

**MINUTES  
REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
JULY 10, 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, Mr. Patrick J. McNally, Assistant Executive Director, Ms. Barbara Ambroise, Program Development Assistant were present. Mr. Carlo Melini and Ms. Denise Perea 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. Jerry Speziale and seconded by Ms. Janet Alvarez, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held June 12, 2007 are accepted as read. The motion passed unanimously.

**IV PUBLIC PARTICIPATION PORTION**

Mr. Chris Jones greeted Mr. Raymond Testa. Mr. Raymond Testa addressed the Board on the pending merger with Regis and Empire Beauty Schools. He stated that there has been a delay in the merger and that a new date has been scheduled for August 1, 2007. He stated that he was there today as an observer. He renewed the School Association's interest regarding the Computer Based Testing and the early written test. On the barber license, the Association has prepared a proposed barber bill for the Board's comment. The Association proposal includes, among others, a 900-hour program while the average barber program throughout the country is about 1500 hours. For full financial aid at least 900 hours is required but with a 600-hour program it will allow a partial financial aid. He further stated that any program under 600 hours will not qualify the student for financial aid. NIC is proposing to create a national endorsement for various licenses, there is a concern with the Association about the national test.

**V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS**

Mr. Malanga distributed information to the Board including an article on "how do you disinfect" in Delaware, a memo from Sandra Bruce in reference to Cimaglia Award "Call for Nomination", a memo from George Hebert in reference to The Massage, Bodywork and Somatic Therapy Committee's review on

the Vichy Shower System, NIC Bulletin and the NACCAS Now newsletter.

## **VI FOR BOARD CONSIDERATION**

1. Correspondence received from Ms. Marie C. Charlotin, t/a Essence Unisex Beauty Parlor, 1912 Springfield Avenue, Maplewood, New Jersey 07040 in connection with the penalties assessed against her in the amount of \$400.00 for the alleged violations resulting out of an inspection of her shop on November 16, 2006 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.

The Board pointed out that Ms. Charlotin claimed to know the laws and if so, she should have known that an expired license should not be posted.

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

2. Correspondence received from Ms. Yolanda Blye, 41 Wilson Place, Irvington, 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 Essence Unisex Beauty Parlor, 1912 Springfield Avenue, Maplewood, New Jersey on November 16, 2006 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.

The Board pointed out that Ms. Blye did not renew her license and an expired license was posted.

After discussion, upon motion made by Ms. Janice Alvarez and seconded by Mr. Ronald Brown, the fine stands. The motion passed unanimously.

3. Correspondence received from Ms. Ok Sook Primus (Choi), 147-15A Roosevelt Avenue, Flushing, New York 11354 with regard to her application for initial Skin Care Specialty Shop licensure of Eden Skin Care, Rutherford, New Jersey and information related to her arrest for Promoting Prostitution, Maintaining a Nuisance, Allowing Unlicensed Person on Premises and Allowing Unlawful Activity on Premises was presented to the Board for consideration.

The Board pointed out that the only charge that seemed to be dismissed was 2C:34-1B(1) and that Ms. Primus should provide the Board with all documentation on the other charges.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board withholds decision on this matter pending Ms. Primus appearance at an investigative inquiry and that Mr. Jay Malanga ask that she submit additional information on all charges. The motion passed unanimously.

4. Correspondence received from NIC Honorary Membership Committee in connection with the acceptance of nominations for honorary membership was presented to the Board for information.

The Board acknowledged the information.

5. Correspondence received from Ms. Debra Norton, Conference Coordinator, National-Interstate Council of State Boards of Cosmetology, Inc., 7622 Briarwood Circle, Little Rock, Arkansas 72205 in connection with the Annual Administrators Meeting scheduled for August 23rd and 24th, 2007 was presented to the Board for information.

The Board acknowledged the information.

6. Correspondence received from Ms. Cara Lowy, 318 Whitebirch Drive, Cinnaminson, New Jersey 08077 in connection with her interest in providing services to homebound and/or handicapped people in their

residence and/or an assisted living complex and as it pertains to N.J.S.A. 45:5B-8c was presented to the Board for consideration.

The Board noted the intent of the statute was not to allow for the establishment of a separate business. With the exception of a licensed shop to sponsor an employee to provide services to homebound or handicapped salon clients. The Board also indicated its concerns with regard to the ability of the Division of Consumer Affairs Enforcement Bureau to conduct unannounced inspection to enforce the Board's statutes and regulations without the sponsoring licensed shop to be accountable for and to maintain records and address complaints that may be filed. There was also a concern about the need for the sponsoring shop to keep an appointment book listing of each sponsored visit indicating the time and date of each service, and maintaining a client service history card that should note types of services provided to homebound or handicapped clients to include chemicals used, color formula as well as medication the client takes and any allergies or allergic reactions from chemicals, color, etc.

The Board directed that a letter be forwarded to Ms. Cara Lowy.

7. Correspondence received from Ms. Sonia Mace, Hackensack University Medical Plaza, 20 Prospect Avenue, Suite 600, Hackensack, New Jersey 07601 in connection with the use of intense pulse light therapy by appropriately supervised qualified and trained cosmetologists in salons was presented to the Board for consideration.

The Board pointed out that anything that goes below the skin's surface cannot be performed in the Board's licensed facilities, that it is considered a medical procedure. The Board directed that this matter be referred to the Medical Board of Examiners. The Board directed that a letter be sent to Ms. Mace regarding same.

8. A request recently received from Mr. Robert D. Warrington, Esquire, Law Office of Mark A. Fury, PO Box 368, 22 Washington Street, Mount Holly, New Jersey 08060 on behalf of his client, Ms. Nicole Daniels for a waiver of the five (5) years time limit and the difficulty she has encountered in trying to complete her course work was presented to the Board for consideration.

After discussion, upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board waives the time limitation and allows Ms. Daniels to continue her education. The motion passed unanimously.

9. Correspondence received from Mr. Kyle Gibson #802553-C, Garden State Youth Correctional Facility, PO Box 11401 Highbridge Road, Yardville, New Jersey 08620 in connection with his incarceration for Robbery and his desire to become licensed as a cosmetologist-hairstylist was presented to the Board for consideration.

Mr. Chris Jones recused himself from this matter and left the room.

After discussion, upon motion made by Ms. Janice Alvarez and seconded by Mr. Joseph Santagata, the Board withholds decision on this matter pending Mr. Gibsons appearance at an investigative inquiry upon his release from confinement, proof of treatment for his addiction and a copy of his parole agreement. The motion passed unanimously.

10. Correspondence recently 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.

Note: The Board previously considered this matter at the regular monthly meetings held May 8, 2007 and June 12, 2007; but withheld decision on this matter pending Ms. Smith's submission of additional information.

Mr. Jay Malanga stated that he had spoken to a staff member from Carrier Clinic and had received

assurance that Ms. Smith's Certificate of Completion was authentic.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, Ms. Smith is allowed to reinstate her Manicurist license #WF16066. The motion passed unanimously.

11. Correspondence received from Mr. Stephen J. Martino, MD, 10 Tudor Drive, Farmingdale, New Jersey 07727 in connection with his desire to offer Cosmetic Botox as an ancillary service in cosmetology & hairstyling shop was presented to the Board for consideration.

The Board directed Mr. Malanga to correspond with Mr. Martino and advise him of the Board's statutes and regulations and explain to him that this service may not be conducted in a licensed shop and must be conducted as a separate business. Also, they directed that the matter be referred to the Medical Board of Examiners.

## **VII EXECUTIVE SESSION**

Upon motion made by Mr. Jerry Speziale and Seconded by Mr. Jack Fornaro, the Board went into Executive Session to conduct investigative inquiries and an agenda supplement. 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**

With regard to early testing for the written portion of the examination, the Board's counsel advised that this matter be discussed in Committee to create regulations with parameters and clarify what the requirements will be. Also there needs to be safeguard measures. Mr. Anthony Monaco stated that the Regulatory Committee will work on the parameters for early testing.

The Board discussed the issue with regard to a 600-hour curriculum verses a 900-hour curriculum for the barber license and concluded that a preliminary curriculum be put together in order for the Board to review and make a decision.

## **IX NEW BUSINESS**

The Board discussed their concerns for health related issues with the use of dry fumigants and a potential health hazard from products containing formaldehyde. Mr. Jay Malanga stated that he would correspond with the Enforcement Bureau informing them not to cite the shop if dry fumigants are not available. A decision will have to be made by the Board with regard to a replacement product. In the interim, meticulous cleanliness will be necessary in areas where dry fumigants were required.

## **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.

#### **SCHOOL**

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

#### **REGULATORY**

Mr. Anthony Monaco reported that the Committee had still much to do. He stated that he is still working on the draft and hopes to have it by the next meeting.

Mr. Chris Jones reminded the Board Members what a great opportunity it would be to provide some input to re-write some regulations that have been a problem. He appealed to all of them to give their best in providing information to Mr. Monaco.

#### **X ADJOURNMENT**

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

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Christian A. Jones, Chairman

Countersigned:

JAY A. MALANGA, Executive Director