

**MINUTES
REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JUNE 12, 2007
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. Ronald Jerome Brown, Mr. Jack A. Fornaro, Mr. Chris Jones, Mr. Anthony Monaco, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay A. Malanga, Executive Director, Mrs. Barbara Ambroise, Program Development Assistant were present. Mr. Carlo Melini and Ms. Denise Pereau were absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principal Clerk Transcriber 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 13, 2006 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 13, 2006.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Ronald Brown and seconded by Mr. Jerry Speziale, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held May 8, 2007 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION PORTION

Mr. Chris Jones greeted Ms. Darlene Fox and Mr. Harry Comp, Jr., members of the New Jersey State School Association.

Ms. Darlene Fox addressed the Board on the new 600 hour curriculum for the Barbering Bill the New Jersey State School Association is proposing. She stated that the 600 hour curriculum could work if the chemical services are eliminated from the curriculum. The Association is also proposing to create a specialty teachers license to meet the need for qualified teachers to teach barbering, skin care, manicuring etc.

Mr. Harry Comp stated that the Association is also looking for the Board to push for CBT testing. He stated that CBT would be a positive impact for the students.

The sponsor of the bill, Mr. Stanley had not been reelected and that the Board does not know what will happen to the bill.

With regard to CBT, the Board has been working diligently on this issue with the Division of Law and

Fiscal Department.

Mr. Harry Comp stated that the Association has also been looking into clock hours and credit hours. Students getting credit instead of clock hours in a course of study is an idea he wanted to mention for the future. The Board requested Mr. Comp to submit his idea in writing for review.

The Board sought further explanation from the representatives regarding the New Jersey State School Association's proposed curriculum of 20 hours of shaving. In response, Mr. Harry Comp stated that the proposed 600 hour curriculum probably in reality should be longer and maybe could be redrafted. He stated that the practical application is what drives the theory.

The Board's counsel stated that there was a rough draft curriculum put together but it has not been reviewed by the Board yet. The Board is now getting information from the industry on what should be included in the curriculum.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed information on the Association of Cosmetology & Hairstyling Schools of New Jersey, Inc.'s opposition to Assembly Bill #A2282, mobile salons, NIC Annual Conference Registration Packet for their annual conference, NACCAS' 2007 call for nominations for commission election, NIC's honorary membership nominations, presentation made by Rosemary Weiner for Board information, information on a Barber Kiosk, The Sister Study Breast Cancer Research and NCEA's Certification Program.

Mr. Malanga stated that the Board usually cancels one of its summer meetings due to vacations, etc. and asked whether the Board wished to do so this year.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the August meeting is to be cancelled. The motion passed unanimously.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Maria Boccuto, t/a Lindy's Barber Shop & Beauty Salon, 1595 Route 38 Amherst Shop Center, Lumberton, New Jersey in connection with the penalty assessed against him in the amount of \$250.00 for the alleged violations resulting out of an inspection of her shop on December 14, 2006 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.

After discussion, upon motion made by Ms. Janice Alvarez and seconded by Mr. Joseph Santagata, the Board directed that the fine stand. The motion passed unanimously.

2. Correspondence received from Ms. Maria Franco, t/a Hair Flair Inc., 41-43 Elm Road, Newark, New Jersey in connection with the penalty assessed against her in the amount of \$250.00 for the alleged violations resulting out of an inspection of her shop on October 13, 2006 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.

After discussion, upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board directed that the fine stand. The motion passed unanimously.

3. Correspondence received from Ms. MaryRose Busch, t/a Anthony Placido's Presents, 9 Station Square, Rutherford, New Jersey in connection with the penalties assessed against her in the amount of \$700.00 for the alleged violations resulting out of an inspection of her shop on February 16, 2007 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.

After discussion, upon motion made by Mr. Jack Fornaro and seconded by Mr. Ronald Brown, the Board directed that the fines stand. The motion passed unanimously.

4. Correspondence received from Mr. Kahseem S. Allah-Shabazz, 403 Ellison Street, Paterson, New Jersey in connection with his conviction of Possession of CDS With Intent to Distribute and his desire to complete a term of training at Capri Institute Cosmetology Training Centers, Clifton, New Jersey and eventually become licensed was presented to the Board for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board withheld decision on this matter pending Mr. Allah-Shabazz's appearance at an investigative inquiry. The motion passed unanimously.

5. Correspondence received from Ms. Maggie Lynn DeSombre, 393 Main Street, Paterson, New Jersey in connection with her convictions of Possession of CDS (Heroin) and Shoplifting and her desire to complete a term of training at Capri Cosmetology Training Centers, Clifton, New Jersey and eventually become licensed was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board withheld decision on this matter pending Ms. DeSombre's appearance at an investigative inquiry. The motion passed unanimously.

6. Correspondence received from Ms. Evelyn Pissarro, Senior Admissions Representative, Empire Beauty School on behalf of Mr. James Suldon, 839 N. 32nd Street, Camden, New Jersey in connection with his convictions of Theft From a Person (3rd Degree) and Resisting Arrest and his desire to complete a term of training at Empire Beauty School and eventually become licensed was presented to the Board for consideration.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, the Board withheld decision on this matter pending Mr. Suldon's appearance at an investigative inquiry and instructed that Mr. Suldon is to submit a copy of the investigation report and arrest report for the Board to review. The motion passed unanimously.

7. Correspondence received from Ms. Lat Gueye, t/a Fofana Hair Braiding Salon, 1091 Springfield Avenue, Irvington, New Jersey in connection with penalties assessed against her in the amount of \$11,150.00 was presented to the Board for consideration. She has asked that the Board allow her to make payment on these violations over a period of time due to financial hardship and has submitted information for the Board to review.

Mr. Malanga gave a brief background on this matter and stated that he did not have a problem with allowing Ms. Gueye to make an initial payment equal to 25% of the total due and pay the remaining balance in 18 monthly installments. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Ronald Brown, the Board allows Ms. Gueye to enter into a payment plan of 25% up-front and the remaining balance to be paid evenly over 18 months. The motion passed unanimously.

8. Correspondence received from Mr. Charles Kirkpatrick, National Association of Barber Board of America, 2708 Pine Street, Arkadelphia, AR 71923 in connection with the 81st Annual Conference of The National Association of Barber Boards of America to be held on September 15-20, 2007 in Orlando, Florida was presented to the Board for information.

The Board acknowledged the information.

9. E-mail received from Mrs. Feuza M. Dos Reis, 70 Jeffrie Avenue, South River, New Jersey in connection with the licensing of waxologists was presented to the Board for consideration.

The Board discussed this matter at length and pointed out that this service is outside its statutory provision. It involves mucus membrane and it is out of the scope of cosmetology & hairstyling. This service is also a difficult thing to investigate and subjects clients to potential assault. Also, the sterilization and sanitation and the use of hot wax, particularly in this area could create a problem.

Upon motion made by Mr. Ronald Brown and seconded by Mr. Anthony Monaco, the Board reviewed the request and determined that Brazilian waxing violates N.J.S.A. 45:5B-3y(3) and that Ms. Dos Reis must cease and desist from performing this service immediately. The motion passed unanimously.

10. Correspondence received from Mr. Paul Finkelstein, President, Regis Corporation, 7201 Metro Boulevard, Minneapolis, MN 55439 in connection with their intention to merge its beauty school operations with Empire Beauty Schools, Inc on/about July 1, 2007 was presented to the Board for review and action.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, Empire Beauty Schools are allowed to continue operation during the application process and transition. The motion passed unanimously.

11. A request received from Ms. Yoon Ja Kim for modification of the Final Order of Discipline filed with the Board on December 13, 2006 and her desire to return to school for training as a cosmetologist-hairstylist and successfully complete an examination conducted by the Board and receive a legitimate license was presented to the Board for consideration.

Mr. Malanga informed the Board that Ms. Kim has complied with all the Board's requests and is petitioning the Board to allow her to go back to school.

Upon motion made by Mr. Ronald Brown and seconded by Ms. Janice Alvarez, Ms. Kim is allowed to return to school for training and upon successful completion, apply and take the New Jersey State Board examination. The motion passed unanimously.

12. Correspondence received from Ms. Christine S. Smith, 1 Church Street, PO Box 280, Oldwick, New Jersey in connection with her conviction of Possession of Drug Paraphernalia and her desire to reinstate her Manicurist license #WF16066 was presented to the Board for consideration.

The Board pointed out that the Certificate submitted by Ms. Smith from Carrier Clinic looks like it was signed by Ms. Smith.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, Ms. Smith is to submit the original Certificate of Completion from Carrier Clinic. The motion passed unanimously.

13. Correspondence received from the New Jersey State School Association regarding a proposed amendment to Assembly Bill No 871 (A1264) is presented to the Board for information.

Mr. Jay Malanga stated that the Board has corresponded and spoken to Mr. Raymond Testa on several occasions. He stated that just recently there was an opportunity to correct the Stanley Bill with an educational component. There may be an opportunity at this time for the Board to craft legislation to include an educational component. He suggested resurrecting the 900 hour curriculum for Barbering.

The Board questioned the idea of credit hours verses clock hours and whether the School Association felt the schools would have enough instructors to teach the courses.

Mr. Jay Malanga stated that the Board needs to be cautious with the Vocational School side of this issue.

Ms. Darlene Fox stated that if the Bill passes as it has been rewritten to allow for a licensed barber to go back to school and get a teacher's license, than yes they would have enough instructors.

Mr. Malanga stated that the Board will have to address this issue and may have to reach out to licensed barbers to train students for the practical skills, however, it is too premature to be considering these details at this time.

The Board also stated that it is important that if a person teaches barbering that they also teach sanitation and sterilization. That idea will be diluted if it does not have a cosmetologist-hairstylist teacher teaching it.

Ms. Darlene Fox stated that the licensed barber applying to teach will also have to take the 30 hours methods course and go through a student teacher program first to review all the components covered in the actual curriculum.

Mr. Jay Malanga stated that the comments are great but are pre-mature. It is a unique situation and the Board will reach out and get some input when the time comes.

14. Correspondence received from Rosemary Weiner, Chairman, New Jersey Metro Beauty Advisory Council in connection with their opposition to Assembly Bill #A2282 which would allow the practice of cosmetology and hairstyling in mobile facilities was presented to the Board for information.

Mr. Malanga stated that the Board had already sent their opposition of this Bill to the Division Administration.

15. Correspondence received from Ms. Carrol Stevens, Educational Supervisor, Christine Valmy International School, 285 Change Bridge Road, Pine Brook, New Jersey in connection with her desire to obtain approval to offer the Skin Care course in Spanish. The Board previously considered this matter at the regular monthly meeting held April 10, 2007; but withheld decision pending Ms. Stevens submission of Certification that Ms. Maria Cobo is fluent in the Spanish/English language.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, Christine Valmy International School is allowed to offer the Skin Care course in Spanish. The motion passed unanimously.

16. Correspondence received from Ms. Patricia L. Fredericks, 62 Stagecoach Road, Millstone, New Jersey in connection with the penalty assessed against her in the amount of \$100.00 for her alleged violation of N.J.S.A. 45:5B-12(f) & N.J.A.C. 13:28-2.12(a)2 at New York Nails, 715 Bennetts Mills Road, Jackson, New Jersey on February 15, 2007 was presented to the Board for consideration. She has indicated that he would like to waive her right to a hearing and has furnished a written explanation for the Board to consider before rendering its final decision.

After discussion, upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board directed that the fine stand. The motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. Ronald Brown and Seconded by Mr. Jerry Speziale, the Board went into Executive Session to conduct investigative inquiries. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Ronald Brown the Board returned to Open Session.

VIII OLD BUSINESS

The Board in March discussed the possibility of early testing and is awaiting the Board's counsel to give legal advise on this matter.

With regard to CBT, Mr. Malanga stated that the Board may be able to get a waiver on the bidding for a vendor because of special Board requirements or needs. The Board's counsel has asked for the information to determine if waiver is a possible option. He stated that on another note the office was holding up as best it could and he anticipated some relief by July.

IX NEW BUSINESS

The Board would like to discuss the rationale for a separate teacher license at the next monthly meeting.

PUBLIC RELATIONS:

No report was given.

LEGISLATION:

No report was given.

VIOLATION:

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

EDUCATION:

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

EXAMINATION AND SITES:

Ms. Janice Alvarez reported that all committee work is up to date. She stated that the Mass Testing conducted on March 22nd and 23rd had run very smoothly, however, they are still awaiting the results of the test.

SCHOOL

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

REGULATORY

Mr. Anthony Monaco reported that the Committee met last month on rule revision at the Department of Health. He indicated that Mr. Jay Malanga, Chris Jones, Joseph Santagata and Maryann Sheehan, Legislative Analyst were present as well as several members and specialists of the Department of Health. Mr. Monaco stated that most of the time was spent on the problems with nail salons in particular regarding fungus and micro bacterial infections. The committee will provide the Board with copy of the meeting. He also stated that he will be distributing all the changes and rationales and comments the Committee has received to the Board Members hopefully by next month. Those changes will be open for discussion and change.

Mr. Jay Malanga stated that he attended the committee meeting and that it was probably one of the most informative meetings he had ever attended.

X ADJOURNMENT

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

Christian A. Jones, Chairman

Countersigned:

JAY A. MALANGA, Executive Director