

**MINUTES**

**REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
June 18, 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 Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held May 14, 2013 are accepted as read. The motion passed unanimously.

**IV PUBLIC PARTICIPATION SESSION**

## V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga stated that the Board successfully completed the mass testing program in its effort to assist the Department of Education. The results should be arriving shortly from Prometric. He attributed the success to the tireless efforts of the following Board members and staff: Francis Tomeo, Janice Alvarez, Barbra Ambrose and Carol Ann Rotando.

Ms. Janice Alvarez stated that she and Fran hope to meet with the Department of Education regarding the future administration of mass testings. Mr. Malanga stated that he would work on scheduling a meeting in the near future.

Mr. Malanga reminded the Board on the NIC meeting in August and that if anyone was interested in going to submit their intentions so that they may get approved.

## VI FOR BOARD CONSIDERATION

1. Assembly Bill No.: 4130. Establishes a limited license for threading within the practice of cosmetology and hairstyling was presented to the Board for consideration.

Ms. Betsy Green, Regulatory Analyst informed the Board on where other states stand with the issue on threading.

The Board is concerned with enforcement, sanitation and sterilization issues, and further fragmentation of the plenary license. Additionally, the provision for removal of superfluous hair is already enumerated in the Board's practicing statute and regulation as reflected in the school curriculum. Hence, the Board is opposed to the creation of a separate limited license for threading. However, the Board is not opposed to include the word "threading" in the statutory definition of removing superfluous hair. The Board has consistently interpreted N.J.S.A. 45:5B-3(j)(6) of removing superfluous hair by the use of depilatories to include threading.

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Joseph Santagata, the Board is opposed to Assembly Bill No.: 4130 because the service is already a part of the Board's statutory definition of regulated services (N.J.S.A. 45:5B-3(j)(6)) and in school curriculum, but is in favor of adding the word threading to the list of methods of hair removal in the Board's statutes and regulations. The motion passed unanimously.

2. Correspondence received from Mr. Young Sun Han, t/a So Ho Nails, 389 Bloomfield Avenue, Caldwell, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$4,800.00 for the alleged violation resulting out of an inspection of his shop on June 11, 2012 was presented to the Board for consideration. He indicated that he would like to waive their 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. Also, the Board directed that a payment plan be offered of \$2400.00 up front and \$600.0 monthly thereafter until the penalty is satisfied. The motion passed unanimously.

3. Correspondence received from Mr. John Caputti, t/a Jonathan Salon, 93 Broad Street, Red Bank, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$650.00 for the alleged violation resulting out of an inspection of his shop on July 25, 2012 was presented to the Board for consideration. He indicated that he would like to waive their 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 Panteleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Panteleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Ms. Deanna DeRosa, t/a Carpe Diem Spa, 113 Morristown Road 1<sup>st</sup> & 2<sup>nd</sup> floors, Right Side, Bernardsville, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$250.00 for the alleged violation resulting out of an inspection of her shop on October 17, 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. Maria Cruz Denzer, the Board affirms its original decision as set forth in the Uniform Penalty Letter, but due to mitigating circumstances reduces the fine to \$150.00. The motion passed unanimously.

5. Correspondence received from Mr. Eugene Belous, President, t/a Becky's Salon for Kids, 41 Mountain Boulevard, Unit A-3, Warren, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$100.00 for the alleged violation resulting out of an inspection of his shop on November 27, 2012 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. Maria Cruz Denzer and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion

passed unanimously.

6. Correspondence received from Mr. Michael Melini, President, t/a C Melini Hair Salon, 518-B Sea Isle Boulevard, Ocean View, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$100.00 for the alleged violation resulting out of an inspection of his shop on January 23, 2013 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. Angela Panteleone and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

7. Correspondence received from Ms. Jane Blaszczyk, t/a Hair Mechanix, 107 Mechanic Street, Cape May Court House, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$200.00 for the alleged violation resulting out of an inspection of her shop on December 18, 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. Angela Pantaleone and seconded by Ms. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

8. Correspondence received from Ms. Josephine Donahue, t/a Anthony Michael Haircutters, 224 East Broad Street, Westfield, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of her shop on December 20, 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 Ms. Angela Panteleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

9. Correspondence received from Ms. Claudia Ovalle-Suarez, 243 Colonial Avenue, Union, 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) 7 & N.J.A.C. 13:28-2.12(a)2 at Anthony Michael Haircutters, 224 East Broad Street, Westfield, New Jersey on December 20, 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.

10. The School Committee reviewed barbering curriculum submitted for Board approval from the following schools: Rizzieri Aveda School For Beauty & Wellness, Voorhees, New Jersey and PB School of Beauty Culture, Inc., Gloucester, New Jersey was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board approves the barbering curriculum for Rizzieri Aveda School For Beauty & Wellness and PB School of Beauty Culture, Inc. based on their compliance with the regulations. The motion passed unanimously.

11. **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. Nancy Berrezueta, Individual - License No.: NONE
2. Robert Torres, t/a Allure Hair Salon - License No.: 32WD02858100
3. Zakayia Townes, t/a Extreme By Cut Creators - License No.: NONE
4. Chong Sun Lee, t/a Englewood Nails - License No.: 32WD01655900
5. Hoang M. Nguyen, t/a L V Nails - License No.: 32WM00359500
6. Renee Binette, t/a Assata - License No.: NONE

The Board's counsel indicated that #4 Chong Sun Lee has paid the penalty and is to be removed from the list.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Maria Cruz Denzer, the Board directed that a Final Decision and Default Order on UPL be issued on these matters. The motion passed unanimously.

12. **Administrative Closure**

The following Uniform Penalty Letters (UPLs) and Notice of Intent to File Default Orders (Notices) are recommended for administrative closure due to being returned to the Board for the following reasons: unclaimed, incorrect address, no forwarding address for the business or licensee, no information, or shop closure, were presented to the Board for consideration.

<b>License Name</b>	<b>License #</b>	<b>Date of Inspection</b>	<b>UPL Issued</b>	<b>Total Penalty Amount</b>
Vanessa Elias Individual	NONE	July 8, 2008	October 14, 2011	\$ 300.00
Dauri Diaz, t/a El Palace	NONE	May 6, 2010	February 2011	\$ 250.00
Ruben Fernandez, Michael Salado, t/a Who's Next? Barber Shop	32WD02704100	March 10, 2010	April 1, 2011	\$ 1,450.00
Michael Kim, t/a Spa Zone	NONE	May 18, 2011	June 6, 2011	\$ 250.00
Miran Bae, Individual	NONE	December 19, 2008	March 3, 2011	\$ 300.00

Upon motion made Ms. Frances Tomeo and seconded by Mr. Peter Macri, the above listed matters are administratively closed. The motion passed unanimously.

13. Correspondence from Mr. Fernando Guerrero in connection with his application for initial shop licensure of 5 Estrellas, 1613 Bergenline Avenue, Union City, New Jersey was presented to the Board for consideration. The proposed shop only contains 311 square feet of floor space, 39 square feet short of the minimum required by N.J.A.C. 13:28-2.5; but Mr. Guerrero has indicated that he is unable to expand or relocate since he has invested a substantial amount of money into the business and has asked that the Board waive its minimum square footage requirement.

Mr. Jay Malanga stated that based on N.J.A.C. 13:45C-2, the Board may consider granting a square footage waiver on this matter.

Upon motion made by Ms. France Tomeo and seconded by Mr. Jerry Speziale, The Board waives the minimum square footage requirement limiting the new salon to one operator at any given time provided Mr. Guerrero submits proof to substantiate his financial hardship in complying with the Board's regulations. The Board authorized the chairperson to review the proof and make a decision in between meetings. The motion passed unanimously.

**VII OLD BUSINESS**

**VIII NEW BUSINESS**

**Special Announcement**

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the regular monthly meeting scheduled for August 13, 2013 is canceled. The motion passed unanimously.

**Committee Reports**

Examination & Sites:

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

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:

Ms. Maria Cruz Denzer 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 be conducting a seminar on August 14, 2013 at Union County Vocational & Technical School.

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.

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JANICE ALVAREZ, Board Chairperson

Countersigned:

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JAY A. MALANGA, Executive Director