

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
APRIL 13, 2004**

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

ROLL CALL:

Ms. Kathleen M. Alexander, Ms. Patricia Graffin, Mrs. Frances Gray, Ms. Elaine C. Haroldson, 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 and Ms. Barbara Ambrose, Program Development Assistant were present. Mr. Ronald J. Brown and Ms. Lynn Rasiewicz were absent.

Mr. Peter Macri 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 10, 2003 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 10, 2003.

ACCEPTANCE OF MINUTES:

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held March 9, 2004 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:15 A.M. Ms. Danae N. Piscione, 16 Sun Valley Road, Hamilton, New Jersey 08690 was scheduled to appear in connection with the penalty assessed against her for her alleged violation of N.J.S.A. 45:5B-7 & 35 at Expressions Hair Studio, Hamilton Square, New Jersey on November 30, 2001. She was observed engaging in the practice of cosmetology & hairstyling with an expired license and a penalty of \$100.00 was assessed.

Deputy Attorney General Alexandra Garcia informed the Board that in preparing for this hearing, she discovered that Danae Piscione had paid for her renewal and after speaking to her, she faxed her a copy of the cancelled check. She further advised that upon contacting the Board office, she found that a restoration fee had been put into the system but that it appears it was actually a duplicate license fee and that she did have a valid license on the date of the inspection, although the license was not posted.

Mr. Richard G. Griswold indicated that he believes the charges should be withdrawn but that he would like Ms. Piscione to submit copies of both sides of the check she submitted when she got the duplicate license.

Upon motion made by Ms. Elaine Contessa Haroldson and seconded by Ms. Rose Policastro, the charges against Danae Piscione and Patricia A. Hammer are withdrawn and the penalties are rescinded since there are insufficient proofs to proceed. The motion passed unanimously.

10:30 A.M. Ms. Patricia A. Hammer, President, t/a Expressions Hair Studio, 1905 Route 33, Hamilton Square, New Jersey 08690 was scheduled to appear in connection with the alleged violation resulting out of an inspection of her shop on November 30, 2001. She was observed operating with Danae N. Piscione engaging in the practice of cosmetology & hairstyling with an expired license and a penalty of \$250.00 was assessed.

See 10:15 A.M. hearing.

10:45 A.M. Ms. Diane Hughes, 26 Megill Road, Farmingdale, New Jersey 07727 appeared for an investigative inquiry hearing in connection with her conviction of Theft By Deception and the Consent Order she entered into with the Office of Insurance Fraud Prosecutor. Ms. Hughes is the holder of beautician license #WA032575 and was scheduled to appear in order that a determination might be made with respect to possible disciplinary action.

Mr. Peter Macri greeted Ms. Diane Hughes and explained why she was scheduled to appear.

Deputy Attorney General Rhonda Pope Stephens gave her opening statement and asked that Ms. Diane Hughes be sworn in.

Ms. Diane Hughes offered her testimony and answered questions of Deputy Attorney General Rhonda Pope Stephens and the Board.

Mr. Walter Hughes was sworn-in and offered his testimony.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, 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 Ms. Patricia Graffin and seconded by Ms. Elaine C. Haroldson, 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, at this time, the Board will not take licensing action against Ms. Hughes pending her submission of a copy of her PIT Agreement, a copy of her payment schedule and a letter from the person supervising her in PTI explaining how she is completing the 75 hours of community service ordered by the court . The motion passed unanimously.

11:00 A.M. Ms. Louise Ezzo, 111 A Merriam Avenue, Newton, New Jersey 07860 appeared for an investigative inquiry hearing in connection with her conviction of Theft By Deception and her desire to reinstate cosmetologist-hairstylist license #WG23969.

Mr. Peter Macri greeted Ms. Louise Ezzo and explained why she was scheduled to appear.

Deputy Attorney General Rhonda Pope Stephens gave her opening statement and asked that Ms. Ezzo be sworn in.

Ms. Louise Ezzo offered her testimony and answered questions of Deputy Attorney General Rhonda Pope Stephens and the Board.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Carlo Melini, 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 Mrs. Rose Policastro, 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 Ms. Elaine Haroldson, Ms. Ezzo is to be allowed to restore her license provided she submits quarterly reports from her probation officer, a copy of her discharge certificate when she is released from supervision, the name and address of her employer and immediate written notification of any change of employment or residential address and she complies with all of the terms and conditions of her probation and does not have any further contact with the criminal

justice system. The motion passed unanimously.

11:15 A.M. Mr. Ernest L. Davis, 44 Edgemere Avenue, Trenton, New Jersey 08618 appeared for an investigative inquiry hearing in connection with his conviction of Theft By Deception and the Consent Order he entered into with the Office of Insurance Fraud Prosecutor. Mr. Davis is the holder of cosmetologist-hairstylist license #WG37874 and was scheduled to appear in order that a determination might be made with respect to possible disciplinary action.

Mr. Peter Macri greeted Mr. Ernest L. Davis and explained why he was scheduled to appear.

Deputy Attorney General Rhonda Pope Stephens gave her opening statement and asked that Mr. Ernest L. Davis be sworn in.

Mr. Ernest Davis offered his testimony and answered questions of Deputy Attorney General Rhonda Pope Stephens and the Board.

Upon motion made by Mrs. Rose Policastro and seconded by Ms. Kathleen Alexander, 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 Mrs. Rose Policastro, the Board returned to Open Session to announce it's decision.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, the Board withholds decision pending Mr. Davis' submission of certified copies of indictment, judgement of conviction or plea agreement and probation agreement relative to the other offense he was convicted of and a letter from his probation officer. The motion passed unanimously.

BUSINESS AGENDA

1. Correspondence received from Ms. Constance M. Lee in connection with her application for initial (change of ownership) shop licensure of Telesco's Barber Shop, 95 Main Street, Peapack, New Jersey was presented to the Board for consideration. The shop contains 271 square feet of floor space, 79 square feet short of the minimum required by N.J.A.C. 13:28-2.5; but she indicated that a shop has been operated at this location for the past 71 years and that it is impossible for her to enlarge; and she asked that the Board waive it's minimum square footage requirement and issue the desired license.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Kathleen Alexander, Ms. Constance M. Lee's application is approved with the condition that she may never have more than one (1) practitioner offering services. The motion passed unanimously.

2. A request received from Ms. Kathi Aji, 605 South Saratoga Drive, Moorestown, New Jersey 08057 in connection with the annual Moorestown Home and School Fair to be conducted on May 8, 2004 was presented to the Board for consideration. She requested approval to have three (3) licensed practitioners perform charity hair braiding services at this event.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Ms. Aji's request is approved. The motion passed unanimously.

3. A request received from Mr. Kevin Perneta, Director of Accreditation and Compliance, Empire Education Group, 396 Pottsville/St. Clair Highway, Pottsville, PA 17901 for approval of revised class schedules for Empire Beauty Schools Inc., Cherry Hill, Laurel Springs and Lawrenceville was presented to the Board for consideration. Board approval is required by N.J.A.C. 13:28-6.13.

Mrs. Rose Policastro indicated that she spoke to them and that the old schedule was 1 hour for lunch and is now 45 minutes and that the night schedule is 15 minutes longer.

Upon motion made by Mrs. Rose Policastro and seconded by Ms. Elaine Haroldson, the Empire Beauty Schools revised class schedule is approved. The motion passed unanimously.

4. A request received from Mr. Miguel Carrero in connection with the 1,026 hours of training he completed at Parisian Academy as a December 16, 1998 and his desire to complete training and become licensed was presented to the Board for consideration. N.J.A.C. 13:28-6.21(n)3 precludes the granting of credit to students absenting themselves from school for a period of 5 years or more; but Mr. Carrero indicated that he had to discontinue training in 1998 to attend to a legal matter in Puerto Rico and that he is just over the five (5) year time limitation; and he asked that the Board allow him to retain credit of his hours so that he might complete his training.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Mr. Carrero may utilize the 1026 hours for the purpose of evaluation provided he re-registers in school and undergoes evaluation within thirty (30) days). The motion passed unanimously.

5. Correspondence received from Ms. Kristen Heniss, 329 Haines Avenue, Barrington, New Jersey 08007 in connection with her conviction of Possession of a Controlled Dangerous Substance and her desire to restore cosmetologist-hairstylist license #WG19141 was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Ms. Heniss' eligibility to restore her license.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the Board withholds decision pending Ms. Heniss' appearance for an investigative inquiry hearing. The motion passed unanimously.

6. Correspondence received from Mr. Michael MacPhail, 317 Washbarn Avenue, Washington, New Jersey 07882 in connection with his conviction of Possession of a Controlled Dangerous Substance and his desire to become licensed upon completion of training at Capri Institute, Succasunna, New Jersey was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Mr. MacPhail's eventual eligibility for admission to examination.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Elaine Haroldson, the Board withholds decision pending Mr. MacPhail's appearance for an investigative inquiry hearing. The motion passed unanimously.

7. Correspondence received from Mr. Giacomo Duva, Esquire on behalf of Thomas Kakos, in connection with his application for initial shop licensure of Salon Thanos, 214 West Front Street, Red Bank, New Jersey 07701 was presented to the Board for consideration. The shop contains 297 square feet of floor space, 53 square feet short of the minimum required by N.J.A.C. 13:28-2.5; and despite the fact that Mr. Duva has been informed that the Board will not favorably consider a waiver pursuant to N.J.A.C. 13:28-2.5(c), he insisted that the Board consider the matter and has requested a formal hearing in the event the Board will not grant a waiver.

Mr. Peter Macri noted that this is a new shop.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Mr. Duva's request for a waiver is denied and referred to the Division of Law. The motion passed unanimously.

Mr. Richard G. Griswold indicated that he will inform him that the matter will be set aside for hearing.

8. Correspondence received from Ms. Maryann Sheehan, Division of Consumer Affairs Regulatory Affairs Office with accompanying draft amendments to N.J.A.C. 13:28-2.7A, 2.9, 2.10 and 2.11 was presented to

the Board for consideration. She indicated that these changes address the issues raised by the Borgata Spa and that she will be available for the discussion when the Board considers this matter.

Ms. Maryann Sheehan addressed the Board and went through the draft with them.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Kathleen Alexander, the draft amendments are approved for publication. The motion passed unanimously.

9. Correspondence received from Ms. Stephanie Lipnicki, 44 Galloping Brook Road, Allentwon, New Jersey 08501 in connection with her desire to apply for a skin care specialty shop license and to satisfy the minimum licensing requirements set forth in N.J.A.C. 13:28-2.6(a) by utilizing a single basin-deep stainless steel portable sink rather than a permanent sink was presented to the Board for consideration.

Note: Technical information pertaining to the portable sink was included with the agenda materials for this item.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, Ms. Lipnicki's request is denied based on the regulation and the Board's concern for the health and safety of the public. The motion passed unanimously.

10. Correspondence received from Kenneth M. Sunberg, Esquire on behalf of Mr. Luigi Stellato, t/a Luigis' Hairstyling Shop, 472 Main Street, Metuchen, New Jersey 08840 in connection with the outstanding penalties assessed against him in the amount of \$450.00 for the alleged violations resulting out of an inspection of his shop on March 26, 2002 was presented to the Board for consideration. He indicated that Mr. Stellato would like to waive his right to a hearing but furnished a written explanation and asked that the penalties be waived and the charges be dismissed.

Upon motion made by Mrs. Rose Policastro and seconded by Ms. Kathleen Alexander, Mr. Luigi Stellato is guilty as charged and the fines stand.. The motion passed unanimously.

11. A memorandum received from Deputy Attorney General Adriana Baudry in connection with Un Chu Kim and the Provisional Order of Discipline issued to her on November 20, 2003 was presented to the Board for consideration. She indicated that Mr. Donald S. Kim, Esquire has requested that the Order be modified to reflect a reduction of the penalty to \$1000.00, that his client will pay the \$1000.00 with payment in one lump sum, that his client neither admits nor denies the findings of fact and that the Attorney General takes no position regarding Mr. Kim's request.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, Deputy Attorney General Adriana Baudry is authorized to settle the matter under the terms set out in her memorandum. The motion passed unanimously.

12. Information received from Ms. Laurie Goodman, Chief Investigator, Office of Consumer Protection in connection with World Wide Design, LTC., formerly located in Cherry Hill, New Jersey and the numerous complaints lodged against it by dissatisfied customers was presented to the Board for consideration. Ms. Goodman indicated that she referred this matter to the Board at the suggestion of Assistant Attorney General Sharon M. Joyce in order that the Board might determine the manner in which it would address this.

Mr. Richard G. Griswold indicated that they are not operating anywhere in New Jersey right now, so there is nothing to investigate.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Ms. Goodman is to be informed that the Board has carefully reviewed these materials and since this business is not licensed, never was licensed and is not presently operating in New Jersey, there is no cause for action but if they resume operation at some future date, an investigation can be initiated. The motion passed unanimously.

13. Correspondence received from Mr. David Blackson, PO Box 1276, Pleasantville, New Jersey 08232 in connection with his convictions of Possession of Scheduled I, II, III & IV Controlled Substances (Cocaine), Forgery-False Issue, Theft by Deception and Violation of Probation and his desire to restore cosmetologist-hairstylist license #WG014453 was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Mr. Blackson's eligibility to restore his license.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, the Board withholds decision pending Mr. Blackson's appearance for an investigative inquiry hearing. The motion passed unanimously.

AGENDA SUPPLEMENT

1. A copy of Assembly Bill 2595, sponsored by John Wisniewski was presented to the Board for consideration.

Mr. Richard G. Griswold indicated that this proposal will allow for teacher applicants to obtain a 120 day temporary permit, that the Board has discussed this issue in the past and has not been opposed to such a change and that this might be a good opportunity to also amend all sections of the Cosmetology & Hairstyling Act dealing with the educational requirements for licensure.

Upon motion made by Ms. Patricia Graffin and seconded by Mrs. Rose Policastro, the Board supports issuance of 120 day temporary permit to applicants awaiting scheduling for the teacher exam but asks that Assemblyman John S. Wisniewski also include amendments to sections 17(a), 20(b), 22(a), 22.1(a) and 23(d) as follows: ...demonstrates successful completion of high school or [it's equivalent;] the GED Test;. The motion passed unanimously.

2. Deputy Attorney General Rhonda Pope Stephens indicated that Mr. Scott Woodruff has informed her that Laura Byrne is not willing to take the HSPA test but that she has located an individual, a professor at Stockton College who is willing to serve as the Board's expert. She distributed copies of Dr. Keith Williams' curriculum vitae, advised that he is a testing expert, that he is affiliated with ETS and that there are examinations, other than the GED, he can use to evaluate Laura.

Ms. Kathleen Alexander stated that she has a feeling the Byrne's will not agree to the evaluation, that they do not want their child tested in any way, shape or form but that Dr. Williams would be a good expert. She also noted that Laura Byrne's education is limited to her mother's expertise only and that an average high school student receives instruction from about 28 different people who are experts in a particular field.

Upon motion made by Ms. Patricia Graffin and seconded by Mrs. Rose Policastro, Dr. Keith Williams is appointed as the Board's expert witness to perform an evaluation on Laura Byrne to determine whether she has completed the equivalent of high school and all costs associated with the evaluation are to be paid for by Laura Byrne. The motion passed unanimously.

Deputy Attorney General Rhonda Pope Stephens distributed copies of the Westlaw Synopsis of New Jersey v. Massa, explained that this is the key case in the Laura Byrne issue and asked that the members take a look at it so we can discuss it at the next meeting.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Frances Gray reported that the Committee had met at the Board office in March. (See attached Committee report).

Upon motion made by Mrs. Rose Policastro and seconded by Kathleen Alexander, the passing grade on the teachers exam is changed from 80% to 75%. The motion passed unanimously.

Mrs. Frances Gray suggested that a motion should be made to separate the written from the practical.

Mr. Richard G. Griswold recommended that the Board wait on that until the committee meets with the testing services and everything is pretty much in place..

Mrs. Frances Gray stated that they will be meeting next month.

Mr. Richard G. Griswold indicated that the committee is meeting with Linda and Claus after the May 11, 2004 Board Meeting for a presentation on the computer based testing.

Mrs. Frances Gray advised that she will schedule a meeting with Experior close to that date and the committee would be meeting with Experior this coming Saturday to do a cut score review with Dr. Wood.

Ms. Kathleen Alexander stated that with cut score testing you create a base line. The questions everyone misses get pulled out as well as the questions everyone gets right. She also advised that they recently learned that our state is the only state that has 20 anatomy questions, while the other states have 10.

Mr. Richard G. Griswold indicated that not too long ago, the Board met with Experior and reviewed all of the questions to insure that the concentration of questions was consistent with the curriculum (hourly breakdown) for the 1,200 hour course and that many of what are supposed to be anatomy questions must actually fall within other areas.

Ms. Kathleen Alexander questioned whether the instructors are teaching the state curriculum.

Mr. Richard G. Griswold stated that he does not think the Board's role is to make sure teachers are doing what they're supposed to but rather to insure entry level competence.

Ms. Kathleen Alexander advised that they are going through every exercise to take away anything the Board could be criticized for in connection with low passing rates.

Mrs. Frances Gray stated that the Committee is addressing the issues that the school owners have raised.

Mrs. Frances Gray indicated that the committee would like the Board to consider utilizing some shop owner's as examiners, even if they do not hold teacher licenses.

Mr. Richard G. Griswold advised that a motion is probably not needed on this and that he agrees with this recommendation but that the Board should be selective in it's choice of non-teacher examiners.

Mr. Jay Malanga stated that he also agrees with this but that schedules might be a problem. He also advised that we are going to be testing around 98 special needs students in the special tests and that he is concerned that this group and the English as second language group are going to drag the pass rates down by 10% to 15%.

Education & New Studies:

Mrs. Rose Policastro indicated that what she had to report is all part of the Examination and Sites Committee a report.

Ms. Kathleen Alexander stated that there seems to be a problem with the public schools in that county superintendents are not sending all of their students to the special tests. The special needs students are being left out; and the whole system is being looked at in order that Perkins money and other incentive monies are distributed equitably.

Violation:

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

School & Department of Education Liaison:

Ms. Kathleen Alexander reported that all committee work is up to date, that the special tests are May 17th & 18th at the Sovereign Bank Arena in Trenton and that next year, the mass tests will look completely different with computer based testing.

Mr. Richard G. Griswold indicated that it is his understanding that the special tests are to be discontinued when the Board changes it's testing procedures and gives written and practical tests on different days.

Legislation:

Mr. Peter Macri stated that he would like the committee to look at all regulations and laws pertaining to teacher requirements and student enrollment to see whether some changes can be made which will improve student performance on licensing exams.

Mr. Carlo Melini reported that all committee work is up to date.

Public Relations:

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

Upon motion made by Mr. Carlo Melini and seconded by Mr. Joseph Santagata, the meeting was adjourned at 3:30 p.m.. The motion passed unanimously.

PETER MACRI, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director