



New Jersey Division of Consumer Affairs



Regular Monthly Meeting Board of Cosmetology and Hairstyling

**124 Halsey Street - 6th Floor
Newark, New Jersey 07102
April 8, 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. Lynn 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 and 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 Ms. Patricia Graffin, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held March 11, 2003 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Ms. Patara N. Dairsow Hickman, 6200 Old Harding Highway, Apt. L3, Mays Landing, New Jersey 08330 was scheduled to appear in connection with the Complaint the Board filed against her on November 20, 2002 alleging that she engaged in the acts of fraud, deception or misrepresentation and dishonesty or false pretense in that she submitted a falsified General Equivalency Diploma with her application for admission to the cosmetologist-hairstylist examination.

Mrs. Rose Policastro stated that it is 10:50 a.m.; that Ms. Hickman is not present and

that she did not request an adjournment.

Deputy Attorney General Mary Kate Simmons gave her opening statement.

Mr. Richard G. Griswold was sworn-in and offered his testimony.

Deputy Attorney General Mary Kate Simmons moved for a default hearing.

The Board agreed to proceed.

Mr. Richard G. Griswold continued his testimony.

Deputy Attorney General Mary Kate Simmons gave his closing statement.

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.

See Court Reporter Transcripts for exact testimony.

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 Mr. Peter Macri and seconded by Mr. Joseph Santagata, Ms. Patara N. Dairsow Hickman is guilty as charged; and a Final Decision and Order which provides for revocation of her license and her payment of a penalty in the amount of \$2,500.00 plus investigative and legal costs is to be issued. The motion passed unanimously.

11:00 A.M. Mr. Jeffrey N. Kale, Esquire and his client, Mr. Wilson Lu, owner of A & B Nails, 117 Pavillion Avenue, Riverside, New Jersey 08075 were scheduled to appear in connection with the Complaint the Board filed against Mr. Lu on January 9, 2000 alleging that he employed the use of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in that he attempted to bribe Enforcement Bureau investigators and by doing so, engaged in professional or occupational misconduct.

Mr. Richard G. Griswold indicated that the hearing has been adjourned in order that the Board might consider a settlement offer made by Mr. Kale. He advised that the offer is payment of a \$500.00 penalty plus voluntary surrender of the shop license and that he felt the Board might want a little more in the way of money to offset legal and investigative costs and some language in the order that will preclude him from turning the business over to a relative or applying for a license for a new business individually, as a partner or as an officer of a corporation.

Mrs. Rose Policastro stated that surrender of the license is key and that a \$750.00 penalty sounds good to her.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the Board is willing to settle by way of a Consent Order which provides for the surrender of the shop license for AB Nails and payment of a \$750.00 penalty and contains language which will preclude Mr. Lu from applying for a license for any business in which he has an interest for atleast 5 years. The motion passed unanimously.

11:30 A.M. Mr. Herman L. Alarcon, Esquire and his client, Mr. Ernesto Roncal, t/a Puerto Rico Barber Shop were scheduled peremptorily to appear in connection with the alleged violations resulting out of an inspection of his shop on October 8, 2002. He allegedly aided, abetted or permitted Francisco Concepcion to post two cosmetologist-hairstylist licenses not issued by the Board of Cosmetology & Hairstyling to practice illegally and was observed operating without an experienced practicing licensee present and in an unsanitary manner; and penalties in the amount of \$5500.00 were assessed.

Mr. Richard G. Griswold indicated that he and DAG Kathy Stroh Mendoza have tentatively settled the matter subject to Board approval and that the hearing has been adjourned in order that the Board might consider the tentative settlement. He advised that the settlement provides for payment of a penalty of \$4,000.00 and a promise to cease and desist and that the penalty is to be satisfied by way of a \$2,000.00 payment with the order and four (4) monthly payments in the amount of \$500.00 each.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the tentative settlement made in this matter is approved. The motion passed unanimously.

BUSINESS AGENDA

1. A request received from Ms. Stacey Daniel, 53 Cathedral Avenue, Florham Park, New Jersey 07932 in connection with the difficulty she has encountered in successfully completing the written portion of the skin care speciality examination was presented to the Board for consideration. She has taken the written examination 3 times with reader assistance but has failed and is now requesting what she considers to be additional reasonable accommodations under the Americans with Disabilities Act.

Mr. Richard G. Griswold advised that Ms. Stacey Daniel is Perceptually Impaired, that the accommodations already made for her are the same as those made for her in high school and that he believes her additional demands go well beyond reason.

Deputy Attorney General Rhonda Pope Stephens indicated that the Board has to determine what her disability is.

Mr. Jay Malanga indicated that she is asking for things that the Board may not have control over in terms of the testing company.

Mr. Peter Macri stated that if she cannot pass a test with the accommodations already made for her, there may be some safety issues with the public.

Deputy Attorney General Rhonda Pope Stephens advised that she needs a little more time to review this matter further.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, this item is tabled so that Deputy Attorney General Rhonda Pope Stephens can look at the matter a little closer. The motion passed unanimously.

2. A memorandum received from Kathy Stroh Mendoza, DAG, Division of Law in connection with Kathleen M. Spezial was presented to the Board for consideration. On November 12, 2002, the Board rendered a Final Decision and Order on Default in this matter; but Deputy Attorney General Mendoza indicated that there are problems with the proofs in this case and asked that the Board revisit the disposition to determine the

appropriate outcome.

Deputy Attorney General Rhonda Pope Stephens stated that Ms. Spezial failed to appear at the hearing, that Investigator Luis Inoa testified that he observed that the license of Ms. Spezial had expired but also testified that he could not recall if she was performing services and that after the hearing, she saw that there were some problems and after reviewing the transcript that there were even more problems; and she advised that she had not discussed the matter with the prosecuting attorney but after the prosecuting attorney reviewed the transcript, she came to the same conclusion.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Frances Gray, after reconsideration, the Board finds that the State failed to prove that respondent practiced cosmetology & hairstyling without a valid license and the penalties and costs assessed in this matter are rescinded. The motion passed unanimously.

3. A request received from Ms. Carrol Liscinsky, Educational Supervisor, Christine Valmy International School of Esthetics and Cosmetology, 285 Change Bridge Road, Pine Brook, New Jersey 07058 in connection with her desire to start new students in September 2003 on September 8th rather than September 2nd as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Carrol Liscinsky's request is approved. The motion passed unanimously.

4. A request received from Ms. Molly Kirkpatrick, 22 East Oak Avenue, Moorestown, New Jersey 08057 was presented to the Board for consideration. She indicated that the Moorestown Home & School Association is conducting a fund raising event on May 3, 2002; and she asked that the Board authorize two (2) licensed practitioners, sponsored by Mane Expressions, 33 East Main Street, Moorestown, New Jersey to offer hair braiding services at this event with all proceeds going to the Home & School Association.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Carlo Melini, Ms. Molly Kirkpatrick's request is approved. The motion passed unanimously.

5. Information received from Ms. Victoria M. Taylor, PO Box 395, East Orange, New Jersey 07018 in connection with her conviction of Arson & the Consent Agreement she entered into with the Office of Insurance Fraud Prosecutor was presented to the Board for consideration. She appeared before the Board on September 10, 2002 for an investigative inquiry hearing; but the Board withheld decision pending her submission of a copy of her parole/probation agreement, a letter from her parole/probation officer certifying that she is in compliance with all of the terms and conditions of her parole/probation and specifying her anticipated date of release from supervision, a letter from Mr. David Brantly, Esquire verifying that he is presently representing her and is taking steps to reopen her case and a copy of the report of the psychological evaluation she was required to undergo by the court.

Mr. Richard G. Griswold recommended that Ms. Taylor be scheduled to appear at another hearing in-as-much as she was less than forthcoming at the first hearing and seems to have made representations that are untrue.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Ms.

Victoria Taylor is to be scheduled to appear at an investigative inquiry hearing The motion passed unanimously.

6. Correspondence received from Ms. Hong T. Nguyen, 32 Westwood Circle, Edison, New Jersey 08820 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 Regal Nails, North Brunswick, New Jersey on January 31, 2003 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.

7. Correspondence received from Mr. Richard Haupt, PO Box 697, Chatham, New Jersey 07928 in connection with the penalty assessed against him in the amount of \$250.00 for the alleged violation resulting out of an inspection of Hair Together, Chatham, New Jersey on January 22, 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 Mr. Carlo Melini and seconded by Mr. Patricia Graffin, the Board finds Mr. Haupt guilty as charged; but the penalty is rescinded due to mitigating factors. The motion passed unanimously.

8. Correspondence received from Mr. Leonard Garret, President, The Inner Salon at Things of Beauty, 19 West Mt. Pleasant Avenue, Livingston, New Jersey 07039 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 October 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 Ms. Patricia Graffin and seconded by Mrs. Frances Gray, the fine stands. The motion passed unanimously.

9. Correspondence received from Ms. Jill E. Earl, t/a Polished End's, 12 Old Brookside Road, Randolph, New Jersey 07869 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 21, 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 fines stand. The motion passed unanimously.

10. Correspondence received from Mr. Edward Cohen, t/a Tapestry Hair Cutters, 24 Route 94, PO Box 161, Vernon, New Jersey 07462 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 June 11, 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 Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

11. Correspondence received from Mr. John Ha, 200 Crown Court, Unit 413, Edgewater, New Jersey 07020 on behalf of Ms. Young Suk Whang in connection with the outstanding penalties assessed against her in the amount of \$1600.00 for the alleged violations resulting out of an inspection of Midland Park Nail Salon, 62 Godwin Avenue, Midland Park, New Jersey on October 22, 1999 was presented to the Board for consideration. He 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 Ms. Patricia Graffin, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Young Suk Whang is guilty as charged and the fines stand. The motion passed unanimously.

12. Correspondence received from Mr. Rosario Ditta, Jr. President, Hair Core, 113 Route 46 West, Wayne, New Jersey 07470 in connection with the penalties assessed against him in the amount of \$5000.00 for the alleged violations resulting out of inspections of his shop on August 29, 2000 and January 10, 2003 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 it's final decision.

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

13. Correspondence received from Ms. Teresa Nemec, 5 Tree Top Terrace, Morristown, New Jersey 07960 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 Hair Cutters, Morris Plains, New Jersey on June 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 Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

14. Correspondence received from Mr. Pedro Santiago, 6711 Old Egg Harbor Road, Egg Harbor Township, New Jersey 08234 in connection with the penalty assessed against him in the amount of \$1200.00 for the alleged violation resulting out of an inspection of Rafael's, Atlantic City, New Jersey on February 9, 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 Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

15. Correspondence received from Mr. Kai Pang Yuen, t/a Starline Nail Beauty Salon, 791 Bergen Avenue, Jersey City, New Jersey 07306 in connection with the penalty assessed against him in the amount of \$200.00 for the alleged violation resulting out of an inspection of his shop on June 17, 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 Ms. Patricia Graffin and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Frances Gray reported that the committee will be having a brief meeting after this one; and she reminded the members that the examiners training seminar is scheduled for Monday, April 14, 2003 at Middlesex County Vocational & Technical High School in East Brunswick from 6 to 10 p.m. and encouraged everyone to attend. She indicated that they will be conducting a certification program for potential examiners.

Mrs. Frances Gray advised that they will be looking at 4 areas.

Education & New Studies:

Mrs. Rose Policastro reported that the committee will be meeting briefly after this one.

Violation:

Mr. Jay Malanga reported that all committee work is up to date.

Mr. Richard G. Griswold indicated that he and Jay are scheduled to meet with Deputy Director Miragliotta, Enforcement Bureau Chief Edward Tumminello and Assistant Attorney General Sharon Joyce to discuss the ever increasing problem of unlicensed people using fake licenses. He advised that prosecutions against the shop owners seem to be going very well but that the Board does not have jurisdiction over the unlicensed people and that with few exceptions, the Division of Criminal Justice as well as local and county prosecutors are refusing to investigate and charge the people making and using the licenses and that he is hopeful they can come up with a uniform system where-by these people are charged criminally for falsifying government documents.

Mr. Peter Macri stated that at some point, we should suspend the shop licenses of the shops employing people with fake licenses.

Mr. Richard G. Griswold agreed but stated that substantial penalties are being assessed and paid and that in all fairness, the fake licenses are getting better and better and more difficult for shop owners to detect.

Mr. Joseph Santagata suggested that these matters should probably be referred to the county prosecutors offices.

Mr. Griswold indicated that the Enforcement Bureau has been contacting local and county enforcement agencies but that they are usually unwilling to prosecute.

School & Department of Education Liaison:

Mrs. Barbara Ambroise stated that she has finally received the pass-fail reports for the fourth quarter of 2002 and is working on the statistics the committee asked for in connection with Mr. Raymond Testa's letter.

Mrs. Rose Policastro questioned when the committee would like to meet with Mr. Testa; and Mr. Richard G. Griswold suggested after the special tests, possibly at the June or July meeting.

Legislation:

Mr. Peter Macri reported that all committee work is up to date and that he understands the the Barber Association agrees with the Board's opposition to Assembly Bill #A-3330 and has informed the Division Office and the sponsor of it's opposition.

Public Relations:

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

New Business:

Ms. Patricia Graffin expressed concern with the SARS virus. She indicated that they are in contact with a large number of Asian people at the exam sites and that there is no way of knowing whether they have traveled or been in contact with others who have traveled recently; and she suggested that possibly masks should be supplied for personnel at the exams.

Mr. Richard G. Griswold questioned whether there have been any reported cases in New Jersey.

Ms. Patricia Graffin stated that there have been over a hundred cases reported in the United States.

Mr. Peter Macri indicated that he has heard reports that the mask has not stopped the virus.

Ms. Patricia Graffin advised that she does not know how successful they are but that she intends to use one.

Mrs. Rose Policastro stated that she would like to see all Board Members participate in the special tests.

Mrs. Barbara Ambroise indicated that she has a preliminary count of 1020 candidates and that she will have a final count on April 10th..

Mrs. Frances Gray advised that she will be there both days.

Mrs. Rose Policastro stated that she will also be there both days.

Mr. Joseph Santagata indicated he will try to make it both days.

Mr. Peter Macri stated that he will be there on Tuesday; and he asked Mrs. Barbara Ambroise to send him directions to the test site.

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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