

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
November 15, 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, Ms. Frances Tomeo, Mr. Jay Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, 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)

Upon motion made by Mr. Joseph Santagata and seconded by Mr. James Forte, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held October 11, 2011 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

VI FOR BOARD CONSIDERATION

1. A request submitted by Ms. Katy Fagan, St. Stephen School Gymnasium, 6300 Browning Road, Pennsauken, New Jersey in connection with obtaining approval to allow a licensed cosmetologist to participate in a "Locks of Love" event to be held at St. Stephen School Gymnasium on Thursday, May 17, 2012 between the hours of 10:00 AM to 3:00 PM. was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, Ms. Fagan's request is approved. The motion passed unanimously.

2. A News Release on formaldehyde dangers is presented to the Board for information.

The Board discussed that matter and expressed it's concerns and suggested that the information be posted on the Board's website and the Division of Consumer Affairs face book page.

Upon motion made by Ms Frances Tomeo and seconded by Ms. Maria Cruz Denzer, the Board directed that the news release from OCCEA with it's link be put on the Board's website and the Division of Consumer Affairs Facebook page subject to the approval of the Division of Consumer Affairs. The motion passed unanimously.

3. Correspondence received from Mr. Quang Tieu, t/a TNT Nails, 941 Route 37 West #5, Toms River, New Jersey 08753 in connection with the outstanding penalties assessed against him in the amount of \$3,700.00 for the alleged violations resulting out of an inspection of his shop on July 22, 2010 and February 23, 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 Mr. Peter Macri and seconded by Mr. Joseph Santagata, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Mr. Pedro P. Martins, 3105 Enclave Circle, Somerset, new

Jersey 08873 in connection with the outstanding penalty assessed against him in the amount of \$100.00 for the alleged violation resulting out of an inspection of his shop on November 5, 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 Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

5. Correspondence received from Anna Schevchenko & Margaret Bokszy, t/a The Classic Look, 146 Bloomfield Avenue, Verona, New Jersey 07044 in connection with the outstanding penalties assessed against them in the amount of \$1,450.00 for the alleged violation resulting out of an inspection of their shop on May 28, 2008 was presented to the Board for consideration. They have 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 Ms. Maria Cruz Denzer and seconded by Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

6. Correspondence received from Ms. Lan Thi Ngoc Quan, President, t/a Nikki Nails II, Inc., 111 Route 35 South Cliffwood, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$800.00 for the alleged violations resulting out of an inspection of her shop on October 26, 2010 was presented to the Board for consideration. She indicated that he 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 Ms. Maria Cruz Denzer, the Board affirms its original decision as set forth in the Uniform Penalty Letter and approved a payment plan. The motion passed unanimously.

7. Correspondence received from Mr. Izzo Gaetano, t/a Gaetano's Beauty Salon, 85 West Somerset Street, Raritan, New Jersey 07052 in connection with the outstanding penalty assessed against him in the amount of \$500.00 for the alleged violation resulting out of an inspection of his shop on March 12, 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.

In the Board's deliberation on this matter it was noted that they did not have all the facts in order for them to be able to make a decision. They asked that an original floor plan be provided in order for them to make their decision.

Upon motion made by Mr. Peter Macri and seconded by Ms. Maria Cruz Denzer, the Board tabled this matter. The motion passed unanimously.

8. Correspondence received from Ms. Donna L. Redley, President, t/a Hot Heads Hair Salon, 2442 Highway Route 38, Cherry Hill, New Jersey 08002 in connection with the outstanding penalties assessed against her in the amount of \$450.00 for the alleged violations resulting out of an inspection of her shop on October 30, 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.

In the Board's deliberation, it was noted that Ms. Redley have seven (7) sinks in her salon.

After careful consideration, upon motion made Mr. Anthony Fiore and seconded by Mr. Jerry Speziale, the penalty assessed for violating N.J.A.C. 13:28-2.5(a)2i is rescinded. The penalty assessed for violating N.J.S.A. 45:5B-35 & N.J.S.A. 45:5B-7 stands. The motion passed unanimously.

9. Correspondence received from Ms. Rosalba Romanello, t/a La Bottega, 300 South Avenue, Garwood, New Jersey 07027-1312 in connection with the outstanding penalties assessed against her in the amount of \$550.00 for the alleged violations resulting out of an inspection of her shop on November 5, 2008 and October 25, 2003 was presented to the Board for consideration. She admitted to the charge of N.J.A.C. 13:28-2.12(a)2 and paid the penalty (\$100.00) for that violation; and indicated that she would like to waive her right to a hearing on the other charges 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. Anthony Fiore, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

10. IMO Judith Pelegrino, License #WA02592400, request for exception under N.J.S.A. 45:5B-8(c) to allow a holder of a cosmetology & hairstyling license to operate independently in servicing homebound clients without supervision of a licensed facility.

After carefully consideration, upon motion made by Mr. Jerry Speziale and seconded by Mr. James J. Forte, Ms. Judith Pelegrino is to be scheduled for an investigative inquiry. The motion passed unanimously.

11. IMO Rita Gorski's request for an administrative hearing in connection with a Uniform Penalty Letter issued to her on April 4, 2011.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, this matter is to be referred to prosecution for an Administrative Hearing. The motion passed unanimously.

12. A request submitted by Ms. Patricia A. Corcione, Calvary Christian School, 123 White Oak Lane, Old Bridge, New Jersey 08857 in connection with obtaining approval to allow licensed cosmetologists to participate in a one day fundraiser to be held at Calvary Christian School on Wednesday, December 14, 2011 between the hours of 9:00 AM to 5:00 PM..

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Anthony Fiore, Ms. Corcione's request is approved. The motion passed unanimously.

13. Correspondence received from Ms. Fatogoma Ouattara with regard to her application for initial shop licensure of D Jene Hairbraiding, East Orange, New Jersey was presented to the Board for consideration. The report of inspection reflects that the shop only contains 279 square feet of floor space, 71 square feet short of the minimum required by N.J.A.C. 13:28-2.5 and that the lavatory is not within the confines of the shop also required by N.J.A.C. 13:28-2.5; and Ms. Ouattara has indicated that it is impossible for her to enlarge or rent additional space and has asked that the Board waive the minimum square footage and lavatory requirements.

After careful consideration, upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, Ms. Quattara needs to comply with the minimum square footage requirement and, therefore, the application is denied. The motion passed unanimously.

Agenda Supplement

Upon motion made by Ms. Frances Tomeo and seconded by Mr. James Forte, the following items are to be added to the agenda. The motion passed unanimously.

1. Correspondence received from Mr. Neil A. Malvone, Esquire, on behalf of his client George Dalton, t/a William Anthony Salon, 971 Livingston Avenue, North Brunswick, New Jersey 08902 in connection with the Uniform Penalty Letter issued to Mr. Dalton on May 27, 2011 and a proposed settlement offer was presented to the Board for consideration.

After careful consideration, upon motion made by Mr. Peter Macri and seconded by Ms. Maria Cruz Denzer, the Board accept the settlement offer of \$425.00 for the alleged violations. The motion passed unanimously.

2. The Board discussed the matter of eyelash perming in salons.

The Board discussed this issue and recognized that the service has the potential of causing damage to the eye and that there is no curriculum in our schools to teach this service.

Ms. Janice Alvarez recommended that a Committee of the Board look into this matter and to report to the Board its recommendation and finding.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, a Committee of the Board is to meet to discuss this issue and other ancillary services such as Brazilian waxing and eye brow threading. The motion passed unanimously.

3. Correspondence received from Mr. Willie T. Robinson, t/a Ultimate Pyramid Barber H/S, 700 West 4th Street, Plainfield, New Jersey 07060 in connection with the Uniform Penalty Letter issued on December 5, 2003 was presented to the Board for consideration.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, a settlement offer as discussed is to be offered to Mr. Robinson with a payment plan. The motion passed unanimously.

VII OLD BUSINESS

Mr. Malanga stated that the Barber license is moving through the regulatory process and hopefully will be approved by February or March 2012.

VIII NEW BUSINESS

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

School & Department of Education Liaison:

Ms. Frances Tomeo reported that all committee work is up to date.

Regulatory Committee:

Mr. Joseph Santagata reported 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.

11:00 A.M. IMO Ms. Nicole L. Kelly

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Joseph Santagata and seconded by Mr. Jerry Speziale, the Board directed that Ms. Kelly be allowed to renew her cosmetologist-hairstylist license pending a positive character reference from her current employer and that she provide monthly reports from her parole officer and have no further contact with the criminal justice system. The motion passed unanimously.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board will be reviewing Ms. Kelly's 2006/2008 & 2010/2012 biennials to determine whether she answered correctly and take appropriate action if needed. The motion passed unanimously.

11:20 A.M. IMO Pedro Perz

Upon motion made by Ms. Maria Cruz Denzer and seconded by Ms. Frances Tomeo, Mr. Pedro Perz is allowed to sit for examination provided he have no further contact with the criminal justice system and enter into a Consent Order with the Board. The motion passed unanimously.

11:40 A.M. IMO Susan Elizabeth Tremmel

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. Jerry Speziale, the Board directed that Ms. Tremmel is allowed to reinstate her license provided she have no further contact with the criminal justice system. The motion passed unanimously.

X ADJOURNMENT

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, the meeting was adjourned at 3:00 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director