

**MINUTES
REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
NOVEMBER 14, 2006
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.

Mr. Carlo Melini called the meeting to order and asked that everyone turn off their cell phones unless they have a pending emergency and may need to be reached.

ROLL CALL:

Ms. Janice Alvarez, Mr. Jack A. Fornaro, Mr. Christian R. Jones, Mr. Anthony T. Monaco, Mr. Carlo Melini, Mr. Joseph Santagata, Mr. Jay Malanga, Assistant Executive Director and Mrs. Barbara Ambrose, Program Development Assistant were present. Mr. Ronald Brown, Ms. Denise Perea and Mr. Jerry Speziale were absent.

II OPEN PUBLIC MEETINGS ACT

Mr. Carlo Melini 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. Regina L. Thomas, Secretary of State and the Newark Star-Ledger and Trentonian Newspapers on December 15, 2005 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 15, 2005.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Christian R. Jones and seconded by Ms. Janice Alvarez, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held October 10, 2006 are accepted as read. The motion passed unanimously.

The Board asked why the September Minutes are not posted on the Board's website, but that the October Minutes were without Committee reports.

The Acting Executive Director, Jay Malanga stated that there must have been a mixup since the September meeting had no committee reports and he would look into it and have it corrected.

IV PUBLIC PARTICIPATION PORTION

Mr. Carlo Melini opened the public participation portion of the meeting and there being no public members present the public portion of the meeting was closed.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed to Board Members material for their information. Included in the distribution was information from the National Association of Barber Boards of America thanking the Board for their continued participation and support of their organization and the 2006-2007 NIC Directory of State Board Members.

Mr. Malanga informed the Board that Mr. Paul Kenny, Chief of the Prosecution Section in the Division of Law had been killed and asked for a moment of silence.

VI FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Bridget Damiano, Vice President, Capri Institute Cosmetology Training Centers, 615 Winters Avenue, Paramus, New Jersey 07652 in connection with their desire to start new students in January 2007, July 2007 and September 2007 on January 8th rather than January 2nd, July 9th rather than July 2nd and September 10th rather than September 14th as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Christian Jones, the Board approved the new start dates as indicated for Capri Institute Cosmetology Training Centers. The motion passed unanimously.

2. Correspondence received from Mr. W. Reilley, Educator Director, New Horizons Beauty School, 5518 Bergenline Avenue, West New York, New Jersey 07093 with accompanying revised class schedule he would like the Board to approve pursuant to N.J.A.C. 13:28-6.13 was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the revised class schedule is approved. The motion passed unanimously.

3. Correspondence received from Mr. Raymond Testa, Compliance Officer, Natural Motion Institute of Hair Design 2800 Kennedy Boulevard, Jersey City, New Jersey 07306 in connection with their desire to start new students in Natural Motion Institute of Hair Design, European Academy of Cosmetology, Concorde School, Bloomfield and Ocean Township in January 2007 on January 8th rather than January 2nd as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board approved the new start date as indicated for Natural Motion Institute of Hair Design, European Academy of Cosmetology, Concorde School, Bloomfield and Ocean Township. The motion passed unanimously.

4. Correspondence received from Ms. Heidi Glaser, 15 Steward Lane, Manalapan, New Jersey 07726 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 Beauty Essentials, 2 Ryan Road, Marlboro, New Jersey on July 12, 2006 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. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board voted to let the fine stand. The motion passed unanimously.

5. Correspondence received from Ms. Marcella A. Melchionna, 511 West End Avenue, Elizabeth, New Jersey 07202 with regard to her application for initial (change of ownership) shop license of Short Cutz, 85 Elmora Avenue, Elizabeth, New Jersey 07202 was presented to the Board for consideration. The report of inspection reflects that the shop only contains 327.4 square feet of floor space, 22.6 square feet short of the minimum required by N.J.A.C. 13:28-2.5 but she indicated that the shop has been in existence for over 30 years and that it is impossible for her to enlarge or rent additional space; and she asked that the Board waive its minimum square footage requirement and issue the desired license.

The Board stated that it has been approving existing shops with less than the minimum square footage but has always allowed for one chair or a maximum of two chairs depending on the square footage due to safety concerns. In particular, had Ms. Melchionna had the 350 minimum square feet, she would only be entitled to two chairs.

Mr. Jay Malanga stated that this shop has been granted a waiver before and that the floor plans all indicate that it had three chairs.

Upon motion made by Mr. Christian Jones and seconded by Mr. Jack Fornaro, the Board waived the minimum square footage requirement and approved the application for Short Cutz with two chairs. Mr. Anthony Monaco opposed the motion. The motion passed.

6. All correspondence in connection with the Provisional Order of Discipline issued to Ms. Sun Hee Cho, License No. WG26934 on May 5, 2006. Deputy Attorney General Adriana Baudry has indicated that the Attorney General would not object to holding the Provisional Order of Discipline against Ms. Cho in abeyance pending her appearance before the Board for an Investigative Inquiry (regarding how she obtained her initial license).

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board authorized Jay Malanga to contact directly the issuing school or institution that is on file for the true and accurate copy of the certificates submitted and to request a transcript with the breakdown of hours by subject area. The motion passed unanimously.

7. All correspondence in connection with the Provisional Order of Discipline issued to Ms. Hue Un Moon, License No. WG27348 on June 14, 2006. Deputy Attorney General Adriana Baudry has indicated that the Attorney General would not object to holding the Provisional Order of Discipline against Ms. Moon in abeyance pending her appearance before the Board for an Investigative Inquiry on the subject of how she obtained her New Jersey license was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board authorized Jay Malanga to contact directly the issuing school or institution that is on file for the true and accurate copy of the certificates submitted and to request a transcript with the breakdown of hours by subject area. The motion passed unanimously.

8. All correspondence in connection with the Provisional Order of Discipline issued to Ms. Sun Ju Lee, License No. WG19690 on June 6, 2006. Deputy Attorney General Adriana Baudry has indicated that the Attorney General would not object to holding the Provisional Order of Discipline against Ms. Lee in abeyance pending her appearance before the Board for an Investigative Inquiry on the subject of how she obtained her New Jersey license was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board authorized Jay Malanga to contact directly the issuing school or institution that is on file for the true and accurate copy of the certificates submitted and to request a transcript with the breakdown of hours by subject area. The motion passed unanimously.

9. A memorandum received from Mr. Charles A. Janousek, Liaison to the Professional Boards, Division of Criminal Justice, Office of Insurance Fraud Prosecutor in the matter of Stephanie Hetzel was presented to the Board for consideration. This matter is presented in order that the Board might render a decision on whatever action it deems appropriate.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Christian Jones, the Board found insufficient cause for action at this time. The motion passed unanimously.

10. All correspondence in the matter of Irene E. Gaughan, t/a Nails at Last By Irene, 227 West Broad Street, Palmyra, New Jersey 08065 in connection with the outstanding penalty assessed against her in the amount of \$2,550.00 for her alleged violations resulting out of an inspection of her shop on November 3, 2005 was presented to the Board for consideration. The Board previously considered this matter at the regular monthly meeting held September 12, 2006 and determined that the matter be referred to the Division of Law for prosecution. The licensee has indicated to the Board that she would like to settle the matter.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board authorized Deputy Attorney General Puteska to negotiate a settlement of \$6,500.00 to \$5,500 and if there is no settlement agreed upon, the matter is to be scheduled for hearing at the January meeting. The motion passed

unanimously.

11. Disciplinary Matters Pending Conclusion by Default

The provisional orders of discipline listed below were issued but no written response from Respondents have been received by the Board to date. This matter was subject to be finalized 30 days after issuance was presented to the Board for consideration. The provisional orders were sent by regular and certified mail to Respondents' last known address on file with the Board. Pursuant to N.J.A.C. 13:45C-1.3(7), the license has an obligation to notify the Board in writing of any change of address from that registered with the Board no later than 30 days following the change of address. The provisional orders sent by regular mail were not returned undeliverable. Because the Board did not receive a written response from Respondents, further proceedings were not necessary and that the provisional orders should be made final without modification for the following licensees:

Jhong Peu Son WG27361 Myung Sook Mun WG25049
Shin Kyoung Ha WG35732 Kwang Hee Park WG29040
Yeun Hee Woo WG29433 Sun Suk Park WG29526
Gwi Won Yoon WG29342 Young Soon Park WG28203
Jong Yoon Park WG27461 Soo Jin Shin WG33427
Young Sook Min WG35605 Mi Yong Mun WG26851
Sook Ja Min WG30851 Chong In Park WG26531
Nan Joo Kim WG33867 Hyon Ja Yu WG33407
Kang Su Kim WG29592 Chang Jin Kim WG35552
Myung Sook Kim WG29060 Soon Bok Lee WG30424
Mi Yeon Choi WG34216 Yoo Ja Kim WG25380
Kyeong Soon Sin WG33944

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Joseph Santagata, the issuance of a Final Order of Discipline is authorized for each licensee mentioned. The motion passed unanimously.

12. A copy of Assembly Bill 3623, establishes certificate of rehabilitation for certain persons with criminal records, sponsored by Assemblywoman Bonnie Watson Coleman was presented to the Board for consideration.

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Joseph Santagata, the Board opposes this bill because it would remove the Board from its essential and necessary responsibility of determining for itself whether a person is rehabilitated and is fit and competent to practice cosmetology and hairstyling. The motion passed unanimously.

13. Correspondence received from Mr. Kevin Pernet, Director of Accreditation & Compliance, Empire Beauty School, Inc., 396 Pottsville Street, Clair Highway, Pottsville, PA 17901 in connection with his desire to have the class start dates for new students in his (3) New Jersey schools match that of his 34 other schools that are in eight (8) states, which is typically starts a class every 6 weeks was presented to the Board for consideration. The Board previously considered this matter at the regular monthly meeting held September 12, 2006 but withheld decision pending a recommendation from the School Committee and an analysis on the impact on the Board's resources to issue registrations in a timely manner and verification of school registrations during inspections.

Similarly, the New Jersey Cosmetology School Association (the "Association") on behalf of its schools has requested permission to preselect annually more class start dates in addition to the first Monday of each month as required by N.J.A.C. 13:28-6.10. The Association explained that the school and the students might be better served if the school could schedule staggered start dates. The Association also suggested that the New Jersey Board should require each school to publish a list of available start dates. Additionally, the preselected start dates will enhance better educational experience. The Board discussed the possible impact on the function of the Board with staggered start dates, the impact on the applications process and

the verification of school registrations during inspections.

The Board is amenable to the idea of a six-month trial period to determine what major problems might arise and how the schools respond to the Board.

Upon motion made by Mr. Christian Jones and seconded by Ms. Janice Alvarez, the Board allowed Mr. Perneta to submit a proposed revised class schedule with the new start dates for six months in advance. The motion passed unanimously.

Further, upon motion made by Mr. Joseph Santagata and seconded by Ms. Janice Alvarez the Board authorized Mr. Jay Malanga to approve any requests for holiday change start dates. The motion passed unanimously.

AGENDA SUPPLEMENT:

1. IMO Cosmo Cerrigone. The Board reviewed a request for reinstatement of license.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board voted to reinstate Cerrigone's license if the prosecution has no opposition. The motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board went into Executive Session for the purpose of conducting an investigative inquiry.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board returned to Open Session.

VIII COMMITTEE REPORTS

PUBLIC RELATIONS:

The Board was informed of the National Contest for cosmetology board newsletters.

LEGISLATION:

Mr. Jack Fornaro reported that all committee work is up to date.

VIOLATION:

Mr. Jay Malanga reported that all committee work is up to date.

EDUCATION:

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

EXAMINATION AND SITES:

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

SCHOOL

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

REGULATORY

Mr. Anthony Monaco requested that all recommendations regarding the sunset of the Board's regulations should be sent to him.

IX ADJOURNMENT

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Christian Jones , the meeting was adjourned at 3:25 P.M.. The motion passed unanimously.

CARLO MELINI, Chairperson

Countersigned:

JAY A. MALANGA, Acting Executive Director