

**MINUTES  
REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR NEWARK, NEW JERSEY 07102  
SEPTEMBER 11, 2007  
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. Jack A. Fornaro, Mr. Chris Jones, Mr. Carlo Melini, Mr. Anthony Monaco, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay A. Malanga, Executive Director, Mr. Patrick J. McNally, Assistant Executive Director, Ms. Barbara Ambroise, Program Development Assistant were present. Mr. Ronald Jerome Brown was absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principal Clerk 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 13, 2006 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 13, 2006.

**III APPROVAL OF MINUTES (OPEN & CLOSED)**

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Anthony Monaco, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held July 10, 2007 and the Executive Director's report for August 2007 are accepted as read. The motion passed unanimously.

Chairman Chris Jones asked for a moment of silence to honor the victims of 9/11 on this day of its 6th anniversary.

**IV PUBLIC PARTICIPATION PORTION**

Mr. Chris Jones greeted Mr. Raymond Testa, Mr. Gianfranco A. Pietrafesa, Esquire and a StarLeger representative and asked that anyone who wished to address the Board to do so briefly in light of the agenda the Board had on the table today.

Mr. Raymond Testa addressed the Board on three issues. He attended the NIC Conference in South Dakota and stated that NIC was hoping to have New Jersey as its 40th state. The School Association met and went over the New Jersey regulations and made suggestions for clarification and changes to the regulations. The proposed recommendations have been forwarded to the Chair and the Executive Director of the Board for Board review. Additionally, the Association is looking for the Board's comments in connection with the Association's proposed legislative package to reinstate the Barber License and to issue new specialty teacher's license.

Mr. Gianfranco A. Pietrafesa addressed the Board. He stated that he believed his case was being discussed today by the Board as item #3 on the agenda and he expected his client to be in attendance shortly. He

stated that if the Board had any questions he or his client would be happy to answer them.

## **V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS**

Mr. Malanga distributed information to the Board including a copy of a memorandum sent to Edward Tumminello, Chief, Enforcement Bureau in connection with dry sterilizer hazard, a copy of a memorandum from NIC in reference to Proposed Amendments to the Bylaws of the National-Interstate Council of State Boards of Cosmetology, Inc. and a copy of the NIC July/August 2007 Bulletin.

## **VI FOR BOARD CONSIDERATION**

1. Correspondence received from Mr. Kevin Pernet, Director of Licensing, Empire Education Group, Pottsville, PA in connection with his desire to have Natural Motion Institute of Hair Design, Concorde School of Hair Design (Bloomfield and Ocean) and European Academy of Cosmetology be included in the trial of the six-week registration cycle program was presented to the Board for consideration.

Mr. Jay Malanga gave a brief background on this matter and stated that the Board Office has not experienced any difficulty with the schools that have participated in the pilot program to date.

Upon motion made by Mr. Carlo Melini and seconded by Ms. Janice Alvarez, the Board allows Natural Motion Institute of Hair Design, Concorde School of Hair Design (Bloomfield and Ocean) and European Academy of Cosmetology to be included in the trial of the six-week registration cycle program. The motion passed unanimously.

2. Correspondence received from Mr. Kevin Pernet, Director of Licensing, Empire Education Group, Pottsville, PA in connection with his request seeking the Board's permission to allow Empire Beauty Schools, Bordentown, Cherry Hill and Laurel Springs and European Academy of Cosmetology, Union to operate their clinics on Saturday, October 13, 2007 as part of their third annual National Day of Beauty with all proceeds from this day being donated to "Kids Peace", the National Center for Kids Overcoming Crisis was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, Mr. Kevin Pernet's request is approved. The motion passed unanimously.

3. Correspondence received from Mr. Gianfranco A. Pietrafesa, Esquire on behalf of his client, Samantha Boonstra in connection with her desire to open a skin care specialty shop. Mrs. Boonstra is the owner of The Knead U Need, LLC, which provides massages at the premises and she proposes providing skin care at her existing business.

Mr. Jay Malanga stated that ancillary services cannot be offered in skin care specialty shops per the Board's regulations.

Ms. Janice Alvarez stated that she would need to see a floor plan to make a better decision.

Mr. Pietrafesa stated that they have submitted three (3) scenarios for the Board's consideration and was waiting to hear which scenario would be approved before submitting the floor plan.

Mr. Chris Jones stated that a floor plan should be submitted in order for the Board to make a decision.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board withheld decision on this matter pending submission of a floor plan. The motion passed unanimously.

4. Correspondence received from Ms. Meg Stezzi, School Director, Rizzieri Aveda School for Beauty and Wellness, Marlton, New Jersey with accompanying class schedule for Rizzieri Aveda School for Beauty and Wellness was presented to the Board for consideration. Board approval is required by N.J.A.C. 13:28-

6.13.

Ms. Janice Alvarez stated that corrections needed to be made for the manicuring class and Saturday class.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the class schedule is approved upon corrections of the hours as indicated. The motion passed unanimously.

5. Correspondence received from Ms. Rosemary Weiner, Chair, The Day Spa Association, 520 23rd Street, Union City, New Jersey in connection with her request for the Board to consider creating a separate facility license for Day Spas in New Jersey was presented to the Board for consideration.

The Board discussed this matter and pointed out that Ms. Weiner presented good points on sterilization and sanitation that the Board could use in reviewing the regulations. However, with regards to the standards of the shop, it is up to the business owner to raise their standard beyond that set by the Board. The Board directed Mr. Malanga to correspond with Ms. Weiner and let her know of the Board's views on these matters.

6. Correspondence received from Ms. Rosemary Weiner, Chair, The Day Spa Association, 520 23rd Street, Union City, New Jersey in connection with her request for the Board to consider the Association's developed National Standards which address the training, education and scope of practice for Estheticians was presented to the Board for consideration.

See Item #5.

7. Correspondence received from Ms. Valeria Sousa, in connection with her application for initial shop licensure of Valerie Fashion Hair, 334 Palisade Avenue, Cliffside Park, New Jersey was presented to the Board for consideration. The report of the inspection reflects that the shop only contains 331 square feet of floor space, 19 square feet short of the minimum required by N.J.A.C. 13:28-2.5 but she indicated that the premise has been vacant for eleven years, has been recently renovated and completed in anticipation for the opening of the salon and that it is impossible to enlarge; and she asked that the Board waive it's minimum square footage requirement and issue the desired license.

In the Board's discussion on this matter, it was pointed out that the Shop was preexisting, that the square footage discrepancy was minimal and that money had been spent for renovation.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Jerry Speziale, the Board waived the minimum square footage requirement. The motion passed unanimously.

8. A request recently received from Ms. Hyang Nam Rho, 203-16 53rd Avenue, Oakland Gardens, NY 11354 in connection with the Provisional Order of Discipline issued to her on June 14, 2006 was presented to the Board for consideration. She has requested modification or dismissal of the provisional order of discipline and has submitted written evidence supporting her request.

The Board pointed out that there were inconsistencies in the information provided as well as admission of utilizing documents of questionable authenticity on the part of Ms. Hyang Nam Rho and, therefore, asked that the POD be finalized without modification.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, a Final Order of Discipline is to be issued. The motion passed unanimously.

9. Correspondence received from Mr. Arthur Kamine, Esquire on behalf of his client, Kwang S. Han, t/a Wayne Valley Nails, Wayne, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$8,550.00 for the alleged violations resulting out of an inspection of her shop on March 30, 2006 was presented to the Board for consideration.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Joseph Santagata, the Board went into Executive Session for advice of Counsel. The motion passed unanimously.

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

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, this matter is referred to the Board's counsel for the drafting of a Consent Order indicating that the fine stands for all violations except for violation of N.J.S.A. 45:5B-13(d)(in that 3 employees were practicing without valid licenses) is reduced from \$7,200.00 to \$3600.00 and that she must pay \$2,000.00 immediately and the remaining balance (to include the other violations) in the amount of \$2,950.00 to be paid via a monthly payment plan and must be paid in full within one year. If she fails to comply with the Consent Order, the penalties will revert back to the original penalty amount. Also that a strong message should be made that if there is another recurrence of the same violations, the matter will be forwarded to prosecution. The motion passed unanimously.

10. Correspondence received from Mr. David E. Sherman, Esquire on behalf of his client, Adela Valdez De Rosario, 176 Maple Street, Kearny, New Jersey in connection with her application for licensure upon satisfaction of high school equivalency was presented to the Board for consideration.

Mr. Jay Malanga gave the background of this matter to the Board. He stated that he and the Board's counsel have corresponded with Mr. Sherman and Continental Academy (a correspondence or internet school based in Florida) and asked for an outline of the school's curriculum and other pertinent educational components but Continental has failed to respond to the Board's request.

Ms. Janice Alvarez pointed out that the letter from the Department of Education in Florida indicates they do not certify private schools and the acceptance of diplomas from private school will be subject to the requirements of the receiving institution or employer.

The Board's counsel indicated that this Board does not have the expertise to determine the equivalency of a high school diploma obtained in a relatively short time (a few months) with that of a traditional 4 year high school curriculum.

The Board stated that before it reached a decision, Continental curriculum, credentials, course structure, teaching methods, among others, need to be evaluated by an independent credential evaluation agency or service and who in turn will provide the Board with a report of equivalency.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Jerry Speziale, an independent review of Continental's credentials is to be made at Ms. Adela Valdez DeRosario's cost. The motion passed unanimously.

11. Correspondence received from Ms. Jessica J. McCaffrey, P.O. Box 1613, Montague, New Jersey in connection with the outstanding penalty assessed against her in the amount of \$100.00 for her alleged violation of N.J.S.A. 45:5B-12(f) & N.J.A.C. 13:28-2.12(a)2 at Salon Encore, Sparta, New Jersey on December 8, 2006 was presented to the Board for consideration. She has 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 discussion on this matter, it was pointed out that Ms. McCaffrey did not inform the Board office of her change of address until after she renewed online. License sent to her address of record was returned by the post office as undeliverable on October 16, 2006.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

12. Correspondence received from Ms. Catherine Marrone, t/a Spa Tiki, 430 ½ Main Street, Little Falls,

New Jersey in connection with the outstanding penalties assessed against her in the amount of \$2,250.00 for the alleged violations resulting out of an inspection of her shop on August 18, 2006 was presented to the Board for consideration. This matter was presented to the Board at its regular monthly meeting held May 8, 2007 and the Board directed that the fines stand but Ms. Marrone has submitted additional information for the Board to review and asked that they reconsider their decision.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board's original decision stands. The motion passed unanimously.

13. Correspondence received from Mr. William N. Gonzalez, Esquire on behalf of his client, Vincent E. Roman, t/a Solution G Hair Salon, 203-75th Street, North Bergen, New Jersey in connection with the outstanding penalties assessed against his client in the amount of \$700.00 for the alleged violations resulting out of an inspection of his client's shop on October 23, 2006 was presented to the Board for consideration. He has indicated that Mr. Roman would like to waive his right to a hearing on all charges but has furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the fines stand. The motion passed unanimously.

14. Correspondence received from Ms. Dana Roussell, t/a Body Basics Massage Therapy, Inc., 351 Monmouth Road, West Long Branch, New Jersey 07764-1283 in connection with the outstanding penalties assessed against her in the amount of \$1000.00 for the alleged violations resulting out of an inspection of her shop on December 7, 2006 was presented to the Board for consideration. She has admitted to the charge of operating without an experienced practicing licensee present and paid the penalty (\$300.00) for that violation and waived her right to a hearing on the other (5) charges but furnished a written explanation for the Board to consider before rendering its final decision.

In reviewing this matter, the Board pointed out that the photographs provided by the Enforcement Bureau show the violations clearly and Ms. Roussell's statements are not credible.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fines stand. The motion passed unanimously.

15. Correspondence received from Mr. Saint D. Wilson II, New Falls, 280 Wayne Avenue #3, Paterson, New Jersey 07502 in connection with his convictions of various criminal offenses and his desire to complete a term of training and eventually become licensed was presented to the Board for consideration.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Jack Fornaro, the Board withheld decision on this matter pending Mr. Wilson's appearance at an investigative inquiry. The motion passed unanimously.

16. Correspondence received from Mr. Gaetan Flamma, 35 S. Virginia Avenue, Apt. 310, Atlantic City, New Jersey 08401 in connection with his conviction of Possession of CDS and his desire to reinstate his cosmetologist-hairstylist license #WG023046 was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the Board withheld decision on this matter pending Mr. Flamma's appearance at an investigative inquiry. The motion passed unanimously.

17. Correspondence received from Mr. Sean Mullen, 65 Pennington Street, Newark, New Jersey 07105 in connection with his conviction of Possession of a Controlled Dangerous Substance (Cocaine) and his desire to reinstate cosmetologist-hairstylist license #WG29564 was presented to the Board for consideration.

Mr. Chris Jones recused himself and left the room.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board withheld decision

on this matter pending Mr. Mullen's appearance at an investigative inquiry. The motion passed unanimously.

18. Correspondence received from Mr. Raheem Smith, PO Box 510, Newark, New Jersey 07102 in connection with his conviction of Possession of CDS with Intent to Distribute (Heroin) and his desire to complete a term of training and eventually become licensed was presented to the Board for consideration.

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

19. IMO Jill Watkins, t/a Platinum Hair, 1448 South Clinton Avenue, Trenton, New Jersey 08610 proposed Consent Order. This matter is presented to the Board for information pending settlement.

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Jack Fornaro, Ms. Watkins' application for shop licensure is to be administratively closed if she does not respond to the Board's proposed consent order. The motion passed unanimously.

20. The following matters are being presented to the Board for approval of administrative closures:

IMO Kyeong Soon Kim a/k/a Kyeong Soon Sin  
IMO Young Ae Rutan  
IMO Hyon II Kim  
IMO Naomi H. Kim  
IMO Bok Yon Kim  
IMO Hue Un Moon  
IMO Joo Bin Lim

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Janice Alvarez, the matters listed are to be administratively closed. The motion passed unanimously.

21. The New Jersey Cosmetology School Performance Comparison Report of the Mass Testing conducted on May 22 and 23, 2007 is presented to the Board for their information.

The Board acknowledged the information and asked that it be filed in the Board office.

## **AGENDA SUPPLEMENT**

Upon motion made by Mr. Carlo Melini and seconded by Mr. Jerry Speziale, the following matters are allowed to be added to the agenda. The motion passed unanimously.

1. IMO Dana McCoy, t/a Dreams, License #WD25182. UPL was issued on July 25, 2007 via regular and certified mail to shop and home address. Certified mail for both addresses came back unclaimed. Regular mail sent to both addresses were not returned undeliverable. No response from respondent has been received to date.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the matter is to be referred to the Board's counsel for issuance of a Default Order. The motion passed unanimously.

2. Mr. Jay Malanga indicated that the Board Office has received applications for initial (change of ownership) licensure of Empire Beauty School, Bordentown, Cherry Hill and Laurel Springs and Concorde School of Hair Design, Bloomfield and Ocean, Natural Motion Institute of Hair Design Inc. And European Academy of Cosmetology Inc.. He indicated that the name of the new ownership entity is EEG, Inc. and that he and Janice Alvarez, School Committee Chairperson had reviewed each application and that everything appears to be in order.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Jerry Speziale, the applications are approved. The motion passed unanimously.

3. Mr. Jay Malanga informed the Board he had received two requests for change of ownerships of two schools. The first from Mr. Shostak of Shore Beauty School in Pleasantville indicating that his school is in the process of a change of ownership and asked that he be allowed to operate without interruption until the change of ownership is completed. Also the same request was received from New Horizons Institute of Cosmetology.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Jerry Speziale, the Board allows Shore Beauty School and New Horizons Institute of Cosmetology to operate during their change of ownership process.

## **VII EXECUTIVE SESSION**

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board went into Executive Session to conduct investigative inquiries. The motion passed unanimously.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Jerry Speziale the Board returned to Open Session. The motion passed unanimously.

## **VIII OLD BUSINESS**

Mr. Chris Jones stated that Early Testing, Computer Based Testing, and the reinstatement of the Barber license are priority issues. He provided the Board the rationale for each issue to be advanced and asked for a motion to move these issues along.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Jerry Speziale, the Board moved to begin the process of working toward the implementation of the early testing of the written portion of the examination as long as it comports with the regulatory scheme (yet to be proposed and adopted) and administrative responsibilities. The motion passed unanimously.

The Board indicated that the language on the issue of early testing for the written only should be part of the sunset process.

Mr. Jay Malanga stated that it was his understanding that Computer Based Testing was primary and early testing was to be a component of the process.

Mr. Carlo Melini stated that computer based testing is in the abyss and that the early testing should be done separately.

Mr. Chris Jones stated that CBT is an issue that has been discussed for ever as reflected in the Board's minutes.

Mr. Chris Jones stated that the Barber license issue has also been going on for a few years. He asked that the Board move ahead with this issue.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Joseph Santagata, the Board ratifies its unanimous decision to move forward in support of the barber license and legislative initiatives that would be acceptable to the Division of Consumer Affairs and the Attorney General's Office with regard to the reinstatement of the barber license. The motion passed unanimously.

## **IX NEW BUSINESS**

Mr. Chris Jones handed out a Planning Protocol for Generating and Introducing Board Initiatives (Work

Effective) to the Board Members and asked them to read it carefully. Also, he handed out a newspaper article on two salon owners in Newark arrested for human trafficking. He asked Jay about the green card issue they had discussed in connection with licensure application.

Mr. Jay Malanga stated that the Board is waiting for the Division of Consumer Affairs to review the matter.

### **X ADJOURNMENT**

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

Christian A. Jones, Chairman

Countersigned:

JAY A. MALANGA, Executive Director