

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
July 10, 2012**

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. Anthony Fiore, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambrose, Program Development Assistant were present. Mr. James J. Forte and Ms. Frances Tomeo were absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, 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 Newark Star-Ledger and Trentonian Newspapers on December 14, 2011, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 14, 2011.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Joseph Santagato and seconded by Mr. Jerry Speziale, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held June 12, 2012 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga informed the Board that the barber regulation has been posted on the June 18, 2012 in the New Jersey Register for comments.

Mr. Malanga reminded the Board that they would not be meeting in August.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board president is allowed to formulate some kind of response in between meetings as needed. The motion passed unanimously.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Mr. Marlo Ricciardelli & Ms. Lisa Dolan, t/a Bloom Salon, 33 Market Street, Morristown, New Jersey in connection with the outstanding penalty assessed against them in the amount of \$2,500.00 for the alleged violation resulting out of an inspection of their shop on July 25, 2011 was presented to the Board for consideration. They indicated that they 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 Mr. Peter Macri and seconded by Mr. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

2. Correspondence received from Ms. Alberna V. Hamilton, t/a Sophisticated Hair Design, 150-160 Main Street, #20, Orange, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$400.00 for the alleged violation resulting out of an inspection of her shop on September 2, 2010 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 Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

3. Correspondence received from Ms. Michin O'Mahoney, t/a The Total Look LLC, 3100 Quakerbridge #16A, Hamilton, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$150.00 for the alleged violation resulting out of an inspection of her shop on November 12, 2010 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. Anthony Fiore 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.

4. Correspondence received from Mr. Duk C. Kang, t/a Janes Nail Salon, 220 Main Street, Madison, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$11,600.00 for the alleged violations resulting out of an inspection of his shop on June 14, 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. Anthony Fiore and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The Board directed that a Consent Order be issued offering a payment plan of \$2,000.00 up front and \$500.00 per month thereafter until the full amount is paid and any future shop application is contingent upon full payment of all penalties. The motion passed unanimously.

5. Correspondence received from Mr. Pasquale Coletta, t/a 7C's Barber Stylist, 115 Mathistown Road-Harbor Plaza, Mystic Islands, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$650.00 for the alleged violations resulting out of an inspection of his shop on February 17, 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 Ms. Maria Cruz Denzer and seconded by Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

6. Correspondence received from Ms. Kerry Compton, 20 Vulcan Street, Staten Island, New York in connection with the outstanding penalties assessed against her in the amount of \$850.00 for the alleged violation of N.J.S.A. 45:5B-7 at Hair Cuttery #2912, 997 Easton Avenue, Franklin Township, New Jersey on November 19, 2009 was presented to the Board for consideration. She 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.

Upon motion made by Mr. Peter Macri and seconded by Mr. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

7. **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. Deborah Epps and Oliver Dunnah, t/a Black Beauty Unisex - License No.: 32WD01883500
2. Jennifer Lordi, t/a Hair Extraordinaire Salon - License No.: 32WD02751900
3. Su Mi Lee, t/a Lena Nail - License No.: 32WM00267500
4. Nelson Cuevas - License No.: None

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Anthony Fiore, the Board directed that Final Decision and Default Order on UPLs be issued on these matters. The motion passed unanimously.

8. **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, and no other credible information to effectuate service of process, were presented to the Board for consideration.

License Name	License #	Date of Inspection	UPL Issued	Total Penalty Amount	Default Order Issued
Thelma Davis-Williams, t/a Hair International	32WD01814400	04/17/08	08/10/11	\$ 700.00	
Adele Foster, Marcus Morton, t/a Make it Happen	32WD00420200	07/28/08	09/30/11	\$ 350.00	

Upon motion made by Mr. Peter Macri and seconded by Mr. Anthony Fiore, the Board directed that these matters be administratively closed. The motion passed unanimously.

Agenda Supplement

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board

added Assembly Bill 2985 as an agenda supplement.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the following matter is to be added to the Agenda. The motion passed unanimously.

1. Assembly Bill #2985 for Board review and comment.

The Board discussed this matter at length and the following comments were made including the ones listed below:

Upon motion made by Mr. Anthony Fiore and seconded by Mr. Jerry Speziale, the Board makes the following comments to Assembly Bill #2985:

- Booth Rentals will be difficult to inspect in view of the transient nature of the license.
- It would be difficult to serve legal documents and to enforce compliance in view of the transient nature of the licensee.
- Will have a negative impact on existing staff to issue the license in view of the limited resources.
- This proposed legislation has the potential to encourage unlicensed practice.
- Some states are attempting to repeal similar legislation because of the inherent problems with regard to inspection and enforcement.
- This proposed legislation has the potential of shifting the burden of compliance with the Board's regulation from the lessor (salon owner) to the lessee (the booth renter) thereby compromising consumer safety.
- Major impact on schools in tracking employment of students or graduates for Division of Labor reporting and certification for federal loan purposes.
- Recent graduates will have less opportunity for employment with experienced licensees to build upon these entry level skills.
- Concerns with charting a student.

VII OLD BUSINESS

VIII NEW BUSINESS

Committee Reports

Examination & Sites:

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

Ms. Barbara Ambrose stated that due to Middlesex County renovating, the July 30th examination has been moved to Passaic County Tech. in Wayne and the one in September to Burlington County.

Education & Public Relations:

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

Violations:

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

Legislation:

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

School & Department of Education Liaison:

Ms. Frances Tomeo reported that all committee work is up to date.

Regulatory Committee:

Mr. Anthony Fiore reported that all committee work is up to date.

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.

1. **11:30 A.M.** IMO Ms. Brittany N. Coleman

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. Jerry Speziale, Ms. Coleman is allowed to sit for examination upon completion of training provided she have no further contact with the criminal justice system. The motion passed unanimously.

2. **11:45 A.M.** Ms. Kim Thorsen

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, Ms. Kim Thorsen is to be scheduled peremptorily for the September Board meeting. The motion passed unanimously.

X ADJOURNMENT

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale , the meeting

was adjourned at 2:20 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director