

**MINUTES
REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
DECEMBER 12, 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. Ronald Jerome Brown, Mr. Christian R. Jones, Ms. Denise Pereau, Mr. Anthony T. Monaco, Mr. Carlo Melini, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Acting Executive Director and Mrs. Barbara Ambroise, Program Development Assistant were present. Mr. Jack Fornaro was 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. Ronald Brown and seconded by Mr. Christian Jones, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held November 14, 2006 are accepted as read. The motion passed unanimously.

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 on LaserGrade and computer-based testing. He indicated that the Board may have to open the computer based testing to bids and would inform the Board once he got that information from administration.

VI FOR BOARD CONSIDERATION

1. Pursuant to N.J.S.A. 45:5B-5, the Board was asked to elect from it's membership a chairperson and a vice chairperson to serve for the period of January 1, 2007 to December 31, 2007.

Mr. Carlo Melini nominated Mr. Christian Jones for chairperson.

Mr. Carlo Melini asked whether there are any other nominations and there were not.

Upon motion made Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, Mr. Christian Jones is appointed to serve as chairperson for the period of January 1, 2007 to December 31, 2007. The motion passed unanimously.

Mr. Christian Jones nominated Mr. Anthony Monaco for vice chairperson.

Mr. Carlo Melini asked whether there are any other nominations and there were not.

Upon motion made Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, Mr. Anthony Monaco is appointed to serve as vice chairperson for the period of January 1, 2007 to December 31, 2007. The motion passed unanimously.

2. Pursuant to N.J.S.A. 10:4-6, the Board was asked to establish and file with the Secretary of State an Annual Notice Schedule for the period of January 1, 2007 through December 31, 2007.

Upon motion made by Ms. Denise Pereau and seconded by Mr. Anthony Monaco, the meetings for the period of January 1, 2007 through December 31, 2007 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. Susan E. Carson, 4621 Route 33 Unit 171, Tinton Falls, New Jersey in connection with her application to reinstate license #WG29400 and her convictions of Terroristic Threats and Possession of CDS/Cocaine was presented to the Board for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Anthony Monaco, the Board withheld decision on this matter pending Ms. Susan E. Carson's appearance at an investigative inquiry. The motion passed unanimously.

4. A request received from Ms. Carol Cataldo, Carol Cataldo & Associates, Inc., 675 North Washington Street, Suite 410, Alexandria, Virginia 22314 in connection with allowing Regis Corporation to re-name the Manicuring Course "Nail Technology", the Teacher Training Course "Educator Training" and the Skin Care Course "Esthetics" was presented to the Board for consideration.

The Board is of the opinion that the Board's Skin Care Course is truly not Esthetics and that the use of semantics will not change the Board's required hours.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Christian Jones, as long as Regis Corporation is in compliance with the Board's regulations, they are allowed to use said names. The motion passed unanimously.

5. Correspondence received from Ms. Janet L. Redmond, 7 Margert Avenue, Neptune, New Jersey in connection with the penalty assessed against her in the amount of \$500.00 for her alleged violation resulting out of an inspection of Spa M, 517 Route 33, Millstone, New Jersey on September 15, 2006 was presented to the Board for consideration was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Janice Alvarez and seconded by Ms. Denise Pereau, the fine stands. The motion passed unanimously.

6. Correspondence received from Ms. Maria Avolio & Ms. Donna Molinaro, t/a Pinnacle 2000, 602-604 Pompton Avenue, Cedar Grove, New Jersey in connection with the penalty assessed against them in the amount of \$250.00 for the alleged violation resulting out of an inspection of their shop on September 19, 2006 was presented to the Board for consideration. They have indicated that they would like to waive their right to a hearing but have furnished a written explanation for the Board to consider before rendering its

final decision.

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Jerry Speziale, the Board rescinds the fine due to mitigating circumstances and it being a first offense but advises that Ms. Avolio & Ms. Molinaro must notify the Board in the future of any change of the "experienced practicing licensee". Ms. Janice Alvarez, Mr. Ronald Brown and Ms. Denise Pereau opposed the motion. The motion passed.

7. Correspondence received from Ms. Gina M. Bozeman, 1603 Walden Street, Teaneck, New Jersey 07666 in connection with her conviction of Hindering Apprehension or Prosecution was presented to the Board for consideration.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Janice Alvarez, the Board withheld decision on this matter pending Ms. Gina M. Bozeman's appearance at an investigative inquiry. The motion passed unanimously.

8. Correspondence received from Ms. Kimberly Lewis, 42 Purple Mt. Drive, Hackettstown, New Jersey 07840 in connection with her conviction of various criminal offenses and her desire to complete a term of training and eventually become licensed was presented to the Board for consideration.

Upon motion made by Mr. Ronald Brown and seconded by Mr. Jerry Speziale, the Board withheld decision on this matter pending Ms. Kimberly Lewis' appearance at an investigative inquiry. The motion passed unanimously.

9. Correspondence received from Ms. Angela Nagy, 279 Hoover Avenue, Edison, New Jersey in connection with her application for initial (change of ownership) shop licensure of Santo's Barber Shop, 311 Raritan Avenue, Highland Park, New Jersey and her dissatisfaction with the Board's decision to allow her to operate as a one chair salon and remove the other two chairs was presented to the Board for consideration. She has indicated that it would cause her financial hardship to operate as a one chair salon and asked that the Board reconsider their decision.

Mr. & Mrs. Bongiovanni as well as Ms. Nagy were present to address their motion for reconsideration of the Board's prior decision.

Ms. Connie Bongiovanni, on behalf of her husband, stated that Santos Barber Shop has been in existence since 1928 as a three chair shop and during the 1940 and 50s the shop had the business to maintain 3 full time barbers. In November of 1959 her husband, Santo started working for Mr. Fierro and worked for him 15 years before he bought the barber shop from Mr. Fierro. She stated that her husband has been at that location for 46 years and has cut the hair of four generations of customers. She also stated that many of his clients are Orthodox Jewish people and as the Board may aware many of the Rabbis are not allowed to have woman touch them for this type of service. Santo would like to continue to work one day a week or every two weeks to work on those clients he serviced for those many years. If Ms. Nagy, the new owner has to remove two chairs it would destroy her business. Ms. Bongiovanni stated that Ms. Nagy has now two full time barbers (herself and one gentleman) who work four days a week and one part time who works on Saturday and Santo who will be working at will. She stated that she recently had an appraisal of the building and the appraiser indicated in his report the shop is 210 square feet, which he included the area of the back entrance and the small lavatory. It has always been accepted that the type of small shops are grandfathered under the rules of the Board of Cosmetology and she understood that it is at the discretion of the Board. She asked that the Board reconsider it prior determination of removal of two chairs and let the shop remain as a three chair shop. She passed out some photographs of the shop to allow the Board to see that it is small but has enough room for five waiting chairs comfortably. She stated that is exactly the type of small business that is the foundation of this country. It would create a hardship on Ms. Nagy to maintain her ability to continue the support of her child who is in college as she is a single mother. It would also create a void in the small borough of Highland Park that at one time had five barber shops and now has only two full time shops.

Mr. Santo Bongiovanni stated that he has been cutting four generations of customers and would like the opportunity to still go into the shop and service customers when the need arises and he asked that the Board allow the 3 chairs.

Ms. Nagy stated that this was a one in a life time change for her to own her own business. Basically only two chairs are really used at one time. If she had to only work with one chair it would be very difficult being that she could get anywhere from 40 to 50 customers in one day and she would not be able to do it on her own. Also the customers do not want to wait and she would lose customers. She stated that there are only two people working in the shop on any given day. The part-time worker comes in only on Saturday and that is when her full time worker is off. The only time the three chairs might be used is on the occasion when Mr. Bongiovanni has a customer. She stated that it would be nice to keep it as it is the way it has been functioning for a long time.

The Board questioned whether they had made any changes in services whatsoever.

Ms. Nagy stated that there has been no changes and is the same as always.

The Board, Upon review of the pictures of the salon, noticed there was no hand washing sink in the lavatory.

Ms. Nagy stated that the shampoo basin right outside the lavatory is also used as a hand washing sink.

After some deliberation, the Board withheld decision pending consultation with the Board's counsel. 10. Correspondence received from Mr. Lewis G. Adler, Esquire on behalf of his client, Maurice R. Grassia in connection with this application for initial (change of ownership) shop licensure of Peter's Barber Shop, 102 Mantua Boulevard, Mantua, New Jersey was presented to the Board for consideration. He has asked that the Board reconsider this matter in light of the fact that it will cause Mr. Grassia tremendous hardship to operate as a one chair salon and allow the shop to continue as it has for the past 65 years.

Upon motion made by Mr. Christian Jones and seconded by Ms. Denise Pereau, this matter is deferred pending consultation with the Board's counsel. The motion passed unanimously.

11. Senate Bill No. 2311 requires public body to post agendas and minutes on Internet site; requires any public body to devote part of each public meeting to public comment was presented to the Board for information.

The Board acknowledged the information.

12. Municipal ordinances or codes passed by different municipalities or towns that potentially affect the Board's licensed facilities, licensees and jurisdictional issues was presented to the Board for consideration.

The Board's counsel advised that the matter was extremely important and could be a major issue and would be referred to her section chief for review.

13. Assembly Bill, No. 1670 requires certification to render massage, bodywork or somatic therapy services was presented to the Board for information

The Board acknowledged the information.

AGENDA SUPPLEMENT:

1. 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:

Mi Kyung Lee WG28453 Su Jeong Lee WG35186
Ho D. Lee WG24634 Young Soon Lim WG26902
Myung Hae Kim WG33484 Jong Seung Lee WG33393
Un Suk Kim WG34089 Chun Yong Mun WG33147
Mi Hee Lim WG33508 Yoon Ja Kim WG32989
Sung Shin Kim WG35896 Kyoung Pyo Hong WG33742
Ki Bok Lee WG25322 Hyun Sun Lee-Kim WG32639
Young Lim Kim WG32714 Hyun Sook Kim WG30302

Upon motion made by Mr. Christian Jones and seconded by Ms. Denise Pereau the issuance of a Final Order of Discipline is authorized for each licensee mentioned. The motion passed unanimously

VII EXECUTIVE SESSION

VIII COMMITTEE REPORTS

PUBLIC RELATIONS:

Ms. Denise Pereau reported that she would have a report on the newsletter after she compiled all the information.

Mr. Christian Jones asked whether the agenda could be mailed on a disc for those board members who have a lab top.

Mr. Jay Malanga stated that he would look into doing that.

LEGISLATION:

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

VIOLATION:

Mr. Jerry Speziale reported that all committee work is up to date.

EDUCATION:

Ms. Janice Alvarez reported that all committee work is up to date. She recommended revising the education process of renewing a license and maybe require further education and look into bringing OCEA in different areas or venues.

The Board asked that Ms. Alvarez put her ideas down on paper and distribute them to the Committee for review.

EXAMINATION AND SITES:

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

SCHOOL

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

REGULATORY

Mr. Anthony Monaco reported that only Christian Jones has sent in information to review for the sunset. He passed out what he already had for sunset review and also some ideas on suspending operation of problem facilities.

IX ADJOURNMENT

Mr. Carlo Melini congratulated Chris and Tony on being elected chair and vice chair of the Board for 2007 and thanked the Board for allowing him to serve as chairperson for the past two years.

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

CARLO MELINI, Chairperson

Countersigned:

JAY A. MALANGA, Acting Executive Director