

# MINUTES

FLORIDA BOARD OF COSMETOLOGY  
HAMPTON INN & SUITES  
101 S.E. 1<sup>ST</sup> AVENUE  
GAINESVILLE, FLORIDA 32601

Tuesday, October 26, 2010 – 9:00 a.m.

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

## **Board Members Present**

Myra Jowers, Chair  
Monica Smith  
Crystal Lackey  
Ginny Fincel, Vice Chair  
Laurel Ritenbaugh  
Crystal Lackey

## **Board Members Absent**

Rosabel Ramos

## **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Jaime Liang, Assistant Attorney General, Office of the Attorney General (OAG)  
Jason White, Assistant General Counsel, Office of the General Counsel, DBPR  
Julie Rowland, Government Analyst, DBPR

## **Interested Parties Present**

Steve LeBlanc, Court Reporter  
Sharon Philman, Inspector, Gainesville Bureau of Investigative Services (BIS), DBPR  
Deborah Philman, Investigator, Gainesville BIS, DBPR  
Dan Dickans, Investigator, Gainesville BIS, DBPR  
Sang Hoang

The meeting was opened with a roll call and a quorum was established. Chair Jowers excused the absence of Ms. Rosabel Ramos from the meeting.

## **Disciplinary Matters**

### **Informal Hearings**

Regarding Case No. 2009.043693 against Penny Aselton of Clearwater, Mr. Jason White, Assistant General Counsel, informed the board that the Respondent had elected an informal hearing in the matter. Ms. Aselton was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$187.05. Ms. Laurel Ritenbaugh moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint and impose a fine of \$500 and costs of \$187.05. Ms. Monica Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.032234 against Diamond Nails of West Palm Beach, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$650 and costs of \$99.54. Vice Chair Ginny Fincel moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint and impose a fine of \$650 and costs of \$99.54, re-inspection in six months, plus six months stayed suspension against cosmetology salon license CE9956840. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2009.061672 and 2009.051184 against Sang-Mai-Thai Hoang and Red Nails of Lake City, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Ms. Hoang was present for the meeting and was sworn in by the Court Reporter. Mr. White presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$106.06. Vice Chair Fincel moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint and impose a fine of \$500 and costs of \$106.06, re-inspection in six months, plus six months stayed suspension against cosmetology salon license CE9969021. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.063719 against New York Cuts of Lake Worth, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. The Respondent was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$150 and costs of \$52.16. Vice Chair Fincel moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint and impose a fine of \$150 and costs of \$52.16, re-inspection in six months, plus six months stayed suspension against cosmetology salon license CE9977644. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2009.056668 and 2009.051192 against Quang Trung San and Pro Nails of Ocala, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. San was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$219.68. Ms. Ritenbaugh moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint and impose a fine of \$500 and costs of \$219.68. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2009.056678 and 2009.051181 against Cuong Minh Van and Lee Nails of Chiefland, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. Van was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$98.72. Vice Chair Fincel moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the

allegations as set forth in the Administrative Complaint and impose a fine of \$500 and costs of \$98.72, re-inspection in six months, plus six months stayed suspension against cosmetology salon license CE9957708. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.046236 against Terrence Wells of Delray Beach, Mr. White informed the board that the Respondent had elected an informal hearing in the matter. Mr. Wells was not present for the meeting. Mr. White presented the department's case in this matter and suggested assessing a fine of \$500 and costs of \$7.83. Ms. Smith moved that the board find the Respondent was properly served with the Administrative Complaint, that there was competent and substantial evidence to support the allegations as set forth in the Administrative Complaint and impose a fine of \$500 and costs of \$7.83. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2010.002479 against Angel Nails of Ellington, Mr. White requested that this disciplinary case be pulled from the agenda.

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

Regarding Case No. 2009.017974 against Allure Nail of Pensacola, Mr. White presented the department's case and suggested imposing a fine of \$250 and costs of \$88.62. The Respondent was not present for the meeting. Ms. Crystal Lackey moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$250 and costs of \$88.62. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2008.029510 against Obrian Breedlove of Orlando, Mr. White presented the department's case and suggested imposing a fine of \$200 and costs of \$146. The Respondent was not present for the meeting. Vice Chair Fincel moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$200 and costs of \$146. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.053045 against Andrea Duval of Apalachicola, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$146.04. Ms. Duval was not present for the meeting. Vice Chair Fincel moved that the board dismiss the case based on insufficient evidence to support the allegations. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.0055741 against Christine Ely of Tamarac, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$276.42. Ms. Ely was not present for the meeting. Ms. Smith moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$500 and costs of \$276.42. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.022830 against Honeycomb Hair and Nail Salon of Orlando, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$135.93. The Respondent was not present for the meeting. Vice Chair Fincel moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$500 and costs of \$135.93, re-inspection in six months, plus six months stayed suspension against cosmetology salon license CE9961742. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Lackey seconded the motion and the motion passed unanimously.

Regarding Case No. 2008.059973 against Melinda Lemme of Altamonte Springs, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$241.47. Ms. Lemme was not present for the meeting. Vice Chair Fincel moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$500 and costs of \$241.47. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.025813 against Sabrina Lesane of Ft. Pierce, Mr. White presented the department's case and suggested imposing a fine of \$1,000 and costs of \$168.89. Ms. Lesane was not present for the meeting. Ms. Ritenbaugh moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$1,000 and costs of \$168.89, plus six months stayed suspension against the Respondent's cosmetology license CL184521. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the Respondent's cosmetology license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2009.009135 and 2008.063471 against Nhi Thi Thu Nguyen and Regal Nails & Spa of New Port Richey, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$113.92. The Respondent was not present for the meeting. Vice Chair Fincel moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$500 and costs of \$113.92, re-inspection in six months, plus six months stayed suspension against cosmetology salon license CE9977027. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Lackey seconded the motion and the motion passed unanimously.

Regarding Case No. 2008.064077 against Kimberly Kay Simpson of Safety Harbor, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$55.61. Ms. Soto was not present for the meeting. Ms. Smith moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the

board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$500 and costs of \$55.61. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.060994 against Lidmara Camejo Soto of Miami, Mr. White presented the department's case and suggested imposing a fine of \$500 and costs of \$36.55. Ms. Soto was not present for the meeting. Ms. Lackey moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$500 and costs of \$36.55. Vice Chair Fincel seconded the motion and the motion passed unanimously.

Regarding Case Nos. 2009.033211 and 2009.033197 against Sharp Image Hair Salon and Georgia Tolbert of West Palm Beach, Mr. White presented the department's case and suggested imposing a fine of \$600 and costs of \$247.57. The Respondent was not present for the meeting. Vice Chair Fincel moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and impose a fine of \$600 and costs of \$247.57, re-inspection in six months, plus six months stayed suspension against cosmetology salon license CE9961378. In the event the Respondent fails to comply with the terms of the final order, the stay shall be lifted and the cosmetology salon license will be suspended. Ms. Smith seconded the motion and the motion passed unanimously.

Mr. White presented the following cases for consideration by the board. Vice Chair Fincel moved that the board find that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the board and imposed the penalties shown below:

- Artist Beauti and Salon; Winter Springs  
Case No. 2009.025766  
\$650 fine and \$134.74 costs  
Six month stayed suspension  
Re-inspection in six months
  
- The Betty Beauty Club Salon; Ft. Lauderdale  
Case No. 2009.015173  
\$800 fine and \$268.07 costs  
Six month stayed suspension  
Re-inspection in six months
  
- Marlene Ann Brazil; Hernando  
Case No. 2009.012060  
\$1,000 fine and \$65.88 costs  
Six month stayed suspension  
Re-inspection in six months

- Marie Fils-Amie; Port St. Lucie  
Case No. 2009.012074  
\$1,000 fine and \$143.05 costs  
Six month stayed suspension  
Re-inspection in six months
- Sheena Howard; Orlando  
Case No. 2009.012259  
\$1,000 fine and \$155.86 costs  
Six month stayed suspension  
Re-inspection in six months
- Michelle L. Janks; Palm Bay  
Case No. 2009.039535  
\$800 fine and \$78.12 costs  
Six month stayed suspension  
Re-inspection in six months
- Kristina's Beauty Salon; N. Miami Beach  
Case No. 2009.018561  
\$550 fine and \$292.05 costs  
Six month stayed suspension  
Re-inspection in six months
- Lashonda's Professional Hair Design; Melbourne  
Case No. 2009.025743  
\$650 fine \$119.09 costs  
Six month stayed suspension  
Re-inspection in six months
- Michelle Morice, Inc.; Palm Bay  
Case No. 2009.039889  
\$1,100.00 fine and \$96.07 costs  
Six month stayed suspension  
Re-inspection in six months
- Donald R. Nistico; Miami  
Case No. 2009.037384  
\$700 fine and \$14.36 costs  
Six month stayed suspension  
Re-inspection in six months
- Toni & Guy; Key Biscayne  
Case No. 2009.032604  
\$1,000 fine and \$125.21 costs  
Six month stayed suspension  
Re-inspection in six months

Ms. Crystal Lackey seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.034947 against Scissors Edge Inc. of Cocoa, Mr. White requested that this disciplinary case be pulled from the agenda.

Regarding Case No. 2008.038562 against My Tran of Palm Beach Gardens, Mr. White requested that this disciplinary case be pulled from the agenda.

### **Settlement Stipulations**

Regarding Case No. 2009.023428 against Amy's Nail of Jacksonville, Ms. Smith moved that the board find that the Respondent committed the offenses as alleged in the Administrative Complaint and adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a Final Order and impose a fine of \$500 and costs of \$229.54, to be paid over a period of three months, with the first payment of \$243.18 due within 30 days of the final order and two monthly payments of \$243.18 each. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Regarding Case No. 2008.023517 against Hue Ngoc Mai of Jacksonville, Ms. Ritenbaugh moved that the board find that the Respondent committed the offenses as alleged in the Administrative Complaint and adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a Final Order and impose a fine of \$3,500 and costs of \$1,307.67, to be paid over a period of 12 months, with the first payment of \$1,307.67 due within 30 days of the final order and 11 monthly payments of \$318.18 each, and revocation of the full specialty license FS864649. Ms. Lackey seconded the motion and the motion passed unanimously.

Regarding Case No. 2009.020180 against Nail Spa 2Q of Sarasota, Ms. Smith moved that the board find that the Respondent committed the offenses as alleged in the Administrative Complaint and adopt the Stipulation of the parties as the board's final action in this matter and incorporate it and all of its terms into a Final Order and impose a fine of \$250 and costs of \$181.43. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

### **Department Attorney Report**

Mr. White informed the board that as of September, 2010, there were 317 open cosmetology cases in the legal section.

### **Board Member Comments**

There were no board member comments.

### **Chair Comments**

There were no comments from the chair.

### **Adjournment**

There being no further business, the meeting was adjourned at approximately 11:15 a.m.