

MINUTES

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
DECEMBER 14, 2010
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, Mr. James J. Forte, 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. Mr. Ronald Jerome Brown and Ms. Maria Cruz Denzer were absent.

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. Nina Mitchell Wells, Secretary of State, and the Newark Star-Ledger and Trentonian Newspapers on December 9, 2009, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 9, 2009.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Jerry Spezial and seconded by Mr. James Forte, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held November 9, 2010 are accepted as read.. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Ms. Darlene Fox of the Association of Cosmetology & Hairstyling Schools was in attendance and greeted the Board. Ms. Fox wished the Board a happy holiday and stated that the School Association is opposed to the Braiding Bill #A3348.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed a memo from Mr. Larry DeMarzo on the Ethics Training for New Board/Committee Members and the instructions on how to obtain it on line.

Mr. Malanga also distributed information on NCEA, National Association of Student Financial Aid Administrators, Ohio State Board of Cosmetology Position Paper, Article from the Lincoln Tribune on African hair braiding, information on public health permits for nail salons and an article from NYT on the renaissance of barber salon for Board information.

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, 2011 to December 31, 2011.

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

Mr. Janice Alvarez asked whether there are any other nominations.

A motion was made by Mr. Peter Macri and seconded by Mr. Jerry Speziale to close the nominations for chairperson. The motion passed unanimously.

Upon motion made Mr. Peter Macri and seconded by Mr. Jerry Speziale, Ms. Janice Alvarez is appointed to serve as chairperson for the period of January 1, 2011 to December 31, 2011. The motion passed unanimously.

Mr. James Forte nominated Mr. Peter Macri for vice chairperson.

Mr. Janice Alvarez asked whether there are any other nominations for vice chairperson.

A motion was made by Mr. Joseph Santagata and seconded by Mr. James Forte to close the nominations for vice chairperson. The motion passed unanimously.

Upon motion made Mr. James Forte and seconded by Mr. Jerry Speziale, Mr. Peter Macri is appointed to serve as vice chairperson for the period of January 1, 2011 to December 31, 2011. The motion passed unanimously.

Mr. Peter Macri congratulated Ms. Alvarez on an outstanding job in her first year as chairperson.

Ms. Alvarez thanked everyone for having faith in her and that she couldn't do it without all the Board members.

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, 2011 through December 31, 2011.

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the regular monthly meetings of the Board of Cosmetology & Hairstyling for the period of January 1, 2011 through December 31, 2011 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. My Phuong Thi Nguyen, 1720 Martin Road, Wall, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$100.00 for the alleged violation of N.J.S.A. 45:5B-12(f) & N.J.A.C. 13:28-2.12(a)2 at Da-Vi Nails, 1 Garden State Plaza, Store T2, Paramus, New Jersey on September 4, 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.

After careful consideration, upon motion made by Mr. Peter Macri and seconded by Mr. James Forte, the fine stands. The motion passed unanimously.

4. Correspondence received from Ms. Berky A. Ortega, 664 Highland Avenue, Newark, 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 Chispa Salon Spa, 697 Mount Prospect Avenue, Newark, New Jersey on March 19, 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.

After careful consideration, upon motion made by Mr. James Forte and seconded by Mr. Peter Macri, the fine stands.

5. Mr. Raymond Bard's request for a hearing on a Uniform Penalty Letter was presented to the Board for consideration.

After an extensive discussion on this matter and advise of counsel, upon motion made by Mr. Joseph Santagata and seconded by Mr. James Forte, the Board referred this matter to the Board's counsel to attempt to negotiate with Mr. Bard.. The motion passed unanimously.

6. Correspondence received from Mr. Jonathan Testa, Esquire on behalf of his client Raul Grippaldi, t/a Trendz Salon, 186 Columbia Turnpike, Regency Square Place, Florham Park, New Jersey in connection with the outstanding penalty assessed against Trendz Salon in the amount of \$2,500.00 for the alleged violation of N.J.A.C. 13:28-2.15(b)11 on November 12, 2008 was presented to the Board for consideration.

Mr. Jay Malanga gave a brief background on this matter.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forty, only the violation of violation of N.J.A.C. 13:28-2.15(b)11 with the penalty of \$2,500.00 be rescinded. Mr. Peter Macri opposed; but the motion passed.

AGENDA SUPPLEMENT

1. IMO Thomas Duc Nguyen, Provisional Order of Discipline.

The Board's counsel briefed the Board on this matter and stated that Mr. Nguyen admitted to obtaining license by fraud and had surrendered his license to the Board.

Upon motion made by Mr. James Forte and seconded by Mr. Jerry Speziale, the

Provisional Order of Discipline be finalized as written suspending Mr. Nguyen's license and assessing a penalty of \$1500.00. The motion passed unanimously.

2. Information on Laser Therapy was presented to the Board for consideration.

The Board indicated that "Cool" Laser is also a Medical Procedure and does not fall under the definition of cosmetology and hairstyling.

VII EXECUTIVE SESSION

Upon motion made by Mr. Jerry Speziale and seconded by Mr. James Forte, the Board went into Executive Session. 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.

11:30 A.M. IMO Susan Louth

Upon motion made by Mr. Peter Macri and seconded by Mr. Joseph Santagata, Ms. Louth is approved to sit for examination upon completion of her training. The motion passed unanimously.

VIII OLD BUSINESS

IX NEW BUSINESS

Committee Reports

Examination & Sites:

Ms. Peter Macri stated that all committee work is up to date.

Mr. Malanga stated that the Board would be conducting a certification program for examiners in the near future.

Education & New Studies:

No report was given.

Public Relations:

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

Violations:

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

Regulatory:

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

School & Department of Education Liaison:

No report was given.

Legislation:

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

Mr. Malanga stated that Braiding Bill #A3348 is an issue that must be reviewed.

X ADJOURNMENT

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

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director