

BOARD OF COSMETOLOGY AND HAIRSTYLING
MONTHLY MEETING MINUTES
124 Halsey Street - 6th Floor
Newark, New Jersey 07102
JANUARY 9, 2007

I CALL TO ORDER

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

Mr. Chris Jones called the meeting to order and asked that everyone turn off their cell phones.

ROLL CALL:

Ms. Janice Alvarez, Mr. Ronald Jerome Brown, Mr. Jack A. Fornaro, Mr. Chris Jones, Mr. Anthony T. Monaco, Mr. Carlo Melini, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Acting Executive Director, Mrs. Barbara Ambrose, Program Development Assistant were present. Ms. Denise Perea was 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

Mr. Chris Jones 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 13, 2006 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 13, 2006.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Ronald Brown and seconded by Mr. Carlo Melini, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held December 12, 2006 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION PORTION

The Chair opened the public participation portion of the meeting and there being no public members present the public portion of the meeting was closed.

The Chair thanked everyone for the response to his e-mail on the goals for this year. He encouraged all the members to read through the rule book and submit any changes to the Regulatory Committee for the Sunset Review. He also suggested all Board Members participate in the Sunset Review.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

VI FOR BOARD CONSIDERATION

1. All correspondence in connection with the Provisional Order of Discipline issued to Eun Hee Lim, License No. WG32959 on May 9, 2006 was presented to the Board for consideration. Deputy Attorney General Adriana Baudry has indicated that the Attorney General would not object to holding the Provisional Order of Discipline against Ms. Lim in abeyance pending her appearance before the Board for an Investigative Inquiry on the subject of how she obtained her New Jersey license.

After discussion, upon a motion made by Ms. Janice Alvarez and seconded by Mr. Anthony Monaco, the Board put Eun Hee Lim's Provisional Order of Discipline in abeyance pending her appearance before the Board for an Investigative Inquiry. The motion passed unanimously.

2. Correspondence received from Ms. Nicole Crisafulli, t/a The Powder Room, 137A Brighton Avenue, Long Branch, New Jersey 07740 in connection with the penalties assessed against her in the amount of \$500.00 for the alleged violations resulting out of an inspection of her shop on September 13, 2006 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

After discussion, upon a motion made by Mr. Ronald Brown and seconded by Mr. Jerry Speziale the Board directed that the fines stand. The motion passed unanimously.

3. Correspondence received from Ms. Dawn Mandel, t/a Spa M, 517 Route 33, Millstone, New Jersey 07726 in connection with the penalties assessed against her in the amount of \$2,750.00 for the alleged violations resulting out of an inspection of her shop on September 15, 2006 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

After discussion, upon a motion made by Ms. Janice Alvarez and seconded by Mr. Joseph Santagata the Board directed that the fine stand. The motion passed unanimously.

4. Correspondence received from Mr. Frank D. Angelastro, Esquire on behalf of his client, Ms. Thaynara R. Cuccolo, 608 Chapman Street, Hillside, New Jersey with regard to her application for initial (change of ownership) shop licensure of Kelly's Beauty Salon, 272 Long Avenue, Hillside, New Jersey 07205 was presented to the Board for consideration. The report of inspection reflects that the shop only contains 344 square feet of floor space, 6 square feet short of the minimum required by N.J.A.C. 13:28-2.5 but she has indicated that the shop has previously been licensed by the Board and that it is impossible for her to enlarge or rent additional space; and she has asked that the Board waive its minimum square footage requirement and issue the desired license.

After discussion, upon a motion made by Mr. Joseph Santagata and seconded by Mr. Carlo Melini the Board waived the square footage requirement and approved the application for Kelly's Beauty Salon, Hillside, New Jersey. The motion passed unanimously.

5. Correspondence received from Ms. Jennifer L. Carpenter, 41 A Sunset Lane, Ridgefield, CT 06877 in connection with her conviction of 1st Degree Larceny and her desire to be admitted to the Skin Care Specialist examination was presented to the Board for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board withheld information on this matter pending Ms. Carpenter's appearance at an Investigative Inquiry. The motion passed unanimously.

6. IMO Timothy Barone, t/a Platinum Cuts & Designs, 1502 Route 37 East, Toms River, New Jersey 08752 was presented to the Board for consideration. Respondent in a letter dated January 4, 2007 informed the Board his intention to withdraw his previous request for an administrative hearing dated August 25, 2006 after agreeing to waive his right to a hearing on August 5, 2006. Further, Respondent requested the Board to accept his proposed payment plan of the fines and penalties.

After discussion, upon motion made by Mr. Ronald Brown and seconded by Ms. Janice Alvarez, the Board approved a payment plan as requested in his letter dated January 4, 2006 and he is to be advised that if he fails to comply with the payment plan the Board will issue a Certificate of Debt with the Superior Court. The motion passed unanimously.

7. Correspondence received from Mr. Lewis G. Adler, Esquire on behalf of his client, Maurice R. Grassia in connection with this application for initial (change of ownership) shop licensure of Peterfs Barber Shop, 102 Mantua Boulevard, Mantua, New Jersey was presented to the Board for consideration. He has asked that the Board reconsider this matter in light of the fact that it will cause Mr. Grassia tremendous hardship to operate as a one chair salon and allow the shop to continue as it has for the past 65 years.

Note: This matter was previously presented to the Board on December 12, 2006; but the Board withheld decision pending review.

The Board discussed the importance of obtaining a detailed floor plan from the inspectors for safety concerns.

After discussion, upon motion made by Mr. Carlo Melini and seconded by Mr. Ronald Brown, the Board approves the salon to operate with two chairs. The motion passed unanimously.

8. Correspondence received from Ms. Angela Nagy, 279 Hoover Avenue, Edison, New Jersey in connection with her application for initial (change of ownership) shop licensure of Santofs Barber Shop, 311 Raritan Avenue, Highland Park, New Jersey and her dissatisfaction with the Boardfs decision to allow her to operate as a one chair salon and remove the other two chairs was presented to the Board for consideration. She has indicated that it would cause her financial hardship to operate as a one chair salon and asked that the Board reconsider their decision.

Note: This matter was previously presented to the Board on December 12, 2006; but the Board withheld decision pending review.

After discussion and review, upon motion made by Mr. Carlo Melini and seconded by Mr. Ronald Brown, the Board approves the salon to operate with three chairs and requests that Ms. Nagy do everything possible to put a hand-washing sink within the lavatory. The motion passed unanimously.

AGENDA SUPPLEMENT

Upon motion made by Mr. Carlo Melini and seconded by Mr. Janice Alvarez, the Board added the following matter as a supplement to the agenda. The motion passed unanimously.

A request submitted by Judith Kunreuther, Esquire on behalf of her client in connection with obtaining a license in New Jersey for a salon that will be using machinery approved by the FDA as a Class 2 device and whether or not the Board would permit such equipment in their salons was presented to the Board for consideration.

The Board stated that it only has authority to approve Class 1 devices to be used in any of the Boardfs licensed facilities. Further, it has been brought to the Boardfs attention that NIC has in the past considered FDA Class 2 devices to be operated under medical personnel supervision and not to be used in cosmetology & hairstyling salons. The Board recommended that the attorney contact the Medical Board of Examiners for an advisory opinion regarding the use of Class 2 devices in a non-medical facility like salon and spas including whether any training is required and who can safely use Class 2 devices in a salon or spa. The Board requests that prior to reviewing licensure requests for a shop license using Class 2 devices that the issue be first presented to the Medical Examiners for review.

After discussion, upon motion made by Mr. Ronald Brown and seconded by Ms. Janice Alvarez, the Board moved to not deny Ms. Kunreutherfs client to apply for a regular shop licensure using Class 1 devices upon completion of the appropriate application form, pass a final inspection and payment of application fees. The

motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Anthony Monaco, the Board went into Executive Session for the purpose of conducting investigative inquiries.

Upon motion made by Mr. Ronald Brown and seconded by Mr. Jerry Speziale, the Board returned to Open Session.

VIII COMMITTEE REPORTS

PUBLIC RELATIONS:

No report was given.

LEGISLATION:

Mr. Carlo Melini reported that he had just been appointed as the Chairperson for this Committee and would have an update at the next meeting.

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.

EXAMINATION AND SITES:

Ms. Janice Alvarez reported that the committee work is up to date and she informed the Board that new examiners have started at the test sites.

SCHOOL

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

REGULATORY

Mr. Anthony Monaco reported that he would try to set up a meeting this month for the Committee to get together.

OLD BUSINESS

Mr. Chris Jones stated that he had spoken to Jay earlier and they both agree that the correspondence Laser Grade has submitted is too general for the Board to consider and has requested a more specific response to the Board's request for information.

Mr. Jay Malanga stated that he had recently received a package from Promissor this morning and would get it together and pass it along to the members. He stated that he has asked Steve Quinby from Laser Grade to put together a proposal for the Board.

Mr. Chris Jones asked about the letter that was voted on to be sent to Mr. Pernet back in November for him to submit a proposed revised class schedule with the new start dates for six months in advance.

Mr. Jay Malanga stated that he is working on it and that he would copy Chris once it has been completed.

Mr. Chris Jones stated that NACCAS sent out a report back in June on a study they conducted on state licensure examinations and that the Board should be made aware of it. He stated that if the Board office was not sent a copy of such a report, he would try to get a copy for the Board to review.

NEW BUSINESS

Mr. Chris Jones stated that the Board needs more board members and he encouraged everyone who knows of qualified candidates to submit their resumes to the Governor.

IX ADJOURNMENT

Upon motion made by Mr. Ronald Brown and seconded by Mr. Carlo Melini , the meeting was adjourned at 3:00 P.M.. The motion passed unanimously.

CHRIS JONES, Chairperson

Countersigned:

JAY A. MALANGA, Acting Executive Director