

MINUTES

FLORIDA BOARD OF COSMETOLOGY
HILTON GARDEN INN
3505 KYOTO GARDENS DRIVE
PALM BEACH GARDENS, FL 33410

Monday, July 18, 2022

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

Board Members Present

Adrienne Harvey, Chair
Robin Tabano, Vice Chair
Stephania Streit
Jennifer Macku
Marisol Marin

Board Members Absent

Other Persons Present

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Larry Harris, Assistant Attorney General, Office of the Attorney General
Andrea Osorio, Assistant General Counsel, Office of the General Counsel, DBPR
Sally Stark, Court Reporter
Tom Ferguson
Trina Nguyen
James Hunter
Sylvia Peters
Larry Peters
Rickey Strong, Esq.
Nelson Turin Junior

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

DISCIPLINARY MATTERS

Ms. Andrea Osorio, Assistant General Counsel, requested that the board admit into evidence the investigative file and supporting documentation for the cases below.

Election of Waiver of Rights and Final Order

Ms. Osorio presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, and have elected to waive their rights to a hearing in these matters. The Board moved to 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:

- Nails & Beauty Lounge; Brandon; Case No. 2022005316
\$500 fine and \$115.20 costs to be paid within six months
- Tyler Mills; Seffner; Case No. 2021053274
\$500 fine and \$99.46 costs to be paid within six months

- Bliss Nail Gibsonton By Sarah; Gibsonton; Case No. 2022001502
\$500 fine and \$107.83 costs to be paid within six months
- Terrica Shavon Nixon; Jacksonville; Case No. 2021052502
\$500 fine and \$292.53 costs to be paid within six months
- Xiomara Rivera Rivas; York, Pennsylvania; Case No. 2021056016
\$500 fine and \$66.24 costs to be paid within six months
Revocation of license FS921345

Motion for Waiver of Rights and Final Order

Ms. Osorio 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:

- Irilis Mendoza Jimenez; Orlando; Case No. 2021055531
\$500 fine and \$94.52 costs to be paid within six months
Revocation of license FS917990
- Thien Bang Ho; Ormond Beach; Case No. 2021055539
\$500 fine and \$110.47 costs to be paid within six months
Revocation of license FS918820
- Toquyen Dinh Nguyen; Miami; Case No. 2021055624
\$500 fine and \$89.13 costs to be paid within six months
Revocation of license FV9626393
- Samantha Regina Singh; Kissimmee; Case No. 2021055746
\$500 fine and \$80.41 costs to be paid within six months
Revocation of license FS920004
- Toquyen Dinh Nguyen; Miami; Case No. 2021055553
\$500 fine and \$169.84 costs to be paid within six months
Revocation of license FB9779460
- Palm Beach Nails & Foot; West Palm Beach; Case No. 2021057963
\$450 fine and \$171.18 costs to be paid within six months
Suspension of license CE10002924 until successful re-inspection
- Tung Minh Pham; West Palm Beach; Case No. 2021058260
\$500 fine and \$154.85 costs to be paid within six months
- Jessica Andrea Castillo; Orlando; Case No. 2021055519
\$500 fine and \$60.93 costs to be paid within six months
Revocation of license FS917810
- Loan Vo; Orlando; Case No. 2021055515
\$500 fine and \$59.27 costs to be paid within six months
Revocation of license FS917315

- Tuananh Ngoc Le; Oviedo; Case No. 2021055477
\$500 fine and \$98.81 costs to be paid within six months
Revocation of license FV9623550
- Dieu Tuyen Do; Orlando; Case No. 2021055506
\$500 fine and \$79.26 costs to be paid within six months
Revocation of license FS918086
- Vanessa Dao; Orlando; Case No. 2021055739
\$500 fine and \$90.90 costs to be paid within six months
Revocation of license FV9626524
- Nicholas Pinero Cruz; Kissimmee; Case No. 2021055448
\$500 fine and \$117.84 costs to be paid within six months
Revocation of license FS919548
- Martha Rocio Orjuela; Orlando; Case No. 2021055453
\$500 fine and \$83.55 costs to be paid within six months
Revocation of license FS916784
- Obed Velez de Jesus; Kissimmee; Case No. 2021056102
\$500 fine and \$38.62 costs to be paid within six months
Revocation of license FS920961
- Noire Nails & Spa at South Tampa; Tampa; Case No. 2022000404
\$500 fine and \$107.83 costs to be paid within six months
- Advance Salon; Brooksville; Case No. 2021056360
\$500 fine and \$107.83 costs to be paid within six months
- Nu Thuy Duong Ton; Orlando; Case No. 2021055466
\$500 fine and \$296.55 costs to be paid within six months
Revocation of license FS916952
- Nhi Nguyen; Shawnee, Kansas; Case No. 2021056012
\$500 fine and \$74.57 costs to be paid within six months
Revocation of license FS921378
- Posh Nail Lounge; Davie; Case No. 2021056710
\$950 fine and \$62.51 costs to be paid within six months
- Dat Tan Nguyen; Port St. Lucie; Case No. 2021051388
\$250 fine and \$122.18 costs to be paid within six months
- Chloes Nail Bar; Riverview; Case No. 2021050409
\$500 fine and \$107.83 costs to be paid within six months
- Thi My Thang Pham; Oviedo; Case No. 2021055560
\$500 fine and \$161.37 costs to be paid within six months
Revocation of license FV9626078
- My Tra Nguyen; North Chili, New York; Case No. 2021055569
\$500 fine and \$151.01 costs to be paid within six months
Revocation of license FS919063

- Nhan Thanh Do; Orlando; Case No. 2021055575
\$500 fine and \$103.74 costs to be paid within six months
Revocation of license FS919097
- Thanh Hang Ngo; Orlando; Case No. 2021055616
\$500 fine and \$109.82 costs to be paid within six months
Revocation of license FS919077
- Chris Dibble; Port Charlotte; Case No. 2021037614
\$600 fine and \$288.57 costs to be paid within six months
Revocation of license CL1168161
- Elite Nails Spa; West Palm Beach; Case No. 2021042433
\$600 fine and \$50.30 costs to be paid within six months
- Rachquel Lavenya Hughes; Jacksonville; Case No. 2021011048
\$500 fine and \$50.44 costs to be paid within six months
Revocation of license CL1218894
- Nelson Amilcar Turin Junior; Tallahassee; Case No. 2021042223
\$1,100 fine and \$198.55 costs to be paid within six months
Revocation of license FS914850
- McKenzie Minh Pham; West Palm Beach; Case No. 2021042428
\$500 fine and \$122.18 costs to be paid within six months

Settlement Stipulation

Ms. Osorio 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:

- Tan and Van Investments; Clearwater; Case No. 2022003830
\$500 fine and \$107.83 costs to be paid within six months
- AC Productions d/b/a Innovation Beauty Salon and Adrianna Vasquez; Kissimmee; Case Nos. 2021053809 & 2021048823
\$250 fine and \$626.95 costs to be paid within six months
- Lee Nails and Liem Trong Doan; Ocala; Case Nos. 2021050376 & 2021053849
\$500 fine and \$464.27 costs to be paid within six months
- Linh Nail & Spa of Plant City; Plant City; Case No. 2022002647
\$500 fine and \$107.83 costs to be paid within six months
- Prestige Nail Spa and Diane Torres; Port St. Lucie; Case Nos. 2021053243 & 2021054494
\$1,200 fine and \$260.69 costs to be paid within six months
- Kandice Sharhea Andux; Tampa; Case No. 2021011871
\$500 fine and \$201.23 costs to be paid within six months

Voluntary Relinquishment

Ms. Osorio 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:

- Tuyet Thi Bach Tran; Rockledge; Case No. 2021055461
\$500 fine and \$122.84 costs to be paid within six months
Voluntary Relinquishment of license FB9776700
- Lien Suksuyuti; Holiday; Case No. 2021056026
\$500 fine and \$26.52 costs to be paid within six months
Voluntary Relinquishment of license FS921379
- Irlenisa Martinez; Orlando; Case No. 2021055618
\$500 fine and \$31.97 costs to be paid within six months
Voluntary Relinquishment of license FS919163

Department Attorney Report

Ms. Osorio informed the Board that as of June 7, 2022, there were 127 open cosmetology cases in the legal section.

APPLICATIONS

Continuing Education Courses

Informal Hearing

Floridaedu.com – Florida Cosmetology Course 10 Hour Internet

Mr. Tom Ferguson was present for the meeting. Ms. Woodard informed the Board that the course was denied at the April 11, 2022, board meeting, based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, and incomplete course content. The Board moved to reconsider the course. After review, the Board moved to vacate the Notice of Intent to Deny and approved the course.

Initial Review

Aaron Classes – Continuing Education Course 10 Hour Internet

Mr. James Hunter was present for the meeting. After review, the Board moved to approve the course with the following contingencies: add reference dates, correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. The Board delegated the final review and approval to Ms. Marin.

Aaron Classes – Continuing Education Course 16 Hour Internet

Mr. Hunter was present for the meeting. After review, the Board moved to approve the course with the following contingencies: strike incorrect references, and correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval. The Board delegated the final review and approval to Ms. Marin.

@HomePrep – Florida Cosmetology Continuing Education 10 Hour Internet

After review, the Board moved to deny the course based on incomplete course content, outdated references and outdated sources.

@HomePrep – Florida Cosmetology Continuing Education 16 Hour Internet

After review, the Board moved to deny the course based on incomplete course content, and grammatical errors.

@HomePrep – Florida Cosmetology Laws 3 Hour Internet

After review, the Board moved to approve the course.

Stay Current – Continuing Education 10 Hour Internet

Ms. Sylvia Peters was present for the meeting. After review, the Board moved to approve the course with the following contingency: update references. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

360 Wellness Education – Sound Therapy Singing Bowls Basic 2 Hour Classroom

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, and product driven.

360 Wellness Education – The \$1000 Layering Facial 4 Hour Classroom

After review, the Board moved to deny the course based on the course content being product driven.

360 Wellness Education – Aromatherapy Essential Oil Blending for Spa Services 2 Hour Classroom

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, and product driven.

360 Wellness Education – Kansa Wands Body & Face Massage 2 Hour Classroom

After review, the Board moved to deny the course based on the course content being product driven.

360 Wellness Education – The Ins and Outs of Intimate Care 3 Hour Classroom

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, and product driven.

360 Wellness Education – Client-Centric 6 Factor Method 1 Hour Classroom

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, and product driven.

360 Wellness Education – Power of YOU Leads to Business Growth 1 Hour Classroom

After review, the Board moved to approve the course.

360 Wellness Education – CND Shellac Certification & Nail Art Techniques 3 Hour Classroom

After review, the Board moved to deny the course based on the course content being product driven.

Makeover Pro – A Health Crisis is Happening and You Need to Know Why 1 Hour Classroom

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees.

Makeover Pro – We Will Stand Together Against Human Trafficking 1 Hour Classroom

After review, the Board moved to approve the course.

Makeover Pro – What Everyone Needs to Know About Abusive Relationships 1 Hour Classroom

After review, the Board moved to approve the course.

Makeover Pro – Master Client Consultation 1 Hour Classroom

After review, the Board moved to approve the course with the following contingency: add reference retrieval dates. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Makeover Pro – Gray Hair – The New Trend 1 Hour Classroom

After review, the Board moved to approve the course with the following contingencies: add reference dates, correct grammatical errors. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Makeover Pro – Bundle #1 A Health Crisis is Happening and You Need to Know Why 10 Hour Internet

After review, the Board moved to deny the course based on the course content being product driven, incorrect references, and outdated references.

Makeover Pro – Bundle #2 We Will Stand Together Against Human Trafficking 10 Hour Internet

After review, the Board moved to deny the course based on the course content being product driven, incorrect references, and outdated references.

Makeover Pro – Bundle #3 What Everyone Needs to Know About Abusive Relationships 10 Hour Internet

After review, the Board moved to deny the course based on the course content being product driven, incorrect references, and outdated references.

Makeover Pro – Bundle #4 Master Client Consultation 10 Hour Internet

After review, the Board moved to deny the course based on the course content being product driven, incorrect references, and outdated references.

Makeover Pro – Bundle #5 Gray Hair – The New Trend 10 Hour Internet

After review, the Board moved to deny the course based on the course content being product driven, incorrect references, and outdated references.

#1 Premiere CE Advanced Associates – OSHA and the Safe Workplace 1 Hour Internet

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees.

Oncology Spa Solutions - Life Changing Esthetics/ Oncology Esthetics Correspondence

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees.

360 Wellness Education – Why Bother Selling Retail?! 1 Hour Classroom

After review, the Board moved to approve the course with the following contingency: strike reference to pain points in the course materials. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

RECESS

There being no further business, the meeting was recessed at approximately 12:30 p.m.

Tuesday, July 19, 2022

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

Board Members Present

Adrienne Harvey, Chair
Robin Tabano, Vice Chair
Stephania Streit
Jennifer Macku

Board Members Absent

Marisol Marin

Other Persons Present

Krisa Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)

Julie Rowland, Government Analyst, DBPR

Larry Harris, Assistant Attorney General, Office of the Attorney General

Andrea Osorio, Assistant General Counsel, Office of the General Counsel, DBPR

Lisa Begley, Court Reporter

Yuri Olivera

Amanda Houston

Kelsey Hayden

Caroline Beresntzy

Gledys Martin

Alexandria Anderson

Jalah Thomas

Jayden Scaf

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

APPROVAL OF MINUTES

The Board approved the minutes of the June 28, 2022, Board meeting.

APPLICATIONS

Licensure Applications

Initial Review

Angel Navarro

Ms. Navarro was not present for the meeting. After review, the Board moved to deny the application based on the pending criminal case noted on the application.

Arlene Briceno Munoz / Costa Rica

Ms. Munoz was not present for the meeting. After review, the Board moved to deny the application as the application fails to demonstrate he meets the requirements for licensure.

Mary Kay Brown / Pennsylvania

Ms. Brown was not present for the meeting. After review, the Board moved to approve the application.

Amanda Houston / Washington

Ms. Houston was present for the meeting. After review, the Board moved to approve the application.

Katherine Marte

Ms. Marte was not present for the meeting. After review, the Board moved to deny the application as the application fails to demonstrate she meets the requirements for licensure.

Jada McKenzie

Ms. McKenzie was not present for the meeting. After review, the Board moved to deny the application based on the noted criminal history.

Kambree Perkins

Ms. Perkins was not present for the meeting. After review, the Board moved to deny the application based on the pending criminal case noted on the application.

Valeria Fernandez Leyton

Ms. Leyton was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Michael Ohayon / New York

Mr. Ohayon was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Daniel Rafaelov / New York

Mr. Rafaelov was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Nam Hoai Nguyen

Ms. Nguyen was not present for the meeting. After review, the Board moved to approve the application.

Cassandra Spencer

Ms. Spencer was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Julia Bien Aime

Ms. Aime was not present for the meeting. After review, the Board moved to deny the application based on the pending criminal case noted on the application.

Jaime Salazar

Ms. Salazar was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Nancy Lopez Pinero

Ms. Pinero was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Milana Yakubov / NY

Ms. Yakubov was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Yanuaría Franjul Franco / NY (facial)

Ms. Franco was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Kamilla Shchepankovsky / NY

Ms. Shchepankovsky was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Yanuaría Franjul Franco / NY (nail)

Ms. Franco was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Cristine Pozniak / NY

Ms. Pozniak was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

PETITION FOR DECLARATORY STATEMENT

Yuri Olivera Chavez

Ms. Chavez was present for the meeting. After review, Ms. Chavez requested to withdraw her request.

April Pickett and Joshua Halpern, M.D., P.A.

Ms. Pickett nor Mr. Halpern were not present for the meeting. After review, the Board declined to respond to Petitioner's questions because the Petition failed to comply with the requirements of Rule 28-105.002, F.A.C..

NEW BUSINESS

Ms. Adrienne Harvey, Chair requested that the Board members keep Board discussion to a minimum to keep the meeting on track. She also requested that the members do their best to not speak over one another as it makes it difficult for the court reporter to transcribe the meeting.

Members of the board requested that the Department use available funds to create public service announcements to help deter the influx of fraudulent activity concerning immigrants applying for licensure.

OTHER BUSINESS

Board Attorney Report

2022-2023 Annual Regulatory Plan

The Board approved the annual regulatory plan for 2022-2023.

Rule 61G5-24.002 - Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees

The Board approved the following language and 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(b) The examination fee for licensure as a cosmetologist by examination shall be fifty dollars (\$50.00). When the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, F.S., forty nine dollars and fifty cents (\$49.50) shall be payable to the professional testing service.

Rule 61G5-24.006 - Cosmetologist Reexamination Fee

The Board approved the following language and 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

When the examination for licensure as a cosmetologist is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the reexamination fee shall be fifty dollars (\$50.00), and shall be payable to the Department. When the examination for licensure as a cosmetologist is conducted by a professional testing service pursuant to Section 455.2171, F.S., the reexamination fee shall be twenty four

dollars and seventy five cents (\$24.75) per part of the licensure examination to be retaken by the applicant, which shall be payable to the professional testing service.

Executive Director Report

Financial Report for Period Ending March 2022

Ms. Woodard reported that the balance in the Board's operating account as of March 31, 2022, was over \$1.6 million, and the balance in the unlicensed activity account was over \$2.9 million for the same period.

Correspondence

Complaints and Investigative Statistics – July 2021 – May 2022

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

Cosmetology Examination Summary – January 2022 – May 2022

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

Dates and Locations of Future Meetings

September 12, 2022 – 11:00 a.m. Telephone Conference Call

October 3-4, 2022 – Daytona Beach

December 12, 2022 – Telephone Conference Call to be determined

Public Comments

Kelsey Hayden and Caroline Beresntzy, Futura Career Institute, spoke with the Board regarding scope of practice of Board of Cosmetology licensees, specifically facial services. After discussion, Mr. Harris stated that any service that may be allowed to be performed under the supervisor of a medical doctor, is outside the scope of practice of Board of Cosmetology licensees and does not fall under the Florida Board of Cosmetology laws and rules.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:00 a.m.