

**MINUTES
REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
SEPTEMBER 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 Brown, Mr. Jack A. Fornaro, Mr. Christian R. Jones, Mr. Carlo Melini, Mr. Anthony T. Monaco, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay Malanga, Assistant Executive Director and Mrs. Barbara Ambroise, Program Development Assistant were present. Ms. Denise Perea 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. Jerry Speziale and seconded by Mr. Jack Fornaro, the Executive Director's report, Committee reports and Minutes of the regular monthly meetings held July 11, 2006 are accepted as read. Mr. Joseph Santagata abstained, but the motion passed.

IV PUBLIC PARTICIPATION PORTION

Ms. Rosemary Weiner, Chairman of the New Jersey Beauty Advisory Council introduced herself to the Board. She indicated that she was also the Legislative Chair for the Day Spa Association, member of NJ Coalition of Massage, Bodywork, and Somatic Therapies and owner of The Brass Rose Spa and Salon. As the chairman of the New Jersey Beauty Advisory Council, she stated that the purpose of her appearance before the Board was to inform the Board of background information on the New Jersey Beauty Advisory Council ("NJBAC"). She stated that the NJBAC is a coalition of salon owners, spa owners, education professionals, manufacturers and distributors, who are respected leaders in the industry. She further stated that NJBAC's mission is to enhance the quality of and standards for the conduct of business within the industry. Ms. Weiner stated that NJBAC meets on a quarterly basis to address key business issues and to develop common ground strategies for addressing those issues that impact the bottom line for all salons and spas. She invites the Board members to attend NJBAC meetings or to become a member. She also stated that there are no membership fees or dues to become a member. She indicated that in the past the former, Executive Director, Mr. Richard G. Griswold had attended and requested that the Acting Executive Director, Mr. Jay Malanga attend the meeting on September 19th at 600 Green Lane, Union, New Jersey at 7:00 p.m.. The Board Members expressed interest in the NJBAC.

Mr. Jay Malanga stated that he would submit a request to the Director's office to attend the meetings.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Jay Malanga distributed information to Board Members for their review. Included in the distribution was Renewal statistics for 9/1/2006, proposed amendments to the Bylaws of the National-Interstate Council of State Boards of Cosmetology, Inc., Nail Technicians Association and the Nail Manufacturers Council on pedicure equipment cleaning and disinfection procedures guidelines, Assembly Bill #542 addressing permanent makeup, tattooing and body piercing practices and the use of electronic devices and machines from the Colorado Department of Regulatory Agencies.

Mr. Jay Malanga also informed the Board of the resignation of Elaine Haroldson due to medical reasons. Also, he informed the Board that they could no longer send plaques to outgoing Board Members.

Mr. Malanga reminded the Board that Onyx Beauty Academy, Inc. has closed the school and that he is waiting to hear from their attorney and will inform the Board once he has more information.

Mr. Malanga stated that he has visited quite a few test sites for PCS Laser Grade and was pleased with the locations. He stated that he has additional sites to visit in and around central and norther parts of New Jersey before forwarding his findings to the Board.

VI FOR BOARD CONSIDERATION

1. Amendments to the Bylaws of the National-Interstate Council of State Board of Cosmetology, Inc.. This matter is presented for Board information.

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

2. A memorandum received from Mr. Edward Tumminello, Chief, Enforcement Bureau in the matter of Hair Studio of Elizabeth, Elizabeth, New Jersey pertaining to allegations concerning the conduct of two investigators inspecting that salon. This matter is presented for Board information.

The Board acknowledged the information.

3. Correspondence received from Ms. Laura Oehrlein, 64 Glen Mawr Drive, Trenton, New Jersey 08618 in connection with the penalty assessed against her in the amount of \$300.00 for the alleged violation resulting out of an inspection of Robert Marks Hair Design, Ewing, New Jersey on March 24, 2006 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has submitted a written explanation for the Board to consider before rendering its final decision.

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

Mr. Anthony Monaco asked that this salon be reinspected.

4. Correspondence received from Mr. Frank Barber, t/a Cutmasters, 89 Jewell Street, Garfield, New Jersey 07026 in connection with the penalty assessed against him in the amount of \$800.00 for the alleged violations resulting out of an inspection of his shop on May 24, 2006 was presented to the Board for consideration. He has indicated that he would like to waive his right to a hearing but has submitted a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Christian Jones, the fine stands. The

motion passed unanimously.

5. Correspondence received from Mr. Julio Vargas, c/o Cutmasters, 89 Jewell Street, Garfield, New Jersey in connection with the penalty assessed against him in the amount of \$300.00 for the alleged violation resulting out of an inspection of Cutmasters, Garfield, New Jersey on May 24, 2006 was presented to the Board for consideration. He has indicated that he would like to waive his right to a hearing but has submitted 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.

6. Correspondence received from Mr. Kevin Perneta, Director of Accreditation & Compliance, Empire Beauty School, Inc., 396 Pottsville Street, Clair Highway, Pottsville, PA 17901 in connection with his desire to have the class start dates for new students in his New Jersey schools match that of his 34 other schools, which is typically a class start of every 6 weeks was presented to the Board for consideration.

Mr. Jay Malanga stated that there has been a deal of discussion with regard to this issue and is concerned with the difficulty it may cause with regard to the different registration dates for all the schools and the burden it may pose for the Board staff. He also indicated it could have some adverse impact on issuing registrations in a timely period.

Ms. Barbara Ambroise stated that it may also cause problems for the Enforcement Bureau when conducting inspections and could be very time consuming when verifying registrations at the schools during inspections.

Mr. Jay Malanga recommended that the School Committee research the request and outline the impact the requested change might have on the Board staff to issue registration in a timely manner and the problem with verification of school registration during inspection.

Mr. Christian Jones requested information on how the Board office might be adversely impacted by the requested change for his review before the next Board meeting.

7. Correspondence received from Ms .Meg Stezzi, Director, Rizzieri Aveda School for Beauty Wellness, 6001 West Lincoln Drive, Marlton, New Jersey 08053 with accompanying revised class schedule she would like the Board to approve pursuant to N.J.A.C. 13:28-6.13 was presented to the Board for consideration.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the revised class schedule is approved. The motion passed unanimously.

8. Correspondence received from Ms. Meg Stezzi, Director, Rizzieri Aveda School for Beauty Wellness, 6001 West Lincoln Drive, Marlton, New Jersey 08053 in connection with their desire to start new students in March 2007 on March 6th rather than March 5th and in September 2007 on September 5th rather than September 4th as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the Board approves the new start dates as indicated for Rizzieri Aveda School for Beauty Wellness. The motion passed unanimously.

9. Correspondence received from Ms. Aidee Perez, 162 Franklin Street, Elizabeth, New Jersey 07206 with regard to her application for initial (change of ownership) licensure of Aidee Beauty Shop, 162 Franklin Street, Elizabeth, New Jersey was presented to the Board for consideration. The report of

inspection reflects that the shop only contains 345 square feet of floor space, 5 square feet short of the minimum required by N.J.A.C. 13:28-2.5 but she has indicated that the house has always been rented as a hair salon for the past 20 years and she had no knowledge that the previous shop license had expired; and she has asked that the Board waive its minimum square footage requirement and issue the desired license.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board waives the minimum square footage requirement. The motion passed unanimously.

10. Correspondence received from Mr. Ronald DeSimone, Esquire on behalf of his client, Ms. Irene E. Gaughan, t/a Nails at Last By Irene, 227 West Broad Street, Palmyra, New Jersey 08065 in connection with the outstanding penalty assessed against her in the amount of \$2,550.00 for her alleged violations resulting out of an inspection of her shop on November 3, 2005 was presented to the Board for consideration. Mr. DeSimone has asked for a formal administrative hearing and the Board is asked to authorize the Board's counsel to attempt to settle this matter.

Note: The Board previously considered this matter at the regular monthly meeting held July 11, 2006 and asked that this matter be tabled.

The Board expressed a desire to schedule Ms. Irene E. Goughn for a hearing and stated that Ms. Goughn is not amenable to settle this matter.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, this matter is to be referred to the Division of Law for prosecution. The motion passed unanimously.

11. The following Provisional Orders of Discipline have been issued and are presented to the Board for disposition on the papers. The Board is asked to review the documents and make a determination.

Yong Ae Rutan - WG27689

Young Soon Chu - WG25303

Jung Ok Kim - WG18423

Miae Kim - WG27701

Sun Ju Lee - WG19690

Mr. Jay Malanga stated that Jung Ok Kim had been presented to the Board at its last meeting and the Board tabled the matter until Ms. Kim answered questions the Board had with regard to her application and documents for licensure.

Mr. Anthony Monaco stated that reciprocity is an issue.

With regard to foreign credentials and to ensure that licensees are competent and meeting all statutory requirements, Mr. Carlo Melini stated that he would like to see everyone coming in from another country to take the State Board Examination and if they failed they would have to go to one of the New Jersey schools. Similarly, Mr. Jay Malanga expressed a need to find ways, perhaps by regulation, to require out of country applicants to take the State Board exam in order to ensure that the licensees are competent and meeting the statutory requirements.

The Board's counsel stated that the Board would have to put together a draft policy. She stated that pursuant to N.J.S.A. 45:5B-28 to 45:5B-30, applicants in possession of a license from other state or foreign country must prove that the state or country has established eligibility criteria substantially similar to those established in this State. If in the opinion of the Board, the applicants who submit proofs that are less stringent than those required in this State may be eligible for licensure without examination, if the applicants can present satisfactory evidence of prior practical experience of three (3) years working in a licensed shop.

Mr. Christian Jones requested that the Acting Executive Director reach out to Mr. Kirby Morris, a former NIC president, for further information. He further indicated that the Board members are within their rights to ask for information that will guide their decision and that they need to research situations before they could make informed decisions.

Mr. Jay Malanga stated that Mr. Morris could be considered an expert.

The Board's counsel advised that as Board members they are considered experts and quasi judges of matters within their jurisdiction. She cautioned any ex parte communication to preserve Board members from unnecessary recusal in anticipation of hearings. She also stated that it might not be prudent to reach out to someone outside the jurisdiction at this time.

Mr. Christian Jones stated that in light of the matter, the Board should appeal to their lawmakers to change "satisfactory evidence" in the practicing statutes because the term is too ambiguous.

Mr. Joseph Santagata stated that "satisfactory evidence" should be defined in the regulations.

In the matter of Young Soon Chu, the matter had been referred to the Board's counsel for the filing of a Final Order of Discipline in March 2006.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, Ms. Yong Ae Rutan is allowed a 60 day extension to respond. The motion passed unanimously.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, Ms. Miae Kim is allowed a 60 day extension to respond. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Jack Fornaro, in the matter of Sun Ju Lee, the Board refers this matter to Adriana Baudry to determine if an Investigative Inquiry is appropriate at this time. The motion passed unanimously.

12. The Final Order of Discipline issued to Ms. Hyon Ja Yu, 27 Hilltop Road, Edison, New Jersey 08820 on May 3, 2005 was presented to the Board for consideration. Ms. Yu has asked that the Board consider giving her some leniency in the penalty amount of \$1,500.00 due to a serious medical condition.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, the Board reduces the penalty to \$750.00. The motion passed unanimously.

13. Application for initial licensure as a cosmetologist-hairstylist of Adela Valdez De Rosario and correspondence pertaining to her demonstration that she has successfully completed high school or its equivalent was presented to the Board for consideration.

The Board's counsel indicated that Mr. Carlo Melini was consulted regarding Ms. De Rosario's request for a temporary permit pending receipt of a GED. Pursuant to N.J.S.A. 45:5B-20, Mr. Melini did not grant Ms. De Rosario's request. The Board was asked to ratify Mr. Melini's decision.

Upon motion made by Mr. Christian Jones and seconded by Mr. Ronald Brown, the Board ratifies Mr. Carlo Melini's decision to not issue a temporary permit pursuant to N.J.S.A. 45:5B-20. The motion passed unanimously.

The Board expressed a desire to table discussion on corresponding schools and its related matters until all requested information has been received.

Mr. Jay Malanga stated that he would for the next meeting prepare a brief background on the issue.

VII EXECUTIVE SESSION

11:00 A.M.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Ronald Brown, the Board went into Executive Session for the purpose of conducting an investigative inquiry. The motion passed unanimously.

1:30 P.M.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Janice Alvarez, the Board went into Executive Session for the purpose of discussing Provisional Orders of Discipline. The motion passed unanimously.

VIII COMMITTEE REPORTS

PUBLIC RELATIONS:

No report was given.

LEGISLATION:

No report was given.

VIOLATION:

No report was given.

EDUCATION:

No report was given.

EXAMINATION AND SITES:

No report was given.

SCHOOL

No report was given.

REGULATORY

No report was given.

IX ADJOURNMENT

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Ronald Brown, the meeting was adjourned at 4:00 P.M.. The motion passed unanimously.

CARLO MELINI, Chairperson

Countersigned:

JAY A. MALANGA, Assistant Executive Director