

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
SEPTEMBER 8, 2015**

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. Peter Macri, Ms. Angela Panteleone, Ms. Corby Marie Pascucci, Mr. Joseph Santagata, Mr. Jerry Speziale, Ms. Frances Tomeo, Mr. Jay A. Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Mr. John Ford was absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Ms. Carol Ann Rotondo, Paralegal, Ms. Susan Rischawy, Government Representative 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 17, 2014, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 17, 2014 was posted in the Office of the Board of Cosmetology and Hairstyling on December 17, 2014.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Ms. Angela Pantaleone and seconded by Ms. Frances Tomeo, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held July 14, 2015 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Representatives from Ulta Beauty were present and greeted the Board.

Mr. Raymond Testa was present and greeted the Board.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga introduced Ms. Corby Marie Pascucci as a new Board Member.

The Board's counsel sworn in Ms. Corby Marie Pascucci

The Board Members greeted Ms. Pascucci and welcomed her to the Board.

Mr. Malanga stated that he had three (3) items to add to the agenda and asked that the Board approve the supplements.

Upon motion made by Mr. Peter Macri and seconded by Mr. Joseph Santagata, the Board added the 3 additional supplements to the Agenda. The motion passed unanimously.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Mr. Nergis Paso, t/a Fresh Salon, 256 Dayton Avenue, Clifton, New Jersey in connection with the penalty assessed her in the amount of \$250.00 for the alleged violation resulting out of an inspection of her shop on October 28, 2014 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.

After careful consideration, upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

2. Correspondence received from Ms. Judy A. Van Bethuysen-Thelen, 12 Whitman Street, Brick, New Jersey in connection with the penalties assessed her in the amount of \$100.00 for the alleged violation of N.J.S.A. 45:5B-12(f) & N.J.A.C. 13:28-2.12(a)2 at Advance Hair Designs, 632 Ocean Drive, Point Pleasant, New Jersey on December 10, 2014 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.

After careful consideration, upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

3. Correspondence received from Ms. Natalie B. Druce, 208 Stockton Boulevard, Berlin, New Jersey in connection with the penalties assessed her in the amount of \$100.00 for the alleged violation of N.J.A.C. 13:28-2.5(a)2 at Phoenix Salon & Spa, 4160 Dearborn Circle, Mount Laurel, New Jersey on September 24, 2014 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.

After careful consideration, upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Ms. Jieli Loonan, 16 Independence Drive, Hillsborough, New Jersey in connection with the penalty assessed her in the amount of \$300.00 for the alleged violation of N.J.S.A. 45:1-18.2 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.

After careful consideration, upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

5. Correspondence and documentation received as informational from Ms. Nelly Augustyn, Architect, Senior Project Manager, Chipman Design Architecture, Inc. on behalf of her client, Ulta Beauty to introduce a new brand, Benefit Cosmetics, into its Maywood, New Jersey location.
6. Correspondence received from Ms. Noelle M. Carpenter, Salon Success Consulting Services in connection with Shirodhara, a practice allegedly cure disease and neurological disorders, would be within the scope of practice of a cosmetology and hairstyling or skin care specialty license was presented to the Board for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board preliminary determines that the offering and rendering Shirodhara to cure disease and neurological disorders in licensed salons is not contemplated or authorized by the legislature. Ms. Angela Pantaleone abstained, and the motion passed unanimously.

7. A request received from Ms. German Amarante in connection with her initial application for cosmetology & hairstyling shop licensure of Los Latinos Barber Shop, 264 Passaic Street, Passaic, New Jersey was presented to the Board for consideration. The proposed shop only contains 347 square feet of floor space, 3 square feet short of the minimum required by N.J.A.C. 13:28-2.5 and she has asked that the Board waive the minimum square feet

requirement in as much as she has invested money into this location and wants to work to recuperate her investment.

Upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, the Board waives the minimum square footage requirement and approves the application for shop licensure with only one (1) operator at any given time and the waiver is not transferrable with the sale of the salon. The motion passed unanimously.

8. A request from the New York Hispanic Cosmetology & Beauty Chamber of Commerce for Mr. Jay Malanga to appear as their main speaker for the 1st Annual Business, Cosmetology Licensing & Regulations Symposium in New Jersey with the Small Business Development Center, Small Business Administration, IRS, OSHA for October 19th, 20th, 26th or 27th was presented to the Board for consideration.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board determines that Mr. Malanga is not authorized to attend as a speaker at this time. The motion passed unanimously.

9. A Uniform Penalty Letter issued to Mr. Troy Teeboon, t/a Kur Wellness Studio, 412 Bond Street, Asbury Park, New Jersey for violating N.J.S.A. 45:5B-13(g) & N.J.A.C. 13:28-2.13(a) in that the shop was found in operation without an experienced practicing licensee present was presented to the Board for consideration.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board has tabled this matter pending Mr. Teeboon's letter of explanation. The motion passed unanimously.

10. Correspondence received from Mr. Richard A. West, Esquire, on behalf of his clients, Arthur Magee, Michael Magee, Jeff Snyder, t/a Vibrance Medical Spa, 3056 Route 10 West Suite "Y", Denville, New Jersey in connection with the penalty assessed against them in the amount of \$5,100.00 for the alleged violations resulting out of an inspection of their shop on April 11, 2014 was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board is to discuss this matter in Executive Session. The motion passed unanimously.

11. **REINSTATEMENT OF EXPIRED LICENSES: IMO**

- Erica H. Young
- Vjollca Tonuzi
- Cassandra R. Points
- Taram Kaltneckar
- Monika Wdowiak

- Luann Larocca-Fernandes
- Jose Felipe Rosario
- Samuel E. Battista
- Tenee Hanna
- Francia Rosario
- Kim M. Eisenhart
- Jennifer Sgambati
- Peter J. Smith
- Karen Rucando
- Benny Cardenas
- Teresa Little
- Brenda J. Janner

After careful review, upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, all the above listed expired licensees, except Ms. Kaltnecker and Ms. Rosario, are required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action on any individual working without a valid license. The motion passed unanimously.

After careful review, upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board determined that Ms. Kaltnecker and Ms. Rosario, provide verification of out of state licensure from their respective state. The motion passed unanimously.

12. **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. Annie Nguyen – t/a Utopia Spa LLC – License No.: None
2. Lorena Bermudez – t/a Loren’s Beauty Salon – License No.: 32WD02799700

3. Mi Sun Kang – t/a Pink Nails & Spa – License No.: 32WD3078300
4. Tim Lam, Hien Le – t/a Avalon Nails – License No.: 32WM00524200 - Paid
5. Chi T. Hoang – Individual – License No.: NONE
6. Teresa F. Flores – Individual – License No.: NONE
7. Hyun (Jennifer) Kyun Jun – Individual – License No.: NONE
8. Eyebrow Designer 21 – t/a Eyebrow Designer 21 – License No.: NONE
9. Thuy Ho – Individual – NONE
10. Eric Dudley – t/a E’s Gifted Hands – License No.: NONE
11. Tony Van Tran – Individual – License No.: NONE

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, the Board directed that a Final Decision and Default Order on UPL be issued on these matters. The motion passed unanimously.

Agenda Supplement

1. Correspondence submitted by Ms. Beth A. Krause, Director, Empire Education Group, 396 Pottsville-St Clair Highway, Pottsville, PA in connection with a revised student enrollment agreement to charge a \$25.00 non-refundable application fee at all it’s New Jersey Empire Schools was presented to the Board for consideration. Mr. Testa informed the Board that the non-refundable fee is typical across the country in order to offset the cost of processing the application in the event that the applicant does not start.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board accepts the application fee proposed by Empire Education Group. The motion passed unanimously.

2. A request submitted by Mr. John Palomares, Levels Beauty Institute, 310 New Brunswick Avenue, Fords, New Jersey for approval to offer evening classes was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board approves the request. The motion passed unanimously.

3. Correspondence received from Ms. Nourhan Azab on behalf of her mother Naima El Samak in connection with her request for a translator pursuant to N.J.S.A. 45:5B-27.

Upon motion made by Ms. Fran Tomeo and seconded by Ms. Corby M. Pascucci, the Board determined to place the matter on hold pending receipt more information to include information from the school and the requester’s challenges, deficiencies, and limitations. The motion passed unanimously.

VII OLD BUSINESS

None

VIII NEW BUSINESS

None

Committee Reports

No reports were given.

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 Ms. Frances Tomeo and seconded by Mr. Peter Macri, the meeting was adjourned at 3:00 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director