

# **Board of Cosmetology and Hairstyling**

## **Regular Monthly Meeting**

**124 Halsey Street - 6th Floor**  
**Newark, New Jersey 07102**  
**September 9, 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, Ms. Patricia Graffin, Mrs. Frances Gray, Mr. Peter Macri, 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. Mr. Ronald J. Brown, Ms. Elaine C. Haroldson, Mr. Carlo Melini 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.

### **ACCEPTANCE OF MINUTES:**

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held August 12, 2003 are accepted as read. The motion passed unanimously.

### **INFORMAL HEARINGS**

10:30 A.M. Mr. Alfred J. Verderose, Esquire and his client, Kevin Bui, 605 E. Landis Avenue, Vineland, New Jersey 08360 appeared for an investigative inquiry hearing in connection with Mr. Bui's indictment for Criminal Attempt-Theft By Deception, his admission into the P.T.I. Program and the Consent Order he entered into with the Office of Insurance Fraud Prosecutor.

Mrs. Rose Policastro greeted Mr. Alfred J. Verderose and his client, Mr. Kevin Bui and explained why Mr. Bui had been scheduled to appear.

Deputy Attorney General Rhonda Pope Stephens gave her Opening Statement.

Mr. Alfred Verderose indicated that he has had a business relationship with Mr. Santagata to the extent that Mr. Santagata works as a real estate agent part-time and that he has done at least one house closing in which Mr. Santagata was involved as a real estate agent.

Mr. Santagata acknowledged that he does know Mr. Verderose but that Mr. Verderose has never represented him.

Deputy Attorney General Rhonda Pope Stephens stated that she does not see any conflict in this and asked them whether they feel that there is a conflict.

Mr. Santagata and Mr. Verderose both indicated that they do not.

Deputy Attorney General Rhonda Pope Stephens asked that Mr. Kevin Bui be sworn-in.

Mr. Alfred Verderose gave his Opening Statement.

Mr. Kevin Bui offered his testimony and answered questions of Mr. Alfred Verderose, Deputy Attorney General Rhonda Pope Stephens and the Board.

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 Ms. Kathleen Alexander, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the Board does not find cause for action on the basis of this incident alone but cautions that if Mr. Bui has any future contact with the criminal justice system, there may then be basis for disciplinary action. The motion passed unanimously.

## **BUSINESS AGENDA**

1. Correspondence received from Lloyd D. Levinson, Esquire on behalf of Borgata Hotel Casino & Spa in connection with the difficulty they encountered in obtaining a shop license for Spa Toccare at Borgata Hotel Casino & Spa was presented to the Board for consideration. He indicated that they applied for and received a full shop license instead of a skin care specialty shop license because of their desire to open quickly with both skin care and massage services; but that it is their belief that massage services are not ancillary services related to the beautification of the body or the enhancement of personal appearance, nor is it included in the definition of cosmetology and hairstyling; and that they believe the proper license for Spa Toccare is a skin care specialty shop license and that they should also be able to provide massage services. Also included with the agenda materials for this item was a legal analysis provided by Deputy Attorney General Rhonda Pope Stephens.

Note: The Board previously considered this matter at the regular monthly meeting held August 12, 2003 but withheld decision in order that the Education and New Studies Committee might discuss it.

Deputy Attorney General Rhonda Pope Stephens stated that the committee met and that it is her understanding that the committee is in favor of the Board considering rule making proceedings to facilitate the offering of ancillary services in skin care specialty shops. She provided the members with background information, explained her legal analysis and advised that she does not believe we have real strong justification to prohibit the offering of ancillary services in skin care specialty shops. She suggested that the Board establishes some guidelines for massage services in N.J.A.C. 13:28-2.10 and noted that the ancillary services already identified are closely related to and complement the practice of skin care specialty but not manicuring. She advised that the manicuring definition doesn't include anything about massaging, that the course is only 300 hours as opposed to 600 hours for skin care and that she believes the Board can defend allowing skin care specialty shops to offer ancillary services but not manicuring shops.

Mr. Richard G. Griswold indicated that the Board has never formally recognized massage services as ancillary services or established guidelines because it has been waiting for 2 years or more to see what the Board of Nursing was going to do in terms of regulations, that they have not, to his knowledge, done anything as yet but that these services has been offered in full service shops for a long time.

Ms. Kathleen Alexander stated that they put together a team of 5 people to come up with a curriculum for

massaging right here at the Board of Nursing.

Mr. Richard G. Griswold advised that the Board has been waiting for the Nursing Board to do something but that it has been over 2 years and nothing has been done and at this point, the Board may want to require persons offering massage services to complete a Department of Education approved course or it's equivalent..

Deputy Attorney General Rhonda Pope Stephens stated that if the Board includes massage in the ancillary services section, it will protect itself.

Mr. Richard G. Griswold indicated that copies of the new regulation and amendments to 2 existing regulations he drafted are included with the agenda materials for this item and that if the Board wants to allow ancillary services in skin care specialty shops, these regulations will probably accomplish that as well as clearly state what activities a shop may engage in and establish training requirements for persons performing ancillary massage services.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Kathleen Alexander, the Board approves for publication the proposed regulations which will establish what activities a shop may engage in, allow for skin care specialty shops to offer ancillary services and establish training requirements for persons offering ancillary massage services. The motion passed unanimously.

2. Correspondence received from Ms. Linda Karas, Associate Director, Reignbow Beauty Academy, 312 State Street, Perth Amboy, New Jersey 08861 with accompanying revised class schedules for Reignbow Beauty Academy and Reignbow Hair Fashion Institute was presented to the Board for consideration.. Board approval is required by N.J.A.C. 13:28-6.13.

Note: The Board previously considered this matter at the regular monthly meeting held August 12, 2003 but withheld decision pending clarification of the part-time schedule by Ms. Karas.

Mrs. Rose Policastro indicated that she called Linda Karas and Linda informed her that she made an error on the part time days and hours; and that the adjusted revised schedules are included with the Board's agenda materials for this item.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the revised class schedules for Reignbow Beauty Academy and Reignbow Hair Fashion Institute are approved. The motion passed unanimously.

3. Correspondence received from Mr. Raymond Testa, Vice President, European Academy of Cosmetology, 1126 Morris Avenue, Union, New Jersey 07083 in connection with the anticipated retirement of Mr. Antonio Trapani and the transfer of his 51% ownership of the corporation that operates European Academy of Cosmetology was presented to the Board for consideration. He indicated that 7.75% of Mr. Trapani's ownership interest is to go to each of the existing shareholders (Raymond Testa, Anthony LaMonica, Louis LaMonica and Anthony DeSando) and 20% to Santo Trapani who has been the school's Director of Admissions for the past 13 years; and he asked that the Board waive the requirements set forth in N.J.S.A. 45:5B-36.

Mr. Richard G. Griswold read 45:5B-36 to the Board and advised that this is exactly the type of situation which caused Mr. Testa to submit a comment in opposition to the Board's amendment of N.J.A.C. 13:28-6.17. He indicated that this is a change of ownership under 45:5B-36 but that there will be not be any operation changes and shouldn't be any economic impact; and he suggested that the Board could require an initial application and waive everything else.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Mr. Raymond Testa is to be informed that he must file an initial application and furnish copies of all documents relative to the sale or transfer of the stock and change of officers and that the fee and all other initial licensing criteria is waived.

The motion passed unanimously.

4. Correspondence received from Ms. Veronica L. Anglin, 958 Randolph Avenue, Rahway, New Jersey 07065 in connection with her application to renew cosmetologist-hairstylist license #WG028582 and her conviction of Robbery was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Ms. Anglin's eligibility to restore her license.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Kathleen Alexander, the Board withholds decision on this matter pending Ms. Anglin's appearance at an investigative inquiry hearing. The motion passed unanimously.

5. Correspondence received from Mr. Ronald Jones, 17 N. Pennsylvania Avenue, Atlantic City, New Jersey 08401 in connection with his desire to be admitted to examination to restore his beautician license #WA28067 and his most recent convictions of Manufacture, Distribution, Dispense and Possession/Distribution within 500 feet of a Public Housing Facility was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Mr. Jones' eligibility to restore his license.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the Board withholds decision on this matter pending Mr. Ronald Jones' appearance at an Investigative Inquiry Hearing. The motion passed unanimously.

6. Correspondence received from Mr. Ralph L. Paneda, Esquire on behalf of Andres Estevez, t/a The Pink Panther Beauty Parlor, 4412 Bergenline Avenue, Union City, New Jersey in connection with the penalties assessed against him in the amount of \$5250.00 for the alleged violations resulting out of inspection on December 6, 2001 was presented to the Board for consideration. He asked that the Board consider a lump sum payment of \$2500.00 in settlement of all outstanding charges.

Mr. Peter Macri stated that he agrees with the Director's recommendation to Mr. Paneda that \$4,000.00 would be more realistic.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the Board authorizes Rhonda Pope Stephens to settle the case for \$4000.00 with a payment of \$2,500.00 immediately and the balance in 3 or 4 months; and if Mr. Paneda is not willing to settle with those terms, the matter is to be set aside for hearing. The motion passed unanimously.

7. Correspondence received from Mr. Martino DeAngelo, t/a International Dimensions, Oakwood Plaza, 165 Wood Avenue, Edison, New Jersey 08820 in connection with the penalty assessed against him in the amount of \$500.00 for the alleged violation resulting out of an inspection of his shop on September 7, 2001 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 fine stands. The motion passed unanimously.

8. Correspondence received from Mr. John Anthony Liguori, President, John Anthony Salon, 216 Old Tappan Road, Old Tappan, New Jersey 07675 in connection with the penalty assessed against him in the amount of \$100.00 for the alleged violation resulting out of an inspection of the shop on August 10, 2001 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. Kathleen Alexander and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

9. Correspondence received from Ms. Dina Lazzaro, 25 Oak Street, Rochelle Park, New Jersey 07662 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 John Anthony Salon, Old Tappan, New Jersey on August 10, 2001 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.

10. Correspondence received from Ms. Marian Taylor, 1061 Seashore Road, Cape May, New Jersey 08204 in connection with the penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of The Hairloom in Plum Palace, Cape May, New Jersey on December 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 Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

11. Correspondence received from Ms. Lisa Mitchell, President, Kuts 4 Kids, 1232 Hooper Avenue, Toms River, New Jersey 08753 in connection with the penalty assessed against her in the amount of \$250.00 for the alleged violation resulting out of an inspection of Kuts 4 Kids, Forked River, New Jersey on July 10, 2001 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. France Gray and seconded by Ms. Kathleen Alexander, the fine stands. The motion passed unanimously.

12. Correspondence received from Ms. Hermas P. Quintana, 58 Old Bergen Road, Jersey City, New Jersey 07305 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 Nedsy's Hair Salon, Union City, New Jersey on October 19, 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 Mr. Peter Macri and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

13. Correspondence received from Ms. Thu Diem Tran, 4A Byrne Court, Wayne, New Jersey 07470 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 Diana's Hair Den, New Foundland, New Jersey on July 27, 2001 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. Franklin Schoeneman, President, Empire Education Group, 396 Pottsville/St. Clair Highway, Pottsville, PA 17901 in connection with the penalties assessed against him in the amount of \$1900.00 for the alleged violations resulting out of an inspection of Empire Beauty School, Laurel Springs, New Jersey on April 29, 2003 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 Mr. Joseph Santagata, 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 Ms. Kathleen Alexander, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Peter Macri and seconded by Ms. Kathleen Alexander, the Board finds Mr. Schoeneman guilty of operating in violation of N.J.A.C. 13:28-6.21(c)2 but the penalty is reduced from \$400.00 to \$200.00, guilty of operating in violation of 13:28-6.23(b) but the penalty is reduced from \$500.00 to \$400.00, guilty of operating in violation of 13:28-6.23(b) and the penalty of \$300.00 stands, guilty of operating in violation of 13:28-6.8(c)1 but the penalty of \$500.00 is rescinded and a warning is to be issued and not guilty of operating in a manner which is unsafe or unsanitary and the penalty of \$200.00 is rescinded. Mr. Shoeneman is to remit payment of \$900.00 within ten (10) days. The motion passed unanimously.

15. All available information in connection with the outstanding penalties assessed against Mr. Charles Roder, t/a Executive Cuts (mobile salon), 11 Rumson Road, Kendall Park, New Jersey 08824 in the amount of \$7500.00 for his alleged violations of N.J.S.A. 45:5B-8, 9 & 12(g) on December 15, 2000 and April 16, 2003 to include correspondence Mr. Roder has sent to the Governor, Legislators in his District and the Attorney General was presented to the Board for consideration. Although he has been asked to do so both verbally and in writing, he has not completed and returned the acknowledgment of charge forms; and the Board was asked to determine whether it would like to proceed with a final review and entry of an appropriate order.

Mr. Richard G. Griswold stated that Deputy Attorney General Rhonda Pope Stephens' recommendation is that we refer this matter to the Prosecution Section and as soon as a prosecutor is assigned, schedule a hearing or in the alternative, that we conduct an investigative inquiry hearing.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, this matter is referred to the Prosecution Section for hearing on the two (2) outstanding charges. The motion passed unanimously.

## **COMMITTEE REPORTS**

### **Examination & Sites:**

Mrs. Frances Gray reported that all Committee work is up to date.

Mrs. Barbara Ambrose indicated that she has mailed out the new examination schedules.

### **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 the Committee approved the curriculum for Onyx Beauty School for teacher training.

### **Legislation:**

Mr. Peter Macri reported that all committee work is up to date.

### **Public Relations:**

Ms. Patricia Graffin reported that all committee work is up to date and that she will be planning a Christmas party.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the meeting was adjourned at 3:12 p.m.. The motion passed unanimously.

ROSE POLICASTRO, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director

Division: [Consumer Protection](#) | [File Complaint](#) | [Licensing Boards](#) | [Rule Adoptions](#) | [Rule Proposals](#) | [Meeting Minutes](#) | [License Renewal Information](#)

Departmental: [lps home](#) | [contact us](#) | [news](#) | [about us](#) | [FAQs](#) | [library](#) | [employment](#) | [programs and units](#) | [services a-z](#)

statewide: [nj home](#) | [my new jersey](#) | [people](#) | [business](#) | [government](#) | [departments](#) | [search](#)