

**MINUTES  
REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
APRIL 14, 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.

The Board recited the Pledge of Allegiance and had a moment of silence for the fallen soldiers and those serving our country.

**Roll Call:**

Ms. Janice Alvarez, Mr. Ronald Jerome Brown, Mr. Jack A. Fornaro, Mr. Chris Jones, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay A. Malanga, Executive Director, Mr. Patrick J. McNally, Assistant Executive Director, Ms. Barbara Ambroise, Program Development Assistant were present. Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor 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. Jerry Speziale and seconded by Mr. Chris Jones, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held March 10, 2009 are accepted as read. The motion passed unanimously.

**IV PUBLIC PARTICIPATION SESSION**

Mr. Ronald Brown stated that in view of the Director of the Division of Consumer Affairs's letter to the Board dated March 20, 2009, regarding the proposed prohibition against genital waxing, N.J.A.C. 13:28-2.15(b)4 and in light of the significant public comment received in response to the proposed prohibition, the provision will be reserved upon adoption in order to permit the Board to review the issue and consider what training requirements and practice protocols would help ensure the provision of this service in a safe and sanitary manner. He stated that the Board's regulations are due to expire on April 25, 2009 and that this will allow the remaining proposed regulations to continue through the adoption process.

Because of the Board's lengthy agenda and scheduled inquiries, the Board entertained comments on this or other issues, but asked that the comments be brief and concise and that they be limited to no more than 7 minutes.

9:44AM

Ms. Rose Mary Weiner greeted the Board. She stated that she had been asked to give a presentation as

Chairman of the Board of the Association of Salon & Spa Professionals on the topic of waxing rules and regulations. She stated that she was also the Owner of the Brass Rose Spa for more than ten years. She stated that it is the Association's position that the removal of superfluous hair by waxing can be achieved in a safe and sanitary manner "no matter what body part" is performed. She went over the presentation with the Board including the different types of waxing and its definitions . She stated that this procedure (waxing) can and is being done in a safe and sanitary manner. However, she noted that cosmetology and hairstyling statute limits waxing to the face, arms, legs and abdomen. The proposed prohibition on genital waxing put a burden on salons because insurance policies will not cover prohibited services. She asked that this matter be reviewed and looked at more closely.

Ms. Darlene Fox of the Cosmetology Association questioned whether there would be a secondary comment period when the revisions are posted.

It was explained that the standard operating process of promulgating regulation does not call for a secondary comment period after the first comment period expired.

Mr. Michael Vozzelli greeted the Board and stated that he was there on behalf of the barbers. He distributed correspondence and indicated that he would like the Barber License reinstated including instruction in the use and care of straight edge barber razor, stropping and honing. He stated that the barbering business has been very good for him and his family.

Ms. Bridget Damiano, Vice President of Capri Schools and member of the School Association stated that they have been working with a lobbyist to initiate a barber bill. We very much want it to be a real course and are against apprenticeship. We are working in the direction of what the Board has expressed in the past.

Chairman Ronald Brown thanked everyone for there comments.

There being no further comments, Public Session closed at 9:52 AM

#### V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed information on The Daily Journal article on salon safety and sanitation practices, the Professional Beauty Association's comment on Brazilian waxing, Annual CEA Convention on July 11-13, 2009, International Hair & Beauty Show on May 17 & 18, 2009.

Mr. Malanga thanked everyone for their comments and indicated the Board would take them into consideration.

#### VI FOR BOARD CONSIDERATION

1. IMO Celeste Adamski's criminal offense and her desire to complete a term of training at a cosmetology and hairstyling school and eventually become licensed was presented to the Board for consideration.

Upon motion made by Mr. Chris Jones and seconded by Ms. Janice Alvarez, the Board withheld decision on this matter pending Ms. Adamski's appearance at an investigative inquiry with proof of any type of counseling or being rehabilitated. The motion passed unanimously.

2. IMO Jeanine Marie Eliason's criminal offense and her desire to complete a term of training at a cosmetology and hairstyling school and eventually become licensed was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, Ms. Eliason is allowed to sit for examination upon successful completion of the cosmetology and hairstyling course provided she has no further contact with the criminal justice system. The motion passed unanimously.

3. Correspondence received from Mr. Juan C. Munoz, Ms. Kathleen L. Damico and Mr. Richard Marmo, t/a Hair Core, 1 South Main Street, Lodi, New Jersey in connection with the outstanding penalties assessed against them in the amount of \$700.00 for the alleged violations resulting out of an inspection of their shop on November 26, 2008 was presented to the Board for consideration. They admitted to the charge of violating N.J.S.A. 45:5B-13(d) and paid the penalty (\$300.00) for that violation but indicated that they would like to waive their right to a hearing on the other charges (N.J.A.C. 13:28-2.12(a)2 and N.J.S.A. 45:5B-7) but furnished written explanations for the Board to consider before rendering its final decision.

After careful consideration, the Board pointed out that based on what was submitted, there was a history of appointments in the appointment book that did not mitigate the penalties.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Chris Jones, the fine stands. The motion passed unanimously.

4. Correspondence received from Mr. Andra D. Hayes, t/a Dre's Unisex Salon, 160 Main Street, #5, Orange, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$3,000.00 for the alleged violations resulting out of an inspection of his shop on July 31, 2008 was presented to the Board for consideration. He admitted to the charges of violating N.J.S.A. 45:5B-13(d) and N.J.A.C. 13:28-2.5(a)2v and paid the penalties (\$500.00) for those violations but indicated that he would like to waive his right to a hearing on the other charge (N.J.S.A. 45:1-21(b) & N.J.S.A. 45:5B-9) and furnished a written explanation for the Board to consider before rendering its final decision.

After careful consideration, the Board noted that Mr. Hayes admitted to the charges.

Upon motion made by Mr. Chris Jones and seconded by Mr. Jerry Speziale, the fine stands. The motion passed unanimously.

5. Correspondence received from Ms. Patricia A. Andre, 226 Sylvan Avenue, Gloucester, 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-5B-12 & N.J.A.C. 13:28-2.12(a)2 at Mane Stop, 116 East Kings Highway Store #2B, Haddonfield, New Jersey on December 29, 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, the Board noted that Ms. Andre admitted to the charges.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands with a payment plan. The motion passed unanimously.

6. Correspondence received from Ms. Catherine Carollo and Ms. Lorraine Martorano, Instructors, Capri Institute Cosmetology Training Centers, 268 Brick Boulevard, Brick, New Jersey in connection with Kimberly Jackson.

Note: The Board previously considered this matter at the regular monthly meetings held March 11, 2008 and September 9, 2008 and withheld decision on this matter pending statements from the instructors.

Mr. Jay Malanga discussed the background on this case with the Board.

Upon motion made by Mr. Chris Jones and seconded by Mr. Jerry Speziale, the Board finds Ms. Kimberly Jackson violated the Board's regulation as charged but would suspend the fine. Mr. Ronald Brown, Mr. Jack Fornaro, Ms. Jancie Alvarez and Mr. Joseph Santagata opposed. Motion failed.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, although Ms. Jackson is found to have violated the Board's regulation as charged but due to mitigating circumstances the Board moved to reduce the fine to \$100.00. Mr. Chris Jones and Mr. Jerry Speziale opposed. Motion passed.

Mr. Chris Jones suggested that the Board revisit the language on this matter to prevent another similar incident.

7. Correspondence received from Mr. Joseph S. DiMaria, Esquire on behalf of his client, Sofia S. Hossain in connection with the outstanding penalty assessed against Ms. Hossain 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 Hair Core, 1 South Main Street, Lodi, New Jersey on November 26, 2008 was presented to the Board for consideration. He indicated that Ms. Hossain waives 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. Jack Fornaro and seconded by Ms. Janice Alvarez, 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

Sorya Truong

Amer S. Chaudry, Pres. & Ahmed Nawaz

t/a Great Clips License #WD25857

Cheng Cong Sun

Thanh Nguyen

Lin Xing

Dan Chin V Nguyen

Eloisa Candida Oliveira

Jhanet Arrieta

Emerson Braganca Silva

Den Van Nguyen, Mimi Mai Truong & Xuan Mai Ha

t/a Da-Vi Nails License #WM002816

Josefina Nunez-Soto, Mirtha Albino & GIpoltreisy Polanco

t/a Prime Beauty Salon License #WD20825

Seong Hong Lau

Enrique Contrera

Soon Taek Choi

t/a Creative Nail By Suki Ultimate Rays License #WD025045

Gina De La Cruz

Maily N. Do

Euceline Rueda & Jose M. Rueda

t/a Enfase Beauty Salon License #WD024445

Rohemond Foster t/a Braiding Bunch Head Quarters License #WD22674

Tony W. Edwards

Rich Thanh

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

Timothy N Ealy 12/04/90 \$50.00  
Newark, NJ

Harry Eason 03/26/98 \$150.00  
Teaneck, NJ

Patricia Easton 06/15/88 \$150.00  
Hasbrouck Heights, NJ

Josephine Cole 09/20/96 \$400.00  
T/a Ebony Hair Braiding Salon  
Irvington, NJ

Lori-Ann Bennett 08/18/95 \$350.00  
T/a Eccentric Colours  
Hillside, NJ

Lourdes Torres Echeuvaria 05/05/95 \$150.00  
Camden, NJ

Milton Edme 05/22/93 \$150.00  
New York, NY

Alicia Edwards 06/19/97 \$150.00  
Irvington, NJ

Michael P Edwards 07/28/95 \$150.00  
Philadelphia, PA

Stephanie Edwards 02/10/88 \$150.00  
New Brunswick, NJ

Dede Dona Eklun 09/09/99 \$300.00  
Orange, NJ

Cecilia Elder 05/17/96 \$50.00  
Merchantville, NJ

Lari Fielding, Pres 01/24/90 \$200.00  
T/a Elegant Nails  
Closter, NJ

Sung Kim 01/27/95 \$400.00  
T/a Elizabeth Nail  
Elizabeth, NJ

Gogoua Tape 07/27/99 \$550.00  
T/a Elizabeth's African Hair Braiding  
Elizabeth, NJ

Elizabeth Karpowicz 06/18/82 \$300.00  
T/a Ella's Beauty Salon  
Passaic, NJ

John S Bertrand 01/24/91 \$150.00  
T/a Emages Hair & Nail  
Rochelle Park, NJ

Emanuel Schiller 04/18/86 \$ 50.00  
T/a Emanuelle International Inc  
Cherry Hill, NJ

Areli Encarnacion 03/17/94 \$150.00  
Newark, NJ

Grace Walton 06/23/93 \$350.00  
T/a Enhance Beauty Salon  
Orange, NJ

Cruz Davila 01/15/93 - 06/07/91 \$200.00  
T/a Enid's Hair Fashion  
Paterson, NJ

Jung Hwa Eom 01/06/95 \$250.00  
C/o the Nail Flower  
Union, NJ

Maggie Ervin 09/24/98 \$150.00  
Sicklerville, NJ

Anna Johnson 10/16/86 \$375.00  
Haddonfield, NJ

Luis Espillal 09/06/96 \$1,000.00  
Union City, NJ

Jose L Cordero 09/03/98 \$150.00  
T/a Estilos Unisex  
Elizabeth, NJ

Yaqueline Estrada 01/14/98 \$150.00  
Elizabeth, NJ

Jose Almando Estrella 05/07/98 \$150.00  
C/o Lexux Unisex  
New Brunswick, NJ

Sonny Zohar 08/11/90 \$450.00  
T/a European Nail Care  
Beach Haven, NJ

Julene Evans 06/21/999 \$300.00  
Paterson, NJ

Mashanda C Evans 08/22/97 \$150.00  
Irvington, NJ

Eveyn Sammartino 06/11/87 \$300.00  
T/a Evelyn's Beauty Salon

Bayonne, NJ

Mitchelle Everest 07/22/94 \$150.00

Sayreville, NJ

Lloyd Earl Sanders, Jr 01/08/98 - 02/04/98 \$850.00

T/a Everlasting Unisex Hair 10/30/07 - 08/22/96

Asbury Park, NJ

Shawn Nelson 09/30/98 \$400.00

T/a Everuthing Is Hair

Orange, NJ

Jeung Lee & Suk Lee 07/21/93 \$670.00

T/a Eve's Nail Salon

Livingston, NJ

Rosina Bonsu, Pres 10/12/995 \$1,370.22

T/a Excellence by Design

Newark, NJ

Eva Velasquez 11/01/79 \$250.00

T/a Exclusive Coiffure

Guttenberg, NJ

Bernice Melvin 07/28/95 \$1,000.00

T/a Exclusive Designs Hair Sln

South Toms River, NJ

Albert Leung 07/23/98 \$150.00

T/a Executan Hair & Nail

Ventnor, NJ

Yvette Ducorsky, Pres 08/25/94 \$1,050.00

T/a Executive Hair Studios, Inc

Cherry Hill, NJ

Losseni Kourouma 05/17/99 \$250.00

T/a Express Hair Braiding

Newark, NJ

Gladys Cherilien 10/29/99 \$1,100.00

T/a Exotic Hair Design

Elizabeth, NJ

Han Sook Ja (Jenny) 06/22/00 \$300.00

C/o Suzie's Nail

Palisades Park, NJ

Jung Jung Ja 01/03/00 \$300.00

Queens, NY

Sin Kyung Ja (Linda) 06/22/00 \$300.00

C/o Suzie's Nail

Palisades Park, NJ

Lawanda G Jackson 02/09/96 \$150.00  
Turnersville, NJ

Patricia (Dixon) Jackson 03/12/98 \$150.00  
East Orange, NJ

Walter S Jackson 02/02/95 \$100.00  
Glassboro, NJ

Matthew V Jacobi 08/03/00 \$300.00  
Sea Isle City, NJ

Miguel Jadis 03/08/96 \$150.00  
Irvington, NJ

Dajuan James 08/20/97 \$150.00  
Brooklyn, NY

Erica James 04/28/00 \$300.00  
Pennsauken, NJ

In Suk Jang 09/27/99 \$300.00  
Fort Lee, NJ

Ida Graves 03/03/78 \$100.00  
T/a Ida's Rae Mode Salon of Bty  
Trenton, NJ

In Young Im 04/12/00 \$300.00  
Bayonne, NJ

Tina Im 03/08/94 \$150.00  
West Orange, NJ

Joseph Abolafia 09/15/77 \$50.00  
T/a Images  
Englewood, NJ

John D Smith, Pres 12/03/99 \$100.00  
T/a Indivo Hair Designs  
Cherry Hill, NJ

Leon Ingram 03/04/92 \$150.00  
West Orange, NJ

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

#### AGENDA SUPPLEMENT:

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, correspondence received from Westfield Regional Health Department is added to the agenda for Board information. The motion passed unanimously.

1. Correspondence received from Ms. Magan Avallone, Health Officer, Westfield Regional Health

Department, 425 East Broad Street, Westfield, New Jersey 07090 requesting clarification to proposed local ordinances that relates to the Board's regulated services or practice.

Mr. Chris Jones indicated that he would like to be member of a committee to review the feasibility of joint inspections with local boards of health.

The Board stated that any joint inspection with local boards of health is feasible so long as each agency executes its responsibility and/or enforcement within the frame work of its statutory and regulatory scheme and police power during the inspection.

## VII EXECUTIVE SESSION

11:15 AM: IMO Tatiana Bitko Investigative Inquiry

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Joseph Santagata, the Board went into Executive Session. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Chris Jones, the Board determined that Ms. Bitko's license is to be issued provided she have no further contact with the criminal justice system and that she submit a corrected renewal form. The motion passed unanimously.

11:30 AM: IMO Mary-Joan Wall, Great Wall.Com, LLC, Investigative Inquiry

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board went into Executive Session. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Board went into Executive Session. The motion passed unanimously.

Mr. Chris Jones stated that the Board had a lot of discussion regarding her application for a shop license and could see that Ms. Wall acted in good faith. He asked that Ms. Wall does not engage in any of the regulated services until such time as she successfully obtain a shop license.

Mr. Malanga stated that he has a copy of Ms. Wall's shop application and would be processing her application.

Upon motion made by Mr. Chris Jones and seconded by Mr. Jerry Speziale, the Board will review Ms. Wall's shop application for a facility licensure. The motion passed unanimously.

Ms. Wall thanked the Board.

## VIII OLD BUSINESS

Mr. Jay Malanga stated that he has drafted a letter for Board's review regarding documentation needed to process licensure application of students with criminal history.

## IX NEW BUSINESS

### COMMITTEE REPORTS

Examination & Sites:

Ms. Janice Alvarez reported that all committee work is up to date. She reminded the Board of the Mass

Testing coming up On May 18th and 19th at the Sovereign Bank Arena in Trenton.

Education & New Studies:

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

Violation:

Mr. Jerry Speziale 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.

X ADJOURNMENT

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the meeting was adjourned at 2:30 P.M.. The motion passed unanimously.

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RONALD J. BROWN, Chairman

Countersigned:

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JAY A. MALANGA, Executive Director