

Regular Monthly Meeting
New Jersey State Board of Cosmetology and Hairstyling
124 Halsey Street - 6th Floor
Newark, New Jersey 07102

Minutes of April 9, 2002

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. Dennis Gullo, Ms. Sylvia M. Kaplan, Mr. Peter Macri, Mr. Carlo Melini, Mrs. Rose Policastro, Ms. Lynne Rasiewicz, Mr. Joseph Santagata, Mr. Richard G. Griswold, Executive Director, Mr. Jay A Malanga, Assistant Executive Director, Mrs. Barbara Ambroise, Program Development Assistant and Mrs. Marie Maiorano, Office Supervisor were present. Ms. Lisa Camooso and Mr. Joseph Stead were absent.

Mr. Dennis Gullo announced that the time, date and location of the meeting was listed in the Annual Notice Schedule. The Annual Notice Schedule was mailed to Mr. Deforest B. Soaries, Secretary of State, the Newark Star-Ledger and Trentonian Newspapers on December 12, 2001 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 12, 2001.

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 March 12, 2002 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Mr. Maurice O. Page, 428 South Broad Street, B-8, Elizabeth, New Jersey 07202 appeared for an investigative inquiry hearing in connection with his conviction and incarceration for Carjacking and his desire to obtain a student permit, complete a term of training at Joy's School of Hair Design and eventually become licensed.

Deputy Attorney General Rhonda Pope Stephens gave her opening statement and asked that Mr. Maurice O. Page be sworn-in.

Mr. Maurice O. Page offered his testimony and answered questions of Deputy Attorney General Rhonda Pope Stephens and the Board.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Rose Policastro, 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 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 Mrs. Rose Policastro, Mr. Page is to be admitted to examination subject to his compliance with all of the terms and conditions of his parole, his submission of

quarterly reports from his parole office until he is released from supervision and his submission of the name and address of his employer and immediate written notification of any change of employment or residential address. Also, he is to be informed that if he has any future contact with the criminal justice system, the Board will initiate appropriate disciplinary action against him. The motion passed unanimously.

BUSINESS AGENDA

1. A request received from Ms. A. Romano, Natural Motion Institute of Hair Design, Inc. on behalf of Henry Tiru in connection with his conviction of Possession of CDS and his desire to complete a term of training at Natural Motion Institute of Hair Design, Inc. and eventually become licensed was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Mr. Tiru's eligibility for licensure.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Mr. Tiru is to be informed that the Board has withheld decision pending his appearance at an investigative inquiry hearing. The motion passed unanimously.

2. Correspondence received from Ms. Elsa Wajda, School Director, New Horizons Beauty School, 5518 Bergenline Avenue, West New York, New Jersey 07093 in connection with her desire to modify her approved class schedule to add two schedules for manicuring was presented to the Board for consideration. Board approval is required by N.J.A.C. 13:28-6.13(a).

Mrs. Rose Policastro indicated that this could affect her curriculum if she changes the hours.

Mr. Richard G. Griswold stated that she is not changing hours but just adding two part time schedules.

Upon motion made by Mrs. Rose Policastro and seconded by Mrs. Frances Gray, Ms. Elsa Wajda is to be informed that her modified class schedule is approved. The motion passed unanimously.

3. 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 11, 2002; and she has asked that the Board authorize two (2) licensed practitioners, sponsored by Mane Expressions, 22 East Oak Avenue, Moorestown, New Jersey to offer hair braiding services at this event.

Mr. Richard G. Griswold informed the Board that it has approved similar requests from this organization once a year, dating back to April 1998.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Ms. Molly Kirkpatrick's request is approved as long as they follow the same guidelines as before. The motion passed unanimously.

4. A memorandum received from Ms. Tisha Adams, Legislative Liaison, Division of Consumer Affairs with accompanying copies of Assembly Bill #1970, sponsored by Assemblyman Paul DeGaetano and Senate Bill #1224, sponsored by Senators John A. Girgenti and Richard H. Bagger was presented to the Board for consideration. If enacted, they will provide for fingerprinting of certain applicants or employees and exchange of criminal records; and she asked that the Board furnish it's comments on these proposals.

Deputy Attorney General Rhonda Pope Stephens stated the Board of Nursing requires all home-health aides to be fingerprinted and that it is a very difficult procedure to administer.

Mr. Richard G. Griswold noted that these proposals don't seem to require all applicants to be fingerprinted but do give the Boards, the Director and the Attorney General the authority to require fingerprinting when

warranted.

Deputy Attorney General Rhonda Pope Stephens advised that she thinks everyone will have to go for a criminal background check at some point.

Ms. Sylvia Kaplan stated that they are making the system easier by scanning them and that it will be much easier.

Mr. Richard G. Griswold indicated that the Board can say it is not opposed to these proposals as written but would be opposed to the Attorney General or the Director using them to make fingerprinting mandatory for all applicants.

Ms. Sylvia Kaplan pointed out that it states "shall" so she thinks it will be only for the Boards necessary.

Upon motion made by Mr. Carlo Melini and seconded by Ms. Patricia Graffin, the Board supports the proposal but does not feel that every cosmetology & hairstyling applicant should be routinely fingerprinted. The motion passed unanimously.

5. A memorandum received from Mr. Anthony Miragliotta, Deputy Director, Division of Consumer Affairs with accompanying copy of recent revisions to the Uniform Enforcement Act was presented to the Board for consideration. He asked that the Board keep these new provisions in mind while conducting investigative inquiries and deciding cases.

Ms. Sylvia Kaplan questioned in what instances the Board would request someone to have a skills assessment test and whether this procedure would come into play with applicants from another country.

Mrs. Rose Policastro stated that skills assessments would definitely be appropriate for persons coming from other states or countries.

Mr. Richard G. Griswold indicated that he believes a skills assessment test would be utilized in instances where complaints are lodged against licensees and there is questions about their competence.

The Board acknowledged this item and directed that it be filed.

6. Correspondence received from Mr. Kevin Perneta, Accreditation and Compliance Coordinator, Empire Education Group, Route 61 North, PO Box 600, Pottsville, PA 17901 with accompanying disclosure statement they propose to use in conjunction with their 600 hour cosmetology and hairstyling teacher curriculum was presented to the Board for consideration. The Board previously considered this matter at the regular monthly meeting held February 11, 2001 and approved Mr. Perneta's request to offer the 600 hour course provided they have each student sign a disclosure statement acknowledging their understanding that only 500 hours of training is required by statute (N.J.S.A. 45:5B-23).

Upon motion made by Mrs. Frances Gray and seconded by Ms. Sylvia Kaplan, the Empire Education Group disclosure statement is approved. The motion passed unanimously.

7. Correspondence received from Mr. Eduardo D. Thompson, 147 Pearl Street, 2nd Floor, Trenton, New Jersey in connection with his application for initial (change of ownership) licensure of Darryl's Barber Shop, 1687 Pennington Road, Ewing, New Jersey was presented to the Board for consideration. The shop contains 344 square feet of floor space, 6 square feet short of the minimum required by N.J.A.C. 13:28-2.5; but he indicated that a shop has been operated at this location for over 50 years and that it is impossible for him to enlarge; and he asked that the Board waive it's minimum square footage requirement and issue the desired license.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Mr. Eduardo D. Thompson's request is approved for a maximum of two (2) persons offering services at any time. The motion passed unanimously.

8. A memorandum received from Deputy Attorney General Adrianna E. Baudry in connection with Melissa Zarharchuck and the penalty assessed against her in the amount of \$300.00 for her alleged violation of N.J.S.A. 45:5B-7 on August 22, 2001 was presented to the Board for consideration. At the regular monthly meeting held February 11, 2002, the Board considered a request submitted by Ms. Zarharchuck's counsel that the penalty be withdrawn in light of the fact that she was 13 years old at the time of violation and directed Mr. Griswold to inform Deputy Attorney General Baudry that it was withholding decision on the matter and was reluctant to rescind the penalty without some assurance that Ms. Zarharchuck will cease and desist; and Deputy Attorney General Baudry included with her memorandum a copy of Mr. Bruce M. Gorman's letter to Ms. Zarharchuck admonishing her to never engage in cosmetological activities again without a proper license.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the penalty is rescinded subject to Ms. Zarharchuck's future compliance with all cosmetology and hairstyling laws and regulations. The motion passed unanimously.

9. Correspondence received from Ms. Yun Cha Cho Kim in connection with her application for initial (change of ownership) manicure shop licensure of Nails By Kimberly, 291 Godwin Avenue, Midland Park, New Jersey 07432 was presented to the Board for consideration. The original report of inspection reflects that the shop contains 330 square feet of floor space and the report of a reinspection reflects that it contains 318 square feet of floor space, 32 square feet short of the minimum required by N.J.A.C. 13:28-2.5; but Mr. Alan Focarino of Senator Gerald Cardinale's office contacted the Board office to advise that a business was previously operated at this location for many years, that the report of initial inspection for that business reflects that there is 360 square feet of floor space and that no structural changes have been made; and he asked that the Board approve Ms. Kim's application and issue the desired license.

Mr. Richard G. Griswold indicated that the most recent inspection reflects that there is 318 square feet, but the original initial inspection reflects that there is 360 square feet and there is no evidence of structural changes.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Yun Cha Cho Kim's application is approved for a maximum of two person offering services at any time. The motion passed unanimously.

10. Correspondence received from Mr. Robert J. McKiernan, Area Case Director, United States Department of Education, Student Financial Assistance, 75 Park Place, New York, New York 10007 in connection with the National Association of State Administrators and Supervisors of Private Schools Annual Partnership Conference to be held in Chicago on April 28 through May 1, 2002 was presented to the Board for consideration. He indicated that "Regional Breakouts" are scheduled for late morning and early afternoon on Tuesday, April 20 and asked that Mr. Malanga or his designee attend and prepare a brief presentation on issues he believes should be brought to the attention of the partners.

Mr. Peter Macri asked how Mr. Jay Malanga feels about this.

Mr. Jay Malanga indicated that he does not think there is sufficient time to request approval from the Division, that he recently attended a meeting with this group and thought it was very good but questioned whether this would be beneficial given the logistics and time frame. He also advised that he is fairly confident but still does not know whether he will still have a job on April 20th.

Mr. Richard G. Griswold stated that he does not think he can get approval in such a short period of time.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Mr. Robert J. McKiernan is to be informed that the Board is unable to participate but thanks him for the invitation. The motion passed unanimously.

11. Correspondence received from Mr. John Hacker, Manager on behalf of Mr. Vincent Fazio, t/a Pro-Barbers, Quaker Bridge Mall, Lawrenceville, New Jersey 08648 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 July 26, 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.

12. All available information in connection with the complaint submitted by Ms. Alexis Comforti, 62 3rd Street, North Arlington, New Jersey 07031 in connection with Artistic Academy of Hair Design and the cosmetologist-hairstylist licensing examination she successfully completed on May 15, 2001 was presented to the Board for consideration. She indicated that representatives of Artistic Academy of Hair Design did not make her aware that she must apply for her license within 120 days of the date of her examination and asked that the Board license her now.

Mr. Richard G. Griswold stated that she took the exam almost a year ago and could not legally work since then and that alone is reason not to give her a license. He also advised that the policy on applying within 120 days is very clear and even if the school did not inform her of the policy, the obvious question is what has she been doing from May 2001 to January 2002.

Mr. Dennis Gullo indicated that the schools have to certify that they have all applications, documentation and fees when they bring students to the special tests; and that the school should be held responsible.

Mr. Jay Malanga indicated that several private schools are not participating in the special test this year because of the 120 day policy.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, Ms. Comforti is to undergo re-examination. The motion passed unanimously.

13. Correspondence received from Mr. Todd Israel, 509 Cooper Street, Camden, New Jersey 08102 in connection with his conviction and incarceration for Aggravated Assault (2 counts) and his desire to complete a term of training at Empire Beauty School, Cherry Hill, New Jersey and eventually become licensed was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to his eligibility for licensure.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Mr. Todd Israel is to be informed that the Board has withheld decision pending his appearance at an investigative inquiry hearing. The motion passed unanimously.

14. Correspondence received from Ms. Ngoc Pham, Vice President, Diamond Nails, 600 New Road, Somers Point, New Jersey 08244 in connection with the penalties assessed against her in the amount of \$2300.00 for the alleged violations resulting out of an inspection of her shop on October 8, 1999 was presented to the Board for consideration. She indicated that she admits to the charges of operating without an experienced practicing licensee present and with Thien Ly Heal and Hoa Vinh Lam practicing without valid licenses and remitted payment of the penalties (\$1700.00) assessed for those violations and that she would like to waive her right to a hearing on the charge of engaging in the practice of cosmetology & hairstyling without a valid

license 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.

15. Correspondence received from Ms. Natasha Nadia Exavier, 5-B Byron Drive, Wrightstown, New Jersey 08562 in connection with the penalty assessed against her in the amount of \$150.00 for her alleged violation of N.J.S.A. 45:5B-7 at Roxie's Hair & Nail Design, Willingboro, New Jersey on July 30, 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. Peter Macri, the fine stands. The motion passed unanimously.

16. Correspondence received from Ms. Catherine Wright, t/a Hot Heads, 2442 Highway Route 38, Cherry Hill, New Jersey 08002 in connection with the penalty assessed against her in the amount of \$600.00 for the alleged violation resulting out of an inspection of her shop on May 6, 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.

17. Correspondence received from Ms. Hyung Sook Kim, t/a Closter Nail, 56 Homans Avenue, Closter, New Jersey 07624 in connection with the penalty assessed against her in the amount of \$100.00 for her alleged violation of N.J.A.C. 13:28-2.12(a)2 on November 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 Mrs. Frances Gray, the fine stands. The motion passed unanimously.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Frances Gray indicated that she has asked about the tracking questions but still has not gotten an answer.

Mrs. Barbara Ambroise stated that we are supposed to meet with Mary O'Flaherty sometime this month and can discuss this with her then.

Mrs. Frances Gray suggested scheduling the meeting on one of the special test dates in Pennsauken. She also inquired as to when the new teacher exam will be implemented.

Mr. Jay Malanga advised that the new test is ready.

Mr. Richard G. Griswold stated that he is waiting for the notice of adoption for the regulation establishing the new teacher curriculum to be published. Once that is accomplished, we can notify the schools, allow a period of 6 months or so for them to implement the new curriculum and then switch to the new test.

Mrs. Rose Policastro indicated that it takes 4 to 5 months to complete the teacher's course.

Mrs. Frances Gray stated that she wants to schedule an Advisory Committee meeting during the summer and an Examiner training session in the fall.

Mrs. Rose Policastro advised that we need to get name badges for the new board members and that she needs the correct spelling of their names to do so.

Mr. Dennis Gullo stated that he lost his and needs one also.

Education & New Studies:

Mrs. Rose Policastro reported that all committee work is up to date.

Violation:

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

School & Department of Education Liaison:

Mrs. Rose Policastro reported that Empire is still missing hours, that there are still a lot of discrepancies on the New Concepts curriculum and that there are still very substantial discrepancies on the Onyx application for initial licensure.

Mr. Richard G. Griswold indicated that he will schedule Onyx to meet with the School Committee at the conclusion of the next regular monthly meeting.

Legislation:

Mr. Jay Malanga reported that the presentation made by representatives of Hair Cuttery and the correspondence submitted by the New Jersey Retailers Association on their behalf in connection with apprenticeships were not very accurate. He indicated that Virginia does not have a program, Delaware is not happy with it; and the person the association indicated would be sponsoring legislation is not interested in doing so but may be interested in bringing back the barber license.

Mr. Peter Macri stated that reinstating the barber license would be a big plus for the industry in that it would force schools to teach barber science.

Mr. Jay Malanga indicated that if you put a barbering and a cosmetology curriculum side by side, they mimic one another with the exception of manicuring and skin care.

Mr. Richard G. Griswold advised that he believes most, if not all, states with merged boards but separate licenses have barber schools and cosmetology schools but that Mr. Malanga's assessment is correct. The differences in the curricula are minimal.

Public Relations:

Mrs. Rose Policastro suggested that the Board order a plaque for Annie Anderson and invite her and Earl Brancolino to come in for a luncheon with the Board. She indicated that the Board presented Earl with a plaque at the September 11th meeting but that the meeting was abruptly adjourned because of the World Trade Center incident.

Mr. Dennis Gullo suggested that they can be invited to come to the June meeting..

Mrs. Rose Policastro advised that the date would probably be dictated by when the plaque comes in.

Ms. Patricia Graffin stated that the Board does not have to come up with an exact date today and suggested that Mr. Griswold invite them to attend the next meeting after he receives the plaque for Annie Anderson.

Upon motion made by Mr. Peter Macri and seconded by Ms. Sylvia Kaplan, the meeting was adjourned at 3:07 p.m.. The motion passed unanimously.

DENNIS GULLO, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director



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Posted May 2002