

**MINUTES  
REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
MARCH 10, 2009  
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. Ronald Jerome Brown, Mr. Jack A. Fornaro, Mr. Chris Jones, Mr. Joseph Santagata, Mr. Jay A. Malanga, Executive Director, Mr. Patrick J. McNally, Assistant Executive Director, Ms. Barbara Ambrose, Program Development Assistant were present. Mr. Jerry Speziale was absent.

**Also in Attendance:**

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor and Ms. Yolanda Morales, Principle 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 15, 2008 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 15, 2008.

**III APPROVAL OF MINUTES (OPEN & CLOSED)**

Upon motion made by Mr. Chris Jones and seconded by Ms. Janice Alvarez, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held February 10, 2009 are accepted as read. The motion passed unanimously.

**IV PUBLIC PARTICIPATION SESSION**

Mr. Harry Comp from the New Jersey School Association was present.

**V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS**

Mr. Ronald Brown directed that if there were no objections by the Board Members, the Board will be asked to say the Pledge of Allegiance at the beginning of each meeting. He also asked that the secretary provide a sign-in-sheet with the list of Board Members for future roll calls.

Mr. Malanga stated the Board Legislative Analyst would be addressing the Board today on the proposed re-adoption of the Board's regulations and discuss the comments received.

Mr. Malanga stated that he had two issues to add to the agenda as supplements. The first is IMO Susan Nguyen, t/a 2000 Nails settlement agreement and the second is a bill comment request for A3765.

Upon motion made Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the two (2) items are to be added to the agenda as supplements. The motion passed unanimously.

Mr. Malanga distributed copies of comments on Brazilian waxing received during the comment period and also comments received after the comment period. He asked if any of the Board Members seen the topic of Brazilian waxing on Fox News.

Mr. Chris Jones stated that he felt that the comments made by the doctor on the topic were on point regarding sterilization, sanitation and infection concerns.

## VI FOR BOARD CONSIDERATION

1. IMO Ean Polke's criminal offense and his desire to complete a term of training at Reignbow Academy and eventually become licensed was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Chris Jones, the Board withheld decision on this matter pending Mr. Polke's submission of a copy of the arrest/police report and his appearance at an investigative inquiry. The motion passed unanimously.

2. IMO Antoine M. Parham's criminal offense and his desire to complete a cosmetology and hairstyling course and eventually become licensed was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, the Board withheld decision on this matter pending Mr. Parham's submission of a copy of the arrest/police report and his appearance at an investigative inquiry. The motion passed unanimously.

3. IMO Gina Marie Buda's criminal offense and her eligibility for licensure was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, there is no cause for licensing action as long as Ms. Buda has no further contact with the criminal justice system. The motion passed unanimously.

4. IMO Tatiana Bitko's criminal offense and her eligibility for licensure was presented to the Board for consideration.

Upon motion made by Mr. Chris Jones and seconded by Mr. Jack Fornaro, the Board withheld decision on this matter pending Ms. Bitko's appearance at an investigative inquiry.

5. Correspondence received from Ms. Jo A. Myer, 69 Morris Avenue, Spotswood, 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-5B-7 at William Anthony Salon, 971 Livingston Avenue, North Brunswick, New Jersey on October 24, 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.

After careful consideration, upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

6. Correspondence received from Ms. Han Wen Ye, 142-24 38th Avenue, Apt. 203, Flushing, New York in connection with the outstanding penalty assessed against her in the amount of \$600.00 for the alleged violation of N.J.S.A. 45:5B-7 at Honeybee Nails Inc., 575 High Mountain Road, North Haledon, New Jersey on November 14, 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 Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands.

7. Correspondence received from Ms. Jenny Nguyen, t/a Lucky Nails & Spa, 45 South New York Road, Galloway, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$1,400.00 for the alleged violations resulting out of an inspection of her shop on November 10, 2008 was presented to the Board for consideration. She admitted to the charges of violating N.J.S.A. 45:5B-13(g) & N.J.A.C. 13:28-2.13(a) and N.J.S.A. 45:5B-13(e) and paid the penalties (\$500.00) for those violations but indicated that she would like to waive her right to a hearing on the other charge (N.J.S.A. 45:5B-13(d)) but has furnished a written explanation for the Board to consider before rendering its final decision.

After careful consideration, upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

#### 8. 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

Paul Ly  
Quang D Ho  
Loan Thi Cam Nguyen  
Mike Pham  
Ngoc Kim Thi Vu  
Amber Leonard  
Jasmin J. Willingham License #WG54792  
Gary Robins t/a Supercuts  
Van Truong Nguyen License #WF19128  
Christian Araujo, Pres. & Joan De La Cruz, VP t/a City Barbers License #WD024628  
Thi Hoang Loan Mai

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

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board authorizes the issuance of Default letters as indicated above. The motion passed unanimously

9. The following Uniform Penalty Letters (UPLs) are recommended for administrative closure due to, including but not limited to, the age of the matter, incorrect address, no forwarding address for the business or licensee, and limited information on the licensee.

#### NAME DATE OF ISSUE AMOUNT

Carmine F. Cardella Bloomfield, NJ 02/09/99 \$250.00

Ivonebe Campios C/o Imagem Tropical Salon Newark, NJ 04/28/00 \$150.00

Barbara Ann Campbell Newark, NJ 01/19/96 \$150.00

Ramatoulaye Camara Jersey City, NJ 09/01/95 - 03/10/94 \$400.00

Mabinty Camara Jersey City, NJ 09/01/95 - 03/10/94 \$400.00

Sean Dougerty T/a California Hair Wraps Wildwood, NJ 08/12/99 \$400.00

Fatou Camara T/a Camara African Style Braiding Ctr Trenton, NJ 06/10/98 \$250.00

Carol Altshuler T/a Carols Hair Center Livingston, NJ 05/01/01 \$100.00

Sheila D. Carr Villas, NJ 04/07/88 \$ 50.00

Hugh E. Carrodus East Orange, NJ 04/05/00 \$300.00

Lina Camus Springfield, NJ 06/03/94 \$250.000

Maceo Coleman Jr. Newark, NJ 12/05/85 \$250.00

Melissa Coles Philadelphia, PA 12/23/93 \$150.00

Norberto Colon Jersey City, NJ 07/01/93 \$150.00

Lisa Ann Colucci Hammonton, NJ 05/07/85 \$150.00

Marie B. Conover Long Branch, NJ 11/11/86 \$100.00

Angelo Franceschini T/A Contemporary Cut Hair & Nail Sln Clementon, NJ 02/18/00 \$300.00

Richard Cook Sea Isle, NJ 09/25/87 \$150.00

Chester Frantantonio T/a Cara Nova Coiffure Deal, NJ 12/19/85 - 09/19/84 \$450.00

Anthony Carangelo Franklin Lakes, NJ 11/30/94 \$100.00

John Carases Tenafly, NJ 12/30/97 \$150.00

Pedro Cardenas Elizabeth, NJ 08/18/89 \$150.00

Tuan Ngoc Dao Chamblar, CA 09/28/98 \$150.00

Joyce Darko Elizabeth, NJ 04/03/96 \$150.00

Danca Yordanova Daskareva Hackensack, NJ 02/24/93 \$300.00

Nicole C. Davidson Burlington, NJ 08/10/88 \$100.00

Greg Davis C/o Q.b.g. Barber Shop Irvington, NJ 02/06/92 \$150.00

Jan Davis Flemington, NJ 06/18/82 \$150.00

Mike Davis Plainfield, NJ 04/29/99 \$150.00

Tammy T. Davis Linden, NJ 11/08/89 \$ 50.00

Shermaine Y. Davis Pleasantville, NJ 07/17/98 \$150.00

Dita De Luna Jersey City, NJ 07/09/99 \$300.00

Kelly Kathleen Deal Orange, NJ 01/20/95 - 08/20/93 \$400.00

Nicole Lynn Dees Asbury Park, NJ 09/18/98 \$300.00

Altagrace Deneus Orange, NJ 10/25/96 \$150.00

Ying Ming Deng Bayonne, NJ 10/29/99 \$150.00

Dawn Desatnyik Fords, NJ 11/14/91 \$150.00

Dorothy A. Desiderio Stratford, NJ 06/20/90 \$1,500.00

Earl Smith T/a Design Beauty Supply & Salon Jackson, NJ 10/03/96 \$100.00

Vincent Sessa Jr. T/a Design Beauty Supply & Salon Jackson, NJ 05/27/96 \$300.00

Francois E. Desir East Orange, NJ 09/17/03 \$150.00

Kelly Desir East Orange, NJ 02/27/96 \$150.00

Christine Marques T/a Devote Kearny, NJ 02/14/00 - 05/21/98 \$1,350.00

Debra R. Dewees Turnersville, NJ 01/12/87 \$150.00

Cheryl Di Bruno Sicklerville, NJ 12/10/98 \$300.00

Jennifer L. DiLauri Verona, NJ 04/09/98 \$100.00

Khady Dial East Orange, NJ 07/11/96 \$150.00

Faimata Diallo Newark, NJ 03/31/99 \$150.00

Andres Diaz-martinez North Bergen, NJ 02/17/98 \$150.00

Damarie Diaz Newark, NJ 05/02/96 \$150.00

Jose Antonio Diaz Plainfield, NJ 01/20/95 - 08/08/94 \$400.00

Maria Diaz New York, NY 08/19/98 \$150.00

Neil C. Dickson New York, NY 01/29/97 \$150.00

Nu T. Diec Irvington, NJ 08/22/97 \$150.00

Phong Dans Diep Burleigh, NJ 01/18/02 - 03/27/97 \$450.00

Susan Sicard T/a Digits & Other Things Salon Allenhurst, NJ 06/19/82 \$150.00

Daryl I Dillihay Atlantic City, NJ 11/17/95 - 02/29/96 \$500.00

Annie (Nguyet) N. Dinh C/o Annie's Nails Toms River, NJ 07/24/01 - 10/27/99 \$2,450.00 06/02/98

Hoang Van Dinh Atlantic City, NJ 04/12/95 - 09/30/94 \$400.00

Huong Van Dinh Atlantic City, NJ 02/01/96 - 10/12/95 \$1,200.00 11/19/93 - 08/23/93

Tin Van Dinh Piscataway, NJ 06/26/00 - 04/04/97 \$450.00

Trinh Phong Dinh Bronx, NJ 06/05/98 \$300.00

Van Dinnh West Orange, NJ 07/14/93 \$150.00

Upon motion made by Mr. Chris Jones and seconded by Ms. Janice Alvarez, the above listed matters are to be administratively closed. The motion passed unanimously.

10. Correspondence received from Ms. Mary-Joan Wall, CEO, Greatwall.com, LLC, Store 1778 Moorestown Mall, 400 Route 38, Moorestown, New Jersey in connection with her desire to perform a simple facial in order to demonstrate Ferrelon skin care products.

The Board pointed out that it did not have sufficient information to advise her regarding the propriety of performing a facial without a valid license.

Upon motion made by Mr. Chris Jones and seconded by Mr. Joseph Santagata, Ms. Mary-Joan Wall is to be scheduled for an investigative inquiry. She is to provide the Board with a description of the product and what she considers to be a "simple facial". Also, she is to provide the Board with any printed advertising material she may have. The motion passed unanimously.

11. Proposed re-adoption of N.J.A.C. 13:28 (Sunsetting) and discussion of comments received.

The Board discussed the following changes to the proposed regulations raised by comments on the proposal: requiring applicants for teaching licenses to work 30 hours per week for six consecutive months instead of 40 hour per week as proposed (N.J.A.C. 13:28- 1.1(e) and 1.7); requiring a waste container be accessible to each workstation as opposed to one waste container for every workstation as proposed (N.J.A.C. 13:28-2.5(a)2iv); and allowing FDA registered autoclaves to be used as an alternative to sanitizing implements and tools using EPA registered chemical disinfectants (N.J.A.C. 13:28-3.2(a) and (b) ). In reviewing comments submitted on the proposed prohibition against Brazilian waxing, the Board noted that bikini waxing is not precluded under the proposed regulation, and that the prohibition against genital waxing is consistent with the statutory requirements for waxing found in N.J.S.A. 45:5B-3(j)(6) of the Cosmetology and Hairstyling Act. The Board also discussed the safety and sanitation concerns inherent in genital waxing and also noted the lack of training in this service at licensed schools.

Upon motion made by Mr. Chris Jones and seconded by Mr. Jack Fornaro, the Board accepts the comments and responses and moves to adopt the proposed regulations as discussed. The motion passed unanimously.

12. UPL requests for hearing IMO of:

Maria, Patricia, Sheina Maria, t/a Sheina Spa and Salon, Englewood  
I.J. & Yon I Bitar, t/a San Simon Skin Care Beauty Center, Riverdale  
Hiyan Bitar, t/a Botanica Day Spa LLC, Wayne  
Gary Robins, t/a Supercuts of South Brunswick, Monmouth Junction  
Marta Genao & Tomasz Trzak, t/a Thomas Alexander Salon & Spa, West Paterson

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Chris Jones, the above matters are to be forwarded to the Prosecution Section of the Division of Law. The motion passed unanimously.

AGENDA SUPPLEMENT:

1. IMO Ms. Susan Nguyen, t/a 2000 Nails, 1750 Deptford Center Road, Deptford, New Jersey UPL matter was presented to the Board for consideration.

Mr. Jay Malanga gave the background information on this matter to the Board and stated that he had contacted the Board's chairman for a settlement amount in this matter. He indicated that the proposed settlement amount is \$3,200.00.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Chris Jones, the Board accepts the settlement offer of \$3,200.00. The motion passed unanimously.

2. Assembly Bill No. 3765 was presented to the Board for consideration. This bill would establish an 18-month moratorium on promulgation of new administrative rules and issuance of new policy circular letters by State agencies.

Upon motion made by Mr. Ronald Brown and seconded by Mr. Joseph Santagata, the Board is in support of A3765 if it would allow the Board to propose new or amend current regulations that would not impede business transactions or have any adverse economic impact. The motion passed unanimously.

## VII EXECUTIVE SESSION

No Executive Session

## VIII OLD BUSINESS

Mr. Ron Brown asked where the Barber Bill is right now.

Mr. Jay Malanga stated that the Barber Bill was still in Committee.

Mr. Chris Jones stated that the Bill is sitting right now.

Mr. Jack Fornaro stated that he would get a status report on the Barber Bill.

Mr. Chris Jones asked that a letter be mailed to all licensed cosmetology & hairstyling schools instructing prospective students with criminal history to personally write to the Board regarding any criminal history and to provide all relevant information. Further, that this instruction be included in renewal application.

## COMMITTEE REPORTS

Examination & Sites:

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

Education & New Studies:

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

Violation:

Mr. Jay Malanga reported that all committee work is up to date.

Regulatory:

Mr. Chris Jones reported that there was no business at hand.

School and Department of Education Liaison:

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

Public Relations:

No report was given.

Legislation:

Mr. Jack Fornaro reported that all committee work is up to date.

## IX NEW BUSINESS

## X ADJOURNMENT

Upon motion made by Mr. Chris Jones and seconded by Mr. Jack Fornaro, the meeting was adjourned at 1:30 P.M.. The motion passed unanimously.

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RONALD J. BROWN, Chairman

Countersigned:

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JAY A. MALANGA, Executive Director