GENERAL BUSINESS MEETING MINUTES
May 21, 2012
9:00 a.m. EST

CONFERENCE CALL
1-888-808-6959
When prompted, enter the following conference code number: 4246812343, followed by the “#” sign.

MEMBERS PRESENT  STAFF PRESENT
James Scott, Chair   Allen Hall, Executive Director
M. Margaret Haley   Anna King, Program Operations Administrator
Audra Kinney    Kim Tillery, Regulatory Specialist II
Shelby Owens
Susan Manwaring ASSISTANT ATTORNEY GENERAL
Lynette Norr

9:00 a.m. Call to Order – General Business Meeting

ADMINISTRATIVE PROCEEDINGS

INDIVIDUAL CONSIDERATION

01.  Alicia Montanez (Examination)
Ms. Alicia Montanez was present on the call.

Ms. Montanez was previously licensed in the state of Florida in 1994. During that time, “grandfathering” was an acceptable method of licensure. Due to personal hardships, Ms. Montanez voluntarily relinquished her license. She was subject to the mandatory one time assessment fee, and is still required to pay the remaining $653.

Ms. Montanez is required to meet current the current statutory requirements for licensure by examination, and did not based upon 64B8-51.0002(e) and 64B8-51.002(g).

Ms. Montanez withdrew her application and will seek licensure after she completes a 320 hour training program and passes the IBEC exam.

02.  Lauren Chabaud (Examination)
Ms. Lauren Chabaud was present on the call.

Ms. Chabaud was subject to the one time mandatory assessment fee and did not satisfy the requirements. Ms. Chabaud’s license was revoked and still owes a balance of $320.86 towards her previous license EO 673.

Ms. Norr will consult with the Board of Medicine attorney and research the topic of permanent revocation. This will be placed on the next agenda for discussion.

Ms. Chabaud waived the 90 days for the Council to take action.
03. Lucineiva Sousa (Examination)

Ms. Lucineiva Sousa was present on the call.

Ms. Sousa possesses a Massage Therapy license and was disciplined under Chapter 480 for operating out of a massage facility whose license had been suspended. Because she did not violate any portion of Chapter 456, she is not barred from licensure.

MOTION: Ms. Shelby Owens moved to accept Ms. Sousa’s examination application. Mr. Jim Scott seconded the motion, which carried 3/2. Ms. Margaret Haley and Ms. Susan Manwaring voted against the action.

04. Anthony Filardo (Examination)

Mr. Filardo was present on the call.

Dr. Filardo holds a Florida Chiropractic license that has been disciplined on two separate occasions, both for advertising violations.

The first complaint indicates that the applicant was involved in false, deceptive or misleading advertising. He has satisfied the terms of that settlement. The second complaint indicates that the applicant has eight separate counts: record keeping, financial exploitation, misleading, deceptive, untrue or fraudulent representations, chiropractic malpractice, trust accounting, false, deceptive or misleading advertising, advertising free services, and violation of provision of chapter 456. Dr. Filardo is still under obligations for this case.

The Council would like for the second case of discipline to be resolved before he is considered for licensure by examination.

Dr. Filardo withdrew his application and will seek licensure once the pending disciplinary case has been settled under his Chiropractic license.

05. Deniz Bulay (Endorsement)

Ms. Bulay was present on the call, and had her husband translate the meeting.

Concern was raised that Ms. Bulay was coming from a foreign country and was unable to present satisfactory exam results.

The Council accepted Ms. Bulay’s application under the terms that she change her application method from endorsement to examination and pays the remaining $135 fee for the examination.

Ms. Bulay changed her application method to Examination and will sit for the next examination.

MOTION: Ms. Shelby Owens moved to accept Ms. Bulay’s examination application. Ms. Susan Manwaring seconded the motion, which carried 5/0.

06. UNIVERSAL VOCATIONAL INSTITUTE

There was no one representing Universal Vocational Institute on the call.
Universal Vocational Institute was before the Council for approval of their 30 hour laser training course.

Universal Vocational Institute did not provide documentation that the laser on premises had been inspected. The Council expressed concern with not having these documents.

**MOTION:** Ms. Shelby Owens moved to accept Anton Aesthetics Academy, Inc. 30 Hour Laser Program with the provision that they comply with 64B8-51.006(3) (g) F.A.C. Mr. Jim Scott seconded the motion, which carried 5/0.

**APPLICANT CERTIFICATION LISTS**

**07. Examination Applicants**

A total of thirty nine (39) names were on the certification list.

**MOTION:** Ms. Shelby Owens moved to accept the list of exam licensees. Ms. Audra Kinney seconded the motion, which carried 5/0.

**RULES REVIEW AND DEVELOPMENT**

**08. Rule 64B8-51.001(1), F.A.C., Manner of Application**

The revised 456.0635 History Questions are still being finalized; therefore, the application portion requires no action.

The Council raised concerns about confusion with applicants and or licensees regarding the required mailing address listed on the application because some applicants and or licensees are not receiving important information from the Council office. The Council requested that staff prepare a memo to send to the schools to explain this issue as well as edit the instructions on the application and the information on the website to explain to applicants the importance of providing a mailing address that they will be able to receive correspondence from the Council office.

**09. Rule 64B8-51.006, F.A.C., Rule Governing Licensure & Inspection of Electrology Facilities**

The revised 456.0635 History Questions are still being finalized; therefore, the application portion requires no action.

Council staff has received inquiries on when a facility application is required and when one is not. There were also questions on how to determine if someone is an independent contractor or an employee of the physician.

**MOTION:** Ms. Shelby Owens moved to have the Council Staff draft language to incorporate clarification of when a facility license is required and when one is not. Mr. Jim Scott seconded the motion, which carried 5/0.
10. RULES REVIEW AND/OR DEVELOPMENT

Rules 64B8-52.003(2), F.A.C., Procedure for Approval of Attendance at Continuing Education Courses

Enclosed for the Council’s review was drafted language that updated an obsolete reference to “technical school” and to allow for approved 320-hour training programs as well as 30-hour laser programs to offer continuing education credits to licensees, by adding reference to the above mentioned in the rule.

PROPOSED RULE LANGUAGE

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. Failure to receive any notification during this period does not relieve the licensee of responsibility of meeting the continuing education requirements. The application for renewal shall include a form on which the licensee shall state whether the licensee has completed the required continuing education and what number of hours were completed in the relevant biennium or year. The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than 4 years from the date the offering was taken. The Council will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met. Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section 478.52(1)(a), F.S.

(2) All courses taken for continuing education credit shall be relevant to the practice of electrology, as defined in Section 478.42(5), Florida Statutes, and shall meet the purpose of enhancing the electrology skills and knowledge of the licensee. All licensees shall be awarded contact hours for continuing education completed under the following categories:

(a) Attendance at all offerings that are approved by the Electrolysis Society of Florida (ESF), or the Electrolysis Association of Florida (EAF), or the American Electrology Association, or the Society of Clinical and Medical Hair Removal;

(b) Attendance at all offerings from other states which are approved by the states’ licensing agency or professional electrology organization, which offerings have been approved by the American Electrology Association, or the Society of Clinical and Medical Hair Removal, or any technical school, college or university course, or course taken and successfully completed for the first time by the licensee in a subject area relevant to electrolysis.

(c) Courses offered by training programs approved by the Council pursuant to Rule 64B8-53.001, F.A.C. and Rule 64B8-52.004, F.A.C.; and

(d) Courses in subject areas relevant to electrolysis, as described in paragraph 2 of this rule, which are offered by colleges and universities that are duly recognized by the states’ education system. Electrologists shall be awarded 10 hours of credit per semester hour. The licensee shall provide verification upon request of the Department.

(3) HIV/AIDS and blood-borne disease continuing education requirements.

(a) Each new licensee is required to complete no later than upon first renewal an approved course on HIV/AIDS education. Approved offerings in HIV/AIDS are those that meet the requirements of Section 465.033, F.S. Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, F.S., are approved by this council.
(b) One hour of each biennium must be obtained by each licensee in an approved course on
blood-borne diseases.
(4) Two (2) hours each biennium must be obtained by each licensee in approved offerings
on prevention of medical errors, including a study of root-cause analysis, error reduction and
prevention, and patient safety.
(5) Up to ten hours per biennium of the continuing education required for license renewal
may be in the form of approved home study courses.
(6) Up to 2 hours each biennium may be obtained in the area of risk management by a
licensee by attending a Board meeting in which another licensee is being disciplined, or by
serving as volunteer expert witness in a disciplinary case.
(7)(a) A maximum of 6 contact hours shall be awarded per biennium for each of the
following or a combination of the following:
(b) The presentation of an electrology related course or program as either the lecturer of the
course or program or as the author of the course materials. Each licensee who is participating
as either a lecturer or author of an electrology related course or program shall receive credit for
the portion of the offering he/she presented or authored up to the total hours awarded for the
offering.
1. Continuing education credit shall be awarded to a lecturer or author for the initial
presentation of each electrology related course or program only; repeat presentations of the
same course or program shall not be granted credit.
2. In order for a continuing education credit to be awarded to each licensee participating as
either lecturer or author, the format of the electrology related course or program must conform
with all applicable sections of this rule chapter.
3. The number of contact hours to be awarded to each licensee who participates in an
electrology related course or program as either a lecturer or author is based on the 50 minute
contact hour employed within this rule chapter.

**MOTION:** Ms. Shelby Owens moved to accept the proposed language, with the exception of
proposed paragraph (2)(c). Mr. Jim Scott seconded the motion, which carried 3/2. Ms.
Margaret Haley and Ms. Audra Kinney opposed.

**MOTION:** Ms. Shelby Owens moved that the proposed new language would not have an
adverse impact on small business. Additionally, the proposed rule amendments would 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. Mr. Jim Scott seconded the motion, which carried 5/0.

--Break for five minutes at 11:49 a.m.
--Reconvened at 11:54 a.m.

11. Rule 64B8-52.004 (1), F.A.C., 64B8-52.004 Requirements for Approval of Training
Courses for Laser and Light-Based Hair Removal or Reduction.

Enclosed for the Council’s review was drafted language that would allow the Council to consider
comparable inspection documentation from laser training programs in other states.
PROPOSED RULE LANGUAGE

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of $250, and shall complete and apply submit to the Council through the Department of Health’s contracted continuing education system, CE Broker, at www.cebroker.com, the application form entitled “Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider”, form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office at 4052 Bald Cypress Way, BIN C-05, Tallahassee, Florida 32309-3255. Continuing education providers seeking renewal of provider status shall also pay a $250 fee each biennium. To receive Council approval, a continuing education program:

(a) Should be submitted for the Council’s approval not less than 60 days nor more than 360 days prior to the date the offering is scheduled;

(b) Shall have its sponsor submit to the Council at least the following:

1. A statement of the educational goals and objectives of the program;

2. A detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;

3. A current curriculum vitae of the course instructor(s);

4. The procedure to be used for recording attendance of those attendees seeking to apply for continuing education credit and the procedure for certification by the course’s registrar of attendance;

5. A sample certificate of completion; and

6. A copy of the electrology facility license and the most recent Department of Health inspection sheet from the location where the continuing education training course is offered demonstrating compliance with paragraph 64B8-51.006(3)(g), F.A.C. Applicants with training courses offered by entities located outside of the state of Florida must submit comparable documentation from the applicable state regulatory entity for review by the Council to determine compliance with this paragraph.

(2) The course consists of thirty (30) hours of instruction, which may include 15 hours of home-study didactic training, in the use of laser and light-based hair removal or reduction devices, including:

(a) Biology of hair;

(b) Laser and light-based device terminology;

(c) Basic electricity;

(d) Laser and light-based hair removal physics, including:

1. The theory of traditional light.

2. The theory of coherent light.

3. The electromagnetic spectrum.

4. The different types of laser and light-based hair removal devices.

5. The history of laser and light-based device development.

6. The history of medical laser and light-based device development.

7. Understanding photonic principles and how a laser and light-based device works.


(e) Safety and precautions, including:

1. Federal and quasi-federal regulatory agencies and their roles in safety.
2. Treatment room considerations.
3. Eye safety for the operator and the patient.
4. Fire safety.
(f) Laser and light based tissue interaction, including:
1. Grothus draper law.
2. Reflection, transmission, scatter and absorption.
3. The melanin and hemoglobin absorption curve at various hair removal device wavelengths.
4. Depth of penetration and wavelength.
5. Possible effects of absorption of light energy.
6. Selective photothermolysis, including:
a. Wavelength.
b. Pulse duration.
c. Energy fluence.
d. Spot size.
(g) Sanitation;
(h) Fitzpatrick skin typing;
(i) The patient intake form;
(j) The consultation;
(k) Proper documentation of patient case history and consent forms;
l) Pre-treatment patient preparation including test spot considerations and the Nikolski sign;
m) Treatment contra-indications including the recognition of disease conditions of the skin;
n) Handpiece and spot size considerations;
o) Fluence setting;
p) Stretch technique;
(q) Use of grid stamp;
r) Post-treatment procedures, including:
1. Application of ice and medication.
2. Instructions to patients.
s) Expected outcomes including erythema and edema;
t) Possible adverse outcomes;
u) Follow-up care;
v) The concept of using needle-type epilators to complement laser and light-based hair removal or reduction devices; and
(w) At least five (5) hours of hands-on experience with laser and light-based devices to include hair removal or reduction from all areas of the body.

(3) The instructors of each laser and light-based hair removal course have one year of post-certification experience. Verifiable documentation of this experience must be submitted to the Council with the application.

Specific Authority 456.025(7), 478.43 FS. Law Implemented 456.025(7), 478.42(5), 478.43(3), 478.50 FS. History—New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, 7-3-06, 2-18-09.

MOTION: Mr. Jim Scott moved to accept the proposed language. Ms. Shelby Owens seconded the motion, which carried 5/0.

MOTION: Mr. Jim Scott moved that the proposed new language would not have an adverse impact on small business. Additionally, the proposed rule amendments would 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. Ms. Shelby Owens seconded the motion, which carried 5/0.

12. Rule 64B8-52.004 (3) & (4), F.A.C., Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

The council is currently seeking to finalize draft rule language to establish criteria to approve national organizations for the purpose of certifying licensed Electrologists in the area of laser hair removal, as required by Rule 64B8-56.002(2)(b), F.A.C.

Enclosed by staff for the Council’s review was research on similar rules developed by other regulatory entities, as requested during the last meeting as well as previous responses regarding the draft rule language, from the Society for Clinical and Medical Hair Removal (S.C.M.H.R) and the National Council on Laser Hair Removal. (N.C.L.E)

The Council reviewed the Texas Department of State Health Services Radiation Safety Licensing Branch Certifying Entity Requirements for Laser Hair Removal document.

MOTION: Ms. Shelby Owens moved to adopt the Texas certifying entity requirements as they pertain to the Electrolysis Administrative Code. Mr. Jim Scott seconded the motion, which carried 5/0.

13. Rule 64B8-56.002(2)(b), F.A.C., Equipment and Devices; Protocols for Laser and Light-Based Devices

Informational item; no action required.

RULES STATUS REPORT


Rules Approved by BOM and in Progress:

- 64B8-51.001(1) Manner of Application
  
  History
  o Rule Development Published: 9/23/12
  o Council Approval: 5/2/11
  o Board Approval: 6/22/11
  o Notice Published: 3/2/12
  o Adopted: TBA
  o Effective: TBA
  o Comments: Seven (7) day letter sent 5/16/12.

- 64B8-51.006(2)(b) Licensure and Inspection of Electrolysis Facilities
  
  History
  o Rule Development Published: 9/23/12
  o Council Approval: 2/7/12
  o Board Approval: 6/22/11
  o Notice Published: 3/2/12
- **64B8-51.006(3)-(6) Licensure and Inspection of Electrolysis Facilities**
  
  History
  - Rule Development Published: 9/23/11
  - Council Approval: 8/9/2010
  - Board Approval: 12/1/11
  - Notice Published: 3/2/12
  - Adopted: TBA
  - Effective: TBA
  - Comments: Seven (7) day letter sent 5/16/12.

- **64B8-54.002(1) Inactive Licensure Status; Reactivating of Licensure, Delinquent Renewal**

  History
  - Rule Development Published: 3/2/12
  - Council Approval: 5/11/09
  - Board Approval: 12/1/11
  - Notice Published: 6/8/12
  - Adopted: TBA
  - Effective: TBA
  - Comments: Sending rules to OFARR- 5/16/12.

- **64B8-55.002 Discipline and Licensure Restrictions**

  History
  - Rule Development Published: 3/2/12
  - Council Approval: 2/15/10
  - Board Approval: 12/1/11
  - Notice Published: 6/8/12
  - Adopted: TBA
  - Effective: TBA
  - Comments: Sending rules to OFARR- 5/16/12.

**Rules Under Discussion by the Council:**

- **64B8-52.004(3) (4) Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction**

  History
  - Rule Development Published: TBA
  - Council Approval: 10/3/11
  - Board Approval: TBA
  - Notice Published: TBA
  - Adopted: TBA
  - Effective: TBA
  - Comments: Language is currently being developed by counsel.
• 64B-51.002 Add (4) Licensure by Examination

History
- Rule Development Published: TBA
- Council Approval: 2/27/12
- Board Approval: TBA
- Notice Published: TBA
- Adopted: TBA
- Effective: TBA
- Comments: Ready to go to Board of Medicine for approval.

• 64B8-52.003(2) & (3) Procedure for Approval of Attendance at Continuing Education Courses

History
- Rule Development Published: TBA
- Council Approval: 64B8-52.003(2) - 5/21/12. 64B8-52.003(3) - 2/27/12.
- Board Approval: TBA
- Notice Published: TBA
- Adopted: TBA
- Effective: TBA
- Comments: None.

Rules Dropped or Rejected:

• 64B8-53.002(1) Curriculum Standards

History
- Rule Development Published: TBA
- Council Approval: 10/3/11
- Board Approval: 12/1/12
- Notice Published: TBA
- Adopted: TBA
- Effective: TBA
- Comments: Rule does not need modification.

• 64B8-56.002(2)(b) Equipment and Devices; Protocols for Laser and Light-Based Devices

History
- Rule Development Published:
- Council Approval: 10/3/2011
- Board Approval: Tabled on 12/1/11
- Notice Published: N/A
- Adopted: N/A
- Effective: N/A
- Comments: Council voted 2/27/12 to return to original language.

REPORTS
15. Jim Scott, Council Chair

None.

16. Allen Hall, Executive Director

Mr. Allen Hall presented the following reports to the Council:

- House Bill 653
- House Bill 1263
- Expenditure Report
- 2012 MQA Legislative Summary
- Annual regulatory plan

The following changes were made to the plan:

- 64B8-51.002- Added.
- 64B8-50.003- Removed.
- 64B8-51.007- Effective March 26th; removed.
- 64B8-53.002- Dropped.
- 64B8-55.001- Removed.
- 64B8-55.0021- Removed.

MOTION: Mr. Jim Scott moved to accept the Annual Regulatory Plan. Ms. Shelby Owens seconded the motion, which carried 5/0.

NEW BUSINESS

17. Discussion: Review of Applications for Electrolysis Council Membership

The following applications were presented to the Council for their recommendation to the Board of Medicine for appointment.

- Jolynn Greenhalgn
- Matthew Wilson
- Karen Hermanspann
- Cindy Reynolds

MOTION: Ms. Shelby Owens moved to recommend Jolynn Greenhalgn for the professional member vacancy and both Matthew M. Wilson and Cindy Reynolds for the Consumer member vacancy. Mr. Jim Scott seconded the motion, which carried 5/0.

18. Proposed 2013 General Business Meeting Dates

The following dates were proposed as follows:

- February 25th, 2013
- May 20th, 2013
- August 5th, 2013
- October 21st, 2013

MOTION: Mr. Jim Scott moved to accept the proposed dates. Ms. Shelby Owens seconded the motion, which carried 5/0.
OLD BUSINESS

19. February 27, 2012 General Business Meeting Minutes
MOTION: Ms. Shelby Owens moved to approve the meeting minutes. Mr. Jim Scott seconded the motion, which carried 5/0.

20. Staff Research: Patient Brokering and Social Media
Ms. Lynette Norr requested additional time to address this request, and will present the research at the next meeting.
MOTION: Mr. Jim Scott moved to table this discussion until the July general business meeting. Ms. Audra Kinney seconded the motion, which carried 5/0.

OTHER BUSINESS AND INFORMATION

21. December 01, 2011, Board of Medicine Dietetics/Nutrition and Electrolysis Meeting
March 05, 2012 Board of Medicine Dietetics/Nutrition and Electrolysis Committee Meeting Minutes
Informational item; no action required.

22. Electrology Staff Recognition
Informational item; no action required.

ADJOURNMENT
The meeting was adjourned at 12:43 p.m.

EXAMINATION CANDIDATES TO BE APPROVED

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