

BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JANUARY 8, 2008
PUBLIC SESSION MINUTES

I CALL TO ORDER

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m.

Roll Call:

Ms. Janice Alvarez, , Mr. Jack A. Fornaro, Mr. Chris Jones, Mr. Anthony T. Monaco, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay A. Malanga, Executive Director, Mr. Patrick J. McNally, Assistant Executive Director, Ms. Barbara Ambrose, Program Development Assistant were present. Mr. Ronald Jerome Brown and Mr. Carlo Melini were absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principal Clerk Transcriber and the Board's Counsel.

II OPEN PUBLIC MEETINGS ACT

The Chair announced that the time, date and location of the meeting was listed in the Annual Notice Schedule. The Annual Notice Schedule was mailed to Ms. Nina Mitchell Wells, Secretary of State and the Newark Star-Ledger and Trentonian Newspapers on December 18, 2007 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 18, 2007.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Janice Alvarez, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held December 11, 2007 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Mr. Raymond Testa greeted the Board and stated that he had no comments today.

Mr. Chris Jones reflected on the Board's 2007 goals and accomplishments and provided an internal memo of same. He also provided a copy of the 2008 committee assignments.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed information to the Board including an article on Hudson County shutting down massage parlor and barbershop as part of a crackdown on quality of life issues, a copy of an article from Texas Stylist & Salon and a copy of the Job Demand in the Cosmetology Industry, 2007 from NACCAS.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Mr. Marc Gilbert & Ms. Mary Juno, t/a Hairanoia LLC, 1920 Frontage Road, #101, Cherry Hill, New Jersey 08034 in connection with the outstanding penalties assessed against them in the amount of \$1,350.00 for the alleged violations resulting out of an inspection of their shop on May 17, 2007 was presented to the Board for consideration. They indicated that they would like to waive their right to a hearing but furnished a written explanation for the Board to consider before rendering its

final decision.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Jack Fornaro, the matter is tabled pending receipt of an addendum to the inspection report. The motion passed unanimously.

2. Correspondence received from Mr. Vincent McNamee, President, t/a Victoria's, 118 North Main Street Unit 5, Forked River, New Jersey 08731 in connection with the outstanding penalties assessed against him in the amount of \$450.00 for the alleged violations resulting out of an inspection of her shop on September 11, 2007 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

After careful consideration, upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

3. Correspondence received from Mr. Wayne P. Bowens, 421 Westminster Avenue, Elizabeth, New Jersey 07208 in connection with his conviction of Possession of CDS and his desire to enroll at Reignbow Beauty Academy and eventually become licensed was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Board withhold decision on this matter pending Mr. Wayne P. Bowens' appearance at an investigative inquiry. The motion passed unanimously.

4. Correspondence received from Ms. Catherine Stolk, 16 Mountain Trail, Branchville, New Jersey 07826 in connection with the outstanding penalty assessed against her in the amount of \$250.00 for the alleged violation at A New Look, 55 Mill Street, Newton, New Jersey on September 28, 2007 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

After careful consideration, upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

5. Correspondence received from Ms. Kimberly Jackson, 1632 Birmingham Avenue, Toms River, New Jersey 08757 in connection with the outstanding penalty assessed against her in the amount of \$300.00 for the alleged violation of N.J.S.A. 45:5B-7 at Park Place Hair & Nail Salon, 1409 N W Central Avenue, Seaside Park, New Jersey on August 22, 2007 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Jack Fornaro, the matter is tabled pending receipt of a response from the school before making its final decision. The motion passed unanimously.

6. Correspondence received from Mr. Arthur W. Lewis, Jr., t/a Butch's Barber Shop, 428 Mantua Avenue, Woodbury, New Jersey 08096 in connection with the outstanding penalties assessed against him in the amount of \$100.00 for the alleged violation resulting out of an inspection of his shop on September 18, 2007 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

After careful consideration, the documents provided by Mr. Lewis indicated that he paid on time and that his explanation mitigated against imposition of a penalty.

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Janice Alvarez, the penalty of \$100.00 is dismissed. The motion passed unanimously.

7. Correspondence received from Ms. Catherine Bambrick, President, t/a A New Look, 55 Mill Street,

Newton, New Jersey 07860 in connection with the outstanding penalty assessed against her in the amount of \$250.00 for the alleged violation resulting out of an inspection of her shop on September 28, 2007 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

After careful consideration, upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the fine stands. The motion passed unanimously.

8. Disciplinary Matters Pending Conclusion by Default

The UPLs were issued and no written response from respondents have been received by the Board to date was presented to the Board for consideration. These matters were subject to finalization 15 days after issuance. The Attorney General seeks to issue Final Decision and Default Order on UPL for each of the following: IMO

Madeline Duran, t/a Santo Domingo Hair Salon
Jose Cosanatan, t/a Jossy & J Beauty Salon Unisex, WD025825
Tung Vo, t/a Natural Nails, WM002463
Grecia Maria Vargas, t/a Grace's Beauty Salon
James McAnney & Joseph Buttiglier, t/a Main Street Barber Shop, WD25722
Gilbert Burges, t/a Head Hunters
Somari, t/a Mary's African Braiding
Jinril Smitherman, t/a Startin 5 Hair Design, WD021937
Robert Romeo & James McAnney, t/a Main Street Barber Shop, WD23539
Briseida Rodriguez, t/a Hair Creation, WD015170 (Taken off agenda, licensee paid)
Kevin Streator, t/a Zaiatis Barber Shop
Jacqueline M. Fryar & Irving Fryar, t/a Salon Selah, WD023638
Kelly L. Eldridge, t/a Altered Images, WD014089
Talia Martinez, t/a D?Carmen
Alberto Rodriguez, t/a Hair Guild, WD016255

The Certificate of Service was attached to the Uniform Penalty Letters for Board review.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board authorizes the issuance of Default letters as indicated above. The motion passed unanimously

9. New Jersey Homeschoolers Association comment on the proposed amendment to N.J.A.C. 13:18-1.1(GED requirement) was presented to the Board for consideration.

The Board instructed its legislative liaison to inquire with the Home School Association whether it has any objective standard or mechanism by which it measures or evaluates home school students or home school program and to provide the Board with that information. Further, the Board does not agree with the stigmatism of the GED because it is an objective or standard exam accepted nationally by all institutions.

10. Senate Bill No. 2387 establishes certificate of rehabilitation for certain persons with criminal records was presented to the Board for consideration.

The Board indicated that this bill would not allow them to conduct investigative inquiries when they deemed them necessary.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, the Board authorizes Mr. Malanga to write to the Legislative Office that the Board is opposed to this bill. The motion passed unanimously.

SUPPLEMENTAL AGENDA

1. IMO Dominica Kostaris

A review of the Board's records reveals that Ms. Kostaris was scheduled for a crossover exam in 2004. The notice for the exam was never returned to the Board office as undeliverable. Ms. Kostaris never appeared for the exam nor contacted the Board thereafter. She was cited on three (3) separate occasions by way of Uniform Penalty Letter (UPL) for practicing without a license. She failed to respond to the UPLs or pay any fines for violating the Board's statutes and regulations resulting in the filing of a default order on one of the UPLs. In response to the default order, the Board recently received a complaint in which she alleged that she had difficulty obtaining her license. Upon review of the UPLs, the Board finds that the default order should be amended to include the remaining UPLs.

Upon motion made by Mr. Janice Alvarez and seconded by Mr. Anthony Monaco, the Board moves that the civil penalty in the initial Default Order should be amended to reflect all the fines in the three (3) UPLs issued and instructed the Board office to respond to Ms. Kostaris' complaint. The motion passed unanimously.

2. IMO John R. DiMeo, t/a Cherry Hill All Sports Barbershop. Mr. DiMeo's attorney has submitted a request for a hearing to contest the charges on the Uniform Penalty Letter dated November 1, 2007 resulting out of an inspection of an unlicensed shop, Cherry Hill All Sports Barbershop on September 7, 2007.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board authorizes one last opportunity for settlement on the condition that the owner of the shop applies for licensure. The motion passed unanimously.

VII EXECUTIVE SESSION

1. 11:00 A.M. Investigative Inquiry IMO Eun H. Lim

Mr. Jay Malanga stated that this matter was scheduled peremptorily and it was now 11:25 A.M. and Ms. Lim was not present and he asked that the Board go forward with the process.

Upon motion made by Mr. Jack Fornaro and seconded by Joseph Santagata, the Provisional Order of Discipline is to be made final and include failure to cooperate with the Board. The motion passed unanimously.

2. 11:30 A.M. Investigative Inquiry IMO Young In Nam was adjourned.

3. Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board went into Executive Session to discuss pending investigation of Craig Lee Nelson. The motion passed unanimously.

VIII OLD BUSINESS

No old business was discussed.

IX NEW BUSINESS

The Board desires to give the Executive Director of the Board the discretion to review and approve applications for all types of licensure and conduct investigations and move cases with advise of counsel.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, the Board authorizes the Executive Director of the Board to review and approve applications for licensure with advice of counsel on matters that do not require the Board to determine the applicant's eligibility based on whether the criteria established by other licensing authorities or jurisdictions is substantially similar to those established by the Board or applications that require further investigation. The motion passed unanimously.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Janice Alvarez, the Board authorizes the Executive Director of the Board to enter into negotiation settlements on U.P.L.s, provisional orders of discipline or other disciplinary actions with advice of counsel on matters that arise while the Board is not in session subject to full Board ratification. The motion passed unanimously.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board authorizes the Chair to conduct Board business or affairs including making decisions on matters that arise while the Board is not in session subject to the full Board ratification. The motion passed unanimously.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board authorizes the Vice Chair when the Chair is unavailable to conduct Board business or affairs including making decisions on matters that arise while the Board is not in session subject to full Board ratification. The motion passed unanimously. Upon motion made by Mr. Jack Fornaro and seconded by Mr. Janice Alvarez, the Board authorizes the Executive Director to file papers with the Division of Purchase and Property with advice of counsel seeking unauthorized waiver to pay the current testing vendor. The motion passed unanimously.

The Board directed the Executive Office and the Examination and Site Committee to provide counsel with specifications regarding CBT testing in order to move forward with public offer or pursue waiver through the Division of Purchase and Procurement.

COMMITTEE REPORTS

Public Relations

No report was given.

School

Ms. Janice Alvarez reported that all committee work is up to date.

Legislation

Mr. Chris Jones reported that all committee work is up to date.

Regulatory

Mr. Anthony Monaco asked that Mr. Malanga schedule a meeting as soon as he receives the rough draft of the sunset from Maryann Sheehan.

Examination & Sites

Mr. Janice Alvarez reported that all committee work is up to date. She stated that they are planning a training session for new examiners shortly.

Violation

Mr. Jerry Speziale reported that all committee work is up to date.

Education

Ms. Janice Alvarez reported that all committee work is up to date.

X ADJOURNMENT

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the meeting was adjourned at 1:35 P.M.. The motion passed unanimously.

Christian R. Jones, Chairman

Countersigned:

JAY A. MALANGA, Executive Director