

**Regular Monthly Meeting
Board of Cosmetology and Hairstyling**

**124 Halsey Street - 6th Floor
Newark, New Jersey 07102
October 8, 2002**

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

ROLL CALL:

Ms. Patricia Graffin, Mrs. Frances Gray, Ms. Elaine C. Haroldson, Mr. Peter Macri, Mr. Carlo Melini, Mrs. Rose Policastro, Ms. Lynne Rasiewicz, Mr. Joseph Santagata, Mr. Richard G. Griswold, Executive Director, Mr. Jay A. Malanga, Assistant Executive Director and Mrs. Barbara Ambroise, Program Development Assistant were present. Ms. Sylvia M. Kaplan and Mr. Joseph Stead 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 Mr. Deforest B. Soaries, Secretary of State, the Newark Star-Ledger and Trentonian Newspapers on December 12, 2001 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 12, 2001.

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 September 10, 2002 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Mr. Salvatore Nardi, t/a Nardi Hair Salon, 1692 Oak Tree Road, Edison, New Jersey 08820 was scheduled to appear in connection with the alleged violations resulting out of an inspection of his shop on December 6, 2001. He was observed operating without an experienced practicing licensee present and engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in that he represented himself to be Alfred Nardi to practice illegally and penalties of \$500.00 and \$2500.00 respectively were assessed. He was also cited for operating in an unsanitary manner but admitted to that charge and paid the penalty (\$250.00).

Mr. Richard G. Griswold indicated that this matter has been adjourned and that Deputy Attorney General Kathy Stroh Mendoza has negotiated a settlement with Mr. Salvatore Nardi subject to Board approval. He advised that Mr. Nardi is willing to pay \$2,500.00 of the \$3,200.00 assessment and has remitted payment in that amount and that he thinks it is a good settlement.

Upon motion made by Mr. Peter Macri and seconded by Mr. Carlo Melini, the Board accepts the settlement negotiated in this matter. The motion passed unanimously.

11:00 A.M. Mr. Gregory R. Singleton, Esquire and his client, Mr. Todd Israel appeared for an investigative inquiry hearing in connection with Mr. Israel's conviction and incarceration for Aggravated Assault (2 counts) and his desire to complete a term of training at Empire Beauty School, Cherry Hill and eventually become licensed.

Mrs. Rose Policastro greeted Mr. Gregory Singeton, Esquire and his client, Mr. Todd Israel and read the charges.

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

in.

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

Mr. Ali Moore-El, a friend and former employer of Mr. Israel's offered his testimony and answered questions of Deputy Attorney General Rhonda Pope Stephens and the Board.

Mr. Gregory R. Singelton gave his closing statement.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, 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. Patricia Graffin, 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. Joseph Santagata, the Board withholds decision on this matter pending Mr. Israel's submission of a copy of his Parole Agreement, his payment of the outstanding penalties assessed against him in the amount of \$550.00 for the violations resulting out of an inspection of T. I.'s The Next Level Barber Shop on February 10, 2000, his payment of penalties in the amount of \$600.00 for his admissions to making a false statement on his application to renew the shop license for T.I.'s The Next Level Barber Shop for the period of 8/1/00 to 7/31/02 and to engaging in the practice of cosmetology & hairstyling during the period of 9/5/02 to present without a valid license and his agreement to cease and desist from all future unlicensed practice. Ms. Elaine C. Haroldson opposed the motion; but the motion passed.

Deputy Attorney General Rhonda Pope Stephens suggested that these conditions be put into a settlement letter.

BUSINESS AGENDA

1. A request received from Mr. Kevin Pernetta, Accreditation/Compliance Coordinator, Empire Education Group, Route 61 N., PO Box 600, Pottsville, PA 07901 in connection with their desire to change the class schedules in their New Jersey Schools 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 the schedules do not have designated days, evenings or times for make-up hours and she read pertinent portions of N.J.A.C. 13:28-6.13 to the members.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Mr. Kevin Pernetta is to be informed that his request is denied and that his class schedules must contain designated days/evenings and times when make-up classes will be conducted. The motion passed unanimously.

2. A memorandum received from Ms. Tisha Adams, Legislative Liaison, Division of Consumer Affairs with accompanying copy of Assembly Bill #2672, sponsored by Assemblyman John F. McKeon was presented to the Board for consideration. If enacted, it will preclude the Board from including the home address of the licensee on any license which must be displayed at any place in which the licensee renders services; and she asked that the Board furnish it's comments on this proposal.

Mr. Peter Macri questioned whether the address can be put on the reverse side of the license so that it will not be conspicuous.

Mr. Richard G. Griswold indicated that he does not believe it would be feasible and that it is a shame we cannot talk to legislators because there is probably an easier solution to whatever the problem is. He advised that the address is needed to mail the license and to help Enforcement Bureau personnel in the course of their inspections

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the Board is opposed to Assembly Bill #2672 because of the administrative and enforcement problems which would result out of issuing licenses with no address. The motion passed unanimously.

3. Correspondence received from Ms. Carmen Suarez, Natural Motion Institute of Hair Design on behalf of Henry C. Rivera, 109 Rose Avenue, Jersey City, New Jersey 07305 in connection with his convictions of Eluding an Officer, Aggravated Assault and Receiving Stolen Property and his desire to complete a course of training 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. Rivera's eventual eligibility for licensure.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the Board withholds decision on this matter pending Mr. Henry C. Rivera's appearance for an investigative inquiry hearing. The motion passed unanimously.

4. All available investigative materials in connection with Michelle Callandrello, a/k/a Michelle Palumbo and her alleged fraudulent use of the license (#WA42291) issued to Rose Palumbo was presented to the Board for consideration. This matter was referred to the Division of Law on May 7, 1997 in order that an unlicensed practice action might be filed with the Superior Court but the Division of Law never acted; and since the matter is so old and Michelle Callandrello cannot be located, the Board was asked to determine whether the case should be closed without further action.

Upon motion made by Mr. Carlo Melini and seconded by Ms. Patricia Graffin, this case is to be closed without further action. The motion passed unanimously.

5. Correspondence received from Mr. Raymond Testa, Vice President, European Academy of Cosmetology, 1126 Morris Avenue, Union, New Jersey 07083 in connection with the penalties assessed against them in the amount of \$2600.00 for the alleged violations resulting out of the inspection conducted on January 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 Mr. Peter Macri and seconded by Mrs. Frances Gray, 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.

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

6. Correspondence received from Ms. Patricia Mathis, 1109 Kaye Court, Burlington, New Jersey 08010 in connection with the penalty assessed against her in the amount of \$2800.00 for her alleged violation of N.J.S.A. 45:5B-7, 8 & 9 on April 2, 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 Mr. Peter Macri and seconded by Mrs. Frances Gray, 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 Mr. Carlo Melini and seconded by Ms. Patricia Graffin, the fine is reduced to \$1500.00 with a payment plan. The motion passed unanimously.

7. Correspondence received from Mrs. Bridget Damiano, Director, Capri Corporate Management, Inc. in connection with the penalties assessed against them in the amount of \$1,300.00 for the alleged violations resulting out of an inspection of Capri Institute Cosmetology Training Center, Inc., 268 Brick Boulevard, Brick, New Jersey on December

11, 2001 was presented to the Board for consideration. She remitted payment of the penalties assessed against them for operating without all students wearing required uniforms and identification badges, with five (5) unregistered students in attendance and with inaccurate time sheets and records of attendance (\$800.00) and indicated that they would like to waive their right to a hearing on the other charge but furnished a written explanation for the Board to consider before rendering it's final decision.

Mrs. Rose Policastro indicated that she is recusing herself from deliberation on this matter and she left the room.

Upon motion made by Mr. Peter Macri 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 Mr. Carlo Melini and seconded by Ms. Patricia Graffin, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Ms. Elaine Haroldson and seconded by Ms. Patricia Graffin, the Board finds Capri, Brick guilty as charged but the fine is reduced to \$250.00 due to mitigating circumstances. The motion passed unanimously.

8. Correspondence received from Ms. Maureen B. Lampman, President, Head to Toe Hair and Skin Care, 177 Franklin Corner Road, Lawrenceville, New Jersey 08648 in connection with the penalty assessed against her in the amount of \$200.00 for the alleged violation resulting out of inspection of her shop on June 14, 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. Lynne Rasiewicz, the fine stands. The motion passed unanimously.

9. Correspondence received from Mr. Ronnie Keller, Splash Salon & Spa, 400 Commons Way, Bridgewater, New Jersey 08807 in connection with the penalties assessed against him in the amount of \$800.00 for the alleged violations resulting out of an inspection of his shop on February 15, 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 Ms. Patricia Graffin and seconded by Mrs. Frances Gray, the fine stands. The motion passed unanimously.

10. A memorandum received from Debra DeFrancesco, Chief, Division of Consumer Affairs Centralized Licensing Section in connection with the license certificates issued by all boards was presented to the Board for their information. She indicated that due to an on-going concern with respect to document fraud, the Division will begin printing license and permit certificates on 29lb chain-link watermark paper, the same paper used for N.J. automobile titles, GED diplomas, etc.; and that this paper cannot be duplicated and is tightly controlled.

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

11. The cosmetology and hairstyling regulations with changes recommended by the Board's Sunset Review Committee were presented to the Board for consideration. They were presented in order that the Board might consider proposing the regulations with changes for re-adoption.

Ms. Maryann Sheehan informed the Board that the rules expire on May 8, 2003. She explained that the rules distributed with the agenda materials are just the rules the Sunset Committee has recommended changes on and that all other existing rules will also be proposed for re-adoption.

Mrs. Rose Policastro pointed out some other changes. On page 5 in d, f and e "non" should be stricken from "non-living cells" and on page 8, she recommended taking out swab.

Mr. Carlo Melini asked whether the Board wants to change hair dye.

Mrs. Rose Policastro stated that tint brush sounds better. Also hard rubber combo should be comb. On page 8, "each" should be taken out to keep the sentence plural. On page 9, night cream is not used in teaching the basic course.

Ms. Sheehan indicated that she will take night cream out.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the cosmetology & hairstyling rules with changes are approved for re-adoption. The motion passed unanimously.

AGENDA SUPPLEMENT

1. A memorandum received from Anthony Miragliotta, Deputy Director, Division of Consumer Affairs in connection with "Bill Comments" was presented to the Board for consideration. He stressed the importance of getting bill comments with reasons for supporting or opposing a proposal to the Director's Office as soon as possible and asked that a board member be designated as a contact person in the event that the full board has not had an opportunity to review a bill and comments are needed.

Mrs. Rose Policastro suggested and the Board concurred that Peter Macri, Legislative Committee Chairperson should be the designated person.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Barbara Ambroise reported that she was recently informed that they are doing major renovations to the buildings at Bergen County Vocational Technical School and that the Board will not be able to conduct it's licensing exams there but that she has made arrangements to do the tests at Passaic County Vocational Technical School and will be distributing revised schedules in the near future. She also advised that Experior Assessments has informed her that the Expo Center in Pennsauken has been sold and cannot be used for the special tests and that she has passed this information along to Mr. Howard McGarry at the Department of Education and asked him to find a suitable location.

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 work is up to date.

Mr. Richard G. Griswold indicated that he is awaiting a report of re-inspection of Artistic Academy, that there were numerous deficiencies noted during the initial inspection and that he is scheduling Mr. DePasquale and Noreen Schubert to appear for interview at the November meeting. He also advised that Onyx Beauty Academy has been re-inspection and that he has not received the report as yet but understands there is a major problem with square footage.

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.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the meeting was adjourned at 3:30 p.m.. The motion passed unanimously.

ROSE POLICASTRO, Vice Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director



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