

## MINUTES

**REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
MARCH 13, 2012**

### **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. Anthony J. Fiore, Mr. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Ms. Frances Tomeo, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambrose, Program Development Assistant were present. Ms. Maria Cruz Denzer was absent.

#### ***Also in Attendance:***

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Mr. Marc DeCarlo, 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 Newark Star-Ledger and Trentonian Newspapers on December 14, 2011, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 14, 2011.

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

Ms. Janice Alvarez stated that a correction to the minutes under New Business, Examination and Sites on page 6. She stated that the mass testing date for June to be held in Wayne should read June 2<sup>nd</sup> not June 20th.

Upon motion made by Mr. Frances Tomeo and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held January 10, 2012 are accepted as amended. The motion passed unanimously.

**IV PUBLIC PARTICIPATION SESSION**

Mr. Santo Trapani, School Association was present.

**V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS**

Mr. Jay Malanga distributed information on the NIC 2012 Conference, NIC Examination Program and Organization and the International Hair & Beauty Show to be held on May 20 and 21, 2012. He also stated that the Governor returned the proposed barber regulation for further action prior to publication.

**VI FOR BOARD CONSIDERATION**

1. Correspondence received from Mr. Michael Pocchio, Jr., Esquire on behalf of his clients, Mr. Kirit Patel, Ms. Kalpama Patel and Ms. Pinky Patel, t/a Oak Tree Unisex Salon, 1655-275 Oak Tree Road, Edison, New Jersey with the outstanding penalties assessed against him in the amount of \$1000.00 for the alleged violations resulting out of an inspection of their shop on November 18, 2009 was presented to the Board for consideration. He 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 Mr. Peter Macri and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

The Board also directed that a payment plan be offered.

2. Correspondence received from Ms. My Tran Nguyen, t/a Nails of Asia, 368 Washington Avenue, Belleville, 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 January 8, 2009. 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, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

3. Correspondence received from Mr. Francis James Gaccione, Jr., t/a The Barber Shop, 234 Franklin Avenue, Nutley, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$800.00 for the alleged violations resulting out of an inspection of his shop on August 24, 2011. 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. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Ms. Veronica Natoli, t/a Sexy Nails, 377 Highway 35 North, Mantoloking, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$250.00 for the alleged violations resulting out of an inspection of her shop on September 28, 2011. 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 Board affirms its original decision as set forth in the Uniform Penalty Letter. Also, the Board directed that the baby chair be removed in light of the obvious dangers of chemical fumes on the premises. The motion passed unanimously.

5. Correspondence received from Ms. Maria E. Lopez, 1881 Paterson Street, Rahway, 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 Schering Haircare Services, 2000 Galloping Hill Road, Kenilworth, New Jersey on June 11, 2008. 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. Anthony Fiore and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

6. Correspondence received from Ms. Katelynn H. Le, 6530 Dicks Avenue, Philadelphia, Pennsylvania 19142 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 Somerdale Nails, 629 White Horse Pike, Somerdale, New Jersey on May 28, 2009. 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. James Forte and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

7. Correspondence received from Ms. Samantha Pepper, 161 Carranza Road, Tabernacle, 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 Scruples By Donnarose, 121 Highway 73 South, Marlton, New Jersey on November 19, 2009. 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. Anthony Fiore and seconded by Ms. Frances Tomeo, the Uniform Penalty Letter is dismissed. The Board passed unanimously.

8. Correspondence received from Ms. Glenda R. Mai, Ms. My Huong Nguyen, t/a T & G Best Spa & Nails, 268 Dunns Mill Road, Bordentown, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$750.00 for the alleged violations resulting out of an inspection of her shop on September 1, 2011. She admitted to the charge of N.J.S.A. 45:5B-13(d) and has paid the penalty (\$300.00) for that violation and indicated that she would like to waive her right to a hearing on the other charges 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. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

9. Correspondence received from Mr. Daniel Van Tran, Ms. Lan Phuong Nguyen, t/a LN Nails, 533 Northfield Avenue, West Orange, New Jersey in connection with the outstanding penalties assessed against them in the amount of \$1,150.00 for the alleged violations resulting out of an inspection of their shop on January 6, 2011. They admitted to the charge of N.J.S.A. 45:5B-13(d), N.J.A.C. 13:28-2.11, N.J.S.A. 45:5B-13(e) & N.J.A.C. 13:28-3.1(I) and N.J.A.C. 13:28-2.6(a)6 and have paid the penalties (\$900.00) for those violations and indicated that they would like to waive their right to a hearing on the other charge, N.J.S.A. 45:5B-13(g) & N.J.A.C. 13:28-2.13(a) 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. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

10. Correspondence received from Ms. Hoc Thi Nguyen, t/a Hope's Nails, 3 East Broad Street, Burlington, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$550.00 for the alleged violations resulting out of an inspection of her shop on March 18, 2011. She has admitted to the charge of N.J.S.A. 45:5B-13(e) & N.J.A.C. 13:28-3.1(f) and paid the penalty (\$250.00) for that violation and 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 furnished a written explanation for the Board to consider before rendering its final decision.

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

11. IMO Sarah Giovinetti (Krieck) unlicensed practice.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. James Forte, this matter is

to be referred to the Enforcement Bureau for investigation. The motion passed unanimously.

**Agenda Supplement**

1. IMO Pedro Prez, Applicant  
Upon motion made by Mr. Anthony Fiore and seconded by Ms. Frances Tomeo, that Applicant would still have to undergo counseling at the frequency consistent with the conditions of his parole conditions notwithstanding the letter stating that he has completed counseling sessions. The motion passed unanimously.

**VII OLD BUSINESS**

**VIII NEW BUSINESS**

For Board information:

The Board received a letter from the Institute for Justice regarding the offering of teeth-whitening services at its salons.

**Committee Reports**

Examination & Sites:

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

Education & Public Relations:

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

Violations:

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

Legislation:

Mr. James Forte 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:

Mr. Anthony Fiore reported that all committee work is up to date.

**IX ADJOURNMENT**

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.

**X EXECUTIVE SESSION****11:00 A.M. IMO Edith J. Cerruto**

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, Ms. Cerruto is allowed to sit for the State Board Examination upon completion of her hours provided she have no further contact with the criminal justice system. The motion passed unanimously.

**11:20 A.M. IMO Taquan K. McKinnon**

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, Mr. Taquan McKinnon is to be scheduled peremptorily for the next board meeting. The motion passed unanimously.

**11:45 A.M. IMO Denise Yackowski**

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, Ms. Edith Yackowski is allowed to reinstate her license provided she have no further contact with the criminal justice system.

1. **IMO Ashley McIver, Cosmetologist/Hairstylist**  
**License No.: WG 057811**

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, the Board will re-instate Ms. McIver's license with a Letter of Warning advising her that any further involvement with the Criminal Justice System will result in disciplinary action by the Board and reserve the right to file a Uniform Penalty Letter against her for practicing in an unlicensed facility with an expired license. The motion passed unanimously.

2. **IMO Atiya Jenkins**  
**Cosmetologist/Hairstylist Student**

Upon motion made by Ms. Fran Tomeo and seconded by Mr. Anthony Fiore, the Board decided to issue a Letter of Warning advising her that any further involvement with the Criminal Justice System will result in further disciplinary action by the Board. The motion passed unanimously.

3. **IMO Yusuf Walker**  
**Cosmetologist/Hairstylist Student**

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the Board decided to issue a Letter of Warning advising him that any further involvement with the

Criminal Justice System will result in further disciplinary action by the Board. The motion passed unanimously.

4. **IMO Heather Bohot,  
Cosmetologist/Hairstylist WG 023365**

Upon motion made by Mr. Joseph Santagata and seconded by Mr. James Forte, the Board requested that Ms. Bohot appear for an investigative inquiry and provide the Board with 3 letters of reference from people who have an opportunity to supervise her. The motion passed unanimously.

5. **IMO Sinh Thi Nguyen**

Upon motion made by Mr. James Forte and seconded by Ms. Fran Tomeo, the Board will issue Sinh Thi Nguyen a Uniform Penalty Letter for the unlicensed practice of cosmetology and hairstyling. The motion passed unanimously.

6. **New Jersey Dental Association vs. Beach Bum Tanning**

The appellate decision is received as informational.

7. **IMO San Thi Tran, t/a Heads Up Beauty Salon, LLC (License No. WD24444)**

The Institute for Justice's correspondence to the Board in this matter is received as informational.

**X ADJOURNMENT**

Upon motion made by Mr. Jerry Speziale and seconded by James Forte, the meeting was adjourned at 2:45 P.M.. The motion passed unanimously.

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JANICE ALVAREZ, Board Chairperson

Countersigned:

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JAY A. MALANGA, Executive Director