

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
DECEMBER 8, 2009
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.

The Board recited the Pledge of Allegiance and had a moment of silence for the fallen soldiers and those serving our country.

Roll Call:

Ms. Janice Alvarez, Mr. Ronald Jerome Brown, Ms. Maria Cruz Denzer, Mr. Jack Fornaro, Mr. James J. Forte, Mr. Chris Jones, Mr. Peter Macri, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Executive Director Mr. Patrick J. McNally, Assistant 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 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. Nina Mitchell Wells, Secretary of State and the Newark Star-Ledger and Trentonian Newspapers on December 15, 2008 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 15, 2008.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held November 10, 2009 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Ms. Bridget Damiano of the School Association and Director of Capri Institute was in attendance and greeted the Board. She expressed concern over the delay with the start of the Computer Based Testing (CBT) of the Board's exam and as a result students have not been able to take the Board exam. She requested that the Board administer the exam via paper and pencil in the interim.

Mr. Jay Malanga stated that the vendor is in the process of getting the CBT up and running and is expecting communication from the vendor regarding the start date soon.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed information on MMA and a copy of Assembly Bill 3181. He stated that the Board has established a committee (Janice Alvarez, Maria Cruz Denzer, Peter Macri and James Forte) to work on the regulations.

VI FOR BOARD CONSIDERATION

1. Pursuant to N.J.S.A. 45:5B-5, the Board is asked to elect from its membership a chairperson and a vice chairperson to serve for the period of January 1, 2010 to December 31, 2010.

Upon motion made by Mr. Chris Jones and seconded by Mr. Joseph Santagata, Mr. Ronald Brown was re-nominated for chairperson. Ms. Janice Alvarez, Mr. Jack Fornaro, Mr. James Forte, Mr. Peter Macri and Mr. Jerry Speziale opposed the motion and the motion did not pass.

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, Ms. Janice Alvarez was nominated for Chairperson. Mr. Ronald Brown, Ms. Maria Denzer, Mr. Chris Jones and Mr. Joseph Santagata opposed. Motion passed. Ms. Janice Alvarez is appointed to serve as chairperson for the period of January 1, 2010 to December 31, 2010.

Upon motion made by Mr. Chris Jones and seconded by Ms. Maria Denzer, Mr. Joseph Santagata is re-nominated for vice chairperson. Ms. Janice Alvarez, Mr. Jack Fornaro, Mr. James Forte, Mr. Peter Macri and Mr. Jerry Speziale opposed. Motion did not pass.

Upon motion made by Mr. Jack Fornaro and seconded by Ms.

Janice Alvarez, Mr. Peter Macri is nominated for vice chairperson. Mr. Ronald Brown, Ms. Maria Denzer, Mr. Chris Jones and Mr. Joseph Santagata opposed. Motion passed. Mr. Peter Macri is appointed to serve as vice chairperson for the period of January 1, 2010 to December 31, 2010.

2. Pursuant to N.J.S.A. 10:4-6, the Board is asked to establish and file with the Secretary of State an Annual Notice Schedule for the period of January 1, 2010 through December 31, 2010.

Upon motion made by Mr. Chris Jones and seconded by Mr. Jack Fornaro, the regular monthly meetings of the Board of Cosmetology & Hairstyling for the period of January 1, 2010 through December 31, 2010 are to be conducted on the second Tuesday of each month; and Mr. Jay Malanga is to file the required Annual Notice Schedule with the Secretary of State. The motion passed unanimously.

3. Correspondence received from Mr. Florentino Freitas, 496 7th Street, Newark, New Jersey in connection with his initial(change of ownership) shop application for Tino's Barber Shop, 75 ½ Madison Street, Newark, New Jersey and his desire to obtain a minimum square footage waiver was presented to the Board for consideration. The inspection report reflects that the shop only contains 233 square feet of floor space, 117 square feet short of the minimum required by N.J.A.C. 13:28-2.5.

After careful consideration, upon motion made by Mr. Peter Macri and seconded by Mr. Jack Fornaro, the Board rules that the shop failed to meet the minimum square footage requirement but will allow applicant to operate with the stipulation that this shop and/or license can only be operated as a one (1) chair shop with no transferrable right or privilege should he want to sell the shop and/or transfer the license at a future date. The motion passed unanimously.

4. IMO Carly Cherwinski in connection with her criminal offense and her license #WC022358 was presented to the Board for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Peter Macri, the Board withheld decision on this matter pending Ms. Cherwinski's appearance at an investigative inquiry. The motion passed unanimously.

5. Correspondence received from Ms. Thu Nguyen, t/a Op Nails (E M Nails & Spa), 732 Route 202 South, Suite #160, Bridgewater,

New Jersey in connection with the outstanding penalty assessed against her in the amount of \$8,650.00 for the alleged violations resulting out of an inspection of her shop on June 4, 2007 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 Ms. Janice Alvarez and seconded by Mr. Peter Macri, the fine stands and that Mr. Nguyen be offered a payment plan of half the total amount up-front and \$500.00 a month thereafter. Also, the Board asked that the Town of Bridgewater be notified of the repeated violations. The motion passed unanimously.

6. A request received from Mr. Kameron K. Rabenou, President/Director, Shore Beauty School, Pleasantville, New Jersey to conduct a 300-hour manicuring program from 2:30-5:30 P.M., Monday through Friday pursuant to N.J.A.C. 13:28-6.13, for Board review and consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the 300-hour manicuring program is approved. The motion passed unanimously.

7. IMO William J. Reilley was presented to the Board for review and action.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, that an Order of Summary Suspension of his licensure be issued. The motion passed unanimously.

8. Correspondence received from Patrick A. Cruet, Assistant Principal, Cumberland County Technical Education Center requesting Board approval to offer the Teacher of Cosmetology (Master Educator) Program was presented to the Board for consideration.

Note: This matter was tabled at the regular monthly meeting held October 13, 2009 and November 10, 2009 and

referred to the School Committee.

Upon motion made by Mr. James Forte and seconded by Mr. Jack Fornaro, the Board withholds decision pending a copy of the curriculum. The motion passed unanimously.

9. IMO Vincent F. Urbani "Demand for Written Statement Under Oath". Mr. Urbani failed to answer the Board's Demand was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Board directed that a Provisional Order of Discipline suspending Mr. Urbani's license be issued. The motion passed unanimously.

10. IMO Janette Larkin's criminal offense and her license, #WG032072 was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. James Forte, the Board withheld decision on this matter pending Ms. Larkin's appearance at an investigative inquiry. The motion passed unanimously.

11. Ms. Maria Perez, School Director, New Concept School #2, 263 N. Broad Street, 2nd Floor, Elizabeth, New Jersey and her supervising teacher, Ms. Luz Benjumea appeared in connection with their application for initial (change of ownership) school licensure of New Concept Beauty School #2.

Ms. Janice Alvarez recommended that this matter be rescheduled in light of the fact that they changed the supervising teacher at the last minute and the Board did not have the required information on the new supervising teacher. She asked that a resume of Ms. Luz Benjumea be submitted as soon as possible.

Upon motion by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the school interview is to be rescheduled. The motion passed unanimously.

Agenda Supplement

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Agenda is amended to include the following supplements. The motion passed unanimously.

1. A request received from Ms. Linda Karas, Director of Operations, Robert Fiance Beauty Schools, 5518 Bergenline Avenue, West New York, New Jersey in connection with her

desire to obtain Board approval to offer the 600 hour skin care specialty course at Robert Fiance Beauty School, West New York, New Jersey was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Board approved the 600 hour skin care specialty course at Robert Fiance Beauty School, West New York. The motion passed unanimously.

- 2 A recent report of inspection received in the matter of Mary Ellen Kasten, t/a A Place of My Own, 104 Mine Brook Road, Bernardsville, New Jersey in connection with her initial shop application and her desire to obtain a minimum square footage waiver was presented to the Board for consideration.

After careful consideration, upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board rules that the shop failed to meet the minimum square footage requirement but will allow applicant to operate with the agreement that Ms. Kasten will not have the ability to convey the sale of the business, unless the shop comes into compliance with all of the minimum requirements. The motion passed unanimously.

3. IMO Anne H. Lee recommended for administrative closure.

The Board's counsel provided the background on this matter.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale the matter is to be administratively closed. The motion passed unanimously.

VII EXECUTIVE SESSION

IMO Sheldon Jordan

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, Mr. Sheldon Jordan walked out during the investigative inquiry and was given the opportunity to return. Respondent refused a second request to return to the investigative inquiry, therefore, the Board holds his

request for permission to sit for examination in abeyance. The motion passed unanimously.

IMO Craig Nelson

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, Mr. Craig Nelson is to be issued a Provisional Order of Discipline to include a reprimand and a fine of \$1,000.00 per count and have no further contact with the criminal justice system. The motion passed unanimously.

VIII OLD BUSINESS

Mr. Ronald Brown thanked the Board for this year and that he is confident that the persons taking over will take the Board to a new level. He wished everyone a Merry Christmas and a Happy New Year.

IX NEW BUSINESS

No new business was reported

X ADJOURNMENT

Upon motion made by Mr. Peter Macri and seconded by Mr. Jack Fornaro, the meeting was adjourned at 2:45 P.M.. The motion passed unanimously.

RONALD BROWN, CHAIRPERSON

Countersigned:

JAY A. MALANGA, EXECUTIVE DIRECTOR