

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
MAY 8, 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, Ms. Maria Cruz Denzer, Mr. Anthony Fiore, Mr. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambrose, Program Development Assistant were present. Ms. Frances Tomeo 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 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)

Upon motion made by Mr. James J. Forte and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held April 10, 2012 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga distributed copies of an article on toxins in non-toxic nail polishes and information on the Aurie J. Gosnell Scholarship.

VI FOR BOARD CONSIDERATION

1. The extension of Computer Based Testing contract was presented to the Board for consideration.

Upon motion made by Anthony Fiore and seconded by Mr. James J. Forte, the Board is pleased with Prometric's services and the delivery of the Computer Based Testing during the contractual period. The Board voted to a one year extension of T-2631 with the option to revisit the matter for the final one year extension of the contract in 2013. The motion passed unanimously.

2. Additional information received from Ms. Marjorie Amorosi, Director of Schools, Capri Corporate with regard to the Guest Vision Time Clock Reports she would like to use in the Capri Schools was presented to the Board for consideration.

After careful consideration, upon motion made by Mr. Peter Macri and seconded by Ms. Maria Cruz Denzer, the Guest Vision Time Clock reports is approved. The motion passed unanimously.

3. Correspondence received from Ms. Anila Bilbili, 72 Cross Avenue, Midland Park, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$250.00 for the alleged violation of N.J.S.A. 45:5B-35 & N.J.S.A. 45:5B-7 at JA Alternatives, 210 East Route 4, Paramus, New Jersey on November 16, 2010 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has 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. Maria Cruz Denzer, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Ms. Yen Nguyen, 7335 Black Horse Pike, Mays Landing, New Jersey 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 Tulip Nails Salon, 4215 Black Horse Pike #6, Mays Landing, New Jersey on January 18, 2008 and May 27, 2011 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has furnished a written explanation for the Board to consider

before rendering its final decision.

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

5. Correspondence received from Ms. Celeste White, t/a Hair World, 190 New Hampshire Avenue, Lakewood, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$850.00 for the alleged violations resulting out of an inspection of her shop on November 17, 2010 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has 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 withheld decision pending an updated floor plan and that Ms. White produce a license for the manicuring salon. The motion passed unanimously.

6. Correspondence received from Ms. Awilda Surach, 20 Calumet Avenue, Lake Hiawatha, 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 Shear Perfection By Kristin, 137 North Beverwyck Road, Lake Hiawatha, New Jersey on February 23, 2010 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has 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. Peter Marcri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

7. Correspondence received from Ms. Thoms Thi Ngo, 810 Youngs Road, Phillipsburg, 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 Elegant Nails, 755 Memorial Parkway Suite 3, Phillipsburg, New Jersey on October 5, 2010 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion

passed unanimously.

8. Correspondence received from Ms. Marie Pepe, 20 Topaz Drive, Franklin Park, 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 New Kaya Beauty Salon, 3175 Route 27 (Rear Unit), Franklin Park, New Jersey on June 17, 2010 was presented to the Board for consideration. As you know, you have indicated that you would like to waive your right to a hearing but have 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. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

9. Correspondence received from Mr. Louis Tedeschi, Mr. Robert Guerriero and Mr. Wayne Lucarini, t/a Louis Christia Wayne Robert Salon & Spa, 1990 East Route 70, Cherry Hill, New Jersey in connection with the outstanding penalty assessed against them in the amount of \$500.00 for the alleged violations resulting out of an inspection of their shop on November 13, 2008 was presented to the Board for consideration. They admitted to the charge of N.J.S.A. 45:5B-13(d) and have paid the penalty (\$300.00) for that violation and indicated that they would like to waive their right to a hearing on the other charge but have 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 directed that the Salon be reinspected with special instructions to focus on the prohibited services.

10. Correspondence received from Ms. Jane Arce, t/a JA Alternatives, 500 2A Green Tree Executive Campus, Marlton, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$3000.00 for the alleged violations resulting out of an inspection of her shop on November 24, 2010 was presented to the Board for consideration. She admitted to the charges of N.J.S.A. 45:5B-13(e), N.J.A.C. 13:28-2.5(a)2vi, vii and N.J.A.C. 13:28-2.12(b) and has paid the penalties (\$500.00) for those violations and indicated that she would like to waive her right to a hearing on the other charge but has 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.

The Board directed that the Salon be reinspected to determine whether Laser Therapy is being offered.

11. Correspondence received from Ms. Abiola Joseph, t/a Queens of Styles Unisex Beauty Salon, 218 Rhode Island Avenue, East Orange, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$750.00 for the alleged violations resulting out of an inspection of her shop on April 6, 2011 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. James J. Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

12. Correspondence received from Mr. Sean Guzman, t/a High Street Cuts, 185 High Street, Nutley, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$550.00 for the alleged violation resulting out of an inspection of his shop on August 17, 2011 was presented to the Board for consideration. He has indicated that he would like to waive his right to a hearing but has 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. James J. Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

13. IMO Carol Lange.
A consent order issued by the Department of Banking and Insurance, Bureau of Fraud Deterrence to Carol Lange, License #WA03110600 was presented to the Board for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. James Forte, Mr. Lange is to be issued a warning letter. The motion passed unanimously.

14. Enforcement Bureau Report IMO Engel Rivas, t/a Mist Barber Shop, 92 Broad Street, Keyport, New Jersey and Mario J. Rosario-Pichardo was presented to the Board for consideration.

Upon motion made by Mr. James Forte and seconded by Mr. Joseph Santagata, the matter is referred to the Enforcement Bureau to develop the case. The motion passed

unanimously.

Agenda Supplement

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the following matters are to be added to the Agenda. The motion passed unanimously.

1. Adoption of the Waiver Rule was presented to the Board for information.

The Board acknowledged the information.

2. IMO Sweet & Sassy, License No. WD 27623

The parties submitted a proposed settlement for Board review.

3. Correspondence received from Ms. Elaine Norris, t/a Elaine's World of Beauty, 147 Hoffman Boulevard, East Orange, 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 May 27, 2011 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has 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.

VII OLD BUSINESS

VIII NEW BUSINESS

Committee Reports

Examination & Sites:

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

Education & Public Relations:

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

Regulatory Committee:

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

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 any action is taken, it will be reported in Public Session.

11:00 A.M. IMO Alonso Legette

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. James Forte is allowed to sit for the State Board Examination at such time as he satisfies all eligibility requirements, provided he has no further contact with the criminal justice system. The motion passed unanimously.

11:20 A.M. IMO Latricia Samuels

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Maria Cruz Denzer, Ms. Latricia Samuels is allowed to sit for the State Board Examination provided she has no further contact with the criminal justice system. The motion passed unanimously.

11:45 A.M. IMO Kara Johnson

Upon motion made by Mr. Peter Macri and seconded by Mr. Joseph Santagata, this conviction will not bar Ms. Kara Johnson from remaining licensed provided she have no further contact with the criminal justice system. The motion passed unanimously.

X ADJOURNMENT

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

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director