

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
March 12, 2013**

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

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Mr. Steven Mattia, Government Service Rep., Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Ms. Carol Ann Rotondo, Paralegal and the Board's counsel, DAG Oo.

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 12, 2012, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 12, 2012.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Ms. Peter Macri and seconded by Mrs. Frances Tomeo, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held February 12, 2013 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

No comments from the public.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga distributed the following articles:

- New State Legislation Could Change Beauty Landscape Across US; and
- Is Your Nail Salon Clean?

He also shared the following information regarding the 2012 NIC Conference:

- Here's how to tell; a Memo from NIC on NIC Administrators Information Guide.
- The Annual Conference of the National-Interstate Council of States Boards of Cosmetology (NIC) will be held August 24-26, 2013.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Soung Ko, 304 Morning Glory Drive, Monroe, 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 Sky Nail Zone, 319 US Highway 130 Store #28, East Windsor, New Jersey on July 27, 2012 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 Ms. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. Also, it directed that a reinspection be conducted. The motion passed unanimously.

2. Correspondence received from Ms. In Kyung Kim, 700 Bayway Avenue, Elizabeth, 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 Think Nails, 1216 Saint George Avenue, Avenel, New Jersey on October 1, 2012 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. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

3. Correspondence received from Ms. Daysi Nova, 150 Orchard Street, 4-1, Newark, New Jersey 07102 in connection with the outstanding penalty assessed against you 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 Tu & Yo Hair Studio, 231 Central Avenue, East Orange, New Jersey on February 15, 2011 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 Ms. Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Ms. Joanna Crespo, 522 Run Street, Buena, 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 at Hair Culture, 900-12th Street, Unit #A-8, Hammonton, New Jersey on June 6, 2012 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 Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

5. Correspondence received from Ms. Mot Ly, t/a Lee's Nails, 135 New Jersey Avenue, Absecon, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$6050.00 for the alleged violations resulting out of an inspection of her shop on June 15, 2012 was presented to the Board for consideration. She admitted to the charges of N.J.S.A. 45:5B-13(d) and N.J.S.A. 45:5B-13(e) and paid the penalty (\$3,400.00) for those violations; and she has waived her right to a hearing on the other charges (N.J.A.C. 13:28-2.11 & N.J.S.A. 45:5B-3(j) & N.J.A.C. 13:28-2.15(b)) but has 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.

6. Correspondence received from Ms. Patricia Fowler, 128 Reve Terrace, Plainfield, 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 Unisex Hair Creations, 1105 East 2nd Street, Plainfield, New Jersey on April 24, 2012 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.

7. Correspondence received from Mr. Sahar Haftaoui & Mr. Moncif Naftaoui, t/a So Chic Salon, 338 Lakeview Avenue, Clifton, New Jersey in connection with the outstanding penalties assessed against them in the amount of \$500.00 for the alleged violations resulting out of an inspection of their shop on June 1, 2012 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.

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.

8. Correspondence received from Mr. Ricardo A. Bailey, t/a Unisex Hair Creations, 1105 East 2nd Street, Plainfield, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$300.00 for the alleged violation resulting out of an inspection of her shop on April 24, 2012 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. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

9. Correspondence received from Ms. Paula Mancinelli, t/a Great Clips, 601 Washington Avenue, Suite S, Manahawkin, 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 May 24, 2012 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. Jerry Speziale, the Board rescinds the penalty. The motion passed unanimously.

10. Correspondence received from Mr. Jeff Schuster, President & Mrs. Neala Schuster, VP, t/a Great Clips, 1767 Route 10 East, Unit #2, Morris Plains, New Jersey in connection with the outstanding penalty assessed against them in the amount of \$100.00 for the alleged violation resulting out of an inspection of their shop on October 26, 2012 was presented to the Board for consideration. They have 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.

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

11. Correspondence received from Ms. Tracy Ho, t/a Cosmo Nails, 875 Mantua Pike, Woodbury, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$150.00 for the alleged violations resulting out of an inspection of her shop on February 24, 2012 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 Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

12. Correspondence received from Mr. Louis Davis Balk, Balk & Cistrelli, P.A., 2013 Morris Avenue, Union, New Jersey in connection with the penalties assessed against her in the amount of \$650.00 for the alleged violations resulting out of an inspection of her shop on January 25, 2012 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 Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

13. Correspondence received from Ms. San Thi Tran, t/a Heads Up Beauty Salon LLC, 216 Wanaque Avenue, Pompton Lakes, New Jersey in connection with the penalty assessed against her in the amount of \$2,500.00 for the alleged violation resulting out of an inspection of her shop on August 18, 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.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, this matter is tabled and referred to the Dental Board. The motion passed unanimously.

14. A request from Ms. Laura Frontz, Educational Director, Christine Valmy Natural Skin Care Products & Education, Pine Brook, New Jersey in connection with her desire to offer a skin care specialty course on Saturdays and Sundays from the hours of 9:30 A.M. to 4:30 P.M. at Christine Valmy International Beauty School, 285 Changebridge Road, Pine Brook, New Jersey was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Maria Cruz Denzer, the Board approves Ms. Frontz's request subject to her submission of the breakdown of the hours and a copy of the School Bulletin showing the addition to the Skin Care Specialty program with the breakdown of the hours. The motion passed unanimously.

15. A request from Ms. Paula Brown, Director of Marketing, Rizzieri Salons, Spa and Schools, 6001 W. Lincoln Drive, Marlton, New Jersey in connection with her desire to add a Monday thru Friday clinic hours of 4 - 8 P.M. at Rizzieri Aveda School for Beauty & Wellness, Voorhees, New Jersey was presented to the Board for consideration.

Upon motion made by Ms. France Tomeo and seconded by Ms. Angela Pantaleone, the Board approved the addition of a Monday thru Friday clinic hours of 4 - 8 PM at Rizzieri Aveda School for Beauty & Wellness, Voorhees, New Jersey. The motion passed unanimously.

16. A request from Ms. Donna Hernandez, The Salon Professional Academy, 4985 Stelton Road, South Plainfield, New Jersey in connection with her desire to start classes on a 4 week start date rather than the first Monday of the month pursuant to N.J.A.C. 13:28-6.10. She has indicated that their curriculum is in four (4) week modules and that it would be a much easier transition for new students to start at the beginning of a module was presented to the Board for consideration.

Upon motion made by Mr. Peter Macri and seconded by Ms. Maria Cruz Denzer, the 4 week start date rather than the first Monday of the month is approved. The motion passed unanimously.

17. The School Committee reviewed barbering curriculum submitted for Board approval from the following school: Jolie Health and Beauty Academy, 801 Tilton Road, Northfield, New Jersey.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the barbering curriculum is approved for Jolie Health And Beauty Academy, Northfield.

18. **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. Erica Slade, Individual - License No.: 32WG02049200
2. Oscar Alberto Acuna, Individual - License No.: 32WG03208300
3. Carlos Zapata, Individual - License No.: NONE
4. Young Soon Yi, Kum Chu Nam, In Seon Jang,
t/a Tiffany Nails And Spa - License No.: 32WM00286200

Upon motion made by Ms. 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.

VII OLD BUSINESS

VIII NEW BUSINESS

The Board's counsel reminded the Board that it would start reviewing the Sunset in 2014.

Committee Reports

Examination & Sites:

Ms. Frances Tomeo reported that the committee had reviewed the performance of Prometric and recommended that the Board extend the contract with Prometric.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Purchase Bureau is to be notified that the Board has authorized the extension of the contract with Prometric under the same terms. The motion passed unanimously.

The committee will meet to review the scope of work for the new contract and to recommend revision, if necessary.

Upon motion made by Jerry Speziale and seconded by Ms. Frances Tomeo, the Board referred to the Examination & Sites to work/specification of the new RTP and to report back to the Board as soon as possible. The motion passed unanimously.

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:

No report was given.

Special Committee Assignments:

Ms. Janice Alvarez assigned members to review eyelash perming and dipping, eyebrow threading and Bazilian waxing.

Ms. Janice Alvarez stated she would forward a list of questions to the Committee Members and asked that the committee report back to the Board.

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.

IMO Cuong Pham

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. Jerry Speziale, the Board will allow Respondent to continue with his education and be allowed to sit for the exam upon license, that any further contact with the Criminal Justice System will result in Board action that would require his appearance before the Board and potentially risk his continued licensure with the Board. The motion passed unanimously.

X ADJOURNMENT

Upon motion made by Mr. Peter Macri and seconded by Mr. Joseph Santagata , the meeting was adjourned at 2:35 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director