

MINUTES

FLORIDA BOARD OF COSMETOLOGY HILTON NAPLES – 5111 TAMIAMI TRAIL NORTH NAPLES, FLORIDA 34103

Monday, July 18, 2016 – 9:00 a.m.

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

Board Members Present

Laurel Ritenbaugh, Chair
Robin Tabano, Vice Chair
Stephania Wilson
Fran Poppell
Rhonda Griffis
Jared Sutherland

Board Members Absent

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
Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Sabrina Beauvais, Court Reporter
Sylvia Peters
Stephanie Sykes
Michelle Mitchell
Vinh Doan
Lorraine Ruggiero
Michele Alamede
Teresa Braun
Money Bechtold
America Gutierrez
Abigail Ruelas
Cuong Tran
Cecilia Williams

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Ms. Adrienne Harvey 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:

- Happy Nails and Sau Huynh; Brandon

Case Nos. 2015055282 & 2015035242
\$500 fine and \$214.21 costs to be paid within six months

- Loan Nguyen; Pompano Beach
Case No. 2015045681
\$500 fine and \$150.39 costs to be paid within six months
- Angel Nails; Seminole
Case No. 2015052155
\$500 fine and \$123.39 costs to be paid within six months
- C Nails; Oldsmar
Case No. 2015033874
\$500 fine and \$111.39 costs to be paid within six months
- Ocean Nails; Neptune Beach
Case No. 2016003281
\$500 fine and \$115.22 costs to be paid within six months
- Vivian Nails and Phung Tran; Jacksonville
Case Nos. 2016004829 & 2016007175
\$500 fine and \$162.55 costs to be paid within six months
- Creative Nails and Spa and Cuong Tran; Seffner
Case Nos. 2015055226 & 2015035232
\$500 fine and \$203.41 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:

- J & P Industries; Miami
Case No. 2015010839
\$700 fine and \$29.12 costs to be paid within six months
- Stilo Barbershop; Coral Springs
Case No. 2015043255
\$200 fine and \$121.71 costs to be paid within six months
- Fashion Nails; Clearwater
Case No. 2015040939
\$500 fine and \$123.30 costs to be paid within six months
- Hawaii Nail & Spa; St. Petersburg
Case No. 2015042098
\$500 fine and \$103.73 costs to be paid within six months
- Carmen Mota; Miami
Case No. 2015050358
Mr. Jess requested that this case be pulled from the agenda
- Creative Nails & Spa and Phong Nguyen; Atlantic Beach
Case Nos. 2016002179 & 2016004368

\$500 fine and \$295.60 costs to be paid within six months
Suspension of license FV9547246 for 30 days

- Imperial Nails & Spa and Tuan Nguyen; Jacksonville
Case Nos. 2016009776 & 2016009770
\$500 fine and \$265.52 costs to be paid within six months
- Nassau Nails & Huong Tran; Fernandina Beach
Case Nos. 2015055035 & 2016004048
\$500 fine and \$229.59 costs to be paid within six months
- Cenophat Smith; Delray Beach
Case No. 2015022371
Mr. Jess requested that this case be pulled from the agenda

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:

- Atiun Hunter; Tallahassee
Case No. 2014052931
\$500 fine and \$132.14 costs to be paid within six months
- Angel Amaro; Winter Haven
Case No. 2015019943
\$250 fine and \$41.99 costs to be paid within six months
- Evelyn Francisco-Diaz; Miami
Case No. 2015050660
\$500 fine and \$48.35 costs to be paid within six months
- Madeline Beauty Salon; Miami
Case No. 2015051388
\$1,000 fine and \$58.45 costs to be paid within six months
- Maggie's Nails and Spa; Jacksonville
Case No. 2016009122
\$500 fine and \$112.40 costs to be paid within six months

Department Attorney Report

Mr. Jess informed the Board that as of July 11, 2016, there were 80 open cosmetology cases in the legal section.

APPLICATIONS

Hair Braiding Courses

Hair Braider Training Florida – Classroom

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

Hair Braider Training Florida – Internet

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

Cece's Perfections – Correspondence

After review, Vice Chair Tabano moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, and outdated laws and rules references. Mr. Jared Sutherland seconded the motion and the motion passed unanimously.

Unique Hair – Internet

After review, Ms. Griffis moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, and outdated laws and rules references. Mr. Sutherland seconded the motion and the motion passed unanimously.

School District of Hillsborough County – Classroom

Chair Ritenbaugh recused herself from voting on this matter. After review, Vice Chair Tabano moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, vulgar language, and no reference dates. Ms. Griffis seconded the motion and the motion passed unanimously.

Sunshine Hair Studio – Classroom

After review, Vice Chair Tabano moved to deny the course based on incomplete course materials, and no reference dates. Ms. Griffis seconded the motion and the motion passed unanimously.

Ross Beauty Academy – Internet

After review, Vice Chair Tabano moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, incorrect disinfection procedures, and no laws and rules references. Mr. Sutherland seconded the motion and the motion passed unanimously.

Hair Stream Braiding Academy – Classroom

After review, Ms. Griffis moved to deny the course based on the course content being outside the scope of practice of a hair braiding registration, incorrect disinfection procedures, grammatical errors, and no laws and rules references. Mr. Sutherland seconded the motion and the motion passed unanimously.

Salon Life – Classroom

Ms. Cicilia Williams was present for the meeting and was sworn in by the Court Reporter. After discussion, the Board tabled the application until the October 4, 2016, Board meeting. Ms. Williams verbally waived the deemer clause to afford her time to make corrections to the course.

Hair Wrapping Courses

Hair Braider Training Florida – Classroom

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

Hair Braider Training Florida – Internet

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

Seminole County Public Schools – Classroom

After review, Vice Chair Tabano moved to approve the course with the following contingencies: add reference dates, and update fee references. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Fran Poppell seconded the motion and the motion passed unanimously.

Body Wrapping Courses

Hair Braider Training Florida – Classroom

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

Hair Braider Training Florida – Internet

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

Healing Hands Institute – Classroom

After review, Ms. Griffis moved to deny the course based on incorrect disinfection procedures, incorrect references, and outdated references. Ms. Poppell seconded the motion and the motion passed unanimously.

Lorraine Ruggiero – Classroom

Ms. Lorraine Ruggiero was present for the meeting and was sworn in by the Court Reporter. After review, Vice Chair Tabano moved to approve the course with the following contingencies: strike references to phenols in the course materials, and correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

Continuing Education Courses

ASM Beauty World Academy – HIV/AIDS Initial/Renewal Course for BW, HB and HW 2 Hour Correspondence

After review, Vice Chair Tabano moved to approve the course with the following contingencies: strike references to slang terms and vulgar language, and strike reference to “HIV jumping from apes to humans” in the course materials. 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 with Mr. Sutherland voting against the motion.

Lira Clinical – Precise Peeling 6 Hour Classroom

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

Lira Clinical – Ingredient Technology 4 Hour Classroom

After review, Mr. Sutherland moved to deny the course based on the course content being product driven, and outdated references. Vice Chair Tabano seconded the motion and the motion passed unanimously.

American Institute – HIV/AIDS 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Learninginc.com – HIV/AIDS 2 Hour Internet

After review, Mr. Sutherland moved to approve the course with the following contingency: strike reference to “HIV jumping from apes to humans” in the course materials. The correction 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.

@ Home Prep – Florida Cosmetology CE 16 Hour Internet

After review, Vice Chair Tabano moved to deny the course based on the course being outside the scope of practice of Board of Cosmetology licensees, and incorrect references. Mr. Sutherland seconded the motion and the motion passed with Ms. Stephania Wilson voting against the motion.

Stay Current LLC – Continuing Education 16 Hour Internet

Ms. Sylvia Peters was present for the meeting and was sworn in by the Court Reporter. After review, Ms. Griffis moved to approve the course with the following contingencies: strike references to electrology, phenols, lancets, needles, and product names in the course materials, strike references to “MSDS” and replace with “SDS”, and update references. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Vice Chair Tabano seconded the motion and the motion passed unanimously.

Skin Care By Jo Ann – Microdermabrasion & Peels 24 Hour Classroom

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

ASM Beauty World Academy – HIV/AIDS Initial/Renewal Course for BW, HB and HW 2 Hour Internet

After review, Vice Chair Tabano moved to approve the course with the following contingencies: strike references to slang terms and vulgar language, and strike reference to “HIV jumping from apes to humans” in the course materials. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Ms. Poppell seconded the motion and the motion passed unanimously.

ASM Beauty World Academy – HIV/AIDS Initial/Renewal Course for BW, HB and HW 2 Hour Classroom

After review, Vice Chair Tabano moved to approve the course with the following contingencies: strike references to slang terms and vulgar language, and strike reference to “HIV jumping from apes to humans” in the course materials. 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.

Hair Braider Training Florida – HIV/AIDS Course 4 Hour Internet

After review, Vice Chair Tabano moved to approve the course with the following contingency: update resources. The correction 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.

Hair Braider Training Florida – HIV/AIDS Course 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course with the following contingency: update resources. The correction 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.

Herbal Skin Solutions – HIV/AIDS 4 Hour Classroom

After review, Vice Chair Tabano moved to approve the course with the following contingencies: strike references to alcohol as a disinfectant, and strike reference to “HIV jumping from apes to humans” in the course materials. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

Herbal Skin Solutions – Dermaplaning / Epi Leveling 4 Hour Classroom

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

Herbal Skin Solutions – Herbal Skin Solutions Brand Training 2 Hour Classroom

After review, Vice Chair Tabano moved to deny the course based on the course content being product driven. Mr. Sutherland seconded the motion and the motion passed unanimously.

Herbal Skin Solutions – Collagen Induction Therapy 4 Hour Classroom

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

Herbal Skin Solutions – Micro-Current Energy Medicine 4 Hour Classroom

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

Stone Myer CEC – HIV/AIDS 2 Hour Classroom

After review, Vice Chair Tabano moved to approve the course. Mr. Sutherland seconded the motion and the motion passed unanimously.

Elite CME – CE Update for Salon Professionals 16 Hour Correspondence

After review, Vice Chair Tabano 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. Griffis seconded the motion and the motion passed unanimously.

Elite CME – CE Update for Salon Professionals 16 Hour Internet

After review, Vice Chair Tabano 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. Griffis seconded the motion and the motion passed unanimously.

Informed – Florida Cosmetology Update 16 Hour Correspondence

After review, Vice Chair Tabano moved to approve the course with the following contingencies: strike “MSDS” and replace with “SDS”, update fees, and update reference dates. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. Mr. Sutherland seconded the motion and the motion passed unanimously.

Stone Myer CEC – Intensive Wig Making Workshop 336 Hour Classroom

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

Paragon CET – HIV/AIDS 2 Hour Correspondence

After review, Mr. Sutherland moved to approve the course. Ms. Poppell seconded the motion and the motion passed unanimously.

Paragon CET – HIV/AIDS 2 Hour Internet

After review, Mr. Sutherland moved to approve the course. Ms. Poppell seconded the motion and the motion passed unanimously.

Sesderma USA – Chemical Peels Workshop 4 Hour Classroom

After review, Vice Chair Tabano moved to deny the course based on the course content being product driven. Mr. Sutherland 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 October 2016 meeting.

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 October 2016 meeting.

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

No action taken.

Executive Director Report

Financial Report for Period Ending March 2016

Ms. Barineau reported that the balance in the Board's operating account as of March 31, 2016, was over \$6.5 million, and the balance in their unlicensed activity account was over \$3.1 million for the same period.

Correspondence

Complaints and Investigative Statistics – July 2015 – May 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 – May 2016

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

Dates and Locations of Future Meetings

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

October 16-17, 2017 – Hutchison Island

ADJOURNMENT

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

Tuesday, July 19, 2016

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

Board Members Present

Laurel Ritenbaugh, Chair
Robin Tabano, Vice Chair
Fran Poppell
Rhonda Griffis
Stephania Wilson
Jared Sutherland

Board Members Absent

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
Dillon Jess, Assistant General Counsel, Office of the General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Sabrina Beauvais, Court Reporter

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

APPROVAL OF MINUTES

The Board approved the minutes from the June 14, 2016, Board meeting.

APPLICATIONS

Licensure Applications

Initial Review

Leyanis Izquierdo / Puerto Rico

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

Janice Guillen

Ms. Guillen was not present for the meeting. After review, Ms. Griffis moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation. Ms. Wilson seconded the motion and the motion passed with Mr. Sutherland voting against the motion.

James Wood

Mr. Wood was not present for the meeting. After review, Mr. Sutherland moved to deny the application based on the noted criminal history. Vice Chair Tabano seconded the motion and the motion passed unanimously.

Cezar Gomez / Puerto Rico

Mr. Gomez was not present for the meeting. After review, Vice Chair Tabano moved to deny the application based on unverifiable documentation. Ms. Poppell seconded the motion and the motion passed unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:00 a.m.