

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
SEPTEMBER 14, 2010
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. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Executive Director, Mr. Patrick J. McNally, Assistant Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Ms. Maria Cruz Denzer and Mr. Ronald Jerome Brown was absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Mr. Marc DeCarlo, Paralegal and the Board's counsel.

Ms. Janice Alvarez announced that Mr. Jack Fornaro had resigned effective immediately, the quorum pursuant to N.J.S.A. 45:5B-5 for the Board meeting is 4 members.

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 9, 2009, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 9, 2009.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Revision were made to include the motion in IMO Olivia Andricola and IMO Thomas Duc in the Open Session Minutes.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held July 13, 2010 are accepted as amended. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Mr. Harry Comp of the Association of Cosmetology & Hairstyling Schools was in attendance and greeted the Board.

Ms. Rochelle D. Williams-Evans, Director/Health Officer and Girard Lukowiak Division of Consumer Protection, for the City of East Orange were in attendance. They stated that they had set up a task force with the Enforcement Bureau. Mr. Richard Perry was also in attendance.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga welcomed the guests and introduced the Board Members.

Mr. Malanga stated that the Board Members are invited to the Grand Opening of Empire Beauty School in Paramus, but that Ethics issues preclude them from attending. He updated the Board on the Renewal Status.

VI FOR BOARD CONSIDERATION

1. Assembly, Bill No. 3108 was presented to the Board for consideration. If enacted, it would prohibit establishments licensed by the Board from charging cancellation, appointment or rescheduling fees with certain exceptions. Under this bill the amount of any cancellation or rescheduling fees may not exceed 25% of the services request at the time the appointment was made. The penalty for a violation of the bill is a civil penalty and can not be more than \$500.00 for the first violation, and not to exceed more than \$1,000.00 for the second and subsequent violations.

The Board pointed out that it was not aware of ever receiving a complaint from any salon or consumer to justify this bill. The Board indicated it was not in favor of this bill in its present form.

2. Correspondence received from Ms. Jenny Lee Schmidt, School Director, Jersey Shore Beauty Academy, Brick, New Jersey in connection with her desire to follow an 8 week interval of a curriculum to keep a continuous flow at her school was presented to the Board for consideration.

After discussion on this matter, upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the 8 week interval curriculum is approved for Jersey Shore Beauty Academy, Brick, New Jersey. The motion passed unanimously.

3. Correspondence received from Ms. Lucy M. George, t/a Lacy L. Hair Braiding, 604

Central Avenue, East Orange, New Jersey in connection with hair braiding.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, this matter is to be discussed in Closed Session for advice of counsel. The motion passed unanimously.

4. Correspondence received from Mr. Peter La Rocca, t/a Bangz Salon, 612 Washington Street, Hoboken, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$350.00 for the alleged violation resulting out of an inspection of his shop on October 20, 2003 was presented to the Board for consideration. He has 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.

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the fine stands. The motion passed unanimously.

5. Correspondence received from Ms. Gina Bocchicchio, 449 St. Andrews Place, Manalapan, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$500.00 for the alleged violation of N.J.S.A. 45:5B-12(g) at Spa M., 517 Route 33, Millstone, New Jersey on September 15, 2006 was presented to the Board for consideration. She has 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. Joseph Santagata and seconded by Mr. James Forte, the fine stands with a follow-up investigation. The motion passed unanimously.

6. Correspondence received from Ms. Louisa Battaglia, 109 7th Avenue, Haddon Heights, New Jersey 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 Carmens Hair Emporium, 83 Ellis Street, Haddonfield, New Jersey on October 31, 2008 was presented to the Board for consideration. She has 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. James Forte, the fine stands. The motion passed unanimously.

7. Correspondence received from Ms. Amanda S. Buchanan, 265 Brass Castle Road, Oxford, New Jersey in connection with the penalty assessed against her in the amount of

\$250.00 for the alleged violation of N.J.S.A. 45:5B-35 & N.J.S.A. 45:5B-7 at Candy-Lyn

Beauty Shop, 40 South Lincoln Avenue, Washington, New Jersey on November 21, 2008 was presented to the Board for consideration. She has 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. James Forte and seconded by Mr. Jerry Speziale, the fine stands. The motion passed unanimously.

8. Correspondence received from Ms. Eun Young Park, 39 Norway Avenue, Staten Island, New York 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 Ceci Nails, 4057 Asbury Avenue, Tinton Falls, New Jersey on April 16, 2008 was presented to the Board for consideration. She has 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. James Forte, the fine stands. The motion passed unanimously.

9. Correspondence received from Ms. Kim Thi Tran, 152 Evans Avenue, Piscataway, New Jersey in connection with the 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 Expo Nails, 296 Woodbridge Center Drive, Woodbridge, New Jersey on April 22, 2010 was presented to the Board for consideration. She has 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. James Forte and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

10. Correspondence received from Ms. Lynn Truong (Yen L. Do), 28 Franko Avenue, Piscataway, New Jersey in connection with the 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 Expo Nails, 296 Woodbridge Center Drive, Woodbridge, New Jersey on April 22, 2010 was presented to the Board for consideration. She has 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. James Forte and seconded by Mr. Jerry Speziale, the fine stands. The motion passed unanimously.

11. 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 has sent a Notice of Intent to file a Final Decision and Default Order on

UPL to the licensees' address of record but to date no response has been received. The Attorney General now seeks to issue a Final Decision and Default Order on UPL for each of the following: IMO

Dona A. Bogusz
 Sharon L. Bosler
 Billy Burgess
 Vincent Scerati & Lucille Lee, t/a Blink Hair Face Body
 Gina Brydie, t/a BKS Barber Shop
 Song S. Hoobler, t/a Allure Nails
 Anthony Nguyen & Trang Le, t/a Central Nails & Spa
 Kondor K. Nunn, t/a Mane-Lee-Kinky Hair Studio
 Margaret Iorio, t/a Hairs Our Place
 Gloria Rueda, t/a Beyond Beauty Salon
 Caitlin M. Hearn
 Henry Do
 Eun Soon Yoo, t/a Crystal Nails II
 Kyung Ja Oh, t/a Chocie Nail
 Soo Jung Gang, t/a Bijou Nail & Skin Care
 Celestine Cadet, t/a Cadet Unisex Barber & Beauty Salon
 Ana M. Garay, t/a A G Euro Trends Hair Care Salon
 Thanh Van Nguyen, t/a Blue Beauty Salon
 William Kim & Ellen Kim, t/a Body Essence
 Joseph H. Lam, t/a Doctor Nails
 Robert Romeo & James McAnney, t/a Main Street Barber Shop
 Robert Catapano, Michale Apito, James McAnney, t/a Main Street Barber Shop
 Robert Catapano, t/a Main Street Barber Shop
 Robert J Catapano, t/a Main Street Barber Shop
 Jeong Lim Kim
 Brittany L. McClain
 Rebecca Stuehler
 Janet R. White, t/a Division Designs
 Hue Thi Nguyen

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, a Final Decision and Default Order on UPL is to be issued for each on the above list. 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:

John McGowan, t/a Crazy Johnny Barber Shop

Ismat Batool
Elizabeth Owen, t/a Bebe's Hair Salon
Dinh Ky Le, t/a D C Nails

Upon motion made by Mr. James Forte and seconded by Mr. Peter Macri, the above mentioned are to be administratively closed. The motion passed unanimously.

13. Ms. Hae Lim Kim, Director, Bella Cosmetology Institute LLC, 532 10th Street, Palisades Park, New Jersey and her supervising teacher, Ms. Sophia Di Matos appeared before the Board of Cosmetology and Hairstyling for interview in connection with the application for initial school licensure of Bella Cosmetology Institute LLC, Palisades Park, New Jersey.

Ms. Hae Lim Kim and Ms. Sophia De Matos greeted the Board and answered questions of the Board.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board approves the school application upon successful completion of a school inspection. The motion passed unanimously.

AGENDA SUPPLEMENT

1. Correspondence received from Mr. Kevin Pernet, Director, Licensing and Accreditation, Empire Education Group in connection with their Empire Beauty School in Bordentown, Cherry Hill, Laurel Springs, Paramus, European Academy of Cosmetology in Union, Natural Motion Institute of Hair Design in Jersey City and Concorde School of Hair Design in Ocean Bloomfield participating in the Annual National Day of Beauty on October 9, 2010. All proceeds raised from the event will be donated to "Cut It Out", a national organization dedicated to helping victims of domestic abuse.

Upon motion made by Mr. James Forte and seconded by Mr. Peter Macri, the Board approves the October 9, 2010 fund raiser provided they follow all the regulations including school uniform. The motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the Board went into Executive Session.

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

11:15 A.M. IMO Mr. Antoine M. Parham

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, Mr. Parham is allowed to sit for examination. The motion passed unanimously.

VIII OLD BUSINESS

IX NEW BUSINESS

Committee Reports

Examination & Sites:

Ms. Peter Macri stated that there were 21 examiners scheduled to attend the last practical exam, but that only 6 attended and he and Janice had to also be examiners.

Education & New Studies:

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

Public Relations:

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

Violation:

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

Regulatory:

Mr. Joseph Santagata stated that they were still working on the barber bill.

School & Department of Education Liaison:

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

Legislation:

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

X ADJOURNMENT

Upon motion made by Mr. Joseph Santagata and seconded by Mr. James Forte, the

meeting was adjourned at 3:00 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director