

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
OCTOBER 11, 2011**

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, Ms. Maria Cruz Denzer, Mr. James J. Forte, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Ms. Frances Tomeo was absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Yolanda Morales, Principle Transcriber, Mr. Marc DeCarlo, 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 15, 2010, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 15, 2010.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Ms. Maria Cruz Denzer stated that on the July Minutes of the Board she was marked as absent but she was in fact present.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the Board accepted as amended the Executive Director's report, Committee reports, and Minutes of the Committee meeting held September 13, 2011 and approved the recommendations of the Committee. The motion passed unanimously.

The Board observed a moment of silence in honor of the Assistant Executive Director

Patrick McNally.

Ms. Janice Alvarez stated that it was a month ago today that Mr. Patrick McNally attended the Board meeting and the very next day he passed away suddenly.

Mr. Jay Malanga stated that Mr. Patrick McNally was a fine gentleman and a family man. He contributed to the Board and will be missed. He stated that tomorrow is not promised to anyone and that it was sad that a man of his intelligence was gone so young.

IV PUBLIC PARTICIPATION SESSION

Ms. Meg Stezzi and Ms. Paula Brown, Rizzieri Institute were present.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Ms. Janice Alvarez distributed a copy of an article on

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Jin S. Choi, Ms. Eun Hee Cho, t/a Venus Spa, 400 Mounts Corner Drive, Freehold, New Jersey 07728 in connection with the outstanding penalty assessed against her in the amount of \$1,200.00 for the alleged violations resulting out of an inspection of her shop on January 23, 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.

Upon motion made by Mr. Peter Macri and seconded by Mr. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

2. Correspondence received from Ms. Alice R. Huttick, 109 Evergreen Court, Freehold, New Jersey 07728 in connection with the outstanding penalty assessed against her in the amount of \$100.00 for the alleged violation of N.J.A.C. 13:28-2.10 & N.J.A.C. 13:28-2.12(a)2 at Venus Spa, 400 Mounts Corner Drive, Freehold, New Jersey on January 23, 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.

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 Mr. Michael Lang Tran, t/a Tip Top Toe Nails, 730 W Maple Avenue, Merchantville, New Jersey 08109 in connection with the outstanding penalty assessed against him in the amount of \$450.00 for the alleged violations resulting out of an inspection of his shop on March 14, 2008 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.

Upon motion made by Mr. Peter Macri 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 Mr. Mark Romeo, t/a Vernon Barber Shop, 5 Church Street, Vernon, 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 February 10, 2009 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.

Mr. Jerry Speziale recused himself from this matter.

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

5. Correspondence received from Ms. Rachel Hester, t/a Cookies Hair & Nail Creation Uni, 299 Glenwood Avenue, Bloomfield, New Jersey 07003 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 July 28, 2010 was presented to the Board for consideration. She indicated that they 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. Anthony Fiore 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. Donda Sternberg, President, t/a Gentle Healing Wellness Spa, 1274 South River Road, Cranbury, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$3,000.00 for the alleged violations resulting out of an inspection of her shop on September 5, 2008 was presented to the Board for consideration. She admitted to the charges of N.J.S.A. 45:5B-13(e) and N.J.S.A. 45:5B-7 and has paid the penalties (\$500.00) for those violations; and indicated that she would like to waive her right to a hearing on the other charge (N.J.A.C. 13:28-2.15(5)) but furnished a written explanation for the Board to consider before rendering its final decision.

The Board tabled this matter pending more information.

7. Correspondence received from Mr. Sei Woon Lee, President, t/a Happy Nails, 263 Main Street, West Orange, New Jersey 07052 in connection with the outstanding penalty assessed against him in the amount of \$550.00 for the alleged violation resulting out of an inspection of his shop on January 8, 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.

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 with a payment plan. The motion passed unanimously.

8. Correspondence received from Ms. Daniela Musano, President, t/a Araya Rebirth, 10 Garber Square, Ridgewood, New Jersey 07450 in connection with the outstanding penalty assessed against her in the amount of \$500.00 for the alleged violation resulting out of an inspection of her shop on March 9, 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. Peter Macri and seconded by Ms. Maria Cruz Denzer, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

9. IMO Dino Roato, President, Zebulun Jesus Is Lord Barbershop LLC, 4302 US Highway 9, Howell, New Jersey 07731 shop application was presented to the Board for consideration.

After careful consideration, upon motion made by Ms. Maria Cruz Denzer and seconded by

Mr. Peter Macri, Mr. Roato's request to have a pool table in his shop is denied pursuant to N.J.A.C. 13:28-2.7A. The Board directed that Mr. Roato separate the room with the pool table activity with floor to ceiling walls and that it have a separate entrance from the shop. The motion passed unanimously.

10. Request to amend language of proposed rule: N.J.A.C. 13:28-4.1(b).

Upon motion made by Mr. Peter Macri and seconded by Anthony Fiore, the Board voted to amend the language of proposed rule: N.J.A.C. 13:28-4.1(b) to read:

(b) All documents, implements, tools and products maintained pursuant to this chapter shall be available for immediate inspection, [and] photocopying and photographing by the Board or its authorized representative.

11. Division of Consumer Affairs-Uniform Regulation was presented to the Board for information.

The Board acknowledged the information.

12. A request received from Mr. Salvatore Minardi, t/a Salvatore Minardi Salon, 8 Park Avenue, Madison, New Jersey 07940 for the Board's permission to participate in Bottle Hill Day in Madison with all the proceeds to be donated to St. Huberts Animal Shelter was presented to the Board for consideration.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, Mr. Minardi's request is approved. The motion passed unanimously.

VII OLD BUSINESS

The Board noted that research needed to be done on eyelash extension and information needed to be accumulated. A committee was set up to include Frances Gray, Janice Alvarez, Maria Cruz Denzer and Anthony Fiore to work on this issue.

VIII NEW BUSINESS

Mr. Jay Malanga reminded the Board that the December Board meeting was fast approaching and that the Board should start thinking about who they would like to elect for Chairperson and Vice Chairperson.

Committee Reports

Examination & Sites:

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

Education & Public Relations:

Maria Cruz Denzer reported that all committee work is up to date.

Violations:

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

Legislation:

Mr. Peter Macri reported that the proposed regulations has to be approved by the Governor's counsel.

School & Department of Education Liaison:

No report was given.

Regulatory Committee:

Mr. Joseph Santagata reported that there was progress and that all committee work is up to date.

IX EXECUTIVE SESSION

11:00 A.M. IMO Dana Kearney, Westbrook Educational, t/a JMJ School of Cosmetology.

Ms. Dana Kearney did not appear or request an adjournment.

The Board noted that on July 27, 2011 Ms. Kearney submitted an incomplete renewal application for her school license, Westbrook Educational, t/a JMJ School of Cosmetology (JMJ). There deficiencies in the renewal application were (1) insufficient bond coverage, (2) declaration of liability insurance and (3) a financial statement. Ms. Kearney was asked repeatedly to provide sufficient bond coverage based on the number of students she reported at the time. The Board received a letter from the insurance company that as of June 15, 2011 the original school bond had been cancelled. By several letters, the Board requested that she provide sufficient bond coverage and other information in order to continue operating as a school in accordance to N.J.S.A. 45:5B-35 and N.J.A.C. 13:28-6.35 and to continue processing the renewal application. To date, the Board office has not received any communication from her. JMJ school license for the period August 1, 2009 - July 31, 2011

has expired.

Upon motion by Mr. Peter Macri and seconded by Mr. James Forte, the Board voted that Ms. Kearney failed to perfect her renewal application and effective November 1, 2011, JMJ's license will be invalidated. JMJ must cease and desist from operation. Pursuant to N.J.S.A. 45:5B-35 no school license may be restored after 90 days following expiration, and an application for initial licensure must be submitted. The Board determined that prior to Ms. Kearney's future application for a school license, her appearance is necessary to discuss the issues surrounding the closing of JMJ. The motion passed unanimously.

X ADJOURNMENT

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

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director