



New Jersey Division of Consumer Affairs



## **Regular Monthly Meeting Board of Cosmetology and Hairstyling**

**124 Halsey Street - 6th Floor**

**Newark, New Jersey 07102**

**January 14, 2003**

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m..

### ***ROLL CALL:***

Ms. Patricia Graffin, Mrs. Frances Gray, Mr. Peter Macri, Mr. Carlo Melini, Mrs. Rose Policastro, Mr. Joseph Santagata, Mr. Richard G. Griswold, Executive Director, Mr. Jay A. Malanga, Assistant Executive Director, Mrs. Barbara Ambroise, Program Development Assistant and Ms. Marie Maiorano, Office Supervisor were present. Ms. Elaine C. Haroldson, Ms. Lynne Rasiewicz and Mr. Joseph F. Stead, Jr. were absent.

Mrs. Rose Policastro 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, the Newark Star-Ledger and Trentonian Newspapers on December 11, 2002 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 11, 2002.

### ***ACCEPTANCE OF MINUTES:***

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held December 10, 2002 are accepted as read. The motion passed unanimously.

### ***BUSINESS AGENDA***

1. Correspondence received from Mr. Richard M. Alvey, Esquire, Alvey & Alvey, P.C., 13754 Jefferson Davis Highway, Woodbridge, Virginia 22191 on behalf of Executive Beauty Academy, 14341 Jefferson Davis Highway, Woodbridge, Virginia 22191 was presented to the Board for consideration. He included with his submission a listing of 23 students who completed their training at Executive Beauty Academy but would like to become licensed to practice in New Jersey rather than Virginia, indicated that the Commonwealth of Virginia no longer issues certification of training hours for those seeking licensure outside of Virginia and advised that Executive Beauty Academy will be

providing the certification of hours and that he hopes his client's certification will satisfy our licensing requirements.

Mr. Peter Macri indicated that these people are from Pennsylvania; and he questioned why they took a course in Virginia when they want to become licensed in New Jersey.

Mr. Richard G Griswold advised that N.J.A.C. 13:28-1.1(d)1 requires that out of state/out of country applicants furnish a letter of certification from the licensing authority where they are licensed and/or completed their training and that this requirement was put into place years ago first as Board policy and then as a regulation. He explained that the certification serves as a safeguard against a salon owner or school owner in another state from selling affidavits of experience/hours to people applying for licensure here; and he recommended that these applications should not be accepted without the Virginia Board's certification. He stated that the Board has experienced problems, which have resulted in criminal and/or disciplinary action, with Vietnamese applicants from Philadelphia, sending other people to the Sicklerville exam site to take the test for them and received a complaint from the Director of PB School of Cosmetology some time ago advising that she had been approached by a Vietnamese gentleman from Philadelphia who wanted to buy diplomas; and that he is not suggesting that this group of people is associated with those incidents but that he finds it more than a little strange that they live in Philadelphia, take a course in Virginia and want to become licensed in New Jersey.

Mr. Carlo Melini stated that the Board should either disallow the whole thing or at the very least, make them get a breakdown of hours and undergo evaluation at a New Jersey School.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Carlo Melini, Mr. Alvey is to be informed that the Board will not accept the hours without certification from the Virginia Board and that if Virginia will not provide certification, the students should apply for licensure there and then apply here. The motion passed unanimously.

2. Correspondence received from Mr. Michael J. DiBenedetto, 9 Club Place, Freehold, New Jersey 07728 in connection with the penalty assessed against him in the amount of \$100.00 for his alleged violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-12.(a)2 at Barney A. DiBenedetto Shop, Freehold, New Jersey on May 10, 2000 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Patricia Graffin, the fine stands. The motion passed unanimously.

3. Correspondence received from Ms. Ha T. Dinh, t/a La Samana, 84 North Beverwick Road, Lake Hiawatha, New Jersey 07034 in connection with the penalties assessed against her in the amount of \$800.00 for the alleged violations resulting out of inspections of her shop on March 22, 2000 and August 16, 2000 was presented to the Board for consideration. She remitted payment of the penalty (\$300.00) assessed against her for operating on August 16, 2000 with Le Kiet practicing cosmetology and hairstyling without a valid license and indicated that she would like to waive her right to a hearing on the March 22, 2000 charge but furnished a written explanation for the Board to consider before rendering it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Patricia Graffin, the fine stands. The motion passed unanimously.

4. Correspondence received from Ms. Tiffany Kurtz, 1572 Elizabeth Avenue, Trenton, New Jersey 08629 in connection with the penalty assessed against her in the amount of \$300.00 for her alleged violation of N.J.S.A. 45:5B-7 at Ingrid's Full Service Salon, Cinnaminson, New Jersey on December 1, 2000 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Carlo Melini, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board finds Ms. Kurtz guilty as charged; but the penalty is reduced to \$150.00 due to mitigating circumstances. The motion passed unanimously.

5. Correspondence received from Ms. Joyce Orphanoudakis, t/a Joyce's Magic Scissors Beauty Shop, 867 East 33, Freehold, New Jersey 07728 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 June 5, 2000 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 it's final decision.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Frances Gray, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Carlo Melini, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Frances Gray, the Board finds Ms. Joyce Orphanoudakis guilty as charged; but the penalty is reduced to \$125.00 due to mitigating circumstances. The motion passed unanimously.

6. Correspondence received from Ms. Lisa D'Addezio, t/a Nail Expressions & More, 117 Broughton Avenue, Bloomfield, New Jersey 07003 in connection with the penalties assessed against her in the amount of \$350.00 for the alleged violations resulting out of an inspection of her shop on February 25, 2000 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Carlo Melini, the fines stand. The motion passed unanimously.

7. Correspondence received from Mr. Harold E. Bartlett, 10 Hook Avenue, Clementon,

New Jersey 08021 in connection with the penalty assessed against him in the amount of \$100.00 for his alleged violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-2.12(a)2 at Micki's Hair Designers, 54 South Whitehorse Pike, Berlin, New Jersey on April 20, 2000 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Carlo Melini, the fine stands. The motion passed unanimously.

8. Correspondence received from Ms. Mary E. Gallagher, t/a Micki's Hair Designers, 54 South Whitehorse Pike, Berlin, New Jersey 08009 in connection with the penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of her shop on April 20, 2000 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

9. Correspondence received from Mses. Jadwig & Joanna Rolleczek and Mr. Richard Rolleczek, t/a Jadwig European Skin Care, 420 Pompton Avenue, Cedar Grove, New Jersey 07009 in connection with the penalty assessed against them in the amount of \$250.00 for the alleged violation resulting out of an inspection of their shop on November 28, 2000 was presented to the Board for consideration. They indicated that they would like to waive their right to a hearing but furnished a written explanation for the board to consider before rendering it's final decision.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

10. Correspondence received from Mr. Louis A. Stefan, t/a La Petite Beauty Salon, 363 Broadway, Bayonne, New Jersey 07002 in connection with the penalty assessed against him in the amount of \$250.00 for the alleged violation resulting out of an inspection of his shop on April 15, 1999 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

11. Correspondence received from Ms. June M. Shimko, President, J & S Wavelengths Hair & Nail Design, 111 Maplestream Road, East Windsor, New Jersey 08520 in connection with the penalty assessed against her in the amount of \$200.00 for the alleged violation resulting out of an inspection of her shop on June 13, 2000 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 a final decision.

Upon motion made by Ms. Patricia Graffin and seconded by Mrs. Frances Gray, the fine stands. The motion passed unanimously.

12. Correspondence received from Ms. Constance Dolfi, t/a Jonathans Hairstylists, 22-22 Morlot Avenue, Fair Lawn, New Jersey 07410 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 December 7, 2000 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

13. Correspondence received from Ms. Francince Vogel, 115 Grove Avenue, Maywood, New Jersey 07601 in connection with the penalty assessed against her in the amount of \$250.00 for her alleged violation of N.J.S.A. 45:5B-7 and 35 at Jonathans Hairstylists, Fair Lawn, New Jersey on December 7, 2000 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

14. Correspondence received from Ms. Neila Kozel, Assistant Manager, Sales Tax/Licensing, JCPenney Corporation Inc., 310 South Main Street, Salt Lake City, Utah 84101 in connection with the penalty assessed against them in the amount of \$250.00 for the alleged violation resulting out of an inspection of JC Penney Styling Salon #902-7, Toms River, New Jersey on February 3, 1999 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 it's final decision.

Upon motion made by Ms. Patricia Graffin and seconded by Mr. Carlo Melini, the fine stands. The motion passed unanimously.

15. Correspondence received from Ms. Neila Kozel, Assistant Manager, Sales Tax/ Licensing, JCPenney Corporation Inc., 310 South Main Street, Salt Lake City, UT 84101 in connection with the penalty assessed against them in the amount of \$100.00 for the alleged violation resulting out of an inspection of JCPenney Styling Salon #1150-2, Eatontown, New Jersey on February 1, 1999 was presented to the Board for consideration. She indicated that they would like to waive their right to a hearing but furnished a written explanation for the Board to consider before rendering it's final decision.

Upon motion made by Ms. Patricia Graffin and seconded by Mr. Carlo Melini, the fine stands. The motion passed unanimously.

16. Correspondence received from Mr. Barney A. DiBenedetto, t/a Barney A. DiBenedetto Shop, 13 South Street, Freehold, New Jersey 07728 in connection with the penalty assessed against him in the amount of \$100.00 for the alleged violation resulting out of an inspection of his shop on May 10, 2000 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 it's final

decision.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the fine stands. The motion passed unanimously.

17. Correspondence received from Ms. Catherine Filippelli, t/a Flip 10 Full Service Salon, 393 Park Avenue, Scotch Plains, New Jersey 07076 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 January 16, 2002 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Frances Gray, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Carlo Melini, the Board finds Ms. Catherine Filippelli not guilty on this charge; and the penalty is rescinded. The motion passed unanimously.

18. Correspondence received from Ms. Michelle De Rito, t/a Michelle's Hair Styling, 3700 Kennedy Boulevard, Jersey City, New Jersey 07037 in connection with the penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of her shop on January 26, 2000 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 it's final decision.

Upon motion made by Ms. Patricia Graffin and seconded by Mr. Carlo Melini, the fine stands. The motion passed unanimously.

19. Correspondence received from Rev. Luis A. Betancourt, 3700 Palisade Avenue, Apt. 7K, Union City, New Jersey 07087 in connection with the penalty assessed against him in the amount of \$300.00 for his alleged violation of N.J.S.A. 45:5B-7 at Tu Barberia-Your Barber Shop, Jersey City, New Jersey on October 18, 2002 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 it's final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

20. Correspondence received from Ms. Cheryl Idec, 30 Ross Street, Clark, New Jersey 07066 in connection with the penalty assessed against her in the amount of \$100.00 for her alleged violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-2.12(a)2 at International Dimensions, Edison, New Jersey on April 12, 2000 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 it's final

decision.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

## ***AGENDA SUPPLEMENT***

1. Mrs. Rose Policastro informed the other members that she is in receipt of correspondence from Mr. Raymond Testa, Co-President, Association of Cosmetology & Hairstyling Schools of New Jersey in connection with their desire to see the board resolve what they believe to be serious problems with the licensing examinations; and she referred the matter to the Examination & Sites and the School and Department of Education Liaison Committees for review.

## ***COMMITTEE REPORTS***

### **Examination & Sites:**

Mrs. Barbara Ambroise thanked Mr. Joseph Santagata for coming to the Sicklerville exam to assist in screening applicants and educate the people doing the in-processing as to things to look for on drivers licenses.

Mr. Joseph Santagata suggested that the Board should try to get the decoder from the Division of Motor Vehicles because it would help the Board interpret various codes such as the agency location where the license was issued.

Mrs. Barbara Ambroise stated that she is in the process of preparing for the examiner training program and once a date is established, will notify everyone. She advised that it will be in February or March at the latest and that if any exam areas are really short on examiners, they may want to use people on the training list with the understanding that they must complete examiner training as soon as it is scheduled.

### **Education & New Studies:**

Mrs. Rose Policastro reported that everything is up to date.

### **Violation:**

Mr. Joseph Santagata reported that all committee work is up to date.

Mr. Peter Macri stated that he thought that the penalties the Board is assessing is not stopping anybody and that he thinks the penalties should be increased again.

Mr. Richard G. Griswold indicated that the Board just recently raised all of it's penalties in a manner that will get the amounts up after repeat and subsequent offenses but that it will be counter productive to increase penalties to a point where everyone cited has to retain an attorney because of the amount of money involved.

### **School & Department of Education Liaison:**

Mrs. Rose Policastro reported that the Committee will be meeting to discuss the pass/fail rates; and she indicated that she would like Mrs. Ambroise, Mr. Malanga and

Mr. Griswold to participate.

### **Legislation:**

Mr. Peter Macri stated that he understands there is potential legislation which will restore the barber license, that he thinks such legislation is long overdue, that the barber license should never have been abolished and that he has been going through his things so he will have text books, work books, old barber laws and regulations available and the Board will be prepared if such legislation ever comes to be..

### **Public Relations:**

Ms. Patricia Graffin reported that all committee work is up to date.

### **New Business:**

Mrs. Rose Policastro indicated that she has made new committee assignments, has gone over them with Mrs. Gray and Mr. Griswold; and she read them to the members and asked for comments. There were no comments; and she advised that she will have them typed up and distributed.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the meeting was adjourned at 3:15 p.m.. The motion passed unanimously.

ROSE POLICASTRO, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director



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