

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
OCTOBER 13, 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. John Ford, Mr. Peter Macri, 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. Ms. Angela Pantaleone 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. Frances Tomeo and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held September 8, 2015 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Ms. Darlene Fox greeted the Board and stated that she was speaking on behalf of the Association of Cosmetology and Hairstyling Schools of New Jersey about a potential deficiency in the regulations. She stated that N.J.A.C. 13:28-6.27 does not define the “cost of materials. She stated that the members are concerned that the lack of guidance in the regulations could lead to a host of unintended consequences and requested the Board to issue a policy statement and to amend N.J.A.C. 13:28-6.27 to provide adequate clarity and guidance. She believes the Board has broad authority to apply common sense interpretation of the “costs of materials”.

Additionally, Ms. Fox stated that the prices the clinic charge to members of the public for services rendered by senior students are prominently posted in schools and many also included the prices in the school catalog and other promotional materials along with clear statements that services are provided by senior students under the direct supervision of licensed instructors. Furthermore, Board inspectors have access to clinic prices at each and every school inspection and the Board frequently reviews school catalogs and advertising materials which include clinic fees.

Mr. Ray Testa stated that he has been in the business for over 45 years and has never seen a complaint against schools for overcharging for clinic services. The schools he represents want the students to have a certain amount of practice by keeping the costs as low as possible and this petition is not to increase the fees/prices. Costs involved is not just for the materials used, but also for the work and manpower that goes behind getting and shelving the materials in order for the services to be provided to the public.

The Association has forwarded to the Executive of the Board a Petition for Rulemaking with a proposed language on the definition of the cost of materials. It includes a comprehensive statement of the types of costs associated in providing student services under the supervision of licensed instructors at licensed facilities in compliance with the standards mandated by the Board.

PETITION FOR RULEMAKING

October 9, 2015, the New Jersey State Board of Cosmetology and Hairstyling (Board) received a petition for rulemaking from Darlene Fox on behalf of the Association of Cosmetology and Hairstyling Schools of New Jersey, an organization of cosmetology and hairstyling schools that includes Artistic Academy; Christine Valmy; The Hair Design School (three locations); P.B. School of Beauty; Robert Fiance Schools (four locations); Rizzieri Institute; The Shore Beauty School; Capri Institutes (four locations); Empire Beauty Schools (four locations); Parisian Beauty Academy; PM The School Jersey Shore; Roman Academy; and The Lab. The petitioner requests that the Board amend its current regulations at N.J.A.C. 13:28-6.27 to address the definition of “cost of materials.” It also includes a

proposed language on the definition of the cost of materials. It includes a comprehensive statement of the types of costs associated in providing student services under the supervision of licensed instructors at licensed facilities in compliance with the standards mandated by the Board.

Regulatory Analyst Elizabeth Greenblatt went over the time frame and what to expect on a Petition for Rulemaking.

Ms. Alvarez and Ms. Tomeo, as teachers in vocational schools recused themselves from participating in this matter. Additionally, Ms. Pascucci is also recused because of her association with a parent company of Artistic Academy.

In view of the fact that several Board members' had to recuse from participating in the matter, the Board lacks the quorum to act.

The Committee reviewed the matter and made a recommendation to act at the next Board in November.

After some discussion, upon motion made by Mr. John Ford and seconded by Mr. Peter Macri, the Committee acknowledge receipt of the Petition for Rulemaking and refers it to the full Board to determine whether to grant, deny or defer the Petition for Rulemaking to the Committee for further deliberation.

Members of the public in attendance and the school they are associate with:

Ms. Cherri Polk - The Lab Paul Mitchell Partner School.

Ms. Nicole - Rizzieri Aveda School for Beauty & Wellness.

Ms. Paula Brown - Rizzieri Aveda School for Beauty & Wellness.

Ms. Karen - Christine Valmy International.

Mr. Harry Comp - Parisian Beauty School Inc., t/a Parisian Beauty Academy.

Ms. Darlene Fox - Artistic Academy.

Mr. Ray Testa - Empire Beauty Schools and The Hair Design Schools.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga stated that he had one (1) item to add to the agenda and asked that the Board approve the supplements.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Frances Tomeo, the Board added the 1 additional supplements to the Agenda. The motion passed unanimously.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Mr. Cheang J. Han, t/a Five Star Nails, 704 Anderson Avenue, Cliffside Park, New Jersey in connection with the penalty assessed against him in the amount of \$500.00 for the alleged violation resulting out of an inspection of his shop on June 17, 2014 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. Peter Macri and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$500.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

2. Correspondence received from Mr. Bruno Rondinelli, B. Dinelli for Hair L.L.C., 519A Cedar Lane, Teaneck, New Jersey in connection with the penalty assessed against him in the amount of \$200.00 for the alleged violation resulting out of an inspection of his shop on December 31, 2014 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 Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$200.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

3. Correspondence received from Ms. Carol Fiorilli, t/a Fiorilli Hair Design, 50 Mt. Bethel Road, Warren, New Jersey in connection with the penalty assessed against her in the amount of \$200.00 for the alleged violation resulting out of an inspection of her shop on June 6, 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 Mr. John Ford, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$200.00 shall be made within thirty (30) days from the date of the Final Order and in the event she fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

4. Correspondence received from Ms. Ashley Bohler, 311 Mountain Avenue, Apt. #B8, Bound Brook, New Jersey in connection with the penalty 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 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 Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$100.00 shall be made within thirty (30) days from the date of the Final Order and in the event she fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously

5. A list of new student start dates for 2016 submitted by Mr. Frank Rizzieri, Director, Rizzieri Aveda School, 8200 Town Center Boulevard, Voorhees, NJ 08043 was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board approves the new student start dates for 2016 for Rizzieri Aveda School. The motion passed unanimously.

6. A request from Mr. Michael A. Hechme, Director, Total Image Beauty Academy, Union City to be permitted to offer make-up hours 5 days a week.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Frances Tomeo, the Board approves the request for make-up hours 5 days a week for Total Image Beauty Academy.

7. **REINSTATEMENT OF LICENSES IMO:**

- Nancy Molinari

After careful consideration, upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, the Board withholds decision pending a letter clarifying whether she wants to reinstate her beautician license or whether she is asking for a cosmetology/hairstyling license based on her licensure from another state. She is also to submit the transcripts from her previous schools and certification from the New York Board of Education attesting to her licensure. The motion passed unanimously.

- Rose Nersesian

After careful consideration, upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, that Ms. Nersesian's submission failed to substantiate competency by taking and passing the written examination and pay the licensing fees 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.

- Veronica M Hyams

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Corby Pascucci, that Ms. Hyams's submission failed to substantiate competency by taking and passing the written examination and pay the licensing fees 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.

- Michele Kelling

After careful consideration, upon motion made by Mr. Jerry Speziale and seconded by Ms. Frances Tomeo, the Board withhold decision on this matter pending submission of the transcripts from the Pennsylvania and New York schools she attended. The motion passed unanimously.

- Susan M Zaniewski

Upon motion made by Ms. John Ford and seconded by Ms. Frances Tomeo, Ms. Zaniewski is required to prove competency by taking and passing the written examination and pay the licensing fees 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.

- Felisha L Rich

Upon motion made by Ms. John Ford and seconded by Ms. Frances Tomeo, Ms. Rich is required to prove competency by taking and passing the written examination and pay the licensing fees 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.

- Stacie Kolbe

Upon motion made by Ms. Joseph Santagata and seconded by Ms. Corby Marie Pascucci, Ms. Kolbe is required to prove competency by taking and passing the written examination and pay the licensing fees 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.

- Dana Marie Cairy-Birdy

Upon motion made by Mr. Peter Macri and seconded by Mr. Joseph Santagata, Ms. Cairy-Birdy is required to prove competency by taking and passing the written examination and pay the licensing fees 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.

- Suchong Cho

Upon motion made by Ms. Frances Tomeo and seconded by Mr. John Ford, Ms. Cho is required to prove competency by taking and passing the written examination and pay the licensing fees 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.

8. **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. Jose Colon - Individual - License No.: NONE
2. Truc T. Le – Individual - License No.: NONE
3. Tran Vien – Individual - License No.: NONE
4. Jason Castellanos – Individual - License No.: NONE
5. Marcela Genao – Individual – License No.: NONE

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

Agenda Supplement

1. A request submitted by Ms. Lynne Ciancullo, Cutting Edge Academy, 45 Sunset Strip, Succasunna, New Jersey to offer the skincare specialty and manicuring courses two (2) evenings a week was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board approved the request. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

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.

IMO Mr. Argenis Reinoso Out of Country Application

Upon motion made by Mr. John Ford and seconded by Mr. Jerry Speziale, the Board holds Mr. Reinoso's application in abeyance for sixty (60) days in order for Mr. Reinoso to submit additional information for Board review. The motion passed unanimously.

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