

MINUTES

FLORIDA BOARD OF COSMETOLOGY TELEPHONE CONFERENCE CALL MEETING

Tuesday, December 7, 2010 - 9:00 a.m.

The Board of Cosmetology meeting was called to order at approximately 9:00 a.m., by Ms. Robyn Barineau, Executive Director.

Board Members Present

Myra Jowers, Chair
Monica Smith
Crystal Lackey
Laurel Ritenbaugh

Board Members Absent

Rosabel Ramos
Ginny Finsel, Vice Chair

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)
Julie Rowland, Government Analyst, DBPR

Interested Parties Present

Elizabeth Baccard
Kenneth Berry
Kristin Brooks
Tabitha Castro
Sean Foster
Allister Freeman
Brandy Garrett
Jolanda Julius
Yolanda Llorente
Belinda Turner
Marilyn Johnson

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

Approval of Minutes: October 25-26, 2010

Ms. Laurel Ritenbaugh moved to approve the minutes from the October 25-26, 2010, board meeting. Chair Myra Jowers seconded the motion and the motion passed unanimously.

Applications

Licensure Applications

Informal Hearing

- Marilyn Johnson
Ms. Barineau noted that the licensure application for Ms. Johnson was denied at the October 25, 2010, board meeting based upon the noted criminal history. Ms. Johnson was present for the meeting and was sworn in by Assistant Attorney General, Jaime Liang. After review and discussion, Ms. Ritenbaugh moved to approve the application based on the additional documentation provided. The board also imposed probation on the license to run concurrent with her criminal

probationary period. Chair Jowers seconded the motion and the motion passed unanimously.

Initial Review

- **Elizabeth A. Baccard**
Ms. Barineau noted that the licensure application for Ms. Baccard was forwarded to the board for review based on the noted criminal history. Ms. Baccard was present for the meeting and was sworn in by Ms. Liang. After review and discussion, Ms. Ritenbaugh moved to approve the application based on the documentation provided. The board also imposed probation on the license to run concurrent with her criminal probationary period. Ms. Monica Smith seconded the motion and the motion passed unanimously.
- **Kenneth L. Berry**
Ms. Barineau noted that the licensure application for Mr. Berry was forwarded to the board for review based on the noted criminal history. Mr. Berry was present for the meeting and was sworn in by Ms. Liang. After review and discussion, Ms. Smith moved to approve the application based on the documentation provided. The board also imposed probation on the license to run concurrent with his criminal probationary period. Ms. Crystal Lackey seconded the motion and the motion passed unanimously.
- **Kristin N. Brooks**
Ms. Barineau noted that the licensure application for Ms. Brooks was forwarded to the board for review based on the noted criminal history. Ms. Brooks was present for the meeting and was sworn in by Ms. Liang. After review and discussion, Chair Jowers moved to approve the application based on the documentation provided. The board also imposed probation on the license to run concurrent with her criminal probationary period. Ms. Smith seconded the motion and the motion passed unanimously.
- **Tabitha Castro**
Ms. Barineau noted that the licensure application for Ms. Castro was forwarded to the board for review based on the background information reflected on the application. Ms. Castro was present for the meeting and was sworn in by Ms. Liang. After review and discussion, Ms. Ritenbaugh moved to approve the application based on the documentation provided. The board also imposed probation on the license to run concurrent with her criminal probationary period. Chair Jowers seconded the motion and the motion passed unanimously.
- **Sean A. Foster**
Ms. Barineau noted that the licensure application for Mr. Foster was forwarded to the board for review based on the background information reflected on the application. Mr. Foster was present for the meeting and was sworn in by Ms. Liang. After review and discussion, Chair Jowers moved to approve the application based on the documentation provided. The board also imposed probation on the license to run concurrent with his criminal probationary period. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.
- **Allister A. Freeman**
Ms. Barineau noted that the licensure application for Mr. Freeman was forwarded to the board for review based on the background information reflected on the application. Mr. Freeman was present for the meeting and was sworn in by Ms.

Liang. After review and discussion, Ms. Ritenbaugh moved to approve the application based on the documents provided. The board also imposed probation on the license to run concurrent with his criminal probationary period. Ms. Lackey seconded the motion and the motion passed unanimously.

- Andy C. Garcia

Ms. Barineau noted that the licensure application for Mr. Garcia was forwarded to the board for review based on the background information reflected on the application. Mr. Garcia was not present for the meeting. After review and discussion, Chair Jowers moved to deny the application based on the noted criminal history. Ms. Smith seconded the motion and the motion passed unanimously.

- Brandy L. Garrett

Ms. Barineau noted that the licensure application for Ms. Garrett was forwarded to the board for review based on the background information reflected on the application. Ms. Garrett was present for the meeting and was sworn in by Ms. Liang. After review and discussion, Chair Jowers moved to approve the application based on the documents provided. The board also imposed probation on the license to run concurrent with her criminal probationary period. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

- Rebecca J. Johnson

Ms. Barineau noted that the licensure application for Ms. Johnson was forwarded to the board for review based on the background information reflected on the application. Ms. Johnson was not present for the meeting. After review and discussion, Ms. Lackey moved to approve the application based on the documents provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

- Jolanda Julius

Ms. Barineau noted that the licensure application for Ms. Julius was forwarded to the board for review based on the background information reflected on the application. Ms. Julius was present for the meeting and was sworn in by Ms. Liang. After review and discussion, Ms. Smith moved to deny the application based on the noted criminal history. Chair Jowers seconded the motion and the motion passed unanimously.

- Yolanda Llorente

Ms. Barineau noted that the licensure application for Ms. Llorente was forwarded to the board for review based on the background information reflected on the application. Ms. Llorente was present for the meeting and was sworn in by Ms. Liang. After review and discussion, Ms. Lackey moved to approve the application based on the documents provided. The board also imposed probation on the license to run concurrent with her criminal probationary period. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

- Jason S. Muchewicz

Ms. Barineau noted that the licensure application for Mr. Muchewicz was forwarded to the board for review based on the background information reflected on the application. Mr. Muchewicz was not present for the meeting. After review and discussion, Chair Jowers moved to approve the application based on the documents provided. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

- Belinda K. Turner
Ms. Barineau noted that the licensure application for Ms. Turner was forwarded to the board for review based on the background information reflected on the application. Ms. Turner was present for the meeting and was sworn in by Ms. Liang. After review and discussion, the board tabled the application until the January 24-25, 2011, meeting to allow her to provide additional documentation regarding her criminal history. Ms. Turner verbally waived the deemer clause to afford her time to collect the documentation.

New Business

Rule 61G5-20.002, Florida Administrative Code-Salon Requirements

The board approved the following amendments to Rule 61G5-20.002, Florida Administrative Code – Salon Requirements. They agreed that this amendment will not have an adverse impact on small business and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule.

(1) through (2)

(3) No cosmetology or specialty salon shall use or possess a product containing a liquid nail monomer containing any trace of methyl methacrylate (MMA).

(4) No cosmetology salon or specialty salon may use or possess a product containing greater than .2% formaldehyde of the total chemical composition for use for Brazilian Hair Straightening or any other procedure.

(5) Every cosmetology or specialty salon shall maintain material data sheets (MSDSs) at all times for all products used or present on the establishment premises.

~~(6)~~(3) No cosmetology or specialty salon shall be operated in the same licensed space allocation with any other business which adversely affects the sanitation of the salon, or in the same licensed space allocation with a school teaching cosmetology or a specialty licensed under Chapter 477, F.S., or in any other location, space, or environment which adversely affects the sanitation of the salon. In order to control the required space and maintain proper sanitation, where a salon adjoins such other business or school, or such other location, space or environment, there must be permanent walls separating the salon from the other business, school, location, space, or environment and there must be separate and distinctly marked entrances for each.

~~(7)~~(4) Evidence that the full salon contains a minimum of 200 square feet of floor space. No more than two (2) cosmetologists or specialists may be employed in a salon which has only the minimum floor space.

~~(8)~~(5) A specialty salon offering only one of the regulated specialties shall evidence a minimum of 100 square feet used in the performance of the specialty service and shall meet all the sanitation requirements stated in this section. No more than one specialist or cosmetologist may be employed in a specialty salon with only the minimum floor space. An additional 50 square feet will be required for each additional specialist or cosmetologist employed.

~~(9)~~(6) For purposes of this rule, “permanent wall” means a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to a salon’s floor and ceiling, and which serves to delineate and protect the salon.

Rule 61G5-30.001, Florida Administrative Code-Disciplinary Guidelines

The board approved the following amendments to Rule 61G5-30.001, Florida Administrative Code – Disciplinary Guidelines. They agreed that this amendment will not have an adverse impact on small business and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule.

(1) through (2)(o) unchanged.

<u>(2) VIOLATION</u>	<u>PENALTY RANGE</u>
<u>(p) Use or possess a product containing greater than .2% formaldehyde of the total chemical composition for use for Brazilian Hair Straightening or any other procedure.</u> <u>(477.016(1)(2), F.S.)</u>	<u>A fine of \$500 for the first offense; a fine of \$500 and suspension or revocation for a subsequent offense.</u>
<u>(q) Failure to maintain material data safety sheets on the establishment premises.</u>	<u>A fine of \$500 for the first offense; a fine of \$500 and suspension or revocation for a subsequent offense.</u>

(3) through (7) unchanged.

Adjournment

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