

**Board of Cosmetology and Hairstyling
Regular Monthly Meeting
February 11, 2003**

**124 Halsey Street - 6th Floor
Newark, New Jersey 07102**

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, Ms. Lynn Rasiewicz, 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 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 Mrs. Frances Gray and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held January 14, 2003 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Ms. Christine M. Confenti, 97 Brandywine Court, Bricktown, New Jersey 08724 was scheduled to appear for an investigative inquiry hearing in connection with the criminal charges which were lodged against her in Brick, Pt. Pleasant and Toms River and her admission into the pre-trial intervention program.

Mr. Richard G. Griswold informed the Board that Ms. Confenti had submitted correspondence with letters from her doctors advising that she is unable to appear and will not be able to appear until she responds to the medical treatment she is receiving or the medications she is taking.

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 Mr. Peter Macri and seconded by Ms. Patricia Graffin, the Board returned to Open Session. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Confenti is to be asked to voluntarily surrender her license until she is able to appear for hearing and if she refuses, Deputy Attorney General Rhonda Pope Stephens is to initiate the paperwork necessary to temporarily suspend her license pending her appearance for hearing. The motion passed unanimously.

BUSINESS AGENDA

1. Correspondence received from Ms. Amelia B. Medina in connection with her application for initial (change of ownership) manicuring shop licensure of Nail Safari, 1015 N. Main Road, Vineland, New Jersey 08360 was presented to the Board for consideration. The shop contains 282 square feet of space, 68 square feet short of the minimum required by N.J.A.C. 13:28-2.6 and there is not a basin in the work area; but she indicated that a barber shop operated at this location for 27 years, that it is impossible for her to expand and that she used the pipes for the shampoo basin to provide a water supply for her pedicuring station but that she intends to operate this business by herself with no other employees and that the owner is willing to make an additional 80 square feet of space available to her in another part of the building; and she asked that the Board waive it's minimum licensing requirements and issue the desired license.

Mr. Peter Macri indicated that she did not purchase an existing business.

Mr. Richard G. Griswold stated that Mr. Macri is right but that she leased a premise that had a barber shop operating in it when she leased it.

Mr. Peter Macri noted that she leased a premise that was a barber shop and now wants to make it a manicuring shop.

Mr. Richard G. Griswold suggested that regardless of the Board's decision on the space, she should be required to have a sink with hot and cold running water in the work area.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patrician Graffin, Ms. Confenti is to be informed that the Board is willing to waive the minimum square footage requirement but not the requirement for the basin with hot & cold running water. The motion passed unanimously.

2. All available investigative materials in connection with Kenneth Mitchell, t/a Off Da Hook Barber Shop was presented to the Board for consideration. The Board originally reviewed this matter at the regular monthly meeting held August 11, 1997 and directed that it be referred to the Division of Law for the filing of a complaint with the Essex County Superior Court; but the Division of Law never acted on this matter; and since the barber shop is no longer operating and Mr. Kenneth Mitchell is not licensed and cannot be located, the Board was asked to determine whether the case should be closed without further action.

Upon motion made by Mr. Peter Macri and seconded by Mr. Carlo Melini, this case is to be closed without further action. The motion passed unanimously.

3. A memorandum received from Deputy Attorney General Paul R. Kenny with accompanying information he received from the Office of Insurance Fraud Prosecutor in connection with Elaine Nalbhone, the holder of beautician license #WA05777 was presented to the Board for consideration. He indicated that Ms. Nalbhone apparently failed to disclose certain violations when she applied for automobile insurance and recommended that the Board consult with it's counseling deputy as to whether it would be appropriate to act on this matter pursuant to N.J.S.A. 45:1-21(k).

Mr. Peter Macri stated that he does not see any violations of the cosmetology & hairstyling laws and regulations and that her violation of civil law does not affect her practice.

Mrs. Frances Gray indicated that she does not think this has anything to do with the Board.

Mr. Richard G. Griswold noted that the Board has reviewed several other cases involving Insurance Fraud.

Mr. Joseph Santagata advised that this was a civil penalty and that there were no criminal charges.

Deputy Attorney General Rhonda Pope Stephens stated that she will leave it up to the Board, that she does not think the Board should go forward on this, but that it is up to the Board to make the decision. She advised that Ms. Nalbhone is clearly in violation of 45:1-2(k) but that she does not know whether there is basis for suspension and suggested admonishing her as a possible alternative.

Mr. Richard G. Griswold stated that he has a standard letter of admonishment if the Board wants to use it.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Ms. Nalbone is to be sent a letter of admonishment. The motion passed unanimously.

4. Correspondence received from Ms. Susan Sieber, 1861 Raritan Road, Scotch Plains, New Jersey 07076 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 & 35 at Mixed Company, Millburn, New Jersey on October 31, 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. Carlo Melini, the Board returned to Open Session. The motion passed unanimously.

Upon motion made by Ms. Patricia Graffin and seconded by Mr. Peter Macri, Ms. Susan Sieber is guilty as charged but the penalty reduced to \$125.00 due to mitigating factors. The motion passed unanimously.

5. Correspondence received from Mr. Michael Goldin, President, Mystique Hair & Skin, 3535 Route 1, South, Suite 167, Princeton, New Jersey 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 March 17, 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.

6. Correspondence received from Ms. Huong Thu Dao, 149 East Golf Avenue, South Plainfield, New Jersey 07080 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) at OPI Nails, Dayton, New Jersey on June 3, 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 Carlo Melini and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

7. Correspondence received from Mr. Peter Scalici, President, Mixed Company, 324 Millburn Avenue, Millburn, New Jersey 07741 in connection with the penalty assessed against him in the amount of \$250.00 for the alleged violation resulting out of inspection of his shop on October 31, 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. Peter Macri, the fine stands. The motion passed unanimously.

8. Correspondence received from Mr. Kwang Sook Lee, t/a Nail Deco, 68 West Pleasant Avenue, Maywood, New Jersey 07607 in connection with the penalties assessed against him in the amount of \$550.00 for the alleged violations resulting out of an inspection of his shop on July 28, 1999 was presented to the Board for consideration. He paid the penalty (\$300.00) assessed against him for operating with Young Hee Ju practicing cosmetology & hairstyling without a valid license and indicated that he would like to waive his right to a hearing on the other 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 Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

9. Correspondence received from Ms. Sun Yong Yu, 111 Chestnut Street, Apt. #D3, Rutherford, New Jersey 07070 in connection with the penalty assessed against her in the amount of \$500.00 for her alleged violation of N.J.S.A. 45:5B-12(g) at Catherine's Gold-N-Beautiful Tanning Salon & Spa, Rutherford, New Jersey on November 27, 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 Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

10. Correspondence received from Ms. Alice Masallo, 851 Main Street, Hackensack, New Jersey 07607 in connection with the penalties assessed against her in the amount of \$550.00 for the alleged violations resulting out of an inspection of Perfect Look, 851 Main Street, Hackensack, New Jersey on September 2, 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 Mrs. Frances Gray and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

11. Correspondence received from Ms. Kimberly Liotti and Mrs. Sallyann Prato, t/a Origi-Nails, 146 Chestnut Street, Nutley, New Jersey 07110 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 December 13, 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 Mrs. Frances Gray and seconded by Mr. Carlo Melini, the fine stands. The motion passed unanimously.

12. Correspondence received from Ms. Manjia Chen, 40 Crescent Road, Livingston, New Jersey 07039 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 Pro Haircutters of Parsippany, Parsippany, New Jersey on September 9, 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 Mrs. Frances Gray, the fine stands. The motion passed unanimously.

13. Correspondence received from Ms. Darcy Sluis-Blubaugh, t/a New Hairizons, 1901 Highway 35, Point Pleasant Beach, New Jersey 08742 in connection with the penalty assessed against her and Ms. Betty Ann Ray in the amount of \$100.00 for the alleged violation resulting out of an inspection of their shop on January 22, 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 Mr. Peter Macri and seconded by Ms. Lynne Rasiewicz, the fine stands. The motion passed unanimously.

14. Correspondence received from Ms. Catherine McNamara, t/a Catherine's Gold-N-Beautiful Tanning Salon & Spa, 32 Park Avenue, Rutherford, New Jersey 07070 in connection with the penalties assessed against her in the amount of \$500.00 for the alleged violations resulting out of an inspection of her shop on November 27, 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 Ms. Lynne Rasiewicz and seconded by Mr. Joseph Santagata, the fine stands. The motion passed unanimously.

15. Ms. Haydee Catania, 32 Irving Street, Jersey City, New Jersey 07307 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 Michelle's Hair Styling, Jersey City, New Jersey 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 Mr. Joseph Santagata and seconded by Mr. Carlo Melini, the fine stands. The motion passed unanimously.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Frances Gray reported that the Examination & Sites and School Committees met on February 4th, that Jay, Richard, Barbara, Rose and she were in attendance and that they discussed the letter submitted by Raymond Tests on behalf of the School Association. She advised that they are still getting statistics together, will meet again and then meet with Mr. Testa before making a recommendation to the Board. She indicated that they also discussed scheduling an Examination Advisory Committee meeting prior to doing the new Examiner training session.

Mrs. Barbara Ambroise stated that she sent a letter to Middlesex County Vo-Tech and is still trying to get everything together and reserve a date with the school.

Mrs. Rose Policastro suggested scheduling the Advisory Committee meeting on the same day as the next Examination & Sites and School Committee meeting and everyone agreed.

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.

School & Department of Education Liaison:

See Examination & Sites Committee.

Legislation:

Mr. Peter Macri reported that he has shared information he has on a barber license examination with Rose and Fran for their review and that they are trying to be prepared in the event that legislation is introduced to bring back the barber license.

Mrs. Rose Policastro stated that she got in touch with Milady and obtained all of their information for barbers.

Mr. Peter Macri indicated that we are talking about barbering as it was and that if they are going to do bleaching, coloring, etc., they will have to apply for a cosmetology & hairstyling license.

Mr. Richard G. Griswold advised that if Mr. Macri is looking at legislation on the way barbering was, that will mean no bleaching, permanents, make up application, manicuring, etc. and will entail amending many sections of the law.

Mrs. Frances Gray expressed concern that this project will require a tremendous amount of work and recommended that the Committee wait until there is some indication that legislation is going to be proposed.

Mrs. Rose Policastro stated that if the Board wants to get a Committee together to discuss the barbering exam, we need people who are willing to do a lot of research.

Public Relations:

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

New Business:

Mrs. Rose Policastro indicated that the IBS is next month on the 10th & 11th.

Mrs. Barbara Ambroise stated that she spoke to Howard McGerry yesterday and that a determination has not been made as yet on the special tests since the Department of Education did not allocate money for them and he has been unable to find out how much money is still on account with Experior. She also advised that she gave him Susan Newton's e-mail address and that he is going to contact her.

Mrs. Frances Gray suggested that the Board get extra exam dates for the summer months so that we are prepared in the event there are no special tests.

Mr. Peter Macri suggested looking into a portable air conditioner.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the meeting was adjourned at 3:05 p.m.. The motion passed unanimously.

ROSE POLICASTRO, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director



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Posted March 2003