

# MINUTES

FLORIDA BOARD OF COSMETOLOGY  
EMBASSY SUITES TAMPA – 10220 PALM RIVER ROAD  
TAMPA, FLORIDA 33619

Monday, April 18, 2016 – 9:00 a.m.

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

## **Board Members Present**

Laurel Ritenbaugh, Vice Chair  
Robin Tabano  
Stephania Wilson  
Adrienne Harvey  
Rhonda Griffis  
Jared Sutherland

## **Board Members Absent**

Fran Poppell

## **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Doug Dolan, Assistant Attorney General, Office of the Attorney General  
Rebecca Hayes, Chief Attorney, Office of the General Counsel, DBPR  
Ramsey Revell, Assistant General Counsel, Office of the General Counsel, DBPR  
Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR  
Julie Rowland, Government Analyst, DBPR  
John Miranda, Division of Regulation, DBPR  
Rob Darling, Court Reporter  
Dana Friedlander  
Andy Nguyen  
Hung Nguyen

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Ms. Fran Poppell from the meeting.

## **DISCIPLINARY MATTERS**

### **Informal Hearing**

Mr. Dillon Jess, Assistant General Counsel, 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 law of the Board and imposed the penalties shown below:

- Nails So Happy and Hung Nguyen; Jacksonville  
Case Nos. 2015043297 & 2015044928  
\$500 fine and \$311.67 costs to be paid within six months
- Steven Tran; Orlando  
Case No. 2015025410  
\$500 fine and \$178.59 costs to be paid within six months  
Revocation of license FV559871
- Nail Art; St. Petersburg

Case No. 2015043130  
\$500 fine and \$85.75 costs to be paid within six months  
Revocation of license CE9990044

- Alfredo Diaz; Lake Mary  
Case No. 2014035507  
\$500 fine and \$485.04 costs to be paid within six months  
Revocation of license CL1220024
- Nails Spa & Beyond; Orange Park  
Case No. 2015049271  
\$500 fine and \$155.94 costs to be paid within six months

### **Motion for Waiver of Rights and Final Order**

Mr. Jess 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:

- Gary Whisler Jr.; Pensacola  
Case No. 2015046722  
\$500 fine and \$79.21 costs to be paid within six months
- Tuscany Spa & Salon and Trien Pham; Jupiter  
Case Nos. 2015028578 & 2015029212  
\$550 fine and \$219.24 costs to be paid within six months  
Suspension of licenses CE9976663 and FV551078 for 15 days or until successful re-inspection
- Juniors Barbershop & Co. and Stephen Vitiello; Jupiter  
Case Nos. 2015017881 & 2015021938  
\$200 fine and \$279.40 costs to be paid within six months
- Spa International; Deerfield Beach  
Case No. 2015042103  
\$300 fine and \$44.85 costs to be paid within six months
- Latovia Edgecombe; Key West  
Case No. 2014041178  
\$500 fine and \$184.72 costs to be paid within six months  
Revocation of license FV9588427
- Molly McGee; Orlando  
Case No. 2014041196  
\$500 fine and \$128.37 costs to be paid within six months  
Revocation of license CL1242475
- Yiset Alvarez; Kissimmee  
Case No. 2015005029  
\$500 fine and \$491.70 costs to be paid within six months  
Revocation of license CL1245917
- Cenophat Smith; Delray Beach  
Case No. 2015022371

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

- Hair Salon Surprise; Delray Beach  
Case No. 2015022388  
\$500 fine and \$143.78 costs to be paid within six months
- Samayra Nail Spa; St. Petersburg  
Case No. 2015046204  
\$500 fine and \$79.02 costs to be paid within six months

### **Settlement Stipulation**

Mr. Jess 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:

- Sue's Nail; Pembroke Pines  
Case No. 2015039092  
\$500 fine and \$234.35 costs to be paid within six months
- La Biotique; Oak Brook, Illinois  
Case No. 2015040932  
\$250 fine and \$180.38 costs to be paid within six months
- NY Nails & Spa; Fleming Island  
Case No. 201504306  
\$500 fine and \$229.03 costs to be paid within six months
- Paris Nails & Hair; Sanford  
Case No. 2015023772  
\$500 fine and \$168.10 costs to be paid within six months
- Tammy Nails and Nha Nguyen; Palm Bay  
Case Nos. 2015034332 & 2015037038  
\$250 fine and \$300.91 costs to be paid within six months
- Secret Nails & Day Spa; Jacksonville  
Case No. 2015050714  
\$500 fine and \$98.93 costs to be paid within six months

### **Department Attorney Report**

Mr. Jess informed the Board that as of April 16, 2016, there were 104 open cosmetology cases in the legal section.

### **APPLICATIONS**

#### **Hair Braiding Courses**

##### **NatralSense Designs – Classroom**

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

##### **Salon Life – Classroom**

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

#### Annshellay Health Spa and Fitness – Classroom

After review, Vice Chair Ritenbaugh moved to deny the course based on outdated references and incorrect disinfection procedures. Ms. Tabano seconded the motion and the motion passed unanimously.

#### Wooten's Beauty Salon – Classroom

After review, Ms. Tabano moved to approve the course with the following contingency: strike references to the use of tools that are outside the scope of practice of a hair braiding registration. The corrections 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.

#### Wooten's Beauty Salon – Classroom

After review, Vice Chair Ritenbaugh moved to approve the course with the following contingency: strike references to the use of tools that are outside the scope of practice of a hair braiding registration. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Tabano seconded the motion and the motion passed unanimously.

#### Team Jumbo Enterprises – Classroom

After review, Ms. Tabano moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, outdated references, and incorrect disinfection procedures. Ms. Rhonda Griffis seconded the motion and the motion passed unanimously.

#### Adonais Beauty School – Classroom

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

#### Ms. Sharon's Hair & Nails of Elegance – Classroom

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

#### Infinite Beauty and Beyond – Classroom

After review, Vice Chair Ritenbaugh moved to deny the course based on grammatical errors, and lack of references. Ms. Harvey seconded the motion and the motion passed unanimously.

### **Hair Wrapping Courses**

#### NatralSense Designs – Classroom

After review, Vice Chair Ritenbaugh moved to deny the course based on the course content being outside the scope of practice of a hair wrapping registration, incomplete course materials, and incorrect disinfection procedures. Ms. Harvey seconded the motion and the motion passed unanimously.

#### Ga La Car Beauty & Styles Workshops – Classroom

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

### **Body Wrapping Courses**

Universal Vocational Institute – Classroom

After review, Vice Chair Ritenbaugh moved to approve the course with the following contingencies: strike all references to “weight loss” and “fat reduction”. The corrections 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.

Heloisa Melo – Classroom

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

**Continuing Education Courses**

MiladyPro – Razor Cutting: One Length 1 Hour Internet

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

MiladyPro – Make More Money With Service 1 Hour Internet

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

MiladyPro – Infection Control 4 Hour Internet

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

MiladyPro – Razor Cutting: Classic Long Layer 1 Hour Internet

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

MiladyPro – Razor Cutting: Bob With Graduation 1 Hour Internet

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

MiladyPro – Make More Money With Clients 1 Hour Internet

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

MiladyPro – Make More Money With Marketing 1 Hour Internet

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

MiladyPro – Make More Money With Retail 1 Hour Internet

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

MiladyPro – Men’s Haircutting 1 Hour Internet

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

Florida Academy – Holistic Esthetics 8 Hour Classroom

After review, Ms. Tabano moved to deny the course based on the course being outside the scope of practice of Board of Cosmetology licensees. Ms. Harvey seconded the motion and the motion passed unanimously.

Florida Academy – Reflection-Ology 8 Hour Classroom

After review, Vice Chair Ritenbaugh moved to deny the course based on incomplete course materials. Ms. Harvey seconded the motion and the motion passed unanimously.

Michael L. Stahl – Sanitation and Sterilization 3 Hour Classroom

After review, Ms. Griffis moved to approve the course with the following contingency: strike references to “MSDS” and replace with “SDS”. The corrections 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.

Michael L. Stahl – Sanitation and Sterilization 3 Hour Correspondence

After review, Ms. Griffis moved to approve the course with the following contingency: strike references to “MSDS” and replace with “SDS”. The corrections 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.

Michael L. Stahl – Sanitation and Sterilization 3 Hour Internet

After review, Ms. Griffis moved to approve the course with the following contingency: strike references to “MSDS” and replace with “SDS”. The corrections 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.

Monique Cosmetique – Airbrush Makeup Techniques 4 Hour Internet

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

Health and Beauty Institute of America – Initial HIV/AIDS 4 Hour Correspondence

After review, Ms. Tabano moved to approve the course with the following contingency: add source dates to course materials. The corrections 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.

Coecontinuingeducation.com – Continuing Education 16 Hour Internet

After review, Ms. Tabano moved to deny the course based on incorrect references, outdated references, no reference dates, and inappropriate language. Ms. Harvey seconded the motion and the motion passed unanimously.

Coecontinuingeducation.com – Continuing Education 16 Hour Correspondence

After review, Ms. Tabano moved to deny the course based on incorrect references, outdated references, no reference dates, and inappropriate language. Ms. Harvey seconded the motion and the motion passed unanimously.

Global Trichology – Intro to Trichology 4 Hour Internet

Ms. Shirley Wiggs was present for the meeting. After review, Ms. Tabano moved to approve the course with the following contingency: add missing reference dates. Ms. Harvey seconded the motion and the motion passed unanimously.

Paragon CET – CE for Florida Salon Professionals 16 Hour Internet

Ms. Dana Friedlander was present for the meeting. After review, Ms. Harvey moved to approve the course with the following contingencies: strike “MSDS” and replace with “SDS”, and update reference dates. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Tabano seconded the motion and the motion passed unanimously.

Paragon CET – CE for Florida Salon Professionals 16 Hour Internet

Ms. Friedlander was present for the meeting. After review, Ms. Griffis moved to approve the course with the following contingencies: strike “MSDS” and replace with “SDS”, and update reference dates.

The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Tabano seconded the motion and the motion passed unanimously.

Paragon CET – CE for Florida Salon Professionals 16 Hour Correspondence

Ms. Friedlander was present for the meeting. After review, Ms. Tabano moved to approve the course with the following contingencies: strike “MSDS” and replace with “SDS”, and update reference dates. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Griffis seconded the motion and the motion passed unanimously.

Paragon CET – CE for Florida Salon Professionals 16 Hour Correspondence

Ms. Friedlander was present for the meeting. After review, Ms. Griffis moved to approve the course with the following contingencies: strike “MSDS” and replace with “SDS”, and update reference dates. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Tabano seconded the motion and the motion passed unanimously.

Cinderella Hair Extensions – Hair Extensions 16 Hour Classroom

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

Cinderella Hair Extensions – Hair Extensions 8 Hour Classroom

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

Cinderella Hair Extensions – Intro To Hair Extensions 2 Hour Classroom

After review, Ms. Tabano moved to approve the course with the following contingency: update Pivot Point reference. 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.

**OTHER BUSINESS**

**Board Attorney Report**

Rule 61G5-20.008, Florida Administrative Code – Employment of Applicants for Licensure as a Cosmetologist Prior to Licensure; Employment of Applicants for Registration as a Specialist Prior to Registration

The Board will further discuss the proposed draft language at the July 2016 meeting.

Rule 61G5-20.002(3)(a), Florida Administrative Code – Salon Requirements

The Board will further discuss the proposed draft language at the July 2016 meeting.

Rule 61G5-24.020, Florida Administrative Code – Special Assessment Fee

The Board agreed that this rule should be repealed and that the repeal would have no negative impact on small business.

Rule 61G5-24.002, Florida Administrative Code – Original Cosmetology Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration, Application and Endorsement Fees

The Board agreed that this rule should be opened for development. They also 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.

Rule 61G5-24.006, Florida Administrative Code – Cosmetology Reexamination Fee

The Board agreed that this rule should be opened for development. They also 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.

Anti-Trust Presentation

Mr. Doug Dolan, Board Counsel, gave a presentation on Anti-Trust and how it relates to the Board following the North Carolina Board of Dental Examiners v. FTC ruling. The presentation provided background information on the case, the FTC’s guidelines in response to the ruling, possible implications of the ruling, and possible changes that may arise in the State of Florida.

**ADJOURNMENT**

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

**Tuesday, April 19, 2016**

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

**Board Members Present**

Laurel Ritenbaugh, Vice Chair  
Robin Tabano  
Adrienne Harvey  
Rhonda Griffis  
Stephania Wilson  
Jared Sutherland

**Board Members Absent**

Fran Poppell

**Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Doug Dolan, Assistant Attorney General, Office of the Attorney General  
Rebecca Hayes, Chief Attorney, Office of the General Counsel, DBPR  
Ramsey Revell, Assistant General Counsel, Office of the General Counsel, DBPR  
Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR  
Julie Rowland, Government Analyst, DBPR  
Rob Darling, Court Reporter  
Simone Moss  
Janet Zinn  
Suzanne Wart  
Yolanda Cazares

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

**APPROVAL OF MINUTES**

The Board approved the minutes from the November 20, 2015, Board meeting.

**APPLICATIONS**

**Licensure Applications**



## **Initial Review**

### **Suzanne Wart / New York**

Ms. Wart was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Harvey moved to approve the application. Mr. Jared Sutherland seconded the motion and the motion passed unanimously.

### **Simone Moss / United Kingdom**

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

### **Tammy Thanh Bui / California**

Ms. Bui was not present for the meeting. After review, Ms. Harvey moved to deny the application based on unverifiable documentation. Ms. Tabano seconded the motion and the motion passed unanimously.

### **Janet Zinn / United Kingdom**

Ms. Zinn was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Harvey moved to approve the application. Mr. Sutherland seconded the motion and the motion passed unanimously.

### **Nereyda Forigua / Columbia**

Ms. Forigua was not present for the meeting. After review, Ms. Harvey moved to deny the application based on unverifiable documentation. Ms. Griffis seconded the motion and the motion passed unanimously.

### **Melinda Oxender**

Ms. Oxender was not present for the meeting. After review, Ms. Stephania Wilson moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Tabano seconded the motion and the motion passed unanimously.

### **Jamie Hoffman**

Ms. Hoffman was not present for the meeting. After review, Ms. Tabano moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Harvey seconded the motion and the motion passed unanimously.

### **Stephanie Harrold / Texas**

Ms. Harrold was not present for the meeting. After review, Ms. Harvey moved to approve the application. Mr. Sutherland seconded the motion and the motion passed unanimously.

### **April Cloud**

Ms. Cloud was not present for the meeting. After review, Ms. Tabano moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Griffis seconded the motion and the motion passed unanimously.

## **NEW BUSINESS**

### **Letter Regarding Natural Hair – Nikki Lane**

After discussion, the Board requested that Mr. Dolan respond to Ms. Lane and suggest that she contact a legislator to seek assistance regarding her concerns as any change to the Statute would require a legislative change.

## **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 2016 meeting.

**OTHER BUSINESS**

**Executive Director Report**

Financial Report for Period Ending December 2015

Ms. Barineau reported that the balance in the Board's operating account as of December 30, 2015, was over \$6.2 million, and the balance in their unlicensed activity account was over \$2.9 million for the same period.

**Correspondence**

Complaints and Investigative Statistics – July 2015 – February 2016

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

Cosmetology Examination Summary – January 2016 – February 2016

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

National-Interstate Council (NIC) Newsletter January – March 2016

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

**Dates and Locations of Future Meetings**

- July 18-19, 2016 – Naples
- October 4-5, 2016 – Tampa
- January 9-10, 2017 – Tampa
- April 24-25, 2017 – Fernandina Beach
- July 17-18, 2017 – Celebration
- October 16-17, 2016 – Hutchison Island

**Elections**

The Board unanimously elected Ms. Laurel Ritenbaugh, Chair, and Ms. Robin Tabano, Vice Chair, of the Board of Cosmetology.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 10:45 a.m.