



New Jersey Division of Consumer Affairs



Regular Monthly Meeting Board of Cosmetology and Hairstyling

**124 Halsey Street - 6th Floor
Newark, New Jersey 07102
July 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. Kathleen M. Alexander, Mr. Ronald J. Brown, 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 and Ms. Lynn Rasiewicz 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.

Mrs. Rose Policastro greeted Mr. Ronald Brown, a newly appointed member, introduced him to the other members and welcomed him aboard.

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 June 10, 2003 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Mr. Carl M. Ippolito, Esquire and his client, Mr. Lorenzo A. Ragnacci, t/a Lorenzo Hair Cutting Salon, Trenton, New Jersey appeared in connection with the alleged violations resulting out of an inspection of his shop on March 7, 2002. He was observed operating in an unsanitary manner, while renting space within the shop to Anh Hong Dong to operate a separate business and with Anh Hong Dong engaging in the practice of cosmetology & hairstyling without a valid license; and penalties of \$250.00, \$500.00 and \$300.00 respectively were

assessed.

Deputy Attorney General Swang Oo stated that Mr. Ippolito and Mr. Ragnacci have appeared here today for hearing but that they have reached a settlement agreement and that the settlement calls for Mr. Ragnacci to admit to all of the charges, to cease and desist and to pay all penalties. Mrs. Rose Policastro gave an opening statement and detailed all of the charges.

Mr. Carl M. Ippolito gave an opening statement and advised that his client will do away with the business in the back store.

Mrs. Rose Policastro asked that Mr. Lorenzo A. Ragnacci be sworn-in.

Mr. Lorenzo Ragnacci answered questions of Mr. Carl M. Ippolito.

Deputy Attorney General Debra Levine asked that Mr. Ippolito take a few moments to explain to his client what he is agreeing to.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board went into Executive Session to discuss the settlement offer. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board returned to Open Session. The motion passed unanimously.

Deputy Attorney General Debra Levine made a statement and asked questions of Mr. Ragnacci. She asked whether he would agree to pay the penalty of \$1050.00 within 30 days and to cease and desist from allowing anyone to rent space to practice cosmetology and hairstyling and whether he is willing to sign a Consent Order agreeing to those terms.

Mr. Ragnacci answered yes to all of her questions.

Deputy Attorney General Debra Levine indicated that a certified check or money order should be made out to the Board of Cosmetology & Hairstyling.

Deputy Attorney General Debra Levine asked Mr. Ragnacci whether he was coerced into agreeing to any of the terms of the settlement and that if he does not intend to use the back portion of the store as part of his shop, if he is willing to seal up the doorway.

Mr. Ragnacci stated that he was not coerced into agreeing to any of the terms and is willing to seal the doorway.

See Court Reporter Transcripts for exact testimony.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the Board accepts the settlement offer as discussed provided that all of the terms and conditions are fulfilled. The motion passed unanimously.

11:00 A.M. Mr. Hieu Tran, 1753 Browning Road, Pennsauken, New Jersey 08110 appeared for an investigative inquiry hearing in connection with his disqualification from the licensing examination conducted on January 6, 2003 for his alleged improper conduct.

Mrs. Rose Policastro greeted Mr. Hieu Tran and explained why he had been scheduled to appear and how the hearing would be conducted.

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

Mr. Hieu Tran 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. Frances Gray, the Board went into Executive Session to deliberate on a pending disciplinary matter. The motion passed unanimously.

See Court Reporter Transcripts for exact testimony.

Upon motion made by Mr. Peter Macri 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. Ronald Brown, Mr. Tran to be readmitted to examination. The motion passed unanimously.

BUSINESS AGENDA

1. Correspondence received from Ms. Lisa Linsalata in connection with her application for initial (change of ownership) shop licensure of Lisa Michaels Salon, 23 Tanner Street, 2nd Floor, Haddonfield, New Jersey 08033 was presented to the Board for consideration. The shop only contains 324 square feet of working space, 26 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 since February 11, 2002, that there have been no alterations made to the shop and that it is impossible for her to enlarge; and she asked that the Board waive its minimum square footage requirement and issue the desired license.

Note: The report of initial inspection conducted on February 11, 2002 in connection with the application filed for the previous business reflects that the shop contains 372 square feet of space; and it appears that the investigator who completed that inspection neglected to deduct the square footage for the stair case leading up to the salon on the second floor.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, Ms. Lisa Linsalata's application is approved with the condition that she is never to have more than 2 persons offering services at any time. The motion passed unanimously.

2. Correspondence received from Ms. Lisa Cabera, 132 Lamonte Avenue, Bound Brook, New Jersey 08805 in connection with her desire to restore cosmetologist-hairstylist license #WG019691 and her convictions of Possession of a Controlled Dangerous Substance, Shoplifting and Credit Card Fraud was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Ms. Cabera's eligibility to restore her license.

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

3. Correspondence received from Ms. Juana Puello, 1102 Seib Avenue, Elizabeth, New Jersey 07202 in connection with her application for initial shop licensure of Juana's Beauty Salon, 547 Edgar Road, Elizabeth, New Jersey 07208 was presented to the Board for consideration. The shop only contains 296 square feet of working space, 54 square feet short of the minimum required by N.J.A.C. 13:28-2.5; but Ms. Puello indicated that the lease on the space next door to her expires in December 2003 and that she will be able to bring the shop into compliance on or before March or April 2004; and she asked that the Board allow her to operate until she is able to come into compliance.

Mr. Peter Macri questioned whether the Board can issue a temporary license.

Mr. Richard G. Griswold stated that he does not believe that the statutes give the Board the authority to issue a temporary shop license but that the license can be issued conditionally.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Ms. Juana Puello's license is to be issued with the condition that she will bring the premise into compliance with all minimum licensing requirements prior to March 1, 2004 and will notify the Board so that an inspection can be conducted to insure compliance. The motion passed unanimously.

4. Correspondence received from Ms. Philomena Barbaro, 75 Bentley Avenue, Old Bridge, New Jersey 08857 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 Hair Millennium, South River, New Jersey on June 1, 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 its final decision.

Upon motion made by Mr. Peter Macri 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 Mr. Carlo Melini, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the fine stands. Mr. Carlo Melini opposed the motion but the motion passed.

5. Correspondence received from Ms. Bernadette T. Dockiewicz, 166 Dugan Lane, Toms River, New Jersey 08753 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 N & J Unisex Salon, Howell, New Jersey on April 10, 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 its final decision.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the fine stands. Mr. Ronald Brown opposed the motion but the motion passed.

6. Correspondence received from Ms. Kira Toland, 4255 Marlyn Avenue, Newfield, New Jersey 08344 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 Jazzy's Beauty Emporium, Vineland, New Jersey on April 20, 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 its final decision.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

7. Correspondence received from Susan M. Grippen, t/a Susie Q's Family Hair Salon, 96 Route 50, Seaville, New Jersey 08230 in connection with the penalties assessed against her in the amount of \$500.00 for the alleged violations resulting out of inspections of her shop on December 16, 1999 and November 3, 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 its final decision.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the fines stand. The motion passed unanimously.

8. Correspondence received from Ms. Mary C. Montgomery, President and Ms. Ray Lee Lacko, Vice President, 8A Appletree Lane, Old Bridge, New Jersey 08857 in connection with the penalties assessed against them in the amount of \$600.00 for the alleged violations resulting out of an inspection of Image Makers, Matawan, New Jersey on November 15, 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 Ms. Patricia Graffin, 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. Peter Macri, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Mrs. Frances and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

9. Correspondence received from Ms. Renee Bristow, 1016 Route 113, Perkaste, PA 18944 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 Santo Presents Legends II, Flemington, New Jersey on January 11, 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 Mr. Peter Macri and seconded by Ms. Kathleen Alexander, the fine stands. The motion passed unanimously.

10. Correspondence received from Ms. Regina J. Kollock, t/a Jazzy's Beauty Emporium, 130 West Landis Avenue, Vineland, New Jersey 08360 in connection with the penalty assessed against her in the amount of \$300.00 for the alleged violation resulting out of an inspection of her shop on April 20, 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 a final decision.

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

11. Correspondence received from Ms. Lisa Verna, 1201 Eldridge Avenue, Oaklyn, New Jersey 08107 in connection with the penalties assessed against her in the amount of \$450.00 for the alleged violations resulting out of an inspection of Nails For You & Tanning Too, Woodbury, New Jersey on May 18, 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 fines stand. The motion passed unanimously.

12. Correspondence received from Ms. Sonia Steinberg, t/a A Total Experience II, 43 New Court, West End, New Jersey 07740 in connection with the penalties assessed against her in the amount of \$3000.00 for the alleged violations resulting out of an inspection of her shop on March 8, 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 Mr. Peter Macri, the fines stand. The motion passed unanimously.

13. Correspondence received from Ms. Krista M. Ruperto, 21 Roosevelt Avenue, East Brunswick, New Jersey 08816 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 Hair Millennium, South River, New Jersey on June 1, 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 Ms. Kathleen Alexander and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

14. Correspondence received from Ms. Dawn Clayton, t/a G's Place Inc., 795 Emerson Avenue, Lindenwold, New Jersey 08021 in connection with the penalty assessed against her in the amount of \$300.00 for the alleged violation resulting out of an inspection of her shop on March 3, 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 Ms. Kathleen Alexander, the fine stands. The motion passed unanimously.

15. Correspondence received from Mr. Ramon Paulino, t/a Eusebio Barber Shop, 73 4th Street, Passaic, New Jersey 07055 in connection with the penalties assessed against him in the amount of \$1,600.00 for the alleged violations resulting out of an inspection of his shop on October 25, 2002 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. Peter Macri and seconded by Mrs. Frances Gray, the fines stand. The motion passed unanimously.

AGENDA SUPPLEMENT

1. Deputy Attorney General Rhonda Pope Stephens distributed copies of research materials prepared by Mr. Gary Smith, an intern in connection with the Rahabilitated Convicted Offenders Act.

Deputy Attorney General Rhonda Pope Stephens stated that the Board can review this information at it's leasure, that it should be helpful to members since the board gets so many applications from convicted persons and that if there are questions, we can discuss them at a future meeting.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Frances Gray reported that all Committee work is up to date and that it looks like we might be able to cancel the August exam in East Brunswick.

Mrs. Barbara Ambroise indicated that she is waiting to see what the July numbers are before cancelling the East Brunswick August exam and that we will be conducting examinations on Monday in Sicklerville and Wayne and on the 28th in East Brunswick.

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 Mr. Griswold had just given her the corrected information Mr. Louis LaMonica submitted in connection with the relocation of Concorde School of Hair Design, Inc., Ocean Township and that she will review it with the Committee at the conclusion of this meeting. She also inquired as to whether the Board wants Mr. La Monica and his Supervising Teacher to appear for interview.

Mrs. Frances Gray indicated that she does not think an interview is necessary since this is a relocation.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Kathleen M. Alexander, the Board approves the application for relocation of Concorde School of Hair Design, Inc. subject to the School Committee's approval of the corrected application paperwork and their successful completion of an initial school inspection. The motion passed unanimously.

Legislation:

Mr. Peter Macri reported that all committee work is up to date. He advised that he is sure everyone received the notice he did about the Governor using our excess funds and feels that this is not a good idea.

Public Relations:

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

NEW BUSINESS:

Mrs. Rose Policastro inquired as to whether the Board would like to cancel the August Board Meeting.

Mr. Richard G. Griswold stated that he already has about ten items for the agenda but that it is the Board's decision whether it wants to meet or not.

Mr. Peter Macri stated that the Board should leave it up to the discretion of Mr. Griswold and that if there is a lot of work, we should probably meet.

Mrs. Frances Gray indicated that she may not be able to attend the next meeting.

Ms. Patricia Graffin stated that she may not come.

OLD BUSINESS:

Mrs. Rose Policastro advised that Mrs. Anna Rizzieri had finally contacted her about the proposed change of name at Rizzieri Institute and that she wants to use wellness in her school name because she teaches nutrition, is big on children's health and has taken all the junk food

vending machines out of her school.

Ms. Kathleen Alexander questioned whether nutrition is in the cosmetology & hairstyling curriculum.

Mrs. Frances Gray stated that they teach nutrition and looking good and that it is in the new Milady textbooks.

Mr. Richard G. Griswold indicated that the Board might base it's denial on the fact that it's false and/or misleading if it wants to deny this request.

Deputy Attorney General Rhonda Pope Stephens advised that there is nothing in N.J.A.C. 13:28-6.4(d) which would prohibit the use of wellness in the school name.

Mr. Griswold suggested that the Board can rely upon the statute if it believes the use of the term wellness is false and/or misleading.

Deputy Attorney General Rhonda Pope Stephens acknowledged that 45:5B-14 might come into play if this could be viewed to be false or misleading advertising.

Mrs. Rose Policastro stated that Aveda has always advertised for beauty and wellness of the skin and that Mrs. Rizzieri's explanation about nutrition is in the curriculum.

Ms. Kathleen Alexander stated that their massage school has a different name and that it doesn't appear that this request is motivated by a desire to tie their cosmetology & hairstyling and massage therapy schools together.

Mrs. Frances Gray indicated that she does not see a problem with the new name.

Mr. Richard G. Griswold stated that the Board will need their change of trade name certificate if it approves the change.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Joseph Santagata, the Board will allow them to change their school name provided they furnish a copy of the change of trade name certificate they had to file with the Secretary of State. Mr. Ronald Brown, Ms. Patricia Graffin and Mr. Peter Macri opposed the motion and the motion did not pass.

Mr. Ronald Brown stated that he though this could come back to haunt the Board and that over the long term, wellness will get someone in trouble..

Upon motion made by Mr. Peter Macri and seconded by Mr. Ronald Brown, the Board tables this matter. The motion passed unanimously.

Mrs. Rose Policastro indicated that she will call Mrs. Rizzieri again.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the meeting was adjourned at 3:15 p.m.. The motion passed unanimously.

ROSE POLICASTRO, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director

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