

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
December 11, 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, 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. Mr. Anthony Fiore 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 and the Board's counsel, DAG Oo.

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)

Upon motion made by Mr. James Forte and seconded by Ms. Frances Tomeo, the Executive Director's report, Committee reports, and Minutes of the Committee meeting held November 13, 2012 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Mr. Raymond Testa and Mr. Santo Trapani were present and wished the Board Happy Holidays.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga stated that the applications for barbering were in print production. He invites schools to submit barbering curriculum for approval.

Mr. Jay Malanga thanked the services and contributions of Jessenia Alfonso, Examination Section Supervisor and Jonathon Lee, Bookkeeper during their tenure with the Board and thanked Mr. Steven Matia for filling in.

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, 2013 to December 31, 2013.

Mr. Peter Macri nominated Ms. Janice Alvarez for chairperson.

Mr. Jay Malanga asked whether there are any other nominations.

Seeing none, a motion was made by Mr. Peter Macri and seconded by Mr. Joseph Santagata to close the nominations for chairperson. The motion passed unanimously.

Upon motion made Mr. Peter Macri and seconded by Mr. Joseph Santagata, Ms. Janice Alvarez is elected to serve as chairperson for the period of January 1, 2013 to December 31, 2013. Janice Alvarez was elected by a unanimous vote.

Mr. Jerry Speziale nominated Mr. Joseph Santagata for Vice Chairperson, but Mr. Santagata declined.

Ms. Maria Cruz Denzer nominated Ms. Frances Tomeo for vice chairperson.

Mr. Jay Malanga asked whether there are any other nominations for vice chairperson.

Seeing none a motion was made by Ms. Maria Cruz Denzer and seconded by Mr. Joseph Santagata to close the nominations for vice chairperson. The motion passed unanimously.

Upon motion made Ms. Maria Cruz Denzer and seconded by Mr. Joseph Santagata, Ms. Frances Tomeo is elected to serve as vice chairperson for the period of January 1, 2013 to December 31, 2013. Frances Tomeo was elected by a unanimous vote.

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, 2013 through December 31, 2013.

Upon motion made by Mrs. Frances Tomeo and seconded by Mr. James Forte, the regular monthly meetings of the Board of Cosmetology & Hairstyling for the period of January 1, 2013 through December 31, 2013 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 Ms. Suzanne M. Kourlesis, Esquire on behalf of her clients, Mr. Danny McLennan, President and Ms. Maria McLennan, Vice President, t/a Moxie Blue Salon, 501 Route 73 South, Marlton, New Jersey 08053 in connection with the outstanding penalty assessed against them in the amount of \$3,400.00 for the alleged violations resulting out of an inspection of their shop on April 11, 2012 was presented to the Board for consideration. Ms. Kourlesis indicated that her clients 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. Frances Tomeo and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

4. Correspondence received from Ms. Olga Vargas, t/a Olga Salon Spa, 409 Main Street, Paterson, New Jersey 07501 in connection with the outstanding penalties assessed against her in the amount of \$1350.00 the alleged violations resulting out of an inspection of her shop on August 31, 2011 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. Joseph Santagata, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

5. Correspondence received from Ms. Paula M. Mancinelli, t/a Great Clips, 68 W. Jim Leeds Road, Suite 7, Galloway, New Jersey 08610 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 February 17, 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 Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

6. Correspondence received from Mr. Jong Hee Kang, t/a Fancy Nails, 331 West Broad Street,

Westfield, New Jersey 07090 in connection with the outstanding penalties assessed against him in the amount of \$650.00 for the alleged violations resulting out of an inspection of his shop on February 1, 2012 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. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter with a letter of explanation stating that pursuant to N.J.A.C. 13:28-2.5 requires that a full service salon must have all physical equipments including a shampoo basin and a hair dryer even if he has no intention to offer hair styling services. The motion passed unanimously.

7. Correspondence received from Ms. Thoa Huynh, 1610 Croslynne Avenue, Oaklyn, 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 Sunset Nails, 200 Mathistown Road, Unit #4, Little Egg Harbor, New Jersey on February 17, 2010 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. Maria Cruz Denzer and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

8. A request received from Ms. Lynne Cianicullo, Owner, Cutting Edge Academy, 45 Sunset Strip, Succasunna, New Jersey for Board approval of days off due to holidays was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. James Forte, the Board approved the days off due to the holidays. The motion passed unanimously.

9. A request received from Ms. Jaime Iacono, Lead Supervisor, Jolie Hair and Beauty Academy, 801 Tilton Road, Northfield, New Jersey for Board approval of new student start dates was presented to the Board for consideration.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the new student start dates are approved. The motion passed unanimously.

10. Correspondence received from Ms. LeNea Bell, 86 Delap Court, Pemberton, 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 New Location Inc., 897 Rancocas Road, Mount Holly, New Jersey on June 29, 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. Peter Macri and seconded by Mr. James Forte, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The motion passed unanimously.

11. Request for temporary shop permit pending inspection due to the effects of superstorm Sandy for Board review and action.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the Board went into Executive Session for legal advice. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the request for temporary shop permit prior to inspection due to the effects of superstorm Sandy is denied because the Board has no statutory authority to issue a temporary shop license. However, the Board is allowing facilities (shops) which were previously scheduled to be inspected prior to October 29, 2012 to operate temporarily until a formal inspection could be rescheduled, with the condition that those affected shops meet all applicable laws and regulations to operate. The motion passed unanimously.

12. **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. Juan Pena, t/a Carmen's Beauty Salon - License No.: 32WD02425900
2. Matthew Bowens, Individual - License No.: NONE
3. Jenny Tran, t/a A & T Creative Nails - License No.: 32WM00314200
4. Lori Borino, t/a Glow Salon & Spa - License No.: 32WD02681200
5. Albert Wright, t/a Capital Unisex - License No.: NONE
6. Tien T. Pham, Individual - License No.: NONE
7. Nereida Montalvo, t/a Seasons I Hair Designers - License No.: 32WA04024100

Upon motion made by Mr. Joseph Santagata and seconded by Mr. James Forte, the Board directed that a Final Decision and Default Order on UPL be issued on these matters. The motion passed unanimously.

13. 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 Board for consideration.

License Name	License #	Date of Inspection	UPL Issued	Total Penalty Amount
Michael Waters, t/a Images	NONE	August 13, 2010	February 16, 2011	\$ 250.00
My C. Vo, t/a: D & B Pro Nails	NONE	December 2, 2010	March 31, 2011	\$ 250.00
Ha T. Duong, Individual	NONE	August 21, 2008	October 27, 2011	\$ 600.00

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board directed that these matters be administratively closed. The motion passed unanimously.

14. Mr. Joseph Visconti, Jr., Director and Ms. Jaime Iacono, Lead Supervisor and Supervising Teacher appeared in connection with the application for initial school licensure of Jolie Health and Beauty Academy, 5200 Route 42, Ganttown Plaza, Turnersville, New Jersey.

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the Board approved the application for initial school licensure of Jolie Health and Beauty Academy subject to a favorable school inspection. The motion passed unanimously.

15. Ms. Lucy Vargas and Mr. Joseph Picolli, Supervising teacher appear in connection with the application for initial school licensure of Cosi Bella Academy of Beauty, 6020 Bergenline Avenue, 2nd Floor, West New York, New Jersey.

Upon motion made by Ms. Maria Cruz Denzer and seconded by Mr. Jerry Speziale, the Board approved the initial licensure of Cosi Bella Academy of Beauty subject to a favorable school inspection. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

Ms. Janice Alvarez stated that they will be training new examiners and some other examiners for the barbering program.

Ms. Frances Tomeo stated that her committee is in the process of reviewing barbering curriculum from various schools for Board approval. She stated her committee will submit its recommendations for approval at the next meeting.

With regard to CBT (computer based testing) contract that is expiring, the Board will look into the contracting process soon.

Committee Reports

Examination & Sites:

Mr. Peter Macri reported that all committee work is up to date.

Education & Public Relations:

Ms. Maria Cruz Denzer reported that all committee work is up to date.

Violations:

Mr. Joseph Santagata 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 stated that all committee work is up to date.

Regulatory Committee:

Mr. Jerry Speziale reported that 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.

X ADJOURNMENT

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

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director