

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
FEBRUARY 9, 2010
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.

The Board recited the Pledge of Allegiance and had a moment of silence for the fallen soldiers and those serving our country.

Roll Call:

Ms. Janice Alvarez,, Ms. Maria Cruz Denzer, Mr. Jack Fornaro, Mr. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Executive Director Mr. Patrick J. McNally, Assistant Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Mr. Ronald Jerome Brown was absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle 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 9, 2009 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 9, 2009.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held January 12, 2010 are accepted as amended. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Ms. Bridget Damiano of the Cosmetology Association was in attendance and greeted the Board.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed information on the Barbers International 5th Anniversary Conference to be held on May 1-3, 2010 and a memorandum from NCEA on the upcoming National Esthetic Teacher Training Conference to be held on May 15-17, 2010.

Mr. Malanga indicated that CBT is up and running. He indicated that he has a conference call scheduled with Prometric to talk over some difficulties that have been encountered.

Ms. Bridget Damiano stated that CBT worked out well for the students especially. She stated that CBT/Prometric did have some glitches, but that they have been minimal. It will be a phenomenal program once all the glitches have been addressed.

Mr. Malanga stated that during the transition period Prometric was unable to administer CBT, some applicants who fall into the three year expiration regulation were not able to take the written exam and requested that the Board consider doing a waiver.

Mr. Malanga stated that he has had several people call wanting to participate in the rules and regulations process for the Barber license. He recommends that when the Committee meets they invite some of these people. He stated that they should work on the barbering license first and then the Brazilian waxing issue.

VI FOR BOARD CONSIDERATION

1. A request received from Jenny Lee Schmidt, Jersey Shore Beauty Academy, a Paul Mitchell Partner School, 712 Route 70, Brick, New Jersey for permission to allow her students to wear jeans for "dress down" day on Fridays only, from February through April, with all proceeds going to Paul Mitchell Schools Annual Magic of Memories Fund-Raising Campaign was presented to the Board for consideration.

In the Board's discussion on this matter, it was pointed out that it had a similar request a few months ago from another school and it was denied. The Board feels that the students should be dressed professionally at all times.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, Ms. Schmidt's request is denied. The motion passed unanimously.

2. Correspondence received from Ms. Sharyn Triplett, t/a Shear Perfection, 1351 Route 38

West, Hainesport, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$2500.00 for the alleged violation resulting out of an inspection of her shop on September 27, 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.

In the Board's discussion on this matter, it was pointed out that ear candling does not fall within the definition of cosmetology and hairstyling and is prohibited.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the fine stands and the Board allows for a reasonable payment plan. Ms. Maria Cruz Denzer opposed but the motion passed.

3. Correspondence received from Ms. Melissa M. Swartz-Foster, t/a Shear Pink Salon, 605 Wouth Blackhouse Pike, Blackwood, New Jersey 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 June 29, 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 Mr. Jerry Speziale, the fine stands. The motion passed unanimously.

4. Correspondence received from Ms. Linda G. Riscinti, t/a Linda' House of Beauty, 304 Chestnut Street, Roselle Park, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$350.00 for the alleged violations resulting out of an inspection of her shop on February 20, 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.

After careful consideration, upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board rescinds the fine based on her record of illness and hardship and since the shop is no longer in existence, the final decision letter should notify her that come July 30, 2010, there will be no renewal notice of the shop license sent to her and she has to agree to not continue practicing in lieu of the penalty being rescinded. The motion passed unanimously.

5. Correspondence received from Ms. Dawn E. Barger, 107 Grandview Avenue, Hopewell, New Jersey in connection with the 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 Snipoits, 610 Nassau Park Boulevard, Princeton, New Jersey on November 30, 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 Mr. James Forte, the fine stands. The motion passed unanimously.

6. IMO Jose M. Viera, Jr. in connection with his criminal background and his desire to complete a term of training in cosmetology and hairstyling and eventually become licensed was presented to the Board for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. James Forte, this matter is to be moved to Closed Session. The motion passed unanimously.

7. IMO Dara Anne Hall in connection with her criminal background and her application to reinstate cosmetologist-hairstylist license #WG28433.

Upon motion made by Mr. James Forte and seconded by Mr. Peter Macri, this matter is to be moved to Closed Session. The motion passed unanimously.

8. Correspondence received from Ms. Lisa Thompson, 340 Quakerweck Road, Salem, New Jersey in connection with the 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 Pam's Place, 8 South Main Street, Woodstown, New Jersey on May 17, 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.

Ms. Marisol Rodrigues advised the Board that Ms. Thompson had sent her license back to the Board office in order for her name change on the new license.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the fine is rescinded. The motion passed unanimously.

9. Correspondence received from Ms. Pamela M. Shute, t/a Pam's Place, 8 South Main Street, Woodstown, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$100.00 for the alleged violations resulting out of an inspection of her shop on May 17, 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. Peter Macri and seconded by Mr. James Forte, the fine is rescinded. The motion passed unanimously.

10. IMO Terry L. Gatto's criminal background and her license #WF08648.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, this matter is to be moved to Closed Session. The motion passed unanimously.

11. IMO Kenneth J. Zahn's criminal background and his license #WA61820 and WD22673.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, this matter is to be moved to Closed Session. The motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the Closed Session Agenda is amended to include IMO Botanica Day Spa and IMO Craig Nelson. The motion passed unanimously.

Upon motion made by Mr. James Forte and seconded by Mr. Peter Macri , the Board went into Closed Session. The motion passed unanimously.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the Board returned to Open Session to announce its decision. The motion passed unanimously.

IMO Botanica Day Spa

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. Jerry Speziale, the Board's counsel is authorized to attempt a negotiated settlement. The motion passed unanimously.

IMO Craig Nelson

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Maria Cruz Denzer, the Board's counsel is authorized to settle this matter for \$1,000.00 on each count. If a settlement cannot be reached, counsel will report back to the Board. The motion passed unanimously.

IMO Jose Viera, Jr. criminal background information.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Maria Cruz Denzer, the Board withheld decision on this matter pending Mr. Jose Viera's appearance at an investigative inquiry. The Board directed that Mr. Viera not be scheduled until such time as he submit five (5) letters of reference from people such as clergymen, employers, etc. (not from family or fiends) and a copy of the police/investigation/arrest report. The motion passed unanimously.

IMO Dara Anne Hall criminal background information.

Upon motion made by Mr. James Forte and seconded by Mr. Jack Fornaro, the Board withheld decision on this matter pending Ms. Hall's appearance at an Investigative Inquiry and her submission of an up to date report from her probation officer indicating that she is in compliance with all of her obligations, community service, penalties, etc. and bring a record of all criminal charges. The motion passed unanimously.

IMO Terry L. Gatto criminal background information.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. James Forte, the Board withheld decision on this matter pending Ms. Gatto's appearance at an Investigative Inquiry. The motion passed unanimously.

IMO Kenneth J. Zahn criminal background information.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, this matter is referred to the Board's counsel for issuance of a Provisional Order of Discipline with a penalty amount on 2 counts of \$1000.00 and a 3 month stayed suspension of his license. The motion passed unanimously.

Investigative Inquiries**IMO Carly Cherwinsky**

Upon motion made by Mr. Peter Macri and seconded by Ms. Maria Cruz Denzer, the Board has directed that this conviction will not cause the Board to take action on Ms. Cherwinsky's license provided she comply with all of the terms and conditions of her probation, submit quarterly reports from her probation officer, a copy of her release order when she is released from supervision, the name and address of her employer and immediate written notification of any change of employment or residential address and she is to have no further contact with the criminal justice system. The motion passed unanimously.

IMO Janette Larkin

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Maria Cruz Denzer, Ms. Larkin is to be scheduled peremptorily at the next monthly meeting. The motion passed unanimously.

VIII OLD BUSINESS**IX NEW BUSINESS**

Chairperson Janice Alvarez distributed the Committee Assignments.

Examination and Sites:

Mr. Peter Macri reported that all committee work is up to date.

Mr. Macri stated that in the past we have always had the chairperson call on the chairperson

of each committee to report anything that has come up or been done.

School & Department of Education Liaison:

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

Education and New Studies:

Maria Cruz Denzer reported that all committee work is up to date.

Public Relations:

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

Chairperson Alvarez asked whether an e-mail can be made up to get the message out to the licensees on the Board's new regulations.

Mr. Jay Malanga stated that the Board Members have to start doing more outreach and put in to request permission from the Ethics Officer to reach out to groups and licensees keeping them informed of the changes that are taking place.

Violation:

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

Legislation:

Mr. Jack Fornaro stated that he would look into the new Session.

Regulatory:

Mr. Joseph Santagata reported that they are reviewing the regulations for cosmetology & hairstyling in the state.

Ms. Mary Ann Sheehan, Regulatory Analyst greeted the Board. She stated that they have to look at what is new with the statutes. There will be two new limited licenses. The Board has to deal with beauticians and barbers and the required curriculum hours. What requirements will be required for schools, shop requirements, etc.. The Board has to take a look at what the regulations say now. She stated that Governor Christie issued an Executive Order with respect to the regulations. We have to give advanced notice to the industry and do a cost benefit analysis prior to proposal. We have to have a pretty thorough review for the Governor's office.

Mr. Jay Malanga stated that the Board should reach out to experts who have the right experience to counsel the Board on the matter.

Mary Ann Sheehan and the Special Committee agreed to meet on Tuesday, February 23, 2009 to start the regulation process for the barbering license and the members were asked to bring in any material that may help.

Mr. Jay Malanga brought up the issue with the potential licensees who were caught in between the change over from paper and pencil testing to computer based testing (CBT) and having to go for a brush up course as a result. They exceeded the 3 years requirement to pass the written exam because of not being able to take the Board's test from July 1 to December 31, 2009 when Prometirc was setting up the system. He felt that these applicants/students should be allowed to take the written test. We need to look at these people on a case by case basis.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, "Any applicant, who applied pursuant to N.J.A.C. 13:28-1.2(e), (f), and 6.25(a)3 and (4) to take a refresher course during July 1, 2009 to December 31, 2009, is authorized to take the written portion of the exam in lieu of the refresher course and shall pass the exam no later than August 31, 2010.

After August 2010 these applicants will have to take a refresher course pursuant to N.J.A.C. 13:28-1.2(e). " The motion passed unanimously.

X ADJOURNMENT

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the meeting was adjourned at 2:00 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director