Ms. Rachel Clark, Assistant Attorney General, informed the board of the progression of the following rule amendments.

Rule 61G5-22.006, Florida Administrative Code – Facials (Including Skin Care and Hair Removal)

The rule was amended to remove the portions that contained the cosmetology curriculum components specific to the stand-alone facial specialty program. The rule now includes only the curriculum requirements for the facials portion of the full cosmetology program. The amendment was effective March 26, 2012.

Rule 61G5-22.017, Florida Administrative Code – Minimum Curriculum for Facial Specialty Training

The rule was created to set apart the curriculum components for the stand-alone facial specialty program. The amendment was effective March 26, 2012.

Rule 61G5-31.004, Florida Administrative Code – Hair Braiding, Hair Wrapping, and Body Wrapping Course Requirements

A technical change was made to the rule to include “body wrapping” in the rule title.

Rule 61G5-29.001, Florida Administrative Code – Definitions

The rule was amended to clarify the term “facials.”

Regulation Report

Complaints and Investigative Statistics – July 2011 – February 2012

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 – February 2012

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 12:10 p.m.