

BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
FEBRUARY 5, 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. Ronald Jerome Brown, 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 Ambroise, Program Development Assistant were present. Mr. Carlo Melini 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

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 Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held January 8, 2008 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

No public members were present.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed information to the Board regarding a recent NIC Bulletin and on ear candling. He stated that in light of problems during the renewal process with change of addresses in the past, he asked the Administration to put together a post card to be mailed in mid March to all licensees including shops informing them of the upcoming renewal and requests that they update the Board office of any change of address (in order to facilitate the renewal process).

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Karen E. Fahmie, t/a Park Place Hair & Nail Salon, 1409 N W Central Avenue, Seaside Park, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$550.00 for the alleged violations resulting out of an inspection of her shop on August 22, 2007 was presented to the Board for consideration. Ms. Fahmie remitted payment of the penalty (\$250.00) assessed against her for operating in an unsanitary manner and indicated that she would like to waive her right to a hearing on the charge of operating with Kimberly Jackson practicing cosmetology/hairstyling

without a valid license (\$300.00) 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 Ms. Janice Alvarez, that with regard to Kimberly Jackson, the violation of N.J.S.A. 45:5B-13(d) for practicing cosmetology/hairstyling without a valid license is rescinded, but a letter of concern be issued regarding the matter. The motion passed unanimously.

2. Correspondence received from Ms. Heather M. Fimple 12 Boswell Road, Marlton, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$100.00 for the alleged violation at Adonis Hair Salon, 27 North Maple Avenue, Route 70, Marlton, New Jersey on January 31, 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.

3. Correspondence received from Mr. Adam Prussel, t/a Cherry Hill Beauty Supply, 1627 North Kings Highway, Cherry Hill, New Jersey 08034 in connection with the outstanding penalty assessed against him in the amount of \$250.00 for the alleged violation resulting from an inspection of his shop on October 19, 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 Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the fine stands. Mr. Anthony Monaco opposed but the motion passed.

4. Correspondence received from Mr. Michael Banks and Mr. Ernest Mallard, t/a B & M Barber Shop, 254 Fair Mount Avenue, Jersey City, New Jersey in connection with the outstanding penalties assessed against them in the amount of \$450.00 for the alleged violations resulting from an inspection of their shop on July 19, 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.

After careful consideration, upon motion made by Mr. Joseph Santagata and seconded by Mr. Ronald Brown, the fine stands. The motion passed unanimously.

5. Criminal background information IMO Allasandra N. Hammed, student registration #F09825 received from the Enforcement Bureau was presented to the Board for consideration.

Upon motion made by Mr. Ronald Brown and seconded by Mr. Jack Fornaro, Ms. Allasandra N. Hammed is to be scheduled for an investigative inquiry in the event she wants to pursue a career in the cosmetology field. The motion passed unanimously.

6. Correspondence received from Mr. Guido R. Cavacini, t/a Guido's Barber Shop, 600 Main Street, Suite 4, Riverton, New Jersey 08077 in connection with the outstanding penalties assessed against him in the amount of \$300.00 for the alleged violations resulting from an inspection of his shop on September 25, 2007 was presented to the Board for consideration. Ms. Cavacini remitted payment of the penalty (\$100.00) assessed against him for operating without all current licenses on display (Antonio Cavacini) and indicated that he would like to waive his right to a hearing on the charge of operating without all minimum requirement (hot water in lavatory) (\$200.00) 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 Mr. Jerry Speziale, the fine stands and Mr. Cavacini is to be notified that he must install a hot water heater. The motion passed unanimously.

7. Correspondence received from Ms. Jyoti Wadhia and Mr. Sujal Wadhia, t/a Great Clips For Hair, 275-60 Route 10 East (Roxbury Mall), Succasunna, New Jersey in connection with the outstanding penalties assessed against them in the amount of \$600.00 for the alleged violations resulting from an inspection of their shop on July 6, 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.

After careful consideration, upon motion made by Mr. Jerry Speziale and seconded by Ms. Janice Alvarez, the board rescinds the violation for operating without all current licenses on display (Claudia Galvez) (\$100.00) but a letter of concern be issued regarding the two violations (N.J.S.A. 45:5B-35 and N.J.S.A. 45:5B-7 & N.J.S.A. 45:5B-13(e)) (\$500.00) stand. The motion passed unanimously.

8. Correspondence received from Ms. Martha Gallego, 444 West Grand Street, Elizabeth, New Jersey with regard to her application for initial shop licensure of Splendor, 374 East Westfield Avenue, Roselle Park, New Jersey was presented to the Board for consideration. The shop does not meet the minimum square footage requirement and Ms. Gallego has asked that the Board waive the requirement and issue the desired license.

The Board carefully considered this matter and noted that Ms. Gallego has complied as much as she could.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board waived the minimum square footage requirement and asked that a license be issued for this premise. The motion passed unanimously.

9. Disciplinary Matters Pending Conclusion by Default

The UPLs were issued and no written response from respondents have been received by the Board to date. 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

Victor L. Sauyer t/a Shades of Beauty Hair Salon & Day Spa #WD025854

Ana Ortiz

Robert Pena t/a The Shop

An Q. Doan t/a Happy Nails & Spa

Dulcigelis Peguero #WG26790

Todd L. Israel t/a T.I.'s The Next Level Barber Shop #WD19524

Mi Kyoung Choo t/a Art Nail #WM02734

Tracy King t/a Tranzitions Unisex Salon

Dianne Romanowski t/a Talk of the Town #WD022457

Luis R. Parada

Julian Simo t/a Joselin's Unisex Salon

Cory Pertiford t/a Razor Sharp Kutz

Horace Burke t/a Unlimited Creations Family Salon (Fashion and Sport, Inc.) #WD19648

Yancy L. Edwards t/a Shear Insanity

Victor Abarra t/a J V Beauty Parlor & Boutique #WD24952

Tanisha Goshay t/a Vizion of Layers

Salvador Perez t/a Nu Flavor Kutz

Karim Berte t/a Ballo Hair Braiding

Djenabou Fane t/a Dounaba African Hair Braiding

Mittie M. Pugh t/a Inner City Styles Barber & Beauty Salon

Sim Young Lee

Ruixia Zhang (Lisa)

Christian Corona

Gilberto Paz c/o The Groove

Delia Piugoil c/o Hoja Company Nail Salon For Her
Khati Boumehdi
Mira Park
Amina Hamady
Zhen Shu Li
Luis M. Cartagena
Trang Ngoc Nguyen
Hansel Aquinoramirez
Huy Thang Hoang
Thang Nguyen
Hoa T. Huynh
Deon L. West
Michael S. Spearman
Nate T. Nguyen Maria Pichisaca Pedro Gordillo

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

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Ronald Brown, the Board authorizes the issuance of Default letters as indicated above. The motion passed unanimously.

10. 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 from 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.

Note: The Board previously considered this matter at the regular monthly meeting held January 8, 2008; but withheld decision pending an addendum to the inspection report.

After careful consideration, upon motion made by Mr. Jerry Speziale and seconded by Mr. Anthony Monaco, the charge regarding the violation of N.J.A.C. 13:28-2.8 is dismissed. The motion passed unanimously.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the charge regarding the violation of N.J.S.A. 45:5B-13(d) stands. The motion passed unanimously.

Upon motion made by Mr. Ronald Brown and seconded by Mr. Jack Fornaro, the charge regarding the violation of N.J.S.A. 45:5B-13(d) stands. The motion passed unanimously.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the charge regarding the violation of N.J.S.A. 45:5B-13(e) stands. Mr. Anthony Monaco opposed, but the motion passed.

11. Mr. Paul Ferrara and Ms. Leonides Rangel, Supervising Teacher appeared before the Board for an interview in connection with the application for initial (change ownership) school licensure of Robert Fianc' Beauty Schools, 5518 Bergenline Avenue, West New York, New Jersey 07093.

Mr. Chris Jones greeted Mr. Paul Ferrera, Ms. Leonides Rangel, Supervising Teacher and Ms. Linda Karas, Associate Director.

Ms. Janice Alvarez, School Committee Chairperson asked questions with regard to the operation and functioning of the school and Ms. Leonides Rangel, Supervising Teacher, Mr. Paul Ferrara and Ms. Linda Karas responded appropriately to all questions.

Upon motion made by Mr. Ronald Brown and seconded by Ms. Janice Alvarez, the school application

(change of ownership) for Robert Fianc' Beauty Schools, 5518 Bergenline Avenue, West New York, New Jersey 07093 is approved subject to a satisfactory final inspection by the Enforcement Bureau. The motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. Ronald Brown and seconded by Ms. Janice Alvarez, the Board went into Executive Session. The motion passed unanimously.

VIII OLD BUSINESS

Ms. Janice Alvarez questioned whether any news had come in on obtaining a raise for the examiners. She stated that the examiners had not gotten a raise since 1984. She stated that the Board has been asking for \$150.00 raise for the examiners but has not heard back from DCA.

Mr. Ronald Brown stated that the Board office should make this a priority and formally seek a response from DCA.

Mr. Jay Malanga stated that he would look into this.

IX NEW BUSINESS

Upon motion made by Mr. Anthony Monaco and seconded by Ms. Janice Alvarez, the Board went into Executive Session for advice of counsel. The motion passed unanimously.

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

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Ronald Brown, the Board instructed the Examination and Sites Committee to draft a statement of scope of work in preparation for the requisition of an exam vendor to administer the theory portion of the Board exam and to present it to the full Board for a vote. Further, the Board instructs the Regulation Committee to draft an amended fee regulation to facilitate future administration of CBT and paper and pencil testing. The motion passed unanimously.

COMMITTEE REPORTS

Public Relations

No report was given.

School

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

Legislation

No report was given.

Regulatory

Mr. Anthony Monaco stated that the first draft of rule revision is complete.

Mr. Jay Malanga stated that a Committee meeting will be scheduled on a Monday before the next Board meeting.

The Board discussed the procedural issues regarding regulation amendments to facilitate future

administration of CBT and paper and pencil testing with and sought counsel's advice in connection with contracting and procuring issues.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Ronald Brown, the Board went into Executive Session for advise of counsel. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Janice Alvarez, the Board returned to Open Session. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board strikes the previous motion made last month authorizing the Executive Director to file papers with the Division of Purchase and Property, with advice of counsel, seeking an unauthorized waiver to pay the current testing vendor and to replace it with authorized waiver to pay the current vendor until June 30, 2008. The motion passed unanimously.

Examination & Sites

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

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. Anthony Monaco, the meeting was adjourned at 2:15 P.M.. The motion passed unanimously.

Christian R. Jones, Chairman

Countersigned:

JAY A. MALANGA, Executive Director