

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
MAY 10, 2005**

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

Mr. Carlo Melini 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 15, 2004 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 15, 2004.

Mr. Carlo Melini indicated that there is not a sufficient number of members present to constitute a quorum and that those present can act as a Committee but that all decisions will have to be ratified by the full Board.

The Committee recommended that the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held April 12, 2005 should be accepted as read.

INFORMAL HEARINGS

10:30 A.M. Mr. Darryl G. Scott, 637 Green Street, Atlantic City, New Jersey 08401 appeared for an investigative inquiry hearing in connection with his convictions of Simple Assault & Criminal Trespass and his application to renew cosmetologist-hairstylist license #WG20681.

Mr. Carlo Melini greeted Mr. Darryl G. Scott, explained why he had been scheduled to appear and asked that he be sworn-in.

Mr. Darryl G. Scott offered his testimony and answered questions of Deputy Attorney General Swang Oo and the Committee.

The Committee went into Executive Session for the purpose of deliberation.

See Court Reporter Transcripts for exact testimony.

The Committee returned to Open Session to announce its decision.

The Committee recommends that the Board withhold decision pending review of a copy of Mr. Scott's plea agreement and plea colloquy

10:45 A.M. Ms. Vashauna Lewis, 336 Evergreen Avenue, Oakland, New Jersey 08107 appeared for an investigative inquiry hearing in connection with her conviction of Receiving Stolen Property and her application to reinstate cosmetologist-hairstylist license #WG36428.

Mr. Carlo Melini greeted Ms. Vashauna Lewis, explained why she had been scheduled to appear and asked that she be sworn-in.

Ms. Vashauna Lewis offered her testimony and answered questions of Deputy Attorney General Swang Oo and the Committee.

The Committee went into Executive Session for the purpose of deliberation.

See Court Reporter Transcripts for exact testimony.

The Committee returned to Open Session to announce its decision.

The Committee recommends that the Board allow Ms. Vashauna Lewis to reinstate her license subject to her compliance with the terms and conditions of her probation and her submission of quarterly reports from her probation officer until she is released from supervision and provided she has no further contact with the criminal justice system.

BUSINESS AGENDA

1. Correspondence received from Ms. Evelyn Pissaro, Admissions Representative, Empire Beauty School, Cherry Hill on behalf of Alexander R. Pimienta in connection with his conviction of Conspiracy to Distribute and Possession with Intent to Distribute Cocaine and his desire to become licensed upon completion of training at Empire Beauty School was presented to the Committee for consideration. This matter was presented in order that the Board might render a determination might be made with respect to his eventual eligibility for licensure.

The Committee recommends that the Board withhold decision pending Ms. Pissaro's appearance for an investigative inquiry hearing.

2. Correspondence received from Ms. Aisha Pilgrim, 3 Kingsbury Square, Apt. 7A, Trenton, New Jersey 08871 in connection with her conviction of Official Misconduct and her desire to restore cosmetologist-hairstylist license #WG37613 was presented to the Committee for consideration. This matter was presented in order that a determination might be made with respect to her eligibility to restore her license.

The Committee recommends that the Board withhold decision pending Ms. Pilgrim's appearance for an investigative inquiry hearing.

3. Correspondence received from Ms. Bernice Bellamy, 27 Village Drive, Lumberton, New Jersey 08048 in connection with her conviction of Medical Fraud and her desire to be admitted to the cosmetologist-hairstylist examination was presented to the Committee for consideration. This matter was presented in order that a determination might be made with respect to her eligibility for admission to examination.

The Committee recommends that the Board withhold decision pending Ms. Bellamy's appearance for an investigative inquiry hearing.

4. Correspondence received from Ms. Joy Oluokun, Director, Joy's School of Hair Design on behalf of Mr. Dorian S. Bellamy in connection with his convictions of Theft By Deception and Violation of Probation and his desire to obtain a student permit and to be admitted to the cosmetologist-hairstylist examination upon completion of training was presented to the Committee for consideration. This matter was presented in order that a determination might be made with respect to his eligibility to obtain a student permit and his eventual eligibility for admission to examination.

The Committee recommends that the Board withhold decision pending Mr. Bellamy's appearance for an investigative inquiry hearing.

5. Correspondence received from Ms. Maryann Sheehan, Legislative Analyst, Division of Consumer Affairs in connection with the Board's amendment of N.J.A.C. 13:28-1.1 was presented to the Committee for consideration. The Board approved this amendment for publication quite some time ago; but the

Division of Law and the Division believe it should be amended further because the Department of education allows people to obtain a high school diploma in a number of different ways; and she redrafted the amendment accordingly and asked that the Board consider approving the revised draft.

Mr. Richard G. Griswold informed the Committee that Ms. Maryann Sheehan will not be appearing today due to the lack of a quorum and that she asked that this item be placed on the agenda for the June meeting to be considered by the full Board.

6. An e-mail received from Mr. Raymond Testa, Co-President, New Jersey Cosmetology School Association in response to a discussion the Board had at its February meeting in connection with the proposed legislation the Retail Merchants Association requested was presented to the Committee for consideration. He explained his association's position on the requested proposed legislation.

The Committee recommends that the full Board thank Mr. Testa for his input and that his e-mail be filed.

7. Correspondence received from Ms. Shana Burnett, Administrative Specialist, Mercer County Community College in connection with the career day they are sponsoring on May 20, 2005 was presented to the Committee for consideration. She indicated that they are expecting 100 high school students to attend and asked that a representative from the State Board of Cosmetology and Hairstyling participate as a panel speaker for this event.

Ms. Kathleen Alexander indicated that she attended this function last year and enjoyed it but has a conflict and is unable to attend this year.

Mr. Richard G. Griswold stated that he is not be able to attend.

Ms. Kathleen Alexander advised that the Board will have to tell Ms. Burnett that there is no one available this year.

8. Correspondence received from Ms. Linda Rostron Kaiser, 1049 Ridgewood Lane, St. Augustine, Florida 32056 in connection with the dismissal of the criminal charges which were lodged against her in connection with the material misrepresentations she made to the Proformance Insurance Company was presented to the Committee for consideration. Ms. Kaiser also entered into a Consent Order with the Office of Insurance Fraud Prosecutor and agreed to pay a \$5000.00 civil penalty for disability fraud; and the Board previously considered this matter at the regular monthly meeting held February 8, 2005 but withheld decision pending Ms. Kaiser's appearance for an investigative inquiry hearing; and Ms. Kaiser has indicated that she is now living in Florida and cannot appear for hearing and asked that the Board drop the matter in light of the fact that all criminal charges against her were dismissed.

The Committee recommends that the Board inform Ms. Kaiser that she will have to make arrangements to appear or surrender her license until such time as she is able to appear for hearing.

9. Correspondence received from Mr. Maury K. Cutler, Esquire on behalf of Brigitte F. Nzali-Neba, t/a African and American Braiding, 1034 Little Gloucester Road, Blackwood, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$700.00 for the alleged violations resulting out of an inspection of her shop on October 26, 2004 was presented to the Committee for consideration. He indicated that his client has paid all outstanding penalties but has again asked him to address the issue of the unique nature of her business and the obvious inequity of requiring her to obtain a cosmetologist-hairstylist license in order to pursue her trade. He indicated that there should be available to his client a license limited only to braiding and that she is willing to challenge the application of the rules and regulations to her unique situation and is prepared to litigate the issue.

Mr. Richard G. Griswold stated that the Board has looked at this at this issue several times in the past and has determined that it clearly falls within the definition of cosmetology & hairstyling and that there are several chapters on braiding in the Milady text book and all other recognized texts to reinforce this

determination.

The Committee recommends that the Board inform Mr. Cutler that it is opposed to creating a limited license for braiding because braiding falls within the definition of cosmetology & hairstyling.

10. Information recently received from Ms. Myrna Sanchez, 14 Mobile Lane, Toms River, New Jersey 08755 in connection with her conviction of Theft By Deception, Wandering, Fraudulent Use of a Credit Card, Violation of Probation, her HIV infection and her desire to retain credit of the 1200 hours of training she completed at Capri Institute, Brick in 1998 and to be admitted to examination upon completion of a 250 hour brush-up course was presented to the Committee for consideration. Ms. Sanchez appeared before the Board on February 8, 2005 for an investigative inquiry hearing but the Board withheld decision pending her submission of all medical and hospital records as they pertain to her HIV infection, a copy of her parole agreement and a copy of her marriage certificate; and she furnished all of the information requested by the Board.

Deputy Attorney General Swang Oo indicated that this package should be marked privileged and confidential since it is personal medical information.

Mr. Peter Macri stated that he has a problem with this, that she wants to be a manicurist and that with manicuring, there is always the risk of wounds and blood.

Mr. Carlo Melini advised that he agrees that in a perfect world people should not be able to work in certain professions but that this is not a perfect world and doctors and dentists with HIV are allowed to work.

Mr. Richard G. Griswold stated that the Board cannot refuse to license a person with HIV but can place conditions upon them to insure that they will not transmit the disease to others during the course of offering cosmetology & hairstyling services.

Mr. Carlo Melini indicated that he thinks the Board should ask a medically trained person to come up with reasonable guidelines to protect the public.

Deputy Attorney General Swang Oo suggested that the Board should ask the Medical Board look at this case and come up with guidelines for us.

Mr. Richard G. Griswold stated that he thinks the Board should submit all of Ms. Sanchez's medical information and copies of our laws and regulations to the State Epidemiologist with a request for advice.

The Committee recommends that the Board refer this case to the State Epidemiologist with a request that he/she review our existing safety and sanitation guidelines and Ms. Sanchez's medical information and advise us accordingly.

11. Correspondence received from Mr. Anthony M. Bucco, Esquire on behalf of Cynthia Kristoff, t/a Images Hair & Nail Specialist, 1238 Route 23, Butler, New Jersey in connection with the outstanding penalties assessed against her in the amount of \$2800.00 for the alleged violations resulting out of inspections of her shop on February 13, 2004 and April 15, 2004 was presented to the Committee for recommendation. He asked that the Board consider accepting payment of \$1400.00 in full and final settlement of all charges.

Mr. Richard G. Griswold indicated that the Committee may want to consider accepting the offer since we would have problems prosecuting. He advised that the investigator did not observe the offering of services and that there is a problem with citing them for agreeing to offer prohibited services.

The Committee recommends that the Board accept Mr. Bucco's offer.

12. Correspondence received from Mr. George W. Reid, 500 Clifton Avenue, Apt. 713, Lakewood, New

Jersey 0 8701 in connection with his conviction of Burglary and his desire to complete a term of training at Capri Institute of Cosmetology Training Centers, Inc., Bricktown and eventually become licensed was presented to the Committee for consideration. This matter was presented in order that the Board might render a determination with respect to Mr. Reid's eventual eligibility for licensure.

The Committee recommends that the Board withhold decision pending Mr. Reid's appearance for hearing

COMMITTEE REPORTS

No Committee reports were given.

There being no further business, the meeting was adjourned at 2:30 p.m.

CARLO MELINI, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director