

**REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07104**

**June 12, 2018**

**PUBLIC SESSION MINUTES**

**I CALL TO ORDER**

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m. at 124 Halsey Street, 7<sup>th</sup> Floor, Essex Conference Room, Newark, New Jersey.

**Roll Call:**

**Present:** Janice Alvarez, John Ford, Angela Pantaleone, Joseph Santagata, Jerry Speziale and Frances Tomeo

**Absent:** Maria Fontana, Madeline Iannarone and Natasha Palmer

Quorum was present.

**Also in Attendance:**

Jay A. Malanga, Executive Director, Barbara Ambrose, Program Development Assistant, Gracinda Almeida, Administrative Assistant, Marisol Rodrigues, Office Supervisor, Carol Ann Rotondo, Paralegal, Susan Rischawy, Government Representative, Deputy Attorney General Joshua Bengal, Ava Goldberger, Intern, Division of Law and Cynthia Tremonte, Intern, Division of Law.

**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. Kim Guadagno, Secretary of State, and the Asbury Park Press, Bergen Record, Newark Star-Ledger and Trentonian Newspapers on December 18, 2017, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 18, 2017.

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

Upon motion made by Angela Panteleone and seconded by John Ford, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held May 8, 2018 are accepted as printed and attached to the June 12, 2018 agenda. **Motion Passed 6-0**

#### **IV PUBLIC PARTICIPATION SESSION**

Ms. Darlene Fox, Artistic Academy and Ms. Paula Brown, Rizzieri Aveda School for Beauty and Wellness were present.

Ms. Paula Brown greeted the Board and asked questions on the franchise Sola Salon Suite and the recent waivers they have received from the Board.

The Board asked that she submit any questions in writing.

Ms. Darlene Fox greeted the Board. She expressed her concern with the Braiding Bill and read aloud a letter from her student expressing their feelings on why the Braiding Bill would be bad for the industry and the consuming public.

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

Mr. Jay Malanga indicated that the Board completed the Mass Testing process and that this year the vocational schools had achieved a pass rate of 83%.

#### **VI FOR BOARD CONSIDERATION**

1. Assembly Bill No. 3355 exempts certain persons providing hair braiding or eyebrow threading services from a licensure requirement and was presented to the Board for consideration and comment.

Regulatory Analyst Liza Ackerman stated that this bill was a reintroduction from last session. There is also an identical Senate version (S407). She indicated that she has checked the status and neither bill has seen legislative action since they were introduced. The Board stated that, as with the legislation from last session, it opposes the reintroduction.

Liza Ackerman also gave an update on A3754/S2510, which exempts hair braiding from licensure and creates a Hair Braiding Advisory Committee to be overseen by the Board. Liza stated A3754 was approved by an Assembly committee unanimously and referred to the Senate Budget and Appropriations Committee. She is following both A3754 and S2510 to see what happens.

Janice Alvarez questioned whether the legislature is aware of the Board's prior comment on A3754 and whether the legislature is aware of the risk to public health that the bill represents.

Liza Ackerman answered that she submitted the Board's comments and concerns to the Division of Consumer Affairs for review after the bill was discussed at the May Board meeting.

The Board expressed concern that if this bill is passed it will further the cause of deregulation in an area where regulation protects the public health, safety and welfare.

Frances Tomeo opined that the bill would negatively impact the State's cosmetology

schools, which teach both infection control and hair braiding, and also negatively impact the health and safety of the population.

Janice Alvarez noted that the Board has added hair braiding to licensure examinations.

Liza Ackerman indicated that she will reiterate to the Division of Consumer Affairs and parent agency the Board's great concern over this bill.

2. Correspondence received from Mr. Gregor Robertson, t/a Massage Envy, 30 Falcon Road, Hillsborough, New Jersey in connection with the penalty assessed against him in the amount of \$350.00 for the alleged violations resulting out of an inspection of his shop on December 8, 2016 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. He stated "I understand through fault that my Hillsborough location Cosmetology license had expired and apologize for not renewing on time. However, once I became aware of this, I made immediate efforts to renew our license".

Upon motion made by Frances Tomeo and seconded by Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$350.00 shall be made within thirty (30) days from the date of the Final Letter Decision and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. John Ford recused himself from this matter. **Motion passed 5-0.**

3. Correspondence received from Mr. Dipen J. Patel, t/a Krishna Beauty Salon, 4 Brunswick Avenue, Edison, New Jersey in connection with the penalty assessed against him in the amount of \$300.00 for the alleged violations resulting out of an inspection of his shop on October 27, 2017 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. He stated "The date the inspector came into our salon my cleaning lady Sonal Patel was sitting behind the manicure table talking to her friends which was a client of our salon. The inspector assumed she was going to do the manicure, even though she did not have any equipment on her."

Upon motion made by Frances Tomeo and seconded by John Ford, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$300.00 shall be made within thirty (30) days from the date of the Final Letter Decision and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. **Motion passed 6-0.**

4. Correspondence received from Mr. Sung Jin Kim, t/a Nails Plus, 144 Park Avenue, East Rutherford, New Jersey in connection with the penalty assessed against you in the amount of \$100.00 for the alleged violations resulting out of an inspection of his shop on August 19, 2016 was presented to the Board for consideration. He has 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. He stated "I fully understand now that this was a violation and will put the equipment back were it belongs."

Upon motion made by Angela Pantaleone and seconded by Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$100.00 shall be made within thirty (30) days from the date of the Final Letter Decision and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. **Motion passed 6-0.**

5. Correspondence received from Ms. Amparito Morena, 870 Pinewood Road, Union, New Jersey in connection with the penalty assessed against her in the amount of \$100.00 for the alleged violation of N.J.S.A. 45:5B-5B-12(f) & N.J.A.C. 13:28-2.12(a)2 at Xoma Salon & Spa, 730 Morris Turnpike, Short Hills, New Jersey on September 21, 2016 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. She stated "I had been to the Division of Cosmetology a few times with the copy of my license for my package but also as a precaution I had my original with me. I knew that it would have to also be hanging up at my salon during inspection."

Upon motion made by Frances Tomeo and seconded by Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$100.00 shall be made within thirty (30) days from the date of the Final Letter Decision and in the event she fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. **Motion passed 6-0.**

6. Correspondence received from Ms. Sonalben Patel, 195 Nebula Road, Piscataway, New Jersey in connection with the penalty assessed against her in the amount of \$300.00 for the alleged violation of N.J.S.A. 45:5B-5B-7 at Krishna Beauty Salon, 4 Brunswick Avenue, Edison, New Jersey on August 9, 2017 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. She stated "I, Sonal Patel, was sitting behind a manicure table while talking to a customer who was my friend, who coincidentally was a client of Krishna Beauty Salon."

Upon motion made by Frances Tomeo and seconded by Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$300.00 shall be made within thirty (30) days from the date of the Final Letter Decision and in the event she fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. **Motion passed 6-0.**

7. Correspondence received from Mr. Dipen J. Patel, t/a Krishna Beauty Salon, 1337 Stelton Road, Piscataway, New Jersey in connection with the penalty assessed against him in the amount of \$100.00 for the alleged violations resulting out of an inspection of his shop on September 16, 2017 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision. He stated "Maria carried her original license with her because she works at another salon, Star Glow."

Upon motion made by John Ford and seconded by Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$100.00 shall be made within thirty (30) days from the date of the Final Letter Decision and in the

event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. **Motion passed 6-0.**

8. **Reinstatement/Endorsement applications** reviewed by the Board office for Board ratification/information. The following applicants for reinstatement whose license expired beyond three cycles are recommended for one-time examination or endorsement. Recommendation based on length of time license was lapsed or if applicant possesses corresponding license, in good standing, in another state or jurisdiction.

<i>Name</i>	<i>License #</i>	<i>Date of Exp.</i>	<i>Type of Exam</i>
MARZAN, AUDREY	32WA03537700	9/30/1987	ONE-TIME ONLY WRITTEN EXAM
DUBOSE, KENEISHA	32WG02503400	9/30/2000	ONE-TIME ONLY WRITTEN EXAM
O'BRIEN, NANCY L.	32WA06289200	09/30/1996	ONE-TIME ONLY WRITTEN EXAM
KATSEYEANIS, CINDY M.	32WF00949900	9/30/2006	ONE-TIME ONLY WRITTEN EXAM
WILSON, CHRISTIE V.	32WI00970800	9/30/2008	ONE-TIME ONLY WRITTEN EXAM
TRAPANESE, LINDA L.	32WA05688400	9/30/2008	ONE-TIME ONLY WRITTEN EXAM
<b>ENDORSEMENT</b> WASHINGTON, DARRELL	32WA06622400	9/30/1996	ENDORSEMENT - CONNECTICUT
<b>*APPROVED</b>			

Upon motion made by Frances Tomeo and seconded John Ford the Board ratified the decision made by the Board Office on the above listed matters. **Motion passed 6-0.**

9. Administrative Closure

The following Uniform Penalty Letters (UPLs) are recommended for administrative closure due to being returned to the Board for the following reasons: unclaimed, incorrect address, no forwarding address for the business or licensee, no information, or shop closure, were presented to the Board for consideration.

<b>License Name</b>	<b>License #</b>	<b>UPL Issued</b>	<b>Date of Inspection</b>	<b>Total Penalty Amount</b>
Young S. Kim	NONE	August 22, 2017	November 18, 2015	\$ 300.00
Jason Hwang	NONE	August 14, 2017	November 19, 2015	\$ 300.00
Martha Ali Estrada	NONE	October 24, 2016	June 15, 2016	\$ 300.00
Hang Cao	NONE	November 27, 2017	September 14, 2016	\$ 300.00
Maria Rosenda Lopez Calan	NONE	August 22, 2017	November 10, 2015	\$ 300.00
Mi Kyoung Lee	NONE	September 21, 2017	October 25, 2015	\$ 300.00
Long Nguyen t/a Essence Nail Salon	32WM00475200	August 22, 2017	November 27, 2015	\$ 600.00

Upon motion made by Angela Pantaleone and seconded Frances Tomeo the Board approved the administrative closures as listed above. **Motion passed 6-0.**

**Agenda Supplement:**

1. IMO the definition of “cost of materials”.

DAG Bengal informed the Board that there are currently two class action lawsuits alleging that clinics are overcharging clients in violation of the above statutory definition, which restricts clinics to charging clients for the “cost of materials” used. The defendants in those lawsuits have challenged the constitutionality of the statutory definition, alleging the statute is unconstitutionally vague.

Upon motion made by Frances Tomeo and seconded by Jerry Speziale, the Board went into closed session for advice of counsel. **Motion passed 6-0.**

Upon motion made by Angela Pantaleone and seconded by Frances Tomeo, the Board returned to Public Session.

The Board recommended that the Attorney General take no position with regard to whether the Board should intervene in the pending litigation.

**VII OLD BUSINESS**

**VIII NEW BUSINESS**

**Committee Reports:**

**Examination & Sites:**

No report

**School & Department of Education Liaison**

France Tomeo stated that she has been working with the New Jersey Department of Career & Technical Education and they are working on course outlines and would like the Board to make recommendations as to proposed course content. She stated that the Board could use this as an opportunity to provide county colleges with proposed curricula.

**Violations:**

No report

**Legislation:**

No report.

**Regulatory:**

No report.

**XI EXECUTIVE SESSION**

The Board adjourned the Public Session and moved to the Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.

IMO Michael Main

Upon motion made by Angela Pantaleone and seconded by Frances Tomeo, Mr. Main will not be barred from sitting for examination for licensure upon successful completion of education, provided he has no further contact with the criminal justice system. **Motion passed 6-0.**

**X. ADJOURNMENT**

The meeting was adjourned at 2:30 P.M.

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JANICE ALVAREZ, Board Chairperson

Countersigned:

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JAY A. MALANGA, Executive Director