

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JUNE 8, 2010
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. Jack Fornaro, Mr. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Executive Director, Mr. Patrick J. McNally, Assistant Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Mr. Ronald Jerome Brown 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. Nina Mitchell Wells, Secretary of State, and the Newark Star-Ledger and Trentonian Newspapers on December 9, 2009, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 9, 2009.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held May 11, 2010 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Mr. Raymond Testa of the Association of Cosmetology & Hairstyling Schools was in attendance and greeted the Board. He shared some information pertaining to Bill #1055 in Pennsylvania and the NIC Conference to be held in Seattle.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the August regular monthly meeting of the Board is cancelled.

Mr. Malanga stated that Group Testing went extremely well this year and thanked all those involved in the process including the examiners, the Board's chair Janice Alvarez, and the Board staff: Barbara, Mark and John for their dedication and hard work.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Sally-Ann Jiles in connection with her application for initial shop licensure of Ndiange Hair Studio, LLC, 45 Washington Street, West Orange, New Jersey was presented to the Board for consideration.

Mr. Malanga stated that the application lacks the requirements to obtain a facility license and is under the required 350 square feet pursuant to N.J.A.C. 13:28-2.5(a).

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Peter Macri, Ms. Jiles is to increase the square footage to 350 square feet or to find a more suitable location. The motion passed unanimously.

2. Correspondence received from Ms. Lorena I. Lopez, 28 Shepard Terrace, West Orange, New Jersey 07052 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 Supercuts #9607, 1280 Prospect Avenue, West Orange, New Jersey on June 6, 2007 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, upon motion made by Mr. Jack Fornaro and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

3. A request received from Ms. Jenny Lee Schmidt, School Director, Jersey Shore Beauty Academy, Paul Mitchell Partner School, 712 Route 70, Brick, New Jersey 08723 to change her start dates for June and August to June 28th and August 30th, 2010 to accommodate her 8 week curriculum was presented to the Board for consideration.

Mr. Malanga stated that the change in start dates would only be for two cycles.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the Board

approves the change of start dates as indicated for June and August. The motion passed unanimously.

4. Correspondence received from Ms. Donna M. Mauro, t/a Ciao Bell Salon & Day Spa, 711 Marsha Avenue, Williamstown, New Jersey 08094 in connection with the outstanding penalties assessed against her in the amount of \$2,950.00 for the alleged violations resulting from an inspection of her shop on July 3, 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, upon motion made by Mr. Joseph Santagata and seconded by Ms. Maria Cruz Denzer, the Board rescinds the fine for violation of N.J.S.A. 45:5B-13(d), but the other fines stand. The Board also authorizes a payment plan, with the first payment being \$650.00 and each subsequent payment being \$500.00 each. The motion passed unanimously.

5. Correspondence received from Ms. Arlene De Stories Mecca, t/a Buzz, 335 Shaler Boulevard, Ridgefield, New Jersey 07657 in connection with the outstanding penalty assessed against her in the amount of \$250.00 for the alleged violation resulting from an inspection of her shop on July 11, 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, upon motion made by Mr. Jack Fornaro and seconded by Ms. Maria Cruz Denzer, the fine stands. The motion passed unanimously.

6. Correspondence received from Ms. Kathy Durant, Operations Coordinator, t/a Bluemercury, Inc., 1010 Wisconsin Avenue, #315, Suite 700, Washington, DC 20007 in connection with the outstanding penalties assessed against her in the amount of \$700.00 for the alleged violations resulting from an inspection of her shop on November 10, 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.

After careful consideration, upon motion made by Mr. Jack Fornaro and seconded by Mr. Peter Macri, the fine stands and the Shop is to be reinspected. The motion passed unanimously.

7. Ms. Maria M. Perez, Director, New Concept Beauty School #2, 263 N. Broad Street, 2nd Floor, Elizabeth, New Jersey appeared with her supervising teacher, Ms. Luz E. Benjumea in connection with her application for initial (change of ownership) school licensure of New Concept Beauty School #2, Elizabeth, New Jersey.

The Board greeted Ms. Maria Perez, Vice President and Director, Mr. Juan Artega,

Administrative Assistant, and Ms. Luz Benjumea, Supervising Teacher.

They answered all questions of the Board pertaining to the running and operation of a cosmetology & hairstyling school.

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. Joseph Santagata, Ms. Perez's application for school license of New Concept Beauty School #2, Elizabeth, New Jersey is approved subject to a satisfactory final inspection. The motion passed unanimously.

Agenda Supplement

1. Executive Order No. 2

Ms. Mary Ann Sheehan, Legislative Liaison, greeted the Board.

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

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board returned to Open Session.

Ms. Sheehan recommended the Board review its regulations on refresher courses as referenced in N.J.A.C. 13:28-1.2(e) 1.2(f) to determine if there are clear barriers to practice, and to review the requirement for micron filters in facilities to determine their necessity and cost implications.

The Division of Consumer Affairs is currently reviewing whether to allow the reinstatement without taking the examination of licensees who have let their New Jersey licenses lapse for more than 5 years, but are in good standing in another state.

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. Joseph Santagata, the Board agrees with Ms. Sheehan's recommendations for the changes as discussed. The motion passed unanimously.

2. IMO Sweet & Sassy

A Uniform Penalty Letter ("UPL") was issued against Sweet & Sassy on January 13, 2010,

in which Sweet & Sassy was found to have multiple violations resulting from an inspection of the shop on June 13, 2009. One of the violations involved allowing three (3) unlicensed persons to practice without a valid license. The UPL accorded the facility 15 business days to acknowledge the charge by three choices: (1) settle the matter, desist from further violations, and pay a civil penalty, (2) waive a hearing and submit a written explanation of the charge, or (3) request a formal administrative hearing before the Board. To date, no response has been received. The Board has reviewed the matter and determined that Sweet and Sassy is in default. However, the Board will give Sweet & Sassy an additional 15 business days upon receipt of the letter to respond to the UPL by completing and returning the enclosed acknowledgments. Thereafter, in the absence of a response, the allegations made against Sweet and Sassy will be deemed uncontested by default, and the Board will proceed to finalize the matter and issue a Default Order.

Upon motion made by Mr. James Forte and seconded by Mr. Joseph Santagata, the Board authorizes a letter to be sent giving Sweet & Sassy a last opportunity to respond, and with regard to the other three (3) responses received from the unlicensees who were found practicing without a license, the Board authorizes sending a settlement letter in an attempt to settle with the employees, and if the settlement offer fails, the matter will go to prosecution. The motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. Jack Fornaro and seconded by Mr. James Forte, the Board went into Executive Session.

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the Board returned to Open Session. The motion passed unanimously.

VIII OLD BUSINESS

On the Barbering issue, the Board is working on the proposed regulation. Thereafter, the Board will address the practice of Brazilian waxing. The Committee will have an open meeting to allow for public input and comment on both matters.

IX NEW BUSINESS

Committee Reports

Examination & Sites:

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

Education & New Studies:

Ms. Maria Cruz Denzer stated that all committee work is up to date.

Public Relations:

Ms. Maria Cruz Denzer stated that the Board's web site needs improvements.

Mr. Jay Malanga stated that the Board's web site is in the process of being updated and that the Board will be pleased with the changes.

Violation:

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

Regulatory:

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

School & Department of Education Liaison:

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

Legislation:

Ms. Jack Fornaro reported that all committee work is up to date.

X ADJOURNMENT

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the meeting was adjourned at 2:00 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director