

**MINUTES  
REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
MAY 9, 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. Jack A. Fornaro, Mr. Christian R. Jones, Ms. Ann Marie Manahan, Mr. Carlo Melini, Mr. Anthony T. Monaco, Ms. Denise Pereau, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Assistant Executive Director and Mrs. Barbara Ambroise, Program Development Assistant were present. Mr. Ronald J. Brown, Ms. Elaine C. Haroldson and Ms. Marie Maiorano, Office Supervisor were 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 OPEN MINUTES**

Upon motion made by Ms. Denise Pereau and seconded by Mr. Jerry Speziale, the Executive Director's report, Committee reports and Minutes of the regular monthly meetings held March 14, 2006 and April 11, 2006 are accepted as read. The motion passed unanimously.

**IV PUBLIC PARTICIPATION PORTION**

Mr. Jay A. Malanga introduced Mr. Raymond Testa, Compliance Officer for Regis Corporation to the Board and gave them a brief background on Mr. Testa.

Mr. Raymond Testa greeted the Board and asked for a few minutes to address issues of concern. He stated that he has been with the industry for 36 years, has been a part owner of 4 schools and owned several salons over the years. In December of 2004, his schools were acquired by Regis Corporation, the largest operator of cosmetology schools in the United States.

Mr. Testa indicated that Regis Corporation is aware of several initiatives that are before the Board. The first pertains to the computer based testing ("CBT") initiative which the Board is working hard on. He said the School Association is in support of the Board's initiative. He indicated that the implementation of CBT will improve the ability of his students to obtain licensing. In addition to the CBT, the Association proposed that the Board adopt a policy that requires every person seeking licensure pass the written exam before they take the practical exam, i.e. early testing. The implementation of the mass testing program, which does certify and test shortly before graduation, would allow for you to do that across the Board. The School Association had proposed at one of the Board's meetings a while back that after a student completed 75% of the program, the school would be allowed to certify them for admission to the written only exam. This does not

allow the students to be licensed early. The students still have to complete the balance of their training, but it allows the schools to hold the students and, in turn, allows the Board to hold the schools more accountable. If the Board approves the process, for example, after 80% of a 1200 hour program, which is about 960 hours, the school would be allowed to certify that the student should be eligible to go for their written exam. Mr. Testa stated that he would like to know whether the Board feels it needs legislation to require early testing because he may be able to facilitate that legislative process.

Mr. Testa stated that the Association is adamantly opposed to #871 for a variety of reasons. The license that it proposes to create is very broad and really falls more into the category of a hairstyling only license. The association is not necessarily opposed to the creation of a barber license. He recognizes by the industry discussion and some of the things that the Board has dealt with that it may be appropriate to reinstate the barber license. Their problem is the way that A871 propose that it happen. Apprenticeship does not work in this industry because there are now only four states to the best of his knowledge, that allow apprenticeship for barbering and require as much as 3 years of apprentice training or 3000 hours. These states require very strict Board or licensing authority monitoring. Assembly Bill #871 sets no accountability for the training and sets a system that there is no protection for the consumer. The implementation of this type of program would require administrative staff at the Board level to review credentials, review curriculum, set up the program and would need several additional inspectors to visit these places to see whether they are really training or they are just hiring minimum wage people and giving them a title of apprentice. He thinks it would be a strain on the Board's budget to be able to monitor the enforcement of this situation. He stated that New Jersey has an incredible good program by way of a student permit with the ability to train an intern the same way as a doctor or a dentist. Upon completion of their training in any of programs the students are eligible for a student work permit but that does not relieve them of their obligation to complete their training. He monitors the students working under a permit and knows what they do in salons. If the salon is not assisting in their training properly, his office/school pulls that student out. He stated that the schools have come along way to improve the professionalism of this industry and do not want to see it turn back 30 years. He indicated that about 23 schools in the State pledged that none of them will offer a 300 hour course as outlined in #871, because as accredited institutions, he is accountable to his national accrediting agency and to the United States Department of Education. If the schools assume the responsibility to train a student who subsequently fails the exam, the statistic goes against the school. He risks suffering the loss of accreditation. It is for that reason that he does not support approval of a course of study in barbering or hairstyling that will be any less than 900 hours. The Board has to be careful in creating or endorsing something that the schools will not offer. The national average is 1538 hours for a barbering program. The New Jersey School Association is working on alternative language to A871. It is his intention to work with the Senate and with the Assembly. That process is almost complete and we will share it with the Board when it is ready. He also indicated that because early testing requires legislation, he can include it with his initiative and alternate language for A871.

With regard to proposed specialty teacher licenses, he was looking to get an experienced aesthetician willing to undergo the teacher training program so that a person could teach aesthetic subjects in a beauty school. It would include a manicurist, and eventually a barber who has for instance 5 years of experience that could take the teacher training program and become licensed to teach that subject matter in the school. It would give the schools a better pool to choose prospective teachers and give the students a better prospective of what they are studying. So it is his intention to create one piece of legislation that would recreate the barber license with a 900 hour training program, and include the specialty teacher license and if the Board believes it is necessary they could also include language for the early testing. On the early testing initially we thought 75% would be good, but now feel it might be too early and now would like to see early testing at 80% of the program. Dealing with it from a percentage stand point is a lot more efficient and easier to track. He stated that he really appreciated the time to present this to the Board.

Mr. Anthony Manaco asked what the Association is basing the 900 hours for barbering on.

Mr. Testa stated that they based the 900 hour minimum relative to the New Jersey's cosmetology curriculum by subtracting out manicuring, pedicuring and the subjects that would not be covered under the

barbering license which comes to little under 1000 hours and the school administrators felt that 900 hours could work.

Ms. Barbara Ambrose questioned on the specialty teacher license what would be the minimum required hours of training.

Mr. Testa stated that it would be exactly what exists now. They still will have to have the experience, 500 hours of training and will still have to pass the teacher's exam.

Mr. Carlo Melini asked what testing companies other states are using to administer their exams.

Mr. Testa stated that NIC is the most prominent. He indicated that Experior has been the least successful. Promisor has decent results to the best of his understanding. He stated that his personal choice is NIC.

Mr. Jay Malanga stated that selecting a testing vendor is a decision that we should not be taken lightly.

Mr. Testa stated again that he appreciated the opportunity to address the Board and stated that they can contact him at any time.

## **V FOR BOARD CONSIDERATION**

1. Mr. Daniel Rios, t/a Stars Unisex Nail & Hair, 1846 A. Kennedy Boulevard, Jersey City, New Jersey 07305 in connection with the outstanding penalties assessed against him in the amount of \$800.00 for the alleged violations resulting out of an inspection of his shop on December 15, 2003 was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Denise Perea, it was moved to authorize the Board's counsel to negotiate a settlement offer. The motion passed unanimously.

2. Mr. Rajiv S. Thapar, President, t/a Beauty Concepts, 39 East Main Street, Freehold, New Jersey 07728 in connection with the outstanding penalties assessed against him in the amount of \$700.00 for the alleged violations resulting out of an inspection of his shop on May 29, 2003 was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Denise Perea, it was moved to authorize the Board's counsel to negotiate a settlement offer. The motion passed unanimously.

3. Mr. Lessie Hill, Esquire, on behalf of his client, Jason Hill, t/a Allstars Unisex Barber Shop, 45 Jones Street, Newark, New Jersey 07106 in connection with Mr. Hill's outstanding penalties assessed against him in the amount of \$800.00 for the alleged violations resulting out of an inspection of his shop on January 28, 2004 was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Denise Perea, it was moved to authorize the Board's counsel to negotiate a settlement offer. The motion passed unanimously.

## **4. 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. 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:

Mal Soon Hong WG 29502 Yang Soo Park WG 30366

Yon Hui Yoon WG 33411 Pil Cha Cafaro WG 33509

Kyeong Hee Kim WG 33208 Hyoung Pyo Hong WG 33742

Jae Kyung Lee-Yang WG 33117 Jun Ae Suh WG 35745

Hyon Ja Pak WG 33407 In Sook Chong WG 26938

Soon Hoon Song-Kim WG 33870 Byoung Ok Bae-Jun WG 35791

Hye Jin Min WG 32671 Eunsil Chang WG 20844

Bum Sook Lee WG 30917 Hye Suk Chi WG 32913

Sung Do Park WG 33187 So Young Choi WG 33471

Myung Hae Kim WG 33484 Sun Hee Cho WG 26934

Ye Soon Ham-Oh WG 33264 Yong Soo Ahn WG 25350

Mi Ra Pak WG 20576 Teresa Chan WG 29189

Ju Young Yun WG 34090 Hee Bong Bae WG 35360

Ta Im Rhyu WG 35482 Sun Yo Ahn WG 29354

Mr. Jay Malanga stated that Hyoung Pyo Hong, Myung Hae Kim, Sun Hee Cho and Ju Young Yun needed to be pulled from the list due to ineffective service of process of the Provisional Order of Discipline and that a new POD would be issued.

Mr. Jay Malanga indicated that a motion was needed to amend the Agenda to include the following list of provisional orders of discipline issued but no written response from respondents has been received by the Board to date.

Hyang Shim Hwang WG25943 Ki Hee Choi WG27714

Jong Sook Choi WG30719 Mal Im Cho WG32883

Mi Su Chang WG33209 Sok Keum Chang WG28284

Mi Young Choe WG30277 Lisa Young Ja Hong WG29039

Hyang Suk Kim WG27606

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Joseph Santigata, the Board amends the agenda to include the added list of licensees issued a provisional order of discipline.

The Board's counsel indicated that the file of each licensee on the list was present for the Board to review, if necessary.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Denise Perea, a Final Order of Discipline is to be issued for each licensee on the list presented to the Board today. The motion passed unanimously.

5. Correspondence received from Ms. Martha Font, School President, Total Image Beauty Academy, 288 Central Avenue, Jersey City, New Jersey 07307 in connection with their desire to start new students in July 2006 on July 10th rather than July 3rd as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, Ms. Martha Font's request is approved. The motion passed unanimously.

6. Correspondence received from Mr. Raymond Testa, Compliance Officer, Natural Motion Institute of Hair Design, 2800 Kennedy Boulevard, Jersey City, New Jersey 07306 in connection with their desire to start new students in July 2006 on July 10th rather than July 3rd and in September 2006 on September 11th rather than September 5th as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Upon motion made by Ms. Denise Pereau and seconded by Ms. Janice Alvarez, Mr. Raymond Testa's request is approved. The motion passed unanimously.

7. Correspondence received from Ms. Candelaria Zavala, PO Box 5548, Plainfield, New Jersey 07061 with regard to her application for initial (change of ownership) licensure of New Hair By Lally, 430 Watchung Avenue, Plainfield, New Jersey was presented to the Board for consideration. The report of inspection reflects that the shop only contains 303.75 square feet of floor space, 46.25 square feet short of the minimum required by N.J.A.C. 13:28-2.5 but she indicated that she purchased a pre-existing shop and that it is impossible for her to enlarge; and she asked that the Board waive its minimum square footage requirement and issue the desired license.

Mr. Christian Jones stated that if the Board is going to approve this, it should be with a restriction of a one chair shop.

Upon motion made by Mr. Christian Jones and seconded by Mr. Jack Fornaro, the Board waives the minimum square footage requirement provided Ms. Zavala have only one (1) operator practicing at any given time. The motion passed unanimously.

8. Correspondence received from Ms. Luz J. Guzman, t/a Scorpio's Hair Club Unisex, 309 ½ Morris Avenue, Elizabeth, New Jersey 07201 in connection with the penalty assessed against her in the amount of \$500.00 for the alleged violation resulting out of an inspection of her shop on November 17, 2005 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. Jack Fornaro and seconded by Mr. Joseph Santagata, the fine stands. The motion passed unanimously.

9. Correspondence received from Ms. Marina Vosk, t/a Salon M. Family Beauty Center, 81 Broadway, Elmwood Park, New Jersey 07407 in connection with the penalty assessed against her in the amount of \$250.00 for the alleged violation resulting out of an inspection of her shop on September 30, 2005 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. Denise Pereau and seconded by Ms. Ann Marie Manahan, the fine stands. The motion passed unanimously.

10. Correspondence received from Ms. Patricia Cardona, 103 Garden Street, Dumont, New Jersey 07628 in connection with her conviction of Theft By Deception and her desire to complete training at Parisian Beauty Academy and eventually become licensed was presented to the Board for consideration. This matter is presented in order that the Board might render a determination with respect to her eligibility for admission to examination.

The Board's counsel advised that Ms. Cardona needed to submit the judgment of conviction, a copy of the police report and a letter from her parole officer.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, Ms. Patricia Cardona is to be scheduled for an investigative inquiry and is to submit the additional information. The motion passed unanimously.

11. Correspondence received from Mr. Pablo (Morocho) Lugo in connection with the manner in which he obtained cosmetologist-hairstylist license #WG41943 was presented to the Board for consideration.

The Board's counsel indicated that the Board now knows it issued the license erroneously. The Board needs to bring him in for an investigative inquiry.

Mr. Christian Jones stated that he believed both he and the brother should be scheduled to come in for an investigative inquiry.

Ms. Janice Alvarez questioned whether the license should be rescinded immediately.

The Board's counsel advised that the Board needed to get all the facts first.

Upon motion made by Ms. Denise Perea and seconded by Ms. Ann Marie Manahan, Mr. Pablo Lugo and Mr. Wilson Morocho are to be scheduled for an investigative inquiry hearing. The motion passed unanimously.

Upon motion made by Ms. Denise Perea and seconded by Mr. Jack Fornaro, license #WG41943 is to be put on hold until the Board has a chance to review this matter. The motion passed unanimously.

## **VI EXECUTIVE SESSION**

Upon motion made by Mr. Christian Jones and seconded by Mr. Jerry Speziale, the Board went into Executive Session for the purpose of conducting an Investigative Inquiry. The motion passed unanimously.

## **VII APPROVAL OF CLOSED MINUTES**

## **VIII COMMITTEE REPORTS**

Upon motion made by Mr. Anthony Monaco and seconded by Mr. Jack Fornaro, the Board returned to Open Session. The motion passed unanimously.

## **PUBLIC RELATIONS:**

Ms. Denise Perea reported that they are still in committee with several issues.

Mr. Christian Jones asked whether information could be posted to the Board's web site.

Mr. Jay Malanga stated that he believed so after it went through the proper channels.

Ms. Denise Perea stated that the consumer brief that Jay handed out was great. She indicated that she would like to see this mailed to all the salons.

Mr. Jay Malanga stated that it would be difficult to do a mass mailing right now.

Ms. Denise Perea handed out information on laser services and medical procedures. She asked that this be looked at.

Mr. Jay Malanga indicated that he would pass it along to the Enforcement Bureau for investigation.

**LEGISLATION:**

Mr. Jack Fornaro stated that both the barbering and mobile beauty salon bills are in committee.

Ms. Denise Pereaue asked for a background on the mobile beauty salon bill.

Mr. Jay Malanga went over the background on the mobile beauty salon bill.

The Board's counsel advised that a response from the Board to Bill #1767, which pertains to the mobile beauty salon should be given to Mary Ann Sheehan.

Mr. Joseph Santagata stated that S1801, the companion bill to the barber bill was introduced yesterday.

Mr. John Eisenmenger passed out copies of S1801 and stated that he had asked Mary Ann Sheehan to come down and address the Board.

Ms. Mary Ann Sheehan indicated that in reference to Assembly #1767, her office was asked to submit a comment last week and we were under time constraint and we relied on the comments the Board originally made in 2005 which was very thorough and thought out and she also obtained comments from Carlo Melini and Jay Malanga. The comments have already been submitted. We had 24 hours to get our comments submitted. The comments reflected consumer safety and difficulty in enforcing the Board's regulations.

Ms. Janice Alvarez questioned whether zoning issues could be added to the comment.

Ms. Mary Ann Sheehan stated that she could try to raise the zoning issue. When we did the original comment in 2005, we got a very well stated opposition from the full Board. I can forward it to Jay for the Board to look at. Senate No. 1801 is identical to the previous bill, as far as I am concerned the Board need not comment on this. We would rely on the other comment to the identical bill #871.

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Janice Alvarez, the Board opposes S1801 for the same reasons as A871. The motion passed unanimously.

**VIOLATION:**

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

**EDUCATION:**

See Public Relations Committee.

**EXAMINATION AND SITES:**

Ms. Janice Alvarez stated that all Committee work is up to date.

Mr. Jay Malanga reminded the Board that the special testing will be conducted at the Sovereign Arena in Trenton on May 23rd and 24th. He asked what board members would be present so that he could put in for travel approval.

Mr. Carlo Melini, Mr. Jerry Speziale, Ms. Denise Pereaue, Mr. Jack Fornaro and Ms. Janice Alvarez stated that they would attend on May 23rd.

Mr. Jack Fornaro, Mr. Carlo Melini and Ms. Janice Alvarez stated that would also attend on May 24th.

Mr. Christian Jones asked Jay to check with Barbara as to what day he had committed to attend, he did not have his calendar on hand.

Mr. Barbara Ambroise stated that the exams should start by 8:30 A.M. and asked that the board members be their by 8:00 A.M.

## **SCHOOL**

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

## **REGULATORY**

Mr. Anthony Monaco handed out his recommendation for proposed rule revision with the rationale. He asked the Board for their opinions on what they may want to change with the language and to submit it to the Committee for review. He stated that the issue that keeps on coming up is the square footage of shops. He asked that someone look into it and give their recommendation and rationale for the change and that the Board should submit their comments by August so that the Committee could start reviewing.

## **IX ADJOURNMENT**

Mr. Jay Malanga informed the Board that one of the meetings during the summer is usually cancelled due to vacations.

Upon motion made by Ms. Denise Pereau and seconded by Mr. Christian Jones, the August regular monthly meeting of the Board is to be cancelled. The motion passed unanimously.

The Board's counsel indicated that the meeting with the Medical Board was rescheduled for June 22nd. She stated that Denise Pereau, Janice Alvarez and Anthony Monaco were expected to attend as well as Jay Malanga. The time of the meeting would be communicated at a later date.

Upon motion made by Ms. Ann Marie Manahan and seconded by Ms. Denise Pereau, the meeting was adjourned at 3:00 P.M.. The motion passed unanimously.

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CARLO MELINI, Chairperson  
Countersigned:

JAY A. MALANGA, Assistant Executive Director