

MINUTES

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

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 Mr. Peter Macri and seconded by Ms. Frances Tomeo, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held April 9, 2013 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Mr. Ray Testa, New Jersey Association of Cosmetology Schools greeted the Board. He stated that he would like to thank Mr. Jay A. Malanga for being very responsive to the Department of Education in the matter of Post Secondary School loan related matters. He stated that Mr. Malanga wrote a very detailed letter but that there has not been a response. So far they only approve 9 states out of 50. We are working diligently on this matter.

Mr. Ray Testa also stated that the approval of item # 6 on the agenda for fingerprint or thumb print scanner in place of the sign-in sheets would be in the best interest of everyone.

Mr. Ray Testa stated that they are not able to start using this system until they get a firm approval from the Board.

Mr. Santo Trapani, Ms. Darlene Fox and Ms. Paula Brown were also present.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga asked that the Board approve items to be added to the agenda as supplements. Three items for the open session agenda and three items for the closed session agenda.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board added three items to the open agenda and three items to the closed agenda. The motion passed unanimously.

Mr. Jay Malanga distributed information pertaining to the National Association of Barber Boards of America, 87th Annual Conference of the National Association of Barber Board of America to be held on September 14th - September 19th, 2013. Also he distributed information on nail salon cleanliness, an article on New State Legislation Could Change Beauty Landscape Across US, Legislation regarding minors in tanning facilities and eyelash extensions.

Mr. Jay Malanga stated that the Board had approved Artistic Academy to run a "Beauty-A-Thon" for Sandy victims on April 24, 2013 and that they had raised \$19,074.54. He congratulated them for a job well done.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Yan Qing Li, t/a Top Style Nails, 315 Bayonne Crossing

Way, Bayonne, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$1,650.00 for the alleged violations resulting out of an inspection of her shop on November 16, 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.

2. Correspondence received from Ms. Hao Thi Tran, t/a Future Nail Salon, 6716 Washington Avenue, Egg Harbor Township, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$2,650.00 for the alleged violations resulting out of an inspection of her shop on May 16, 2012 was presented to the Board for consideration. She admitted to the charges of N.J.S.A. 45:5B-13(e) (\$250.00), N.J.A.C. 13:28-2.5(a)2i,iv,v,vii (\$200.00) and N.J.S.A. 45:5B-13(d) (\$1,200.00) and paid the penalties for those violations; and she indicated that she has waived her 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) (\$1000.00) 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.

3. Correspondence received from Mr. Bradley J. Hansen, Associate General Counsel, t/a Hair Cuttery #2928, 2360 Lakewood Road, Toms River, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$900.00 for the alleged violation resulting out of an inspection of his shop on August 10, 2006 was presented to the Board for consideration. He indicated that he would like to waive his 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.

4. Correspondence received from Ms. Jennifer Lam, t/a Le Reve Nail Spa, 1090 Amboy Avenue Store #3, Edison, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$450.00 for the alleged violation resulting out of an inspection of her shop on November 29, 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. The motion passed

unanimously.

5. Correspondence received from Mr. Alexis Vargas, 3633 Highway 33, Apt. 220, Neptune, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$300.00 for the alleged violation of N.J.S.A. 45:5B-7 at Emilia's Salon, 104 Main Street, Woodbridge, New Jersey on June 30, 2010 was presented to the Board for consideration. He indicated that he would like to waive his 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. The motion passed unanimously.

6. Correspondence received from Ms. Paula Brown, Director of Marketing and Management Development, Rizzieri Aveda School in connection with her request for the Board to allow Rizzieri Aveda School for Beauty and Wellness, Voorhees, New Jersey to switch over to using a fingerprint or thumb print scanner that will record the student attendance plus produce reports that would comply with Section 13:28-6.15 School Records of the New Jersey Administrative Code Title 13 Law and Public Safety Chapter 28 was presented to the Board for consideration.

Mr. Jay Malanga stated that if it is operational they can send the reports now. We want to have the hard copies for now until MIS approves.

Upon motion made by Ms. Angela Pantaleone and seconded by Ms. Frances Tomeo, the Board approves the use of a fingerprint or thumb print scanner for student attendance as long as the Board system can handle it. The motion passed unanimously.

7. Correspondence received from Ms. Cheryl Dunn in connection with obtaining a separate license for waxing.

After careful consideration, upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board is not authorized to issue a separate license for waxing. The motion passed unanimously.

8. The School Committee reviewed the lesson plans for the 500 hour teacher training course submitted for Board approval from Young Hoon Suh, Director, Bella Cosmetology Institute LLC, 532 10th Street, Palisades Park, NJ 07650.

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Jerry Speziale, the Board approved the 500 hour teacher training course for Bella Cosmetology Institute LLC. The motion passed unanimously.

9. **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. Robert Castagno, Barbara Castagno, t/a The Subway - License No.: 32WD00340400
2. Patricia White, t/a Elegant Secrets Beauty Salon, - License No.: 32WD02747200
3. Youn Jung Kim, t/a Spa Zone Nail - License No.: 32WM00366000

The Board's counsel indicated that #1 is removed from the list and that #3 is to go to Administrative Closure.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Peter Macri, the Board directed that a Final Decision and Default Order on UPL be issued to Patricia White. The motion passed unanimously.

Upon motion made Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, Youn Jung Kim is administratively closed. The motion passed unanimously.

10. Correspondence received from Ms. Gena Hoban, 2 Lincoln Lane, Marlton, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$500.00 for the alleged violation of N.J.S.A. 45:5B-12(g) at The Skin Care Loft, 707 White Horse Road, Suite C-103, Voorhees, New Jersey on February 18, 2011. 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.

Note: The Board considered this matter at the regular monthly meeting held on September 11, 2012; but withheld decision on this matter pending further review and discussion.

After careful consideration, upon motion made by Ms. Mariz Cruz Denzer and seconded by Mr. Jerry Speziale, the matter is to be administrative closed. The motion passed unanimously.

11. Correspondence received from Ms. Huong T. Vu, t/a Me Salon, 599 South Livingston Avenue, Livingston, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$250.00 for the alleged violations resulting out of an inspection of her shop on September 14, 2010. 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.

Note: The Board considered this matter at the regular monthly meeting held on April 10, 2012; but withheld decision on this matter pending additional information from the Enforcement Bureau.

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.

Agenda Supplement

1. A referral from the Board of Dentistry “Can a licensed dentist hire a licensed cosmetologist onto his staff to perform facial hair waxing, non medical grade facials, and non medical grade chemical peels to a patient’s perioral tissue? It is my understanding that these services fall under the scope of cosmetic dentistry since appearance of the peri oral tissues play a large part in the success of cosmetic dental procedures.”

The Board discussed this matter at length. In their discussion it was pointed out that the Board’s statute states that the Board’s licensees cannot practice in an unlicensed facility.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, this matter is referred to the Board office to obtain more information. The motion passed unanimously.

2. A request from Mr. Corey Matthews, Campus Director Jolie Health and Beauty Academy, 801 Tilton Road, Northfield, New Jersey 08225 in connection with his desire to obtain approval for an additional evening cosmetology class to start on June 3, 2013 was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board withheld decision on this matter pending Mr. Matthews’ submission of a revised class schedule to include their evening cosmetology class. The motion passed unanimously.

3. A request from Ms. Paula Brown, Rizzieri Aveda School for Beauty & Wellness, Voorhees, New Jersey in connection with their school hours and make-up hours with revision.

Ms. Janice Alvarez stated that they need to be more detailed and the students cannot exceed 48 hours of training in a week.

Ms. Paula Brown stated that it is one or the other. It gives them an option that is it.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Frances Tomeo, the Board

approves the request based upon submission of an explanation of exactly what the schedule will be and must meet the regulatory requirements. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

Special Announcement

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Angela Pantaleone, the regular monthly meeting is being rescheduled from June 11th to June 18th, 2013. The motion passed unanimously.

Committee Reports

Examination & Sites:

Ms. Frances Tomeo stated that all Committee work is up to date.

Mass Testing will be in Burlington County on May 20th, 21st and in Wayne on June 1st.

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. She stated that she would like to run a seminar the 2nd week of August, to discuss different topics and that she has reached out to Frank Farino to see if his school will be available.

Regulatory Committee:

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

Special Committee Assignments:

No report

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.

X ADJOURNMENT

Upon motion made by Mr. Peter Macri and seconded by Mr. Joseph Santagata , the meeting was adjourned at 2:14 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director