

MINUTES

FLORIDA BOARD OF COSMETOLOGY
MARRIOTT WESTSHORE – 1001 N. WESTSHORE BLVD.
TAMPA, FLORIDA 33607

Monday, April 27, 2015 – 9:00 a.m.

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

Board Members Present

Ginny Fincel, Chair
Adrienne Harvey
Robin Tabano
Fran Poppell

Board Members Absent

Laurel Ritenbaugh, Vice Chair

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Doug Dolan, Assistant Attorney General, Office of the Attorney General
Joe Helton, Chief Attorney, Office of the General Counsel, DBPR
John Miranda, Division of Regulation, DBPR
Timothy McGrath, Division of Regulation, DBPR
Julie Rowland, Government Analyst, DBPR
Penny Appleton, Court Reporter
Jesus Acosta
Deborah Shaffer
Nam Van Huynh
Andrew Wesley
Thuy Tien Tran
Angela Dickens
Tracey Foster
Eva Price
James Pillow
Maya Thomas

The meeting was opened with a roll call and a quorum was established. Chair Fincel excused the absence of Vice Chair Laurel Ritenbaugh from the meeting.

DISCIPLINARY MATTERS

Informal Hearing

Mr. Joe Helton, Chief Attorney, presented the following cases for consideration by the Board. The Board found that the Respondents were 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:

- Da Vi Nails and Nam Van Huynh; Marianna
Case Nos. 2012024682 & 2012026105
\$3,000 fine and \$95.26 costs to be paid within six months
- Monica Kardos; N. Miami Beach

Case No. 2014002006
\$500 fine and \$318.29 costs to be paid within six months

- Deborah Shaffer; Thonotosassa
Case No. 2014031855
The Board moved to dismiss the case
- A Image Unisex; Miami
Case No. 2014016423
\$1,650 fine and \$176.78 costs to be paid within six months
30 days suspension against license CE9979724
- DV Nails and Thuy Dao; Jacksonville
Case Nos. 2014034977 & 2014036513
\$500 fine and \$349.95 costs to be paid within six months
- Lovely Nails Spa and Thanh Nguyen
Case Nos. 2014024825 & 2014030358
\$1,350 fine and \$247.45 costs to be paid within six months
- Andrew Wesley; Orlando
Case No. 2014038796
\$388.51 costs only
- Star Nails and Luan Huynh; Belleview
Case Nos. 2014039935 & 2014044288
\$500 fine and \$412.46 costs to be paid within six months
- Ni Ni Nail; Spring Hill
Case No. 2014035630
\$550 fine and \$173.04 costs to be paid within six months
15 days suspension against license CE73755
- King Nails and Thuy-Hang Van; Jacksonville
Case Nos. 2014046661 & 2014050336
\$500 fine and \$242.13 costs to be paid within six months

Motion for Waiver of Rights and Final Order

Mr. Helton presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, the Respondents 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:

- Sandra Olivera Beauty Salon; Miami
Case No. 2014020152
\$700 fine and \$58.44 costs to be paid within six months
- Ashleigh Rodriguez; Riverview
Case No. 2014031825
\$500 fine and \$121.25 costs to be paid within six months
- Cesar Matos; Dania Beach
Case No. 2014031783

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

- Margarita Ortiz; N. Miami Beach
Case No. 2014031847
\$500 fine and \$111.89 costs to be paid within six months
- Astrel Auguste; Ft. Lauderdale
Case No. 2014031848
\$500 fine and \$97.84 costs to be paid within six months
- Madison Avenue Nail Salon and Denise Smith; Port St. Lucie
Case Nos. 2014026077 & 2014026703
\$650 fine and \$272.12 costs to be paid within six months
Revocation of licenses CE9966012 and FV534602 and re-inspection within 30 days
- Tips To Toes Nail Salon; Tampa
Case No. 2014027045
\$1,000 fine and \$137.64 costs to be paid within six months
15 days suspension against license CE9967353 and re-inspection within 30 days
- Freddy Torres; Cape Coral
Case No. 2014022674
\$500 fine and \$233.88 costs to be paid within six months
- FL Nails; Jacksonville
Case No. 2014032006
\$500 fine and \$173.92 costs to be paid within six months
- Dominic Cleveland; Altamonte Springs
Case No. 2014031362
\$500 fine and \$263 costs to be paid within six months
- Opal Lampley; Miramar
Case No. 2014026480
\$500 fine and \$202.31 costs to be paid within six months
- Lai Nguyen; Coral Springs
Case No. 2014043415
\$500 fine and \$121.25 costs to be paid within six months
- Rita Ramirez; Cocoa
Case No. 2014044662
\$500 fine and \$40.14 costs to be paid within six months
- Elizabeth Consuegra; Homestead
Case No. 2014044913
\$500 fine and \$33.87 costs to be paid within six months
- Nail Art Day Spa; St. Petersburg
Case No. 2014044721
\$500 fine and \$125.44 costs to be paid within six months
- Original Unisex Beauty Salon and Boutique; Miami
Case No. 2014042944
\$600 fine and \$36.02 costs to be paid within six months

- Nail Art; St. Petersburg
Case No. 2014032810
\$500 fine and \$91.97 costs to be paid within six months

Settlement Stipulation

Mr. Helton presented the following cases for consideration by the Board. The Board moved to 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 imposed the penalties shown below:

- Cassandra Isom; Lakeland
Case No. 2013005682
\$500 fine and \$47.32 costs to be paid within six months
- Nailsmax and Chau Huynh; Palm Beach Gardens
Case Nos. 2013026910 & 2013032664
\$850 fine and \$298.02 costs to be paid within six months
- Passions Nail & Spa; St. Petersburg
Case No. 2014022682
\$500 fine and \$139.72 costs to be paid within six months
- Beyond Nails; Miramar
Case No. 2014035661
\$500 fine and \$71.29 costs to be paid within six months
- Donna Spencer; Cudjoe Key
Case No. 2014022613
\$500 fine and \$87.22 costs to be paid within six months
- LA Full Service Nail Salon; Lake Park
Case No. 2014026696
\$1,500 fine and \$135.89 costs to be paid within six months
- Cachet Nail Spa and Andy Huynh; Palm Beach Gardens
Case Nos. 2014026982 & 2014030967
\$800 fine and \$283.78 costs to be paid within six months
- Diana's Unisex Salon; Homestead
Case No. 2014025242
\$500 fine and \$160.83 costs to be paid within six months
- Blow Dry Bar; Miami Beach
Case No. 2014026125
\$1,150 fine and \$224.49 costs to be paid within six months
- Miriela Cabrera; Hialeah
Case No. 2014044978
Mr. Helton requested that this case be pulled from the agenda
- Topsy of Jupiter; Jupiter
Case No. 2014040953
\$250 fine and \$90.60 costs to be paid within six months

- Legends Hairstyling; Alachua
Case No. 2014044857
Mr. Helton requested that this case be pulled from the agenda
- Mylin Nails Spa and My Linh Sigurdson; Jensen Beach
Case Nos. 2014035039 & 2014038783
1,100 fine and \$255.46 costs to be paid within six months
- Sister Nail Salon and Thuy-Tien Tran; Hobe Sound
Case Nos. 2014038689 & 2014042738
\$1,250 fine and \$337.12 costs to be paid within six months
15 days suspension against license FS7084 and CE83032
- Romana Beauty Salon; Orlando
Case No. 2014032269
\$500 fine and \$190.49 costs to be paid within six months
- Platinum Ima makers Barber and Beauty and Kelcena Horne; Vero Beach
Case Nos. 2014044270 & 2014046408
\$200 fine and \$263.45 costs to be paid within six months
- Sharonda Hinton; Haines City
Case No. 2014031773
\$500 fine and \$107.21 costs to be paid within six months
- Casanova Cuts; Kissimmee
Case No. 2014026271
\$500 fine and \$217.05 costs to be paid within six months
- Yindia Beauty Salon, Spa and Supply; Miami
Case No. 2014044837
\$500 fine and \$136.06 costs to be paid within six months

Voluntary Relinquishment

- Dominga Goldman; Ft. Lauderdale
Case No. 2012042949
\$500 fine and \$495.16 costs to be paid within six months
Voluntary relinquishment of license CL1210426

Motion to Vacate Final Order

Cody Luttrell; Orlando; Case No. 2013046733

The Respondent was not present for the meeting. Mr. Helton presented the case for consideration by the Board and recommended that the Board vacate the final order that was filed on August 21, 2014. The Board moved to vacate the final order based on this case being resolved.

Department Attorney Report

Mr. Helton informed the Board that as of March 27, 2015, there were 149 open cosmetology cases in the legal section.

Hair Braiding Courses

Informal Hearing

Angela's Hair Salon – Classroom

Ms. Angela Dickens was present for the meeting. Ms. Robyn Barineau, Executive Director, noted that the application was denied at the January 27, 2015, Board meeting, based on the course content being outside the scope of practice of a hair braiding registration, no reference dates, and incorrect disinfection procedures. After review, Ms. Robin Tabano moved to overturn the denial if the provided materials were revised and accepted as complete by Chair Finchel; if not, the denial will be upheld. Ms. Adrienne Harvey seconded the motion and the motion passed unanimously.

Initial Review

World of Beauty Academy – Classroom

After review, Ms. Harvey moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, grammatical errors, and no reference dates. Ms. Tabano seconded the motion and the motion passed unanimously.

Carline's Hair Braiding Training & Certification – Classroom

After review, Ms. Harvey moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, grammatical errors, and outdated references. Ms. Tabano seconded the motion and the motion passed unanimously.

Hair Wrapping Courses

Initial Review

Define U & Smile Styles – Classroom

After review, Ms. Harvey moved to deny the course based on the course content being outside the scope of practice of a hair wrapping registration. Ms. Tabano seconded the motion and the motion passed unanimously.

World of Beauty Academy – Classroom

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

Body Wrapping Courses

Initial Review

Karina Malave – Classroom

After review, Ms. Harvey moved to deny the course based on the course content being outside the scope of practice of a body wrapping registration, and incorrect disinfection procedures. Ms. Tabano seconded the motion and the motion passed unanimously.

World of Beauty Academy – Classroom

After review, Ms. Harvey moved to deny the course based on the course content being outside the scope of practice of a body wrapping registration, and incorrect disinfection procedures. Ms. Tabano seconded the motion and the motion passed unanimously.

Continuing Education Courses

Informal Hearing

Charme International – Dermopigmentation Course 4 Hour Classroom

Ms. Barineau noted that the application was denied at the January 27, 2015, Board meeting, based on the course content being product driven, outside the scope of practice of Board of Cosmetology licensees, no reference dates, and incorrect disinfection procedures. After review, Ms. Norma Olivera requested that the application be withdrawn.

ASM Beauty World Academy – Continuing Education Course 16 Hour Classroom

Ms. Barineau noted that the application was denied at the January 27, 2015, Board meeting, based on the course content being outside the scope of practice of Board of Cosmetology licensees, incorrect information, and incorrect disinfection procedures. After review, Ms. Tabano moved to approve the application. Ms. Poppell seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – Continuing Education Course 16 Hour Correspondence

Ms. Barineau noted that the application was denied at the January 27, 2015, Board meeting, based on the course content being outside the scope of practice of Board of Cosmetology licensees, incorrect information, and incorrect disinfection procedures. After review, Ms. Tabano moved to approve the application. Ms. Harvey seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – Continuing Education Course 16 Hour Internet

Ms. Barineau noted that the application was denied at the January 27, 2015, Board meeting, based on the course content being outside the scope of practice of Board of Cosmetology licensees, incorrect information, and incorrect disinfection procedures. After review, Ms. Tabano moved to approve the application. Ms. Harvey seconded the motion and the motion passed unanimously.

Initial Review

Maya’s School of Beaute – Continuing Education 16 Hour Classroom

Ms. Maya Thomas was present for the meeting. After review, Ms. Harvey moved to approve the course. Ms. Fran Poppell seconded the motion and the motion passed unanimously.

Global Trichology – Intro. Trichology Hair Loss & Scalp Disorder 4 Hour Internet

After review, Ms. Tabano moved to approve the course with the following contingency: correct grammar errors. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Harvey seconded the motion and the motion passed unanimously.

Florida Cosmetology Educators Online – Continuing Education 16 Hour Internet

Ms. Eva Price was present for the meeting. After review, Ms. Tabano moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Elite CME – CE Update for Florida Nail Technicians 16 Hour Correspondence

Ms. Tracey Foster was present for the meeting. After review, Ms. Tabano moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Elite CME – CE Update for Florida Cosmetologists 16 Hour Correspondence

Ms. Foster was present for the meeting. After review, Ms. Tabano moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Sothys USA – Solutions that Treat Oily, Blemished & Acne Prone Skin 4 Hour Classroom

After review, Ms. Harvey moved to deny the course based on the course content being product driven. Ms. Tabano seconded the motion and the motion passed unanimously.

Sothys USA – Make-up Expert; Application Techniques for All Occasions 4 Hour Classroom

After review, Ms. Harvey moved to deny the course based on the course content being product driven. Ms. Tabano seconded the motion and the motion passed unanimously.

Exotica Academy – Advanced Free Hand Nail Art 4 Hour Classroom

After review, Ms. Tabano moved to approve the course with the following contingency: remove brand name of products. The correction must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Harvey seconded the motion and the motion passed unanimously.

Exotica Academy – Wax Depilatories 4 Hour Classroom

After review, Ms. Harvey moved to deny the course based on the course content being product driven and outdated references. Ms. Tabano seconded the motion and the motion passed unanimously.

Exotica Academy – Artificial Eye Lashes 4 Hour Classroom

After review, Ms. Tabano moved to approve the course. Ms. Harvey seconded the motion and the motion passed unanimously.

Exotica Academy – Fusion Hair Extensions 4 Hour Classroom

After review, Ms. Harvey moved to deny the course based on the course content being product driven. Ms. Tabano seconded the motion and the motion passed unanimously.

OTHER BUSINESS

Board Attorney Report

2015-2016 Annual Regulatory Plan

Mr. Doug Dolan, Assistant Attorney General, provided the Board with the proposed Annual Regulatory Plan. The Board approved the amendments as provided by Mr. Dolan.

ADJOURNMENT

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

Tuesday, April 28, 2015

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

Board Members Present
Ginny Fincel, Chair

Board Members Absent
Laurel Ritenbaugh, Vice Chair

Robin Tabano
Fran Poppell
Adrienne Harvey

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Doug Dolan, Assistant Attorney General, Office of the Attorney General
Joe Helton, Chief Attorney, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Penny Appleton, Court Reporter
Jennifer Smith
Chyanne Campbell
Marc Campbell
Michelle Holder, Westside Tech
Shelley Figueroa
Khoula-Mae Eliodor
Chantail Williams
Nasheka Harper

The meeting was opened with a roll call and a quorum was established. Chair Fincel excused the absence of Vice Chair Ritenbaugh from the meeting.

APPROVAL OF MINUTES

The Board approved the minutes from the January 26-27, 2015, Board meeting and the March 5, 2015, Board meeting.

APPLICATIONS

Licensure Applications

Informal Hearing

Shelley Figueroa / New York

Ms. Figueroa was present for the meeting and was sworn in by Ms. Penny Appleton, Court Reporter. Ms. Barineau informed the Board that the application was denied at the January 27, 2015, Board meeting, based on failure to demonstrate that the applicant met the requirements of Section 477.019, Florida Statutes, and Rules 61G5-18.007 and/or 61G5-18.001, Florida Administrative Code. After review, Ms. Tabano moved to uphold the denial of her application. Ms. Poppell seconded the motion and the motion passed unanimously.

Initial Review

Jennifer Smith

Ms. Smith was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Poppell moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Poppell seconded the motion and the motion passed unanimously.

Christina McIntyre

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

Chyanne Campbell

Ms. Campbell was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Poppell moved to approve the application. Ms. Tabano seconded the motion and the motion passed unanimously.

Kaitlyn Kirby

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

Khoula-Mae Eliodor

Ms. Eliodor was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Harvey moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal history. Ms. Tabano seconded the motion and the motion passed unanimously.

Toni Straube / New York

Ms. Straube was not present for the meeting. After review, Ms. Harvey moved to deny the application as the application 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. Poppell seconded the motion and the motion passed unanimously.

Christian Duran

Mr. Duran was not present for the meeting. After review, Ms. Poppell moved to approve the application. Ms. Tabano seconded the motion and the motion passed unanimously.

OLD BUSINESS

Printing Photos on Licenses

Ms. Barineau informed the Board that the Department continues to research the process of having a picture printed on the license when issued and again at renewal. The Board will further discuss this process at their July 2015 meeting.

Petition for Variance and Waiver – Linda Campbell

After discussion, the Board denied the Petition for Waiver and Variance of Rule 61G5-22.002, Florida Administrative Code, relating to the minimum passing grades for cosmetology examination.

NEW BUSINESS

Request for Special Event – Lil D'va Spa Party

After discussion, the Board agreed to take no action on this matter. Mr. Dolan will notify the requestor that a Petition for Declaratory Statement may be submitted for consideration.

OTHER BUSINESS

Executive Director Report

Financial Report for Period Ending December 2014

Ms. Barineau reported that the balance in the Board's operating account as of December 31, 2014, was over \$7.2 million, and the balance in their unlicensed activity account was over \$2.7 million for the same period.

2015 National-Interstate Council of State Boards of Cosmetology Annual Conference

Ms. Barineau informed the Board that the annual conference of the National Interstate Council of State Boards of Cosmetology will be conducted in Montana. The Board agreed to send Ms. Barineau, Chair Finsel, Vice Chair Ritenbaugh, and Ms. Tabano.

2016 National-Interstate Council of State Boards of Cosmetology Annual Conference

Ms. Barineau informed the Board that Florida will be hosting the 2016 annual conference of the National Interstate Council of State Boards of Cosmetology in Tampa.

Correspondence

Complaints and Investigative Statistics – July 2014 – February 2015

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

Cosmetology Examination Summary – January 2015 – February 2015

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

Dates and Locations of Future Meetings

- July 13-14, 2015 – Orlando
- October 12-13, 2015 – Gainesville
- January 11-12, 2016 – Howie in the Hills
- April 18-19, 2016 – Brandon
- July 18-19, 2016 – Naples

Public Comments

Ms. Michelle Holder, Westside Tech, addressed the Board regarding the current cosmetology framework and end-of-course assessments. She mentioned that some of the curriculum rules have not been revised since the 1980's. She will provide the Board with suggested changes for consideration.

Ms. Nasheka Harper addressed the Board regarding hair braiding and hair wrapping registrations. She mentioned that the hair braiding definition should include the allowance to add extensions. Mr. Dolan mentioned that hair braiding and hair wrapping are defined in Section 477.013, Florida Statutes, and does not allow for the use of hair extensions. He also suggested that Ms. Harper contact a legislator to seek assistance regarding her concerns as any change to the Statute would require a legislative change. She also mentioned that cosmetology students are not receiving education on ethnic hair. The Board indicated that this is a responsibility of the Department of Education and was provided with contact information for individuals at the Department of Education and the Commission for Independent Education.

Ms. Chantail Williams also commented about the hair braiding industry.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:45 a.m.