

**MINUTES
REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JULY 14, 2009
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.

The Board recited the Pledge of Allegiance and had a moment of silence for the fallen soldiers and those serving our country.

Roll Call:

Ms. Janice Alvarez, Mr. Ronald Jerome Brown, Ms. Maria Cruz Denzer, Mr. Jack A. Fornaro, Mr. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay A. Malanga, Executive Director, Mr. Patrick J. McNally, Assistant Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Mr. Chris Jones was absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor and the Board's counsel.

Chairman Brown introduced the new Board Members Ms. Maria Cruz Denzer and Mr. Peter Macri to the Board and administered the General Oath of Allegiance and Oath of Office.

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 15, 2008 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 15, 2008.

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 June 9, 2009 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Ms. Raymond Testa of the Cosmetology Association was in attendance and greeted the Board.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed copies of the re-adopted regulation with amendments which came into effect on May 18, 2009. He also passed around a few copies of the Division Newsletter and pointed out the article on the Board's mass testing. He congratulated Barbara and John for all their work as well as Janice's guidance.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Kathleen B. Steele, Manahawkin, New Jersey in connection with her initial shop application for A Neighborhood Salon, 159 Tiller Avenue, Manahawkin, New Jersey and her desire to obtain a minimum square footage waiver was presented to the Board for consideration. The inspection report reflects that the shop only contains 337 square feet of floor space, 13 square feet short of the minimum required by N.J.A.C. 13:28-2.5.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, Ms. Steele's application for initial shop licensure of A Neighborhood Salon is approved as a (1) chair salon. The motion passed unanimously.

The Board also made note that the waiver was not transferable with the sale or lease of the salon.

2. Correspondence received from Ms. Dalia Virketiene, 22 Pinyon Drive, Old Bridge, New Jersey 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 La Cascata Salon & Spa, 117 Route 9 South (Marlboro Diamond Plaza), Englishtown, New Jersey on October 10, 2007 was presented to the Board for consideration. She indicated that she 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 careful consideration, upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

The Board asked that the salon be inspected again within 60 days.

3. Correspondence received from Ms. Kimberly A. DeCant, t/a Papillion D'Oree Coiffure, 101 West Jersey Avenue, Pitman, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$600.00 for the alleged violation resulting out of an inspection of her shop on February 6, 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.

After careful consideration, upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the fine stands. The motion passed unanimously.

4. Correspondence received from Mr. Thomas J. Cocuzza, t/a Mane Attraction, Tenby Plaza, Route 130, Delran, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$250.00 for the alleged violation resulting out of an inspection of his shop on May 31, 2007 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but has 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.

5. IMO Jameson C. Mitchell in connection with his criminal offense and his desire to be allowed to take the State Board examination in order to obtain his license was presented to the Board for consideration.

Upon motion made by Mr. James Forte and seconded by Mr. Jack Fornaro, the Board withheld decision on this matter pending Mr. Mitchell's appearance at an Investigative Inquiry. The motion passed unanimously.

The Board asked that Mr. Mitchell submit verification of his completion of probation.

6. A revised class schedule received from Mr. Kameron K. Rabenou, President, Shore Beauty School, Pleasantville, New Jersey was presented to the Board for consideration.

In reviewing the proposed calculation of 35 hours per week for the full time day cosmetology/hairstyling program schedule, it appears that the proposed adjustment includes time taken for lunch and break. When

excluding time taken for lunch and break, only 32 ½ hours counts toward the adjustment. Additionally, the 20 hours proposed for night and Saturday cosmetology/hairstyling program schedule is actually 19 hours. The Board requests that the school submit a corrected schedule for review.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board opposes the request pending the corrections requested by the School Committee. The motion passed unanimously.

7. Finalization of Provisional Order of Denial (POD) IMO Sean P. Mullen.

The Board's counsel introduced DAG Joe Denarfrio to the Board and indicated that he would be counseling the Board on this POD.

Upon motion made by Mr. James Forte and seconded by Mr. Jack Fornaro, the Board went into Executive Session to deliberate. The motion passed unanimously.

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

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, the Board finalizes the Provisional Order of Discipline as written. The motion passed unanimously.

8. A copy of an article from MSNBC.com in connection with Brazilian waxing was presented to the Board for information.

The Board acknowledged the information.

9. The Board's complaint process and procedures.

The Division of Consumer Affairs requested guidance regarding the release of complainant's name pursuant to OPRA.

Ms. Janice Alvarez stated that she did not believe the name of complainant should be released for fear of harassment or retaliation. Redacting the name is not a safe guard to this concern. Ms. Janice Alvarez also stated that the Board did not have enough resources to investigate all licensees and dependent on public complains of violation. Disclosing the name would have a chilling effect.

Mr. Joseph Santagata stated that releasing/disclosing the name would bring about a chilling effect on people reporting violations. Mr. Joseph Santagata also indicated that the Board's duty is to protect the public and that is part of it.

Mr. Peter Macri indicated that the Board should not disclose the name of the complainant and need to protect the complainant's name otherwise we won't get any complaints.

Mr. Jerry Speziale agreed in not disclosing the name for fear of retaliation.

Mr. James Forte agreed adding that there could be a possibility of harassment, stalking and so forth.

Mr. Jack Fornaro stated that he would recommend that a request for the name should go before a judge to decide.

Mr. Ronald Brown stated that the Board needs outside people to bring to the Board's attention of violations and non-compliance with the Board's statutes and regulations.. The public acts as quasi policemen for the Board and to put their names out there could become a problem.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the Board went into Executive Session for advise of counsel. The motion passed unanimously.

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

Mr. Ronald Brown stated that in consideration of complainant's reasonable expectation of privacy, possibility of harassment, stalking, retribution, retaliation, and termination (if an employee), the chilling effect of disclosing complainants names where by individuals are discouraged from coming forward to file a complaint as well as balancing the interest of fairness that the subject of the investigation need to know the identity of the complainant, the Board, if legally sustainable under the law, believes that names of complainants who are reporting conduct that violates laws and regulations of state and federal government, not be disclosed to persons seeking that information.

10. IMO Michael Ricciardone application to renew shop licensure of Salon St. John and information pertaining to his criminal offense.

After careful consideration, upon motion made by Mr. James Forte and seconded by Mr. Jack Fornaro, the Board temporarily reinstates Mr. Ricciardone's shop licensure of Salon St. John pending the judgement of 1/12/2010 submitted to this office and a copy of completion of PTI. The motion passed unanimously.

11. Finalization of Provisional Order of Discipline IMO Joyce A. Sarte-Fuller.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board's counsel is to prepare a Final Order of Discipline IMO Joyce A. Sarte-Fuller. The motion passed unanimously.

12. The following Uniform Penalty Letters (UPLs) are recommended for administrative closure due to, including but not limited to, the age of the matter, incorrect address, no forwarding address for the business or licensee, and limited information on the licensee.

NAME DATE OF ISSUE AMOUNT

AUDREY GOLDSTEIN 04/17/91 \$150.00 EAST WINDSOR, NJ

DAHIANA GOMEZ 08/10/00 \$300.00 PERTH AMBOY, NJ

ALEX GONZALEZ 09/04/85 \$150.00 RIDGEWOOD, NJ

ARMANDO GONZALEZ 06/09/00 \$300.00 NEWARK, NJ

ESTELA GONZALEZ 10/02/96 \$150.00 DOVER, NJ

EUNICE GONZALEZ 05/12/93 \$150.00 PERTH AMBOY, NJ

EDWARD GOULIAN, JR 09/22/92 \$475.00 FORT LEE, NJ

NICOLE E GRADDY 07/16/96 \$150.00 ELIZABETH, NJ

HENRY LEE GRAHAM 11/02/99 \$1,000.00 (A.K.A.) HENRY LEE SANDERS JERSEY CITY, NJ

RONNIE R GRANT 10/02/93 \$150.00 TRENTON, NJ

AGOSTINO GRASSI 12/08/81 \$150.00 SICKLERVILLE, NJ

DONAVON GRAY 03/26/94 \$150.00 CAMDEN, NJ

SAMUEL GREEN 02/16/94 \$150.00 C/O MARION'S BARBER SHOP JERSEY CITY, NJ

WILLIAM GREEN 03/14/84 \$150.00 ATLANTIC CITY, NJ
DAWN P GRIESBACK 07/16/92 \$1,500.00 GARFIELD, NJ
STEPHON A GRIFFIN 08/28/93 \$150.00 WILLINGBORO, NJ
HAN YANG GU 06/23/93 \$150.00 WEST ORANGE, NJ
JAMES GUERIN 08/07/81 \$150.00 POINT PLEASANT, NJ
ANA MARIA GUEVARA 02/26/97 \$150.00 JERSEY CITY, NJ
SILVIO, RICK & ROBERT GULLO 01/12/90 \$200.00 T/A GULLO'S A FAMILY HAIR CARE CTR
FORKED RIVER, NJ
FAITH LYN GUNDERMAN 04/11/89 \$150.00 FRANKLIN, NJ
JESSICA GUTIERREZ 04/24/00 \$150.00 UNION CITY, NJ
RICARDO GUTIERREZ 10/07/94 \$150.00 HARRISON, NJ
APRIL R GUYNE 03/03/00 \$300.00 PHILADELPHIA, PA
JOSE R GUZMAN 02/08/00 \$300.00 PATERON, NJ
ROBERT GWYNN 04/18/89 - 08/29/86 \$250.00 MAYS LANDING, NJ
DOUGLAS AARON LOGAN, JR 06/06/97 - 06/19/98 \$14,500.00 T/A FINAL HAIR PHASE 03/03/00
PALMYRA, NJ
LILY MOSKALENKO 11/18/94 \$150.00 T/A NAILS, INC CHERRY HILL, NJ
HUNG LONG TRAN 06/08/00 \$300.00 PHILADELPHIA, PA
CAM NHUNG MAC 06/08/00 \$2,050.00 T/A FIVE STAR NAILS PHILADELPHIA, PA
MERCEDES LEIVA 07/27/01 \$250.00 T/A MERCY'S WEST NEW YORK, NJ
TYRONE HAWKINS 11/22/03 \$1,350.00 NADIR ROBERTS T/A HOUSE OF ESSENCE IRVINGTON,
NJ
ALSHA LAND 04/17/98 \$1,400.00 T/A F.M.K. KUTZ BARBER SHOP NEWARK, NJ
DANIELLE & NORMAN GASKILL 04/10/87 \$100.00 T/A FACE PLACE II ATLANTIC CITY, NJ
TAMER SADEK FAHMY 08/24/99 \$150.00 WILDWOOD, NJ
MAME FATOU FALL 09/01/95 \$150.00 JERSEY CITY, NJ
NDEYE FALL 03/06/97 \$150.00 NEW YORK, NY
CLAUDIA FALLAS 06/28/96 \$1,000.00 ELIZABETH, NJ
MARY WHITMORE 05/19/89 \$150.00 T/A FAMILY AFFAIR BLACKWOOD, NJ
HEATHER KHONG 05/22/98 \$300.00 T/A FANCY NAIL SALON CAMDEN, NJ

PHUONG KIM NGUYEN 09/14/95 \$100.00 T/A FANTASTIC NAILS IRVINGTON, NJ
A.S. ISLAM 10/08/87 \$150.00 T/A FANTASTIC SAM'S SICKLERVILLE, NJ
DANA DISCIASCIO 02/09/89 \$100.00 T/A FASTASTIC SAMS WEST CALDWELL, NJ
CARMEN M ROBLES 03/06/96 \$150.00 WILLIAM ROBLES T/A FANTASY HAIR DESIGNS
ELIZABETH, NJ
ELIZABETH FARIAS 03/26/94 \$150.00 HARRISON, NJ
BASS FATIMA 08/27/96 \$150.00 WEEHAWKEN, NJ
ROSEMARY M FAZIO 12/09/88 \$150.00 MIDDLETOWN, NJ
ROSE MCKENZIE 04/11/97 \$100.00 T/A FEHIA'S AFRICAN BRAIDING NEWARK, NJ
RAYMOND FELICIANO 02/19/99 \$300.00 UNION CITY, NJ
ISAAC FELICIANOD 08/16/94 \$150.00 PATERSON, NJ
ARISLEYDA FELIZ 01/20/95 - 08/31/94 \$400.00 PASSAIC, NJ
ADELE FERGUZON 05/26/88 \$100.00 TOTOWA, NJ
AMAURY FERNANDEZ 01/29/99 \$150.00 WEEHAWKEN, NJ
ANTIGUA MALBA FERNANDEZ 08/24/95 \$150.00 NORTH BERGEN, NJ
HELENA FERNANDEZ 10/12/95 \$150.00 UNION CITY, NJ
ERMINA FERNANDES 06/06/89 \$150.00 C/O VOGUE BEAUTY SALON NEWARK, NJ
JENNIE FERRARA 08/13/99 \$300.00 OCEAN CITY, NJ
FAUTISNO FERRERAS 02/17/99 \$100.00 T/A FERSIER BEAUTY SALON JERSEY CITY, NJ
ELIZABETH FIERSTEIN 10/08/92 \$150.00 ENGLEWOOD, NJ
ANTONIO LABARRERE 05/25/94 \$200.00 T/A FIGARO'S BARBER SHOP NEWARK, NJ

Upon motion made by Ms. Janice Alvarez and seconded by Ms. Maria Cruz Denzer, the above listed matter are to be administratively closed. The motion passed unanimously.

13. Disciplinary Matters Pending Conclusion by Default

The UPLs were issued and no written response from respondents have been received by the Board to date. These matters were subject to finalization 15 days after issuance. The Attorney General seeks to issue Final Decision and Default Order on UPL for each of the following: IMO

Tri Van Chi t/a For Your Nails Only License #WM02901
Vo Thi Dam
Kristine Geesaman License #WG023639
Kristina Hentschel t/a Kristina Michele Salon License #WD21786
Madusu Dulleh t/a Amina African Hair Braiding
Chen Chun Soug

Jeoung Ae Kim t/a Pink Nail License #WM10610
Rosado William t/a Willie's Barber Shop
Alfonso Hardson t/a Millionaire Hair
Fatoumata Yattora t/a B & B Hair Braiding

Linda P. Scarpicchio t/a Salon Montage License #WD010058
Sean Daniels t/a 20/20 Precision Cuts License #WD27097
Tuan N Nguyen t/a Nails To You License #WM03281
Mi Kyung Lee t/a Honey Bee Nails Inc. License #WM00927
Meoung Ok Min

Tam C Ly t/a Da-Vi Nails #5047 License #WM03893
Kristian A. Kenlein
Maria Montail c/o JT's African Braiding
Maria Gonzalez t/a Sarah Beauty Salon License #WD021469
James D. Bair License #WG17777
Mohammed Diaby t/a JT's African Braiding
Cuc Thi Duong
Emidio Ramos & Moises D. Maldonado t/a Elegancia Barber
Rene Camacho & Maria Bautista t/a Illusion Hair Salon
Mamagougo Goure t/a Fatima African Hair Braiding

Binh Hoa Pham
Huan Nguyen
Long H. Nguyen t/a Crystal Nails License #WM03393
Frederick Miles t/a Xclusive Beauty II License #WD024254
Elvis Arias & Alberto Cerda t/a Arte's Barber Shop License #WD21731
Barbara Vialat t/a Vialat Hair Design License #WD24276
Hyang Cha Chun t/a Dana Skin Care License #WE000003
Andy Sanchez t/a Mini Mall Barber Shop
Francine Iacovelli t/a Hair Lovers Salon License #WD026079
Stacy Broglin t/a Choice Cuts, LLC License #WD24192
GSP Beauty Inc. t/a Essentials Gallery
Valentine Wilson t/a The Millennium Hair Braiding
Hanh Thuy Vu
Aissa Lehans t/a Unique Hair Braiding
Gary Robbins t/a Supercuts Of Lawrenceville
Barbara Y Kim t/a T L C Nails Zone
Lorena Bermudez t/a Garibaldi Beauty Salon
Maira Nguyen
Thomas Rojas
Ashley Chau

Kathy Agathe Elysee
Hong N Do
Maria Sanchez-Hernandez
Terrell M. Jackson
Stacy L Gregg

The Certificate of Service is attached to the Uniform Penalty Letters for Board review.

Upon motion made by Ms. Janice Alvarez and seconded by Ms. Maria Cruz Denzer, the Board authorizes the issuance of Default letters as indicated above. The motion passed unanimously.

14. Mr. Sean Sickles and Ms. Toni Lynn Szczerbinin, Supervising Teacher appeared before the Board in connection with his application for initial school licensure of The Salon Professional Academy, 4985 Stelton Road (Hadley Ctr), South Plainfield, New Jersey 07080.

Mr. Sean Sickles, Mr. Jon Sickles, Ms. Lori Sickles and Ms. Toni Lynn Szczerbinin greeted the Board.

Ms. Janice Alvarez and the Board asked questions of Ms. Szczerbinin, the supervising teacher and Mr. Sean Sickles.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. James Forte, the school application for The Salon Professional Academy is approved subject to a revised catalog with the corrections as indicated and a favorable final inspection. The motion passed unanimously.

Agenda Supplement:

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Peter Macri, the Board accepts the supplemental agenda. The motion passed unanimously.

15. Request to renew license with conviction:

IMO Adam Gillon, t/a Terranova Designs, desires to renew his cosmetology and hairstyling shop license based on conviction.

Upon motion made by Ms. Janice Alvarez 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. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board approved the renewal application for shop license Terranova Designs. The motion passed unanimously.

The following provisional orders charged the following licensees with obtaining license using fraudulent documents are recommended for administrative closure:

16. IMO Lim Eun H.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the above listed matter is administratively closed. The motion passed unanimously.

17. IMO Nam Young In

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the above listed matter is administratively closed. The motion passed unanimously.

The following UPLs are recommended for administrative closure:

18. IMO Jason Hill, t/a Allstarts Unisex UPL (2005) alleged unlicensed salon found operating in unsanitary manner.

Upon motion made by Mr. James Forte and seconded by Mr. Jack Fornaro, the above listed matter is administratively closed. The motion passed unanimously.

19. IMO Garces Eneido Partial payments were made on UPL (2005) whose license has expired.

Upon motion made by Mr. James Forte and seconded by Mr. Jack Fornaro, the above listed matter is

administratively closed. The motion passed unanimously.

20. IMO Tatyana Yermiova, t/a Maxim Hair Design UPL (2005), requested an administrative hearing.

Upon motion made by Mr. James Forte and seconded by Mr. Jack Fornaro, the above listed matter is administratively closed. The motion passed unanimously.

VII EXECUTIVE SESSION

11:45 A.M. Investigative Inquiry IMO Ms. Jessica Solarski

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

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

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, Jessica Solarski is allowed to continue with her license provided she have no further contact with the criminal justice system, she submit quarterly reports from her probation officer and she notify the Board of any change of address or employment. The motion passed unanimously.

Supplemental Closed Agenda

IMO Jennifer D. Dalponte Ms. Dalponte was scheduled to appear for an investigative inquiry on September 9, 2008 in connection with a report of investigation with accompanying documentation the Board received on her criminal background. On the day of the inquiry, Ms. Dalponte called to say that she had car problems and could not come.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Joseph Santagata, the Board went into Executive Session. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, Ms. Dalponte is to be scheduled peremptorily as a final notice. The motion passed unanimously.

VIII OLD BUSINESS

IX NEW BUSINESS

COMMITTEE REPORTS

Examination & Sites:

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

Education & New Studies:

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

Violation:

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

Regulatory:

No report was given

School and Department of Education Liaison:

Ms. James Forte reported that all committee work is up to date.

Public Relations:

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

Legislation:

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

X ADJOURNMENT

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Jack Fornaro, the meeting was adjourned at 3:30 P.M.. The motion passed unanimously.

RONALD J. BROWN, Chairman

Countersigned:

JAY A. MALANGA, Executive Director