

**MINUTES
REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
SEPTEMBER 9, 2008
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 T. 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.

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 18, 2007 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 18, 2007.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Ronald Brown and seconded by Mr. Jerry Speziale, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held July 8, 2008 and the August 2008 Executive Director's report are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Mr. Ray Testa was in attendance and greeted the Board. Mr. Testa addressed the Board on the re-authorization of the Higher Education Act.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed the following information: a newspaper article on fish pedicures, a copy of correspondence received from the Oklahoma State Department of Health allowing licensure of barbering in Oklahoma by reciprocity, a pamphlet from International Esthetics, Cosmetics & Spa on its Conference to be held October 4-6, 2008 and a registration packet for the Annual NIC Conference to be held on October 25-27, 2008 in Wyoming.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Mr. James A. Wunderle, Senior Vice President, Empire Education Group in connection with EEG's steps to streamline its organizational structure and consolidate its tax reporting was presented to the Board for consideration.

Mr. Jay Malanga stated that the key component of the change is that the irrevocable proxy is held by Mr. Frank K. Schoeneman.

The Board acknowledged the information and asked that it be filed in the school file.

2. Correspondence received from Ms. Tammy Estomin, Associate Director, Capri Institute Cosmetology Training Centers, Bricktown, New Jersey in the matter of Kimberly Jackson in connection with the penalty assessed against her in the amount of \$300.00 for the alleged violation of N.J.S.A. 45:5B-7 at Park Place Hair & Nail Salon, Seaside Park, New Jersey was presented to the Board for consideration.

Note: This matter was previously presented to the Board at its regular monthly meeting held January 8, 2008; but the Board withheld decision on this matter pending an account of the facts from Capri Institute, Bricktown.

Although the Board is in receipt of the school's response, the Board tabled this matter pending information from both teachers in question.

3. Correspondence received from Ms. Tina Bannon and Ms. Deneen Chandler, t/a Salon Cosa Bella, 40 South Black Horse Pike, Blackwood, New Jersey in connection with the outstanding penalties assessed against them in the amount of \$500.00 for the alleged violations resulting out of an inspection of their shop on March 28, 2008 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.

After careful consideration, upon motion made by Mr. Joseph Santagata and seconded by Mr. Ron Brown, the fine stands. The motion passed unanimously.

4. Correspondence received from Ms. Andrea C. Barone 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) & N.J.A.C. 13:28-2.12(a)2 at Salon Gi Gi, 40 South Black Horse Pike, Blackwood, New Jersey on August 3, 2007 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 Mr. Jack Fornaro and seconded by Mr. Anthony Monaco, the fine stands. The motion passed unanimously.

5. Correspondence received from Mr. Robert S. Navone, t/a John Robert Salon, 8411 Ventnor Avenue, Margate, New Jersey in connection with the outstanding penalties assessed against him in the amount of \$1050.00 for the alleged violations resulting out of an inspection of his shop on April 22, 2008 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.

After careful consideration, upon motion made by Mr. Ronald Brown and seconded by Mr. Anthony Monaco, the fine of \$100.00 for violating N.J.A.C. 13:28-2.12(a)1&2 is rescinded, the remaining of the fines stand (\$950.00). The motion passed unanimously.

6. IMO Tatyana Yermiova, t/a Maxim Hair Design UPL dated January 17, 2006 was presented to the Board for consideration. A settlement offer was mailed on June 20, 2008, but Ms. Marilyn Kessous, attorney for Ms. Yermiova requested an administrative hearing on this matter.

The Board noted that due to the fact that Ms Yermiova is a repeat offender and she has not had an inspection since 2006, a routine inspection is due.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, this matter is referred to Prosecution for scheduling of a hearing. The motion passed unanimously.

7. Correspondence received from Ms. Nancy Oh 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-12(f) & N.J.A.C. 13:28-2.12(a)2 at Victoria's Nails, 600 N Kings Highway, Apt. B-2A, Cherry Hill, New Jersey on February 8, 2008 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. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

8. Correspondence received from Ms. Young S. Lee, t/a Sae Won Nail, 222 Kinderkamack Road, Emerson, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$850.00 for the alleged violations resulting out of an inspection of her shop on February 1, 2007 was presented to the Board for consideration. She indicated that he 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 Mr. Jack fornaro and seconded by Mr. Jerry Speziale, the fine stands. The motion passed unanimously.

9. 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

Hong Loan Nguyen
Chi L. Nguyen
Jefferson Ortega
Thanh T. Tran License #WF019173
John Wheeler t/a Profilz Cutz & Stylez License #WD25506
Channel Estremaig
Lyn T. Pham
Philimena Gaye
Donald A. Peacock
Jay Mendez
Uyen Do

Lisa Heng
Andres Fernandez, t/a Class & Cutters License #WD24599
Jair Alvarez, t/a Jair & Hair Unisex License #WD013485
Phuoc V. Ngo, t/a Lucky Five Star Nails License #WM02353
Hyun Hee Kim
Linh Tran
Antonio J. Marte, t/a Prestige Barber Shop
Kathleen M. Beatty License #WG47964
Elizabeth Ricci, President,
t/a The Cutting Company License #WD23766
Kristine Fidler, t/a Salon GiGi License #WD25148
Chon Phong Thirath
Hieu Dinh Le, t/a Wonder Nails License #WM00249
Ralph Julian Penna, President & Llana Penna, Vice President, t/a Julian Hair & Color Studio
Craig Johnson, t/a Kut Kreations Barber Shop

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

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

10. An e-mail recently received from Howard Tran in connection with "DR FISH PEDICURE" and the Board's regulations on this service was presented to the Board for consideration.

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Jack Fornaro, the Board's statute does not authorize such services to be performed in facilities licensed by the Board. The motion passed unanimously.

11. A request recently received from Ms. Linda Ventura, Ventnor City, New Jersey for the Board to improve the regulations regarding the use of sterile disposable lancets during a facial procedure was presented to the Board for consideration.

The Board directed Mr. Malanga to respond to Ms. Ventura on the Board's position on using prohibited instruments including lancets and to inform her that she should check the Board's web site and the New Jersey Register for the public comment period. The motion passed unanimously.

12. A request recently received from Mr. Kevin Perneta, Director of Licensing and Accreditation, EEG, Inc. for the Board's permission to allow Empire Beauty School, Bordentown, Cherry Hill, and Laurel Springs, European Academy of Cosmetology, Union, Natural Motion Institute of Hair Design, Jersey City and Concorde School of Hair Design, Ocean and Bloomfield to operate their clinics on Saturday, October 11, 2008 as participants of the annual National Day of Beauty with all proceeds going to charity was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the Board approved Mr. Perneta's request. The motion passed unanimously.

AGENDA SUPPLEMENT

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, an additional supplement is to be added to the public agenda. The motion passed unanimously.

IMO Ronald Celis, t/a A Barber Shop, 1265 Stuyvesant Avenue, Union, New Jersey initial (change of ownership) application for a cosmetology & hairstyling shop. The shop only contains 305 square feet of space, 45 square feet short of the minimum requirement pursuant to N.J.A.c. 13:28-2.5.

After careful consideration, upon motion made by Mr. Ronald Brown and seconded by Mr. Jack Fornaro, the Board waived the minimum square footage requirement and approved the application. The motion passed unanimously.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board ratifies the changes on the sunset. The motion passed unanimously.

Upon motion made by Mr. Ronald Brown and seconded by Mr. Jack Fornaro, the Board went into Executive Session to seek legal advice of procedural matter of rendering proposed regulation. The motion passed unanimously.

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Jerry Speziale, the Board returned to Open Session.

Mr. Jay Malanga greeted Ms. Carolee Adams from the Home School Association.

Mr. Chris Jones asked that Ms. Adams limit her remarks to what is necessary.

Ms. Adams addressed the Board. She stated that she is from a family of law and order, an educational leader, and one of the five primary Home Schoolers in the State. She stated that the New Jersey statute recognizes homeschooling as an alternative to traditional education. She also stated that a parent's statement should be equivalent to a GED. Not to do so would place homeschooling on a different scale. Additionally, she said that homeschooling is about the parents' freedom to educate. She stated personally that her children have completed high school with their statement of completion of schooling. She asked that the Board seriously consider that a parent's statement should be evident that a child has completed a high school education. She stated to require home school kids to take the GED may be telling their industry that these students just are not good enough.

When asked whether she had statistics on home schooled children being channelled into the cosmetology industry, she stated that she did not have statistics and she stated that she could survey the support groups to get that answer.

Mr. Jack Fornaro recused himself from this matter.

Upon motion made by Mr. Ronald Brown and seconded by Mr. Anthony Monaco, the Board adopts the accepted regulation N.J.A.C. 13:28-1.1 as proposed. The motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Jerry Speziale, the Board went into Executive Session to conduct investigative inquiries. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Ronald Brown, the Board returned to Open Session. The motion passed unanimously.

VIII OLD BUSINESS

Mr. Jay Malanga stated that the request for an increase of Board examiner's pay has been submitted to the administration for review.

IX NEW BUSINESS

COMMITTEE REPORTS

No reports were given.

X ADJOURNMENT

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

Chris Jones, Chairman

Countersigned:

JAY A. MALANGA, Executive Director