

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
FEBRUARY 11, 2014**

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, Mr. Peter Macri, Ms. Angela Panteleone, Mr. Joseph Santagata, Ms. Frances Tomeo, Mr. Jay A. Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Ms. Maria Cruz Denzer and Jerry Speziale were absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Ms. Carol Ann Rotondo, 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 Asbury Park Press, Bergen Record, Newark Star-Ledger and Trentonian Newspapers on January 9, 2014, and was posted in the Office of the Board of Cosmetology and Hairstyling on January 9, 2014.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held January 14, 2014 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Ms. Darlene Fox and Ms. Paula Brown were present.

Ms. Paula Brown greeted the Board and stated that they had submitted a letter to withdraw their request to change the school schedule and thanked the Board for their helpful comments.

Ms. Darlene Fox greeted the Board and thanked the Board for the move toward using the mannequins as models during the exam.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga distributed information on Board Member travel. He also stated that the mass testing would be held one day in Burlington, one in Union County Vo-Tech and one in Wayne.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Ae Im Kim, 174 Richard Drive, River Vale, 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 Nail Plus, 434 Hillsdale Avenue, Hillsdale, New Jersey on July 22, 2013 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. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

2. Correspondence received from Ms. Alyssa Schwartz, 31 Ditmars Circle, Hillsborough, New Jersey 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 Legends Salon & Spa, 70 Church Street, Building B 1st & 2nd Floor, Flemington, New Jersey on March 7, 2013 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. Peter Macri, the Board rescinds the penalty. The motion passed unanimously.

3. Correspondence received from Ms. Jessica Colon, 203 B Brooks Boulevard, Manville, New Jersey 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 The Salon At Bridgewater, 400 Commons Way, Bridgewater, New Jersey on February 5, 2013 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. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Mr. Steve Doyle, t/a The Salon At Bridgewater, 400 Comons Way, Bridgewater, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$550.00 for the alleged violations resulting out of an inspection of his shop on February 5, 2013 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 Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

5. Correspondence received from Mr. Jason Bustos, t/a Precision Hair Studio, 2237-2303 Route 9 North Suite #8, Old Bridge, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$1,150.00 for the alleged violations resulting out of an inspection of his shop on March 12, 2013 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 Ms. Angela Pantaleone, the agenda is to be amended to read Mr. Jason Bustos, t/a Precicision Hair Studeion, 2237-2303 Route 9 North Suite #8, Old Bridge, New Jersey instead of Ms. Alberna V. Hamilton, t/a Sophisticated Hair Design, 150-160 Main Street, #20, Orange, New Jersey 07050. The motion passed unanimously.

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

6. Correspondence received from Mr. Loan Do, t/a Royal Nails, 402B Prospect Avenue, West Orange, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$19,200.00 for the alleged violations resulting out of an inspection of your shop on February 6, 2013 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 Ms. Frances Tomeo and seconded by Ms. Angela Panteleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter with the following terms: that Mr. Do be directed to cease and desist from violating the Board's statutes and regulations and that he offered a payment plan: \$10,000 to be paid up-front and \$1,000.00 per month thereafter with the last payment being \$1,200.00. Further the Board directed that the Board of Health be informed of the unsanitary condition of the salon. The motion passed unanimously.

7. Correspondence received from Mr. Joseph Vacca, Ms. Alicia Gladys Acuna, t/a Alicia's Hair & Design, 573 Bloomfield Avenue, Montclair, New Jersey 07042 in connection with the outstanding penalties assessed against him in the amount of \$250.00 for the alleged violations resulting out of an inspection of his shop on May 21, 2013 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

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

8. Correspondence received from Ms. Anne Patterson, t/a Cutting Times II, Route 73 Bloom Circle Shopping Center Bldg "Q", Berlin, New Jersey 08009 in connection with the outstanding penalties assessed against him in the amount of \$250.00 for the alleged violations resulting out of an inspection of his shop on June 6, 2013 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 Ms. 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.

9. Correspondence received from Mr. Edward Guzman, Exclusive Stylez LLC, t/a Exclusive Stylez Barbershop, 404 Bloomfield Avenue, Bloomfield, New Jersey 07003 in connection with the outstanding penalties assessed against him in the amount of \$250.00 for the alleged violations resulting out of an inspection of his shop on August 2, 2013 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 Ms. Peter Macri and seconded by Ms. Angela Panteleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

10. Correspondence received from Ms. Ana Sinen, President, Mr. James Sinen, Vice-President, t/a Hollywood Studio Salon, 63 ½ Bellevill Avenue, Bloomfield, 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 May 21, 2013 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 Ms. Angela Panteleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

11. **IMO** Ms. Ilona Lenart, t/a Nails Plus, 114 Center Street, Garwood, New Jersey in connection with a Uniform Penalty Letter issued to her on October 25, 2011 and a Final Decision Letter issued by the Board on January 9, 2012 was presented to the Board for reconsideration.

After careful consideration, upon motion made by Ms. Angela Panteleone and seconded by Ms. Frances Tomeo the Board sustains it's Final Decision issued to Ms. Lenart on January 9, 2012 and directed that she pays the penalty. Also, the board advises that she applies for a Manicurist Shop license, a limited salon license since she does not use a shampoo basin. The motion passed unanimously.

12. **IMO** Soo Han Lee, t/a Donna's VIP Nails, license #32WM00294300. The matter has been paid in full and, therefore, the Board is asked to rescind the filing of a Default Order as directed by the Board at the regular monthly meeting held January 14, 2014.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Panteleone, the default order is rescinded. The motion passed unanimously.

13. Correspondence received from Ms. Claridani Santos-Rosario, t/a Roma Beauty Salon, 396 Market Street, Paterson, New Jersey 07501 in connection with the outstanding penalties assessed against her in the amount of \$800.00 for the alleged violations resulting out of an inspection of her shop on February 4, 2013 was presented to the Board for consideration. She 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. Angela Panteleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously

14. Correspondence received from Ms. Hang Thi Phan, t/a Da-Vi Nails #1869, 150 Route 70 East (Wal-Mart Bldg), Marlton, New Jersey 08053 in connection with the outstanding penalties assessed against her in the amount of \$3,500.00 for the alleged violations resulting out of an inspection of her shop on September 7, 2012 was presented to the Board for

consideration.

Upon motion made by Ms. Angela Panteone and seconded by Mr. Peter Macri, the Board sustains the Offer of Settlement and if it is not paid, it reverts back the the original amount. The motion passed unanimously.

15. Correspondence received from Mr. Louis David Balk, Esquire on behalf of his client, Arlene Sona and Amber Hall, t/a Jaxx Studio, Millburn, New Jersey in connection with the outstanding penalty assessed against them in the amount of \$650.00 for the alleged violations resulting out of inspection of their shop on January 25, 2012 was presented to the Board for consideration. The Board considered this matter at the regular monthly meeting held March 12, 2013 and ordered that the fine stand. Mr. Balk has asked that the Board reconsider this matter in light of the fact that he does not believe the Board considered all the evidence he submitted in this matter. The Board reconsidered the matter at the regular monthly meeting held November 22, 2013 but withheld decision pending additional information.

After careful consideration, upon motion made by Ms. Angela Pantaleone and seconded by Mr. Peter Macri, the Board rescinds the Uniform Penalty Letter pending Ms. Sona's submission of a new application to reflect that changed of ownership and a revised floor plan. The motion passed unanimously.

Upon motion made by Ms. Angela Panteleone and seconded by Mr. Joseph Santagata, a Uniform Penalty Letter is to be issued to Bio Skin Care & Day Spa for operating without a license. The motion passed unanimously.

Upon motion made by Ms. Angela Panteleone and seconded by Mr. Joseph Santagata, the Enforcement Bureau is to reinspect the 3rd floor of the facility in order to determine whether there is another business practicing without a license.

16. **Disciplinary Matters Pending Conclusion by Default Orders:**

The UPLs were issued and no written responses from Respondents have been received by the Board to date. These matters were subject to finalization fifteen (15) business days after issuance of Notice of Intent to File Default Order. The Certificate of Service is attached for Board review.

The Attorney General seeks to issue Final Decision and Default Order on UPL for each of the following IMO:

1. A K Hair Braiding Salon – License No.: NONE

2. Bisou Salon – License No.: NONE
3. Nan Hyang Kim, Individual – License No.: NONE
4. Samatha Cruz, Individual - License No.: NONE

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board directed that a Final Decision and Default Order on UPL be issued on these matters. The motion passed unanimously.

17.

Administrative Closure

The following Uniform Penalty Letters (UPLs) and Notice of Intent to File Default Orders (Notices) are recommended for administrative closure due to being returned to the Board for the following reasons: unclaimed, incorrect address, no forwarding address for the business or licensee, no information, or shop closure.

License Name	License #	UPL Issued	Date of Inspection	Total Penalty Amount
Rosheen Coe,	NONE	September 4, 2009	July 23, 2009	\$ 300.00
Phoung H. Khanh	NONE	October 13, 2011	May 30, 2008	\$ 300.00
Carmen Rosa Castro Terreros	NONE	February 13, 2007	January 22, 2007	\$ 300.00
Maria Cabrera	NONE	July 12, 2010	May 7, 2009	\$ 300.00
Juan Santos Cruz	NONE	December 10, 2009	November 23, 2009	\$ 300.00
Yvonne M. Cruz	NONE	January 9, 2012	May 21, 2010	\$ 600.00
Monica Idrovo	NONE	October 30, 2009	June 17, 2009	\$ 300.00
Thuy Ta	NONE	November 29, 2011	September 16, 2008	\$ 300.00
Isabel Teralero	NONE	February 15, 2011	April 9, 2010	\$ 300.00
Dang Binh Tuyet	NONE	October 21, 2011	March 20, 2008	\$ 300.00
Maria Tenezaca	NONE	October 20, 2011	November 5, 2008	\$ 300.00
Rosa Gloria Carchi	NONE	July 19, 2010	May 28, 2008	\$ 300.00
Claudia A. Castano	NONE	August 27, 2010	January 29, 2010	\$ 600.00
Adalgisa De Los Santos Contreras	NONE	December 5, 2011	March 26, 2009	\$ 300.00
Eva Bernard	NONE	February 18, 2010	March 11, 2008	\$ 300.00
Monica Tepepa	NONE	December 5, 2011	July 13, 2009	\$ 300.00

Sook Y Cheong	NONE	December 2, 2009	June 14, 2007	\$ 300.00
Ai Lee Choi	NONE	February 8, 2010	June 29, 2009	\$ 300.00

License Name	License #	UPL Issued	Date of Inspection	Total Penalty Amount
Martha B. Calle	NONE	February 26, 2010	March 27, 2009	\$ 300.00
Carolina Chavez	NONE	August 25, 2011	January 18, 2008	\$ 300.00
Fatoumata Conde	NONE	September 23, 2011	June 18, 2009	\$ 300.00
Bernard Dandridge	NONE	November 30, 2011	July 24, 2009	\$ 300.00
Gaby Estrada	NONE	May 31, 2011	June 26, 2009	\$ 300.00
Tae Jun Eum	NONE	February 24, 2011	May 11, 2009	\$ 300.00
Latoya M. Coleman	32WG03585900	February 9, 2011	June 17, 2008	\$ 100.00
Night C. Connor	NONE	May 6, 2003	April 5, 2000	\$ 300.00
Night C. Connor	NONE	October 20, 2011	April 22, 2009	\$ 300.00
Agripira Ascencio	NONE	August 9, 2010	July 9, 2008	\$ 300.00
Damaris Castillo-Ariza	NONE	October 14, 2011	July 11, 2008	\$ 300.00
Christina Clarke	NONE	December 28, 2009	July 27, 2007	\$ 300.00
Veronica e. Bastinas	NONE	August 23, 2010	March 19, 2010	\$ 300.00
July Grespo	NONE	December 28, 2009	November 26, 2007	\$ 300.00
Scott Roth, Colleen Roth, Nancy Stanton Molaro, Mathew P. Molaro, t/a Great Clips	32WD02466300	January 12, 2011	April 7, 2008	\$ 100.00

Upon motion made by Ms. France Tomeo and seconded by Mr. Peter Macri, the above listed matters are administratively closed. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

Committee Reports

Examination & Sites:

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

Education & Public Relations:

Ms. Angela Pantaleone reported that all Committee work is up to date.

Violations:

Mr. Joseph Santagata reported that all committee work is up to date.

Legislation:

Mr. Joseph Santagata reported that all committee work is up to date.

School & Department of Education Liaison:

Ms. Frances Tomeo stated that all committee work is up to date.

Regulatory Committee:

Ms. Angela Pantaleone reported that all Committee work is up to date.

Special Committee Assignments:

No report

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.

2. IMO Lulubelle Butts

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Joseph Santagata, Ms. Butts will be allowed to sit for examination upon successful completion of training provided she have no further contact with the criminal justice system. Also, she is to cease and desist from practicing without a license. The motion passed unanimously.

3. **IMO** Marlow A. Guerrier

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, Mr. Guerrier will be allowed to sit for examination upon successful completion of training provided he have no further contact with the criminal justice system

X ADJOURNMENT

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the meeting was adjourned at 3:30 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director