

New Jersey State Board of Cosmetology and Hairstyling

Minutes of September 11, 2001

REGULAR MONTHLY MEETING

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

ROLL CALL:

Mrs. Annie Kate Anderson, Ms. Patricia Graffin, Mrs. Frances Gray, Mr. Dennis Gullo, Mr. Peter Macri, Mr. Carlo Melini, Mrs. Rose Policastro, Mr. Joseph Santagata, Mr. Joseph F. Stead, Mr. Richard G. Griswold, Executive Director, Mr. Jay Malanga, Assistant Executive Director, Mrs. Barbara Ambrose, Program Development Assistant and Ms. Marie Maiorano, Office Supervisor were present.

Mrs. Frances Gray 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 and the Newark Star-Ledger and Trentonian Newspapers on December 18, 2000 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 18, 2000.

ACCEPTANCE OF MINUTES:

Upon motion made by Mr. Peter Macri and seconded by Mrs. Rose Policastro, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held August 14, 2001 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:15 A.M.

Mr. Terrance D. Evans, 681 South Broad Street, Trenton, New Jersey 08611 was scheduled to appear in connection with the outstanding penalties assessed against him in the amount of \$1400.00 for his alleged violations on February 2, 1994, July 15, 1994 and September 22, 2000. On February 2, 1994, he was observed practicing cosmetology & hairstyling at Hair Elegance Plus, Trenton, New Jersey without a valid license and a penalty of \$150.00 was assessed. On July 15, 1994, he was observed practicing cosmetology & hairstyling at Hair Elegance Plus without a valid license and a penalty of \$250.00 was assessed; and on September 22, 2000, it is believed that he engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense by utilizing a cosmetology and hairstyling license not issued by the Board of Cosmetology & Hairstyling to practice illegally at La Parisennie Beauty Salon, Trenton, New Jersey and a penalty of \$1000.00 was assessed.

Mr. Terrance D. Evans did not appear; but the Board was unable to conduct a default hearing because the building was evacuated as a result of the World Trade Center crisis.

10:30 A.M.

Ms. Elisha Bergman, 955 Boundry Road, Wenonah, New Jersey 08090 was scheduled to appear in connection with her alleged violation of N.J.S.A. 45:5B-7 at New Beginning One Nail & Hair Salon, Woodbury, New Jersey on June 12, 1998. She was observed practicing cosmetology and hairstyling without a valid license and a penalty of \$300.00 was assessed.

Ms. Elisha Bergman did not appear; but the Board was unable to conduct a default hearing because the

building was evacuated as a result of the World Trade Center Crisis.

10:45 A.M.

Mr. Steven Altman, Esquire and his client, Michael A. Wilson were scheduled to appear for an investigative inquiry hearing in connection with Mr. Wilson's application to renew cosmetologist-hairstylist license #WG025860 and his conviction of Endangering the Welfare of a Child.

Mr. Michael A. Wilson appeared but the Board could not conduct the hearing because the building was evacuated as a result of the World Trade Center crisis.

11:00 A.M.

Ms. Cheryl Good, 204 Kennedy Boulevard, Bayonne, New Jersey 07002 was scheduled to appear for an investigative inquiry hearing in connection with her conviction of Possession of CDS and her desire to restore beautician license #WA022299.

The Board was unable to conduct the hearing because the building was evacuated as a result of the World Trade Center crisis.

BUSINESS AGENDA

1. A memorandum received from Mr. Anthony Miragliotta, Deputy Director, Division of Consumer Affairs in connection with new rule making requirements was presented to the Board for consideration. He outlined the requirements which took effect on July 1, 2001 and apply to all rule proposals filed with the Office of Administrative Law on or after July 9, 2001 and asked that the Boards let him know whether they have any questions so that he may determine whether there is a need for a meeting to discuss the requirements further.

Mr. Richard G. Griswold indicated that the Board probably does not have to do anything right now but should look at these requirements when it does its sunset review of the regulations.

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

2. A request received from Ms. Norma Del Sordi, President, New Jersey Vocational Cosmetology Educators Association, 32 Roosevelt Boulevard, Florham Park, New Jersey 07932 in connection with the programs her association is conducting at the New Jersey Education Association Annual Convention in Atlantic City on November 8 & 9, 2001 was presented to the Board for consideration. She asked that Mrs. Frances Gray, Mrs. Rose Policastro, Mr. Richard G. Griswold and Mr. Jay A. Malanga address their group on November 9, 2001.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Annie Anderson, Frances Gray, Rose Policastro, Richard Griswold and Jay Malanga are authorized to participate in this program. The motion passed unanimously.

Mr. Richard G. Griswold questioned whether the Board needs to have 4 people participate. He also noted that the Board has, on several occasions, asked the New Jersey Vocational Cosmetology Educators Association not to schedule us on Friday afternoons

Mr. Jay Malanga indicated that he will call Ms. Del Sordi to obtain more information on this.

3. Correspondence received from Ms. Shelley Taylor-Wilson, General Manager, Nail Care Institute, PO Box 607, Brea, California 92822 with accompanying information regarding the Rudolph International, Inc. data pertaining to disinfecting Nail Boards and Foot Files was presented to the Board for consideration.. She

asked that the Board review this information and adopt the "Disinfectable" criteria.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Rose Policastro, Mr. Richard G. Griswold is to thank Ms. Taylor-Wilson for the information and inform her that it has its own sanitation and sterilization regulations in place. The motion passed unanimously.

4. Correspondence received from Mr. Aurelio Torres, Jr., 37 Lincoln Park, Newark, New Jersey 07102 in connection with his conviction of Possession of Intent to Distribute CDS and his desire to qualify for admission to the cosmetologist-hairstylist examination 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. Torres' eligibility for licensure.

Upon motion made by Mr. Dennis Gullo and seconded by Mr. Peter Macri, Mr. Aurelio Torres, Jr. is to be informed that the Board has withheld decision pending his appearance for an investigative inquiry hearing. The motion passed unanimously.

5. Correspondence received from Ms. Violene Farmer, 587 Roosevelt Street, Trenton, New Jersey 08618 in connection with her conviction and incarceration for Possession of CDS with Intent to Distribute and her desire to qualify for admission to the cosmetologist-hairstylist examination and eventually become licensed was presented to the Board for consideration. She asked that the Board render a determination with respect to her eligibility for licensure in light of her conviction.

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.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Carlo Melini, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Joseph Stead and seconded by Mr. Dennis Gullo, Ms. Violene Farmer is to be informed that the Board has withheld decision pending her appearance at an investigative inquiry hearing. The motion passed unanimously.

6. A memorandum received from Mr. Edward Tumminello, Chief, Division of Consumer Affairs Enforcement Bureau in connection with Queen Nails, 27-31 Prospect Street, Waldwick, New Jersey 07463 was presented to the Board for consideration. This matter was referred to the Division of Law on March 28, 1996 for the filing of a formal complaint but was never acted upon; and after discussing the matter at the regular monthly meeting held June 12, 2001, at the request of Deputy Attorney General Rhonda Pope Stephens, the Board directed that the Enforcement Bureau should be asked to conduct a reinspection and in the event that the reinspection evidenced violations, the Division of Law should be asked to file a formal complaint incorporating all old and new charges. Mr. Tumminello included with his memorandum copies of reports of inspection conducted at Queen Nails on May 10, 1996 and November 13, 2000, noted that those inspections document violations similar or identical to those cited in 1995 and asked whether the Board still wants another inspection.

Upon motion made by Mr. Dennis Gullo and seconded by Mr. Peter Macri, the Board went into Executive Session to discuss a pending disciplinary matter. The motion passed unanimously.

Upon motion made by Mr. Dennis Gullo and seconded by Mr. Peter Macri, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Dennis Gullo and seconded by Mrs. Rose Policastro, Mr. Griswold is to send the current investigation reports to the Division of Law with a request that they pursue this matter without further delay. Mr. Joseph Stead abstained; but the motion passed.

7. The Provisional Order of Discipline filed on April 25, 2001 in the matter of Sylvia Flynn and delivered to her attorney, Mr. William J. Farley Jr. on April 27, 2001 was presented to the Board for consideration.. They have not requested modification or dismissal; and the Board was asked to determine whether it would like to enter a Final Order.

Upon motion made by Mr. Peter Macri and seconded by Mr. Carlo Melini, the Provisional Order of Discipline issued in this matter is to be made final. The motion passed unanimously.

8. Correspondence received from Mr. Michael Ricciardone, President, New Jersey Cosmetology Association, Inc. and Ms. Mary Czuba in connection with Senate Bill #1564 was presented to the Board for consideration. Mr. Ricciardone's correspondence to Senators James S. Cafiero and John J. Matheussen informs them that the association believes their proposal lowers the standards of the profession and endangers the safety of the consumer and is opposed to it. Ms. Czuba furnished copies of articles that appeared in newspapers in her area and reflect that Board Members Dennis Gullo and Carlo Melini voiced their support for this proposal to the Legislature and the media; and she expressed concern that Board Members would be involved with a proposal that could only lead to abuse and disregard for the laws.

Mr. Dennis Gullo stated that when this proposal originally came before the Board it came up at the last minute; and that they thought it didn't provide for any training and voted against it with the Board. Since then, they have had an opportunity to review it and are in favor of it but really thought it was defeated. He indicated that with one days notice, the Senator called Carlo to ask him to appear before the Committee and after checking with their personal attorneys, they appeared before the committee the next day.

Mrs. Frances Gray asked why they didn't call her or the Board office on this?

Mr. Carlo Melini stated that the Senator called them on Sunday, that the committee meeting was on Monday and they knew the Board was opposed.

Mrs. Frances Gray advised that they should have been a little more honest and told the Board they support the bill and that they embarrassed the Board.

Mr. Richard G. Griswold indicated that even if they didn't represent themselves to be Board Members or their views to be the views of the Board, a lot of people know they are Members of the Board, that it was inappropriate for them to appear and that some other industry members, who share their views, should have appeared.

Mr. Dennis Gullo stated that if he had an opportunity to read the bill more carefully prior to the Board Meeting, he would have voted in favor of it.

Mr. Richard G. Griswold indicated that regardless of their personal views, they are part of a group and that it was inappropriate for them to appear and support a bill the group is opposed to.

Mr. Carlo Melini stated that everything happened overnight.

Mr. Richard G. Griswold advised that he personally believes the Senators sponsored this bill at the request of Mr. Gullo and Mr. Melini and that they should have made their views known when the Board originally reviewed the bill.

Mr. Peter Macri stated that he cannot believe any member of this Board, with the knowledge and experience we have and the violations we see, would support and testify in favor of this legislation; and that he is surprised two of our members support this legislation. He advised that he understands why the Cosmetology Association and Hair International expressed concern about S-1564, that they oppose this bill strongly and

that he wants this Board to go on record again as opposing the bill. He indicated that he cannot understand how any Board Members could appear before a legislative committee in support of such a self serving piece of legislation.

Mrs. Frances Gray stated that she feels that they knew about this bill and what they were doing; and that it is a very poorly written bill.

Mr. Dennis Gullo acknowledged that who ever wrote the bill did a very poor job. Upon motion made by Mr. Peter Macri and seconded by Mrs. Annie Anderson, letters are to be sent to Mr. Ricciardone and Ms. Czuba informing them that the Board continues to be opposed to this bill. The motion passed unanimously.

Mr. Joseph Santagata indicated that it does seem right that they cannot testify on certain issues before legislative committees.

Mr. Richard G. Griswold advised that the Department does not want individual Boards to get involved with the legislature and that the Department comments on behalf of the Boards.

9. Correspondence received from Mr. Luu Van Nguyen, t/a Nail Chalet, 340 Chestnut Street, Union, New Jersey 07643 in connection with the penalty assessed against him in the amount of \$300.00 for the alleged violation resulting out of an inspection of his shop on July 29, 1998 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 Stead, the fine stands. The motion passed unanimously.

10. Correspondence received from Mr. Gregory Nagrabecki, t/a Belle Allure Hair & Nails Studio, 346 Bordentown Avenue, South Amboy, New Jersey 08879 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 April 20, 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 Rose Policastro and seconded by Mr. Dennis Gullo, the fine stands. The motion passed unanimously.

11. Correspondence received from Ms Margie Wagner, Director of Education, Empire Education Group, Route 61 North, PO Box 600, Pottsville, PA 17901 in connection with the penalty assessed against them in the amount of \$1500.00 for the alleged violation resulting out of an inspection of Empire Beauty School, Cherry Hill, New Jersey on February 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 Mr. Peter Macri and seconded by Mrs. Annie Anderson, the fine stands. The motion passed unanimously.

Mr. Peter Macri indicated that the Board considered substantially all of the issues raised by Ms. Wagner before assessing the penalty and that penalties could have been assessed for several other violations.

12. Correspondence received from Mr. James Roche, t/a Headlines, 71 Route 46 West, Elmwood Park, New Jersey 07017 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 May 11, 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 Mrs. Rose Policastro and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

13. Correspondence received from Ms. In Im Kim, 275 Hoym Street, 1A, Fort Lee, New Jersey 07024 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 Somerset Hair and Nails, Somerset, New Jersey on April 18, 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. Rose Policastro and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

14. Correspondence received from Mr. Thomas W. Sumner, t/a Hollywood Barber Shop, 1313 West Baltimore Avenue, Linden, New Jersey 07036 in connection with the penalty assessed against him in the amount of \$2500.00 for the alleged violation resulting out of an inspection of his shop on August 20, 1998 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 Joseph Stead and seconded Rose Policastro, the fine stands. The motion passed unanimously.

15. Correspondence received from Mr. Reggie L. Sumner, 1103 Monmouth Avenue, Linden, New Jersey 07036 in connection with the penalty assessed against him in the amount of \$2500.00 for his alleged violation of N.J.S.A. 45:5B-7 and 45:1-21(b) at Hollywood Barber Shop, Linden, New Jersey on August 20, 1998 was presented to the Board for consideration. He indicted 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. Rose Policastro and seconded by Mr. Joseph Stead, the fine stands. The motion passed unanimously.

16. Correspondence received from Ms. Donna Susser, t/a Faces Hair Salon, 715 Manhattan Street, Plaza & Bennetts #5, Jackson, New Jersey 08527 in connection with the penalty assessed against her in the amount of \$250.00 for the alleged violation resulting out of an inspection of her shop on October 20, 1998 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. Joseph Stead and seconded by Mr. Dennis Gullo, the fine stands. The motion passed unanimously.

17. Correspondence received from Mr. Giuseppe Esposito, t/a Shear Unisex Haircutting, 563 Route 10, Whippany, New Jersey 07981 in connection with the penalties assessed against him in the amount of \$350.00 for the alleged violations resulting out of an inspection of his shop on December 9, 1998 was presented to the Board for consideration. He remitted payment (\$100.00) of the penalty assessed against him for operating without all licenses displayed and waived his right to a hearing on the charges of operating in an unsanitary manner but furnished a written explanation for the Board to consider before rendering it's final decision.

Upon motion made by Mrs. Rose Policastro and seconded by Mrs. Annie Anderson, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mrs. Rose Policastro and seconded by Mrs. Annie Anderson, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

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

18. Correspondence received from Ms. Constance Lawson, President, Connie's Hair Salon Inc., 1091 River Avenue, Lakewood, New Jersey 08701 in connection with the penalties assessed against her in the amount of \$500.00 for the alleged violations resulting out of an inspection of her shop on November 19, 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 Mr. Peter Macri and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

19. Correspondence received from Mr. Hung Yai Hsin, Somerset Hair & Nails, 1760 Easton Avenue, Somerset, New Jersey 08873 in connection with the penalty assessed against him in the amount of \$300.00 for his alleged violation of N.J.S.A. 45:5B-7 at Somerset Hair & Nails, Somerset, New Jersey on April 18, 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. Annie Kate Anderson, the fine stands. The motion passed unanimously.

20. Correspondence received from Ms. Lucyna H. Evans, 1947 Princeton Avenue, Lawrenceville, New Jersey 08648 in connection with the penalty assessed against her in the amount of \$2500.00 for her alleged violation of N.J.S.A. 45:5B-8 on April 24, 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 Mr. Peter Macri and seconded by Mr. Carlo Melini, the Board went into Executive Session to discuss a pending disciplinary matter. 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 it's decision. The motion passed unanimously.

Upon motion made by Mr. Peter Macri and seconded by Mr. Carlo Melini, the penalty is reduced to \$1500.00. The motion passed unanimously.

Mrs. Frances Gray presented a plaque to Earl Brancolino for his dedication and excellent work on the Board for many, many years; and she wished him well in his new position.

Mr. Earl Brancolino thanked everyone and wished them well and a safe trip home on this day of great tragedy.

COMMITTEE REPORTS

No reports were given in-as-much as the building had to be evacuated because of the World Trade Center crisis.

Countersigned:

RICHARD G. GRISWOLD, Executive Director

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Modified March 2002