

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
NOVEMBER 13, 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. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Ms. Maria Cruz Denzer, Mr. Anthony Fiore, Mr. Peter Macri and Ms. Frances Tomeo 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, Swang Oo, DAG.

Being that there was not a quorum, the Board proceeded to meet as a committee and made the following recommendations for ratification at the next regular monthly board meeting.

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)

The Committee recommends the Open and Closed Minutes of the regular monthly meeting held October 9, 2012 for approval.

IV PUBLIC PARTICIPATION SESSION

Mr. Raymond Testa, Mr. Santo Trapani and Ms. Darlene Fox were present.

Mr. Ray Testa was present and updated the Committee on the position other states were taking with early testing and commended New Jersey for leading the way. He also stated that they were waiting for information from the Board on when to start the new course outline for barbering licensure.

Mr. Malanga stated that correspondence would be forthcoming shortly.

Ms. Darlene Fox stated that Artistic Academy has in the past done fund raisers for various causes and that this year the students are interested in helping the cosmetology community impacted by Superstorm Sandy and asked whether she could obtain a list of salons and schools in New Jersey that were adversely impacted by the storm.

The Committee recommends that Ms. Fox draft a letter with all relevant information and that the Board office will forward the letter to the affected salons and schools.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

VI FOR COMMITTEE CONSIDERATION

1. Correspondence received from Ms. Nancy Shue, 28 Tindall Road, Middletown, 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 Sunny Cosmetics and Skin Care, 1294 Highway 35 South, Middletown, New Jersey on June 23, 2011 was presented to the Committee 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 Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

2. Correspondence received from Ms. Rachel A. Guglielmi, t/a Karma Salon & Spa, 96 North Beverwyck Road, Unit 101-B, Lake Hiawatha, 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 January 24, 2012 was presented to the Committee 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 Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

3. Correspondence received from Ms. Maria Del Carmen Pedraza, 160 Watchung Avenue, North Plainfield, 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 Great Clips, 1511 Route 22 West, Watchung, New Jersey on January 27, 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. James Forte and seconded by Mr. Jerry Speziale, the Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Ms. Shirin Ghavami, 203 Van Winkle Lane, Mahway, New Jersey in connection with the outstanding penalty assessed against him 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 Guci Cosmetic Image Institute, One Kalisa Way, Suite #210, Paramus, New Jersey on May 17, 2012 was presented to the Committee 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 Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter and that the shop be reinspected as soon as possible. The motion passed unanimously.

5. Correspondence received from Mr. Robert G. Nazzaretto, 449 Walnut Street, Nutley, New Jersey in connection with the outstanding penalty assessed against him 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 Committee 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 Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

6. Correspondence received from Ms. Elizabeth J. Fierovich, 318 East 28th Street, Paterson, 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

Guci Cosmetic Image Institute, One Kalisa Way, Suite #210, Paramus, New Jersey on May 17, 2012 was presented to the Committee 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 Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

7. Correspondence received from Mr. Jorge A. Neira, 441-76th Bergenline Avenue, Apt. #E6, North Bergen, 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 Clips Barber Shop, 57-59 Grove Street, Ridgefield Park, New Jersey on January 4, 2012 was presented to the Committee 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 Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

8. Correspondence received from Mr. Jung Ho Park, t/a Hoja Company Nail Salon For Her, 370 West Pleasant View Avenue, Hackensack, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$19,600.00 for the alleged violation resulting out of an inspection of his shop on December 14, 2011 was presented to the Committee 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.

During discussion the Committee pointed out that a request for modification does not mitigate against the penalties and warned that any further violations may be cause for the administrative action close the facility.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Committee recommends that any further violation will constitute basis for closure of facility through an Administrative Complaint. The motion passed unanimously.

9. Correspondence received from Mr. Freddy Tineo, t/a Bladez Barbershop, 280 Route 94 Unit #3, Vernon, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$400.00 for the alleged violation resulting out of an inspection of his shop on

June 17, 2011 was presented to the Committee for consideration. He admitted to the charge of N.J.S.A. 45:5B-13(d) and paid the penalty (\$300.00) for that violation; but indicated that he would like to waive his right to a hearing on the other charge and 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. Joseph Santagata, the Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

10. Correspondence received from Mr. Tai N. Wong, Mr. Yashin Chen, t/a Sunny Cosmetics and Skin Care, 1294 Highway 35 South, Middletown, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$3,150.00 for the alleged violations resulting out of an inspection of his shop on June 23, 2011 was presented to the Committee 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. Joseph Santagata, the Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter and that a reinspection of the salon be scheduled. Further, the Committee recommends that Yashin Chen be sent a notice that she needs to follow prescribed regulations regarding change of facility name. The motion passed unanimously.

11. Correspondence received from Mr. Barry Beck, t/a Blue Mercury Inc., 1010 Wisconsin Avenue Suite #700, Washington, District of Columbia in connection with the outstanding penalty assessed against him in the amount of \$900.00 for the alleged violation resulting out of an inspection of his shop on December 29, 2011 was presented to the Committee 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. Jerry Speziale and seconded by Mr. James Forte, the Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

12. Correspondence received from Ms. Anne Lee, President, Mr. James Lee, Vice President, t/a Mendham Sunny Nails, 88 Main Street, Mendham, New Jersey in connection with the outstanding penalty assessed against them in the amount of \$1,200.00 for the alleged violation resulting out of an inspection of their shop on January 4, 2012 was presented to the Committee 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.

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the Committee recommends that the Board's original decision be affirmed as set forth in the Uniform

Penalty Letter. The motion passed unanimously.

13. Correspondence received from Mr. Joel Salas, t/a Clips Barber Shop, 57-59 Grove Street, Ridgefield Park, New Jersey 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 4, 2012 was presented to the Committee 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. Joseph Santagata, the Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. The motion passed unanimously.

14. Correspondence received from Mr. Kiem Ho, t/a Wonder Nails, 130 Skyline Drive, Ringwood, New Jersey in connection with the outstanding penalty assessed against him in the amount of \$21,250.00 for the alleged violation resulting out of an inspection his shop on January 11, 2010 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.

In the Committee pointed out that any further offenses may be cause for the facility to be closed.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the Committee recommends that the Board's original decision be affirmed as set forth in the Uniform Penalty Letter. They also recommended that a payment plan be offered of \$10,500.00 to be paid upfront and the remaining to be paid over a 6 month period, \$1,771.80 for 5 months and the last payment of \$1,766.00. The motion passed unanimously.

15. Correspondence received from Ms. Daisy M. Merejo, 32 Wilsey Square, Ridgewood, 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 Panico Salon & Spa, 393 Kinderkamack Road, Oradell, New Jersey on March 7, 2011 was presented to the Committee 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 Committee recommended that this matter be tabled pending more information from the Enforcement Bureau. The motion passed unanimously.

16. Proposed starting class schedule for 2013 submitted by Ms. Marjorie Amorosi, Dean of Schools, Capri Corporate Management, Inc., 615 Winters Avenue, Paramus, New Jersey was presented to the Committee for consideration.

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the Committee recommended that Ms. Amorosi submit a letter of explanation as to the reasoning for the new start dates. The motion passed unanimously.

17. Proposed starting class schedule for 2013 submitted by Ms. Jenny Lee Schmidt, Owner/Director, Paul Mitchell the school Jersey Shore, 712 Route 70, Brick, New Jersey was presented to the Committee for consideration.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the Committee recommended that the new start dates be accepted. The motion passed unanimously.

18. Board to determine the list of newspapers to publish for purposes of the Open Public Meetings Act was presented to the Committee for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Committee recommended that the Newark Starledger, Asbury Park Press, Bergen Record and Trentonian newspapers be notified of the Board's meeting dates. The motion passed unanimously.

19. **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. Susan Tumblety, Individual - License No.: 32WF01052000
2. Hang Bui, Individual - License No.: NONE
3. Lan Bui, Individual - License No.: NONE
4. Stephanie Hults, t/a Stephanie's Village Salon - License No.: 32WD01859800
5. Kyung Sun Lee-Cho, t/a Rutherford Nail - License No.: 32WD01727100
6. Ruth F. Bradford, Individual - License No.: 32WG04288300

The Committee tabled # 1 and #6.

Upon motion made by Mr. James Forte and seconded by Mr. Joseph Santagata, the Committee recommended that a Final Decision and Default Order on UPL be issued on the above listed matters except items #1 and #6. The motion passed unanimously.

20. Administrative Closure

The following Uniform Penalty Letters (UPLs) and Notice of Intent to File Default Orders (Notices) are recommended for administrative closure due to being returned to the Board for the following reasons: unclaimed, incorrect address, no forwarding address for the business or licensee, no information, or shop closure, were presented to the Committee for consideration.

License Name	License #	Date of Inspection	UPL Issued	Total Penalty Amount
Vincenza Barrontes	NONE	July 26, 2007	October 28, 2009	\$ 300.00
Jerl Lee Leary,	NONE	May 6, 2009	July 17, 2009	\$ 250.00

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the Committee recommended that these matters be administratively closed. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

It was announced that the elections for new officers will take place at the regular monthly meeting to be held December 11, 2012.

IX EXECUTIVE SESSION

The Committee 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. **11:00 A.M.** IMO Deana Moscatello

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

Committee recommended that Ms. Mosctello be allowed to reinstate her license provided she comply with all of the terms and conditions of her probation and that she submit quarterly reports from her parole officer, a copy of her release order when she is released from supervision, the name and address of her employer and immediate written notification of any change of employment or residential address and that she have no further contact with the criminal justice system. The motion passed unanimously.

2. **11:30 A.M.** IMO Ashley McIver

Ms. Ashley McIver did not appear or request an adjournment.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Committee recommended that Ms. Ashley McIver is to be scheduled peremptorily for the next Board Meeting. The motion passed unanimously.

X ADJOURNMENT

The meeting was adjourned at 2:30 P.M..

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director