

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JANUARY 10, 2012**

PUBLIC SESSION

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, Ms. Maria Cruz Denzer, Mr. Anthony J. Fiore, Mr. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Ms. Frances Tomeo, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Yolanda Morales, Principle Transcriber, Mr. Marc DeCarlo, Paralegal 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. Kim Guadagno, Secretary of State, and the Newark Star-Ledger and Trentonian Newspapers on December 14, 2011, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 14, 2011.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held December 13, 2011 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Ms. Darlene Fox was in attendance.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga informed the Board that Deputy Director Larry DeMarzo left the Division of Consumer Affairs. He stated that he was one of the hardest working Deputy Directors he had worked with. Also, he stated that Assemblyman Alex DeCroce had passed away.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Stella V. Bondar, Esquire on behalf of her client, Mr. Leonid Livshits, t/a NY Barbers, 313 Route 9 South, Manalapan, New Jersey in connection with the penalties assessed against him in the amount of \$300.00 for the alleged violations resulting out of an inspection of his shop on June 12, 2008 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.

Upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

2. Correspondence received from Mr. Joseph Lombardo, t/a Little Joe's Hair Cutters, 845 Belmont Avenue, North Haledon, New Jersey 07508 in connection with the outstanding penalty assessed against him in the amount of \$350.00 for the alleged violations resulting out of the inspections of his shop on February 21, 2008 and April 22, 2009 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.

Mr. Jerry Speziale recused himself and left the room.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously

3. Correspondence received from Ms. Trang T. Dang, t/a Studio LT Nails & Spa, 421 Route 73 South Unit #3, Berlin, New Jersey 08009 in connection with the outstanding penalty

assessed against her in the amount of \$1,650.00 for the alleged violations resulting out of inspections of her shop on January 31, 2008 and April 22, 2009 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. Peter Macri and seconded by Mr. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously

4. Correspondence received from Ms. Lauren Albert, President , t/a Sydney Albert Salon Spa, 3495 Route 1 South, Princeton, New Jersey 08540 in connection with the outstanding penalties assessed against her in the amount of \$2,900.00 for the alleged violations resulting out of an inspection of her shop on May 16, 2008 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 Fiore and seconded by Mr. James Forte, the Board went into Executive Session for advise of counsel. The motion passed unanimously.

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

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Maria Cruz Denzer, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

5. Correspondence received from Ms. Tanya Salman, 15 Elm Avenue, Fanwood, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$100.00 for the alleged violation of N.J.S.A. 45:5B-12(f) & N.J.A.C. 13:28-2.12(a)2 at Image 200 Body Rejuvenation Center, 1235-F West Chestnut Street, Union, New Jersey on September 12, 2011 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. Peter Macri and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

6. Correspondence received from Ms. Ida Kramer, 32 Kentplace Boulevard, 1st Floor, Summit, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$250.00 for the alleged violation of N.J.S.A. 45:5B-35 & N.J.S.A. 45:5B-7 at The Subway, 241 Millburn Avenue, Millburn, New Jersey on June 12, 2008 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 Ms. Frances Tomeo and seconded by Mr. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

7. Assembly, No. 4400, Exempts individuals with certain types of military service from certain fees and continuing education or professional competency requirements was presented to the Board for consideration.

After careful consideration, the Board is in agreement with Assembly, No. 4400.

8. Assembly, No. 4384, Revises law concerning certain professional and occupational licenses was presented to the Board for consideration.

After careful consideration, upon motion made by Mr. Joseph Santagata and seconded by Mr. Peter Macri, the Board is opposed to Assembly, No. 4384 in its present form. The Board pointed out that there is no comparable educational requirements with the State of New Jersey to meet the substantial equivalent analysis and that it was concerned that the proposed bill might compromised consumer protection. The motion passed unanimously.

9. Senate, No. 3121 Clarifies the effect of abstention by a member of a public body was presented to the Board for consideration.

The Board acknowledged the information.

10. Ms. Judy Pellegrino was scheduled to appear at 11:00 A.M. in connection with her request for exception under N.J.S.A. 45:5B-8(c) to allow a holder of a cosmetology & hairstyling license to operate independently in servicing homebound clients without supervision of a licensed facility.

Ms. Pellegrino did not appear or call to reschedule.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, stated that a letter of denial be issued to Ms. Pellegrino in connection with her request to perform service to homebound clients through an unlicensed facility, alternatively to offer and perform regulated services without complying with N.J.S.A. 45:5B-8 to homebound clients. The Board further determined that unless and until Ms. Pellegrino and At Home Beauty Services, LLC complied fully with all licensing requirements and N.J.S.A. 45:5B-8, neither Ms. Pellegrino nor At Home Beauty Services, LLC can offer or advertise any of the regulated services including services to homebound clients. The motion passed unanimously.

11. Ms. Lynne Cianicullo and her supervising teacher , Ms. Toni Lynn appeared in connection with the application for initial school licensure of Cutting Edge Academy, 45 Sunset Strip & Route 10 East, Succasunna, New Jersey 07876.

The Board greeted Ms. Lynne Cianicullo and Ms. Toni Lynn.

Ms. Lynne Cianicullo and Ms. Toni Lynn answered questions of Ms. Frances Tomeo and the Board.

After careful consideration, upon motion made by Mr. Jerry Speziale and seconded by Ms. Frances Tomeo, the school application for Cutting Edge Academy is approved subject to a favorable school inspection. The motion passed unanimously.

12. **IMO** Sweet and Sassy (License No. WD02762300) Answers Filed to the Administrative Complaint.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Peter Macri, the Board determined that the matter is a contested case by virtue of the filed Complaint and Answer and the Board refers this matter to the Office of the Administrative Law. The motion passed unanimously.

Agenda Supplement

Upon motion made by Mr. Anthony Fiore and seconded by Mr. James Forte, the following item is to be added to the agenda. The motion passed unanimously.

1. IMO Pedro Valderama, t/a The Professional Beauty School, Englewood, New Jersey.

Mr. Jay Malanga stated that Mr. Valderama had been given a 15 day extension in addition to the grace period for him to submit Professional Beauty School's renewal application with all requested documents. He had submitted an incomplete renewal application and was told he needed to submit a financial statement, proof of bond and a Fire & Zone Office approval seal; but to date he has not submitted any of the requested information. Pursuant to N.J.S.A. 45:5B-35, the school license of Professional Beauty School has expired and if he desires to reopen the school he will be required to submit an application for initial licensure.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, as a result of Mr. Valderama's failure to perfect Professional Beauty School renewal application (with a financial statement, bond coverage and Fire & Zone Office approval seal), Professional Beauty School license has expired beyond the statutory date. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

Committee Reports

Examination & Sites:

Ms. Janice Alvarez stated that the mass testing dates are scheduled for May 21st and 22nd in Burlington and June 2, 2012 in Wayne.

Education & Public Relations:

Maria Cruz Denzer distributed copies of two articles on the hazard of formaldehyde. She asked that they be posted to the Board's website after DCA has an opportunity to review, revision and approve them for publication.

Violations:

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

Legislation:

Mr. James Forte reported that all committee work is up to date.

School & Department of Education Liaison:

Ms. Frances Tomeo stated that they just completed the review of Cutting Edge Academy and approved licensure subject to inspection.

Mr. Jay Malanga updated the Board on the Barber license. He hoped the process would be completed, and the Board could go forward with licensure.

Regulatory Committee:

Mr. Anthony Fiore reported that all committee work is up to date.

IX EXECUTIVE SESSION

The Board adjourned the Public Session and moved to the Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.

X ADJOURNMENT

Upon motion made by Mr. Joseph Santagata seconded by Mr. Jerry Speziale, the meeting was adjourned at 2:30 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director