

**MINUTES
REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
NOVEMBER 13, 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. Anthony Monaco, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Jay A. Malanga, Executive Director, Mr. Patrick J. McNally, Assistant Executive Director, Ms. Barbara Ambrose, Program Development Assistant were present. Mr. Ronald Jerome Brown and Mr. Carlo Melini were absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, 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.

Mr. Chris Jones stated that he had been informed by the Board's counsel that because the Board did not have a quorum at this point, it had to function as a committee.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Committee went into Executive Session for advice of counsel. The motion passed unanimously.

III APPROVAL OF MINUTES (OPEN & CLOSED)

Upon motion made by Mr. Anthony Monaco and seconded by Ms. Janice Alvarez, the Board ratified the Committee's decision made earlier to that the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held October 9, 2007 are accepted as read. The motion passed unanimously.

IV PUBLIC PARTICIPATION PORTION

Ms. Carol Smith, a director of ebraiding.net, LLC addressed a Committee of the Board regarding the company's mission to organize a hair braiding organization to protect and preserve the right of hair braiders in the United States. She handed out a presentation on ebraiding.net. She stated that ebraiding is a company organized by braiders for braiders, whose mission is to help organize and uplift the Hair Braiding industry into a healthy environment. The organization seeks to develop its organization standards, rules and regulations for Hair Braiders and assist their members with respect to hair braiding practice and products, licensing regulations of different states, administrative issues and services within the United States. To date, ebraiding has approximately 3000 members registered throughout the country. She opined that the State of New Jersey, the Board of Cosmetology should mandate hair braiders to attend training before receiving a license. She understands that hair braiders should know about bacteria, decontamination, diseases of the

scalp and should register with the state as part of the industry and pay taxes. However, to require 1200 hours is unacceptable. She stated that they would like to sponsor a bill for a separate hair braiding license in the State of New Jersey.

The Committee thanked Mrs. Smith for her presentation.

Mr. Raymond Testa addressed the Committee on issues happening in other states that the Board might be interested to know on laser hair removal, electrolysis and microdermabrasion. He further stated that the Committee on Higher Education might get re-authorization making education more affordable next year.

Mr. Chris Jones announced that the Board had a quorum now and would be functioning as a Board.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Malanga distributed information to the Board including a copy of correspondence from The National Association of Barber Board of America, NIC Membership Directory 2007-2008 and correspondence received from Ms. Carol Smith, Director of Licensing Regulations, Braiding.net on hair braiding.

VI FOR BOARD CONSIDERATION

1. Correspondence recently received from Mr. Gianfranco A. Pietrafesa, Esq., on behalf of his client, Samantha Boonstra in connection with her desire to open up a skin care specialty shop was presented to the Board for consideration. Mrs. Boonstra, the owner of The Knead U Need, LLC, provides massages at the premises and she proposes providing skin care at her existing business.

This matter was initially discussed but withheld decision pending receipt of a floor plan demonstrating the layout of the two separate businesses. The Board lacked the requisite floor plan demonstrating the layout of the two separate businesses: massages and skin care specialty services. Mr. Pietrafesa has provided the Board with the requested floor plans.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Janice Alvarez, the Board returned to Open Session. The motion passed unanimously.

Mr. Pietrafesa and his client, Ms. Boonstra addressed the Board and answered questions of the Board. They stated that the lower level did have a lavatory and that the lower lever has been approved by a building inspector.

Mr. Jay Malanga stated that based on the Board's regulations, in particular N.J.A.C. 13:28-2.12(b), the Board cannot approve blended services, that is, offering ancillary services within a skin care specialty salon and full body massages services which is a prohibited practice within its licensed facility. The Board stated that the two businesses have to be separate with their own waiting area and entrance.

After exploring all possibilities, the Board came up with two different floor plans that would not run a foul with the regulations.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Board moved to process Ms. Boonstra's Skin Care Specialty salon application subject to the following: (1) designating the upper level exclusively for skin care specialty shop thus eliminating a room for massage therapy to handicapped or elderly clients. Additionally, erect a wall from floor to ceiling creating a hallway to the lower level with chairs for each separate waiting area for the respective business. Alternatively (2) designating the upper level exclusively for massage therapy business and the lower lever for the skin care specialty shop with at least two chairs in the lower level hallway for a waiting area and the required number of sinks. The motion

passed unanimously.

2. Correspondence received from Mr. Carlos Beltran in connection with his application for initial (change of ownership) shop licensure of Carlito's Barber Shop, 6 Alden Street, Cranford, New Jersey was presented to the Board for consideration. The report of the inspection reflects that the shop only contains 294 ½ square feet of floor space, 55 ½ square feet short of the minimum required by N.J.A.C. 13:28-2.5 but he indicated that the premise has been previously licensed by the Board for over 60 years and that his business is surrounded by other businesses on both sides and the rear area leads into the basement making it impossible for him to expand the current floor plan and he asked that the Board waive its minimum square footage requirement and issue the desired license.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the Board waives the minimum square footage requirement and issues the desired license. The motion passed unanimously.

3. Correspondence received from Ms. Monica Arias, 219 Lakewood Drive, Floor 2, Bloomfield, New Jersey with regard to her desire to retain the credit hours she earned at Concorde School of Hair Design, Bloomfield, New Jersey was presented to the Board for consideration. She has indicated that she completed her cosmetology/hairstyling training on June 1, 1992, however, she lacked a high school diploma and pursued getting a GED to satisfy the Board's requirements but unfortunately was incapacitated by a serious illness and unable to obtain a GED diploma until May 18, 2006 and asked that the Board allow her credit of the hours she completed at Concorde School of Hair Design, Bloomfield on June 1, 1992.

Ms. Janice Alvarez stated that she was over 5 year limit before she got sick.

Upon motion made by Ms Janice Alvarez and seconded by Mr. Jack Fornaro, Ms. Monica Arias' request is denied. The motion passed unanimously.

4. Correspondence received from Ms. Carla Brady, Salon Coordinator, Salvatore Minardi Salon, 8 Park Avenue, Madison, New Jersey in connection with her request for the Board's permission to allow Salvatore Minardi Salon to participate in an off site haircut-a-thon "Kut's for Katrina" with all proceeds being used to help the university students go to New Orleans to help build homes for the Katrina disaster victims was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, the Board approves Ms. Brady's request. The motion passed unanimously.

5. Correspondence received from Ms. Christine Amos, Director, NCEA Certified, 484 Spring Avenue, Ridgewood, New Jersey in connection with her request for the Board's regulatory or position statement outlining the mobility of a "Licensed Esthetician who is NCEA Certified" moving to New Jersey was presented to the Board for consideration.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the Board authorized Mr. Malanga to send a position statement on this matter with a copy of the Board's regulations. The motion passed unanimously.

6. Correspondence received from Ms. Sheila D. Singleton-Jerome, 907 South 16th Street, Newark, New Jersey in connection with her request for Board approval to grant her a portion of the 1200 hours of cosmetology & hairstyling she completed at European Academy, Union, New Jersey in October 1998 was presented to the Board for consideration.

The Board pointed out that the hours in question are well over the 5 year limitation.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, Ms. Sheila D. Singleton-Jermome's request is denied. The motion passed unanimously.

7. Correspondence received from Ms. Carolina L. Zamara, 15 Holly Court, Flemington, New Jersey 08822 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) and N.J.A.C. 13:28-2.12(a)2 at Fantastic Sams, 276 Routes 202 & 31, Flemington, New Jersey on February 22, 2007 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.

In the Board's discussion on this matter, it was pointed out that Ms. Zamara acknowledged that she was in violation.

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

8. Correspondence received from Mr. Herbert Soban, 94 Nelson Avenue, Jersey City, New Jersey 07305 in connection with the outstanding penalty assessed against him in the amount of \$300.00 for the alleged violation of N.J.S.A. 45:5B-7 at Nu Flavor Kutz, Jersey City, New Jersey on February 2, 2007 was presented to the Board for consideration. He indicated that he would like to waive his 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. Jack Fornaro and seconded by Mr. Joseph Santagata, the fine stands with a payment plan of \$100.00 per month. The motion passed unanimously.

9. Correspondence received from Ms. Barbara Newhouse, PO Box 130, Lumberton, New Jersey 08048 in connection with the penalty assessed against you in the amount of \$100.00 for your alleged violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-2.12(a)2 at Attitudes Hair & Nail Design, Route 130 Jamesway Towne Centre, East Windsor, New Jersey on May 30, 2007 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.

In the Board's discussion on this matter, the Board pointed out that Ms. Newhouse stated that when she was observed by the Board's investigator working without a license at the new place she knew her license was with the former employer. Based on her explanation she had attempted to get it back from her former employer but was unsuccessful.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jack Fornaro, the Board finds Ms. Newhouse in violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-2.12(a)2 but due to mitigating circumstances, rescinds the penalty in the amount of \$100.00. The motion passed unanimously.

10. Correspondence received from Mr. Scott Weintraub, t/a Fantastic Sams, 276 Route 202 & 31, Flemington, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$350.00 for the alleged violations resulting out of an inspection of her shop on February 22, 2007 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.

In the Board's discussion on this matter, the Board pointed out that Mr. Weintraub admitted to the violations and has since corrected them.

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

11. Correspondence received from Ms. Linda Karas, Associate Director, New Horizons Institute of Cosmetology, 5518 Bergenline Avenue, West New York, New Jersey in connection with her desire to obtain Board approval for the change of class schedule for New Horizons Institute of Cosmetology was presented to the Board for consideration. She indicated that the schedule has previously been approved for the Reignbow Beauty Academy schools and she would like it to be effective for the New Horizons location.

Ms. Janice Alvarez stated that in reviewing the class schedule, she found a few discrepancies and indicated that Ms. Karas should be made aware of the discrepancies.

The Board's chairman asked that Ms. Karas be notified of the discrepancies and be asked to resubmit a revised class schedule for the Board to review.

12. Disciplinary Matters Pending Conclusion by Default

The UPLs were issued and no written response from respondents have been received by the Board to date. These matters were subject to finalization 15 days after issuance. The Attorney General seeks to issue Final Decision and Default Order on UPL for each of the following: IMO

Cindy Thi Duong Nguyet Thi Nguyen
Jennifer Bury & Tamara Christmas, Kim A. Phan
t/a 20/20 Men's Salon (WD24528) Evelyn Morales
Hong T. Nguyen, t/a Crystal Nails (WM03684) Ray Flores
Phuong T. Vo, t/a Gorgeous Nails Kathia G. Alfaro Salazar
Kimmeth Clark (WD41578) Phong Xuan Nguyen
Book II Im (WG24787) Thai Doan, t/a US Nails (WM03017)
Susmita Patel (WG40929)
Ramesh Amin, t/a The Glamour Salon (WD16071) Dominica Kostaris
Charles Mayo, t/a Beauty Essentials Salon Nicole Puccio
Tiffany Tran, t/a Glamour Nail Salon (WM01044) Mizael Guzman,
Hoa Nguyen, t/a Bergen Nail Salon (WM02850) t/a D'Mizael Sensation (WD24038)
Ezadelor Yusupov Phuong Van Vo
Thanh Nguyen Salvatore Lipari & Stephanie Rosalia t/a Rapid Transit Hair Studio
(Salon D Lipari) (WD18896)

The Certificate of Service is attached to the Uniform Penalty Letters for Board review.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Anthony Monaco, the Board authorizes the issuance of Default letters as indicated above. The motion passed unanimously.

13. Mr. Kameron K. Rabenou and Ms. Esther Reynolds, Supervising Teacher appeared at 1:00 P.M. for interview in connection with the application for initial (change ownership) school licensure of Atlantic Beauty & Spa Academy, d/b/a Shore Beauty School, 103 West Washington Avenue, Pleasantville, New Jersey 08232.

Mr. Chris Jones greeted Mr. Kameron K. Rabenou and Ms. Esther Reynolds.

Mr. Kameron K. Rabenou addressed the Board and gave a brief presentation on his background and stated that he was looking forward to building a good relationship with the Board. He stated that he intends to abide by the statutes and regulations and also provides the best education possible to his students. He stated that although his background is not in the cosmetology industry he was delighted to find that the school has the potential to offer opportunity for others to have a wonderful career and life.

Ms. Janice Alvarez, School Committee Chairperson asked questions with regard to the operation and functioning of the school of Ms. Esther Reynolds, Supervising Teacher and Ms. Reynolds responded appropriately to all questions.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the school application (change of ownership) for Atlantic Beauty & Spa Academy, d/b/a Shore Beauty School, 103 West Washington Avenue, Pleasantville, New Jersey 08232 is approved subject to a final inspection by the Enforcement Bureau. The motion passed unanimously.

AGENDA SUPPLEMENT

Upon motion made by Mr. Tony Monaco and seconded by Ms. Janice Alvarez, the following matters are allowed to be added to the agenda. The motion passed unanimously.

1. Ms. Sharon Farraiuolo formal request for the release of her detailed test results was presented to the Board for consideration. Ms. Farraiuolo's prior request under OPRA was denied.

Mr. Anthony Monaco recused himself from discussion on this matter and being that there was not a quorum the matter was discussed by a committee of the Board.

After discussion, the Committee recommended that Ms. Farraiuolo be allowed an in camera view of her test scores with a 3rd party present.

2. The Provisional Order of Discipline (POD) was issued and no written response from Respondent has been received by the Board to date. This matter was subject to finalization 30 days after issuance. The Attorney General seeks the entry of a Final Order of Discipline with modification from revocation to suspension of the license in IMO Jay Sun Kim.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Anthony Monaco, the Board accepts the change of the FOD to indicate suspension instead of revoke. The motion passed unanimously.

3. The Provisional Order of Discipline (POD) was issued and no written response from Respondent has been received by the Board to date. This matter was subject to finalization 30 days after issuance. The Attorney General seeks the entry of a Final Order of Discipline with modification from revocation to suspension of the license IMO Hyang Nam Rho.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Anthony Monaco, the Board accepts the change of the FOD to indicate suspension instead of revoke. The motion passed unanimously.

VII EXECUTIVE SESSION

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the Board went into Executive Session to conduct an investigative inquiry and for deliberation on a testing vendor. The motion passed unanimously.

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

VIII OLD BUSINESS

Mr. Chris Jones inquired about the barber bill. Mr. Jay Malanga stated that the problem was the crossover test for beautician coming from out of state; he stated that the Board could always request an amendment to the barber bill on this issue.

IX NEW BUSINESS

COMMITTEE REPORTS

Public Relations

No report was given

School

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

Legislation

Mr. Chris Jones reported that all committee work is up to date.

Regulatory

Mr. Anthony Monaco stated that the Committee met on October 30, 2007 with representatives from the Enforcement Bureau, the Board's regulatory analyst, the Board's counsel, Jay Malanga, Barbara Ambrose and Patrick McNally.

Mr. Jay Malanga stated that there are two more meetings scheduled tentatively for November.

Examination & Sites

Mr. Janice Alvarez stated that the Board office needs to initiate a formal request to raise the salary for examiners as soon as possible.

Mr. Jay Malanga stated that a proposal needs to go to the Division of Consumer Affairs for approval.

X ADJOURNMENT

Upon motion made by Mr. Ronald Brown and seconded by Mr. Anthony Monaco, the meeting was adjourned at 2:55 P.M.. The motion passed unanimously.

Christian R. Jones, Chairman

B Countersigned:

JAY A. MALANGA, Executive Director