

MINUTES

REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
FEBRUARY 12, 2015

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. Mr. Jerry Speziale was 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 December 17, 2014, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 17, 2014. 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. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held January 13, 2015 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Mr. Ray Testa greeted the Board. He informed the Board that probeauty.org would be a good source of information regarding how states structure braiding training program and the registration or licensure allowing for braiding services.

Mr. Jay Malanga stated that the Board has determined to physically test for braiding.

Mr. Testa, again, requested the Board to consider requiring students to submit only one physician certification that an applicant for a permit or licensure is free from communicable, contagious and infectious diseases.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

VI FOR BOARD CONSIDERATION

AGENDA

1. Correspondence received from Mr. Bobby Goin, t/a B Cutz Barber Shop & Salon, 276 Morris Avenue, Springfield, New Jersey in connection with the penalties assessed him in the amount of \$250.00 for the alleged violations resulting out of an inspection of his shop on April 25, 2014 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.

2. Correspondence received from Mr. Gani Barakaev, t/a Martinsville Valle Road, Martinsville, New Jersey in connection with the penalties assessed him in the amount of \$200.00 for the alleged violations resulting out of an inspection of his shop on January 7, 2014 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 penalty assessed against Mr. Barakaev is rescinded. The motion passed unanimously.

3. Correspondence received from Ms. Erika Jeinnings, 27 Cassel Road, Souderton, PA 18964 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 Angel's Barber Shop, Cape May Court House, New Jersey on January 6, 2014 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. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Mr. Marlon Anderson, t/a The Shope Shifters LLC, 38 Branford Place, Newark, New Jersey in connection with the penalties assessed him in the amount of \$700.00 for the alleged violations resulting out of an inspection of his shop on September 24, 2013 was presented to the Board for consideration. He has requested a formal administrative hearing to contest this charge.

Upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, this matter is tabled pending a response to the offer of settlement sent to Mr. Anderson on February 27, 2014. The motion passed unanimously.

5. Correspondence received from Mr. John D. Lynch, Esquire on behalf of his client, Ms. Gloria Salazar De Leon, t/a Gloria's Unisex, 2208 Summit Avenue, Union City, New Jersey in connection with the penalties assessed against Ms. De Leon in the amount of \$9,850.00 for the alleged violations resulting out of an inspection of her shop on January 9, 2014 was presented to the Board for consideration. He has requested a formal administrative hearing to contest the charges against Ms. De Leon.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, a settlement offer is to be sent to Ms. De Leon's attorney, John D. Lynch, Esquire. The motion passed unanimously.

6. A request submitted by Mr. Ray Testa, President, Association of Cosmetology and Hairstyling Schools of New Jersey, Inc., for the Board to reconsider reducing the requirement to have applicant for permit submit evidence of a physician certification at

the time they apply, thus eliminating the requirement to submit a second physician certification for initial license.

Mr. Ray Testa suggested some other evidence acceptable to the Board to verify that the applicant has not had any other problems since the submission of the first physician certification.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, pursuant to N.J.S.A. 45:5B-12, 13, 14, 15, 16, 23, and 25, the Board has an obligation to require applicants for permits and licensure to be free from communicable, contagious and infectious diseases, but will tabled this matter for further discussion. The motion passed unanimously.

7. Adopted New Rule N.J.A.C. 13:28-1.1A which gives credit towards licensure for education, training and experience received while serving as a member of the Armed Forces was presented to the Board for consideration.

Legislative Analyst Betsy Greenblatt addressed that Board and gave them a brief background on this matter. She explained that process of getting a proposal adopted and that it would 3 to 4 month before it would be finalized. She stated that this particular proposal went out with similar proposals for other Boards and they have not received positive or negative comments and that no news is good news.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board adopts N.J.A.C. 13:28-1.1A. The motion passed unanimously.

8. IMO Mister Amauris Deleon application for reinstatement of his beautician license #WA67778 was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, Mr. DeLeon is to be scheduled for an investigative inquiry. The motion passed unanimously.

9. 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. Rosanna Clase - Individual - License No.:
32WDO2336400
 1. Choon H. Kim, Hwe Sook Hwang
t/a Head 2 Toe Salon - License No.: 32WDO2645500
 3. Elizabeth Martinez - t/a Dominican Hair Salon - License
No.: 32WDO2760900

Upon motion made by Mr. Joseph Santagata 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.

10. 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, were presented to the Board for consideration.

License Name	License #	UPL Issued	Date of Inspection	Total Penalty Amount
Fen Gxue Yuan, Individual	32WG05361 200	January 19, 2012	June 21, 2010	\$ 100.00

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Joseph Santagata, the matter listed above is to be administratively closed. The motion passed unanimously.

AGENDA SUPPLEMENT:

Board will review out of country applications upon demonstration that the applicant holds a license to practice from a licensing authority pursuant to N.J.S.A. 45:5B-28.

VII OLD BUSINESS

VIII NEW BUSINESS

Committee Reports

Examination & Sites:

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

Education & Public Relations:

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

Regulatory Committee:

No report was given

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.

1. IMO Jessica Thompson

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Board requested additional information from Ms. Jessica Thompson and upon receipt of the requested information she will be approved to sit for examination upon successful completion of training, provided she have no further contact with the criminal justice system and cease and desist from practicing without a license. The motion passed unanimously.

2. Applicants Approved To Sit For Exam:

1. Samer Slim
2. Larry Anderson
3. Gustavo Rivera

4. Raul E. Orellana

X ADJOURNMENT

Upon motion made by Ms. Angela Pantaleone and seconded by Ms. Frances Tomeo, the meeting was adjourned at 2:30 P.M.. The motion passed unanimously.

JANICE

ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director