

## MINUTES

**REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
OCTOBER 9, 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, Mr. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Ms. Frances Tomeo, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambrose, Program Development Assistant were present. Ms. Maria Cruz Denzer and Mr. Anthony Fiore 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. Peter Macri and seconded by Mr. James J. Forte, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held September 11, 2012 are accepted as read. The motion passed unanimously.

#### **IV PUBLIC PARTICIPATION SESSION**

\*Upon motion made by Mrs. Frances Gray and seconded by Mr. James Forte, the Board moved item 17 of the agenda to the School Committee for review.

Mr. Ray Testa and Mr. Tony Fragomeni from Empire Education Group requested to replace MSDS<sup>1</sup> binders with MSDS Pro, an online software. Empire Schools is advised to make that request in writing.

## **V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS**

Mr. Malanga stated that the barber regulation is scheduled to be published in the New Jersey Register on October 15, 2012.

## **VI FOR BOARD CONSIDERATION**

1. Correspondence received from Ms. Phyllis Rivelli, 82 Chelsea Avenue, 2<sup>nd</sup> Floor, Long Branch, 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 Panico Salon & Spa, 393 Kinderkamack Road, Oradell, New Jersey on March 7, 2011 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 Ms. Frances Tomeo and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter, but stays the fine with a warning that if in the future similar violations occur the stayed fine will become current. The motion passed unanimously.

2. Correspondence received from Ms. Van Thanh Ngoc To (Jen), 4 Linda Lane, Hatboro, Pennsylvania 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 resulting out of an inspection of her shop on June 17, 2011 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. James Forte 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. Sargita Patel, 1480 US Highway 46 West Apt. #252B, Parsippany, 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 Nina's Beauty Salon, 172 Parsippany Road, Parsippany, New Jersey on February 4, 2011 was presented to the

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<sup>1</sup>Material Safety Data Sheets

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. Jerry Speziale and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Ms. Megan Victoria De Iturriaga, 176 Franklin Avenue, Apt. 4, Pearl River, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$300.00 for the alleged violation of N.J.S.A. 45:5B-7 at Ridgewood European Day Spa, 44 Franklin Avenue, Ridgewood, New Jersey on May 17, 2012 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 Ms. Frances Tomeo and seconded by Mr. Joseph Santagata, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

5. Correspondence received from Ms. Nancy L. Seccia, 1128 Monmouth Road, Deptford, 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 Salon At The Ritz, Inc., 910 Berlin Road, Voorhees, New Jersey on April 7, 2011 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. James Forte and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

6. Correspondence received from Ms. Julie Di Domenico, 62 Andover Drive, Wayne, 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 Fantastic Sams, 308 Woonton Street, Boonton, New Jersey on September 28, 2011 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. James Forte and seconded by Mr. Joseph Santagata, the Board affirms its original decision as set forth in the Uniform Penalty Letter, but stays the fine with a warning that if in the future similar violations occur the stayed fine will become current. The motion passed unanimously

7. Correspondence received from Mr. Michael Pocchio, Jr. Esquire on behalf of his client, Ms. Kalpana K. Patel, t/a Shanger Beauty Salon, 1536 Oak Tree Road, Iselin, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$800.00 for the alleged violations resulting out of an inspection of her shop on December 7, 2011 was presented to the Board for consideration. He indicated that Ms. Patel 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 Ms. Frances Tomeo and seconded by Mr. Joseph Santagata, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

8. Correspondence received from Ms. Wendy Duong, t/a Bridgewater Hair and Nail, 650 East Main Street, Bridgewater, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$450.00 for the alleged violation resulting out of an inspection of her shop on January 24, 2011 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 Ms. Frances Tomeo and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

9. Correspondence received from Ms. Hanna Talalaj, t/a La Salon, 70 Outwater Lane, Garfield, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of her shop on December 1, 2011 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. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

10. Correspondence received from Mr. Naseem Ahmed, t/a Nina's Beauty Salon, 172 Parsippany Road, Parsippany, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$600.00 for the alleged violation resulting out of an inspection of his shop on February 4, 2011 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. Frances Tomeo and seconded by Mr. James Speziale, the Board

affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

11. Correspondence received from Mr. James Durham, t/a Before & After Hair Centr Techniques Day Spa, 19 North High Street, Millville, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$2500.00 for the alleged violation resulting out of an inspection of his shop on March 16, 2012 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. James Forte and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. Also, he is to be informed that eyebrow tinting is a prohibited service. The motion passed unanimously.

12. Correspondence received from Ms. Maria Ann Bonura, t/a Body Beautiful By Maria Ann, 2130 Highway 35, Holmdel, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$250.00 for the alleged violation resulting out of an inspection of her shop on March 16, 2012 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. Joseph Santagata and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

13. Correspondence received from Mr. Marco A. Bonelli, Mr. Michael Lizzi, Mr. Nicholas Romano, t/a Salon At the Ritz, Inc., 910 Berlin Road, Voorhees, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$200.00 for the alleged violation resulting out of an inspection of her shop on April 7, 2011 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 Ms. Frances Tomeo and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

14. **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. Brenda Urizar, Individual - License No.: NONE
2. Oscar Herring, t/a Oscar's Personal Touch Barber Shop - License No. 32WD02384300
3. Donna Gabriele, t/a Sal'on - License No.: 32WD01941500

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Frances Tomeo, the Board directed that a Final Decision and Default Order on UPL be issued on these matters. The motion passed unanimously.

15. A request received from Ms. Trish Passanante, Admissions Director, PB Cosmetology Education Centre, 110 Momouth Street, Gloucester City, New Jersey for the Board's permission to add an additional part-time schedule for cosmetology was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. James Forte, the Board approved the additional part-time scheduled for cosmetology. The motion passed unanimously.

16. A request received from Ms. Jenny Lee Schmidt, Owner, Paul Mitchell The School, Jersey Shore, 712 Route 70, Brick, New Jersey for new student start dates and an extension of their daily class schedule was presented to the Board for consideration.

Upon motion made by Mr. James Forte and seconded by Mr. Joseph Santagata, the extension of the daily class by an hour is approved, however the Board asked that Ms. Schmidt submit a detailed explanation for the new student start dates. The motion passed unanimously.

17. Mr. Raymond Testa and/or Mr. Santo Trapani, Empire Education Group demonstration of MSDS Pro  
\*Refer to the School Committee for review.

## **VII OLD BUSINESS**

## **VIII NEW BUSINESS**

### **Committee Reports**

#### Examination & Sites:

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

Mr. Janice Alvarez stated that a training session needed to be set up to train examiners for the barbering exam.

Education & Public Relations:

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

Violations:

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

Legislation:

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

School & Department of Education Liaison:

Mr. Testa and Mr. Fragomeni demonstrated Empire Beauty Schools' access to Material Safety Data Sheets (MSDS) via the school dedicated link.

Ms. Frances Tomeo stated that she has been getting requests as to when the schools could submit their curriculum for barbering.

Mr. Jay Malanga stated that an e-mail was going to be sent out and that the schools could start submitting them right away.

Regulatory Committee:

Mr. Jerry Speziale 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 Deana Moscatello

Upon motion made by Ms. Peter Macri and seconded by Ms. James Forte, Ms. Moscatello is to be rescheduled peremptorily. The motion passed unanimously.

2. **11:45 A.M.** IMO Joshua A. Salazar

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Peter Macri to allow Mr. Salazar to be licensed. The motion passed unanimously.

**X ADJOURNMENT**

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri , the meeting was adjourned at 2:15 P.M.. The motion passed unanimously.

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JANICE ALVAREZ, Board Chairperson

Countersigned:

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JAY A. MALANGA, Executive Director