

New Jersey State Board of Cosmetology and Hairstyling

Minutes of November 13, 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:

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

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, 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 October 9, 2001 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:45 A.M. Mr. Jeffrey W. Lutz, Esquire and his client, Veronique Gede appeared in connection with the outstanding penalties assessed against her in the amount of \$3000.00 and the proposed suspension of her cosmetologist-hairstylist license #WG32867 for allegedly submitting false documents with her application for examination on September 11, 1998 and allowing Beauty Rama Unisex, Orange, New Jersey to be operated on December 2, 1999 and April 13, 2000 without an experienced practicing licensee present.

Mrs. Frances Gray greeted Mr. Jeffrey W. Lutz and his client Veronique Gede and read the charges.

Deputy Attorney General Joyce Brown gave an opening statement and asked the Ms. Veronique Gede be sworn-in.

Deputy Attorney General Alex Keosky gave his opening statement.

Mr. Jeffrey W. Lutz presented his case and asked questions of Veronique Gede. Ms. Veronique Gede answered questions of Deputy Attorney General Alex Keosky and the Board.

Mr. Jeffrey W. Lutz gave his closing statement.

Deputy Attorney General Alex Keosky gave his closing statement.

See court reporter transcripts for exact testimony.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Rose Policastro, 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 Mrs. Rose Policastro, 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 Mr. Joseph Santagata, Ms. Veronique Gede is guilty as charged. Her cosmetologist-hairstylist license is suspended for a period of six (6) months; and she is to pay a penalty of \$3,000.00 plus hearing and investigative costs. The motion passed unanimously.

11:15 A.M. Mr. Colin M. Lynch, Esquire and his client, Sofia R. Kuemmel, 751 Westfield Avenue, Elizabeth, New Jersey 07208 appeared for an investigative inquiry hearing in connection with her conviction of Aggravated Assault and her desire to renew cosmetologist-hairstylist license #WG30445.

Mrs. Frances Gray greeted Mr. Colin M. Lynch and Ms. Sofia R. Kuemmel and read the charges.

Deputy Attorney General Joyce Brown gave her opening statement and asked that Ms. Kuemmel be sworn-in.

Mr. Colin M. Lynch asked Ms. Sofia R. Ruemmel a series of questions intended to set out the facts in this case.

Ms. Sofia R. Kuemmel answered questions of Deputy Attorney General Joyce Brown and the Board.

Mr. Colin Lynch gave his closing statment.

See court reporter transcripts for exact testimony.

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 it's decision. The motion passed unanimously.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Peter Macri, Ms. Kuemmel's license is to be renewed subject to her compliance with all of the terms and conditions of her probation and her submission of quarterly reports from her probation officer until such time as she is released from supervision. Also, she must furnish the name and address of her current employer and immediate notification of any change of employment or residential address and may not have any future contact with the criminal justice system. The motion passed unanimously.

11:30 A.M. Ms. Violene Farmer, 587 Roosevelt Street, Trenton, New Jersey 08618 appeared for an investigative inquiry hearing 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.

Mrs. Frances Gray greeted Ms. Violene Farmer and read the charges.

Deputy Attorney General Joyce Brown gave her opening statement and asked that Ms. Violene Farmer be sworn-in.

Ms. Violene Farmer offered her testimony and answered questions of Deputy Attorney General Joyce Brown and the Board.

See court reporter transcripts for exact testimony.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Rose Policastro, 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 Mrs. Rose Policastro, 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 Mrs. Rose Policastro, Ms. Violene Farmer's conviction will not bar her from taking the State Board Examination, provided she has no have any further contact with the criminal justice system. The motion passed unanimously.

11:45 A.M. Mr. Aurelio Torres, Jr., 49 Lincoln Park, Newark, New Jersey 07102 appeared for an investigative inquiry hearing in connection with his conviction of Possession with Intent to Distribute CDS and his desire to qualify for admission to examination and eventually become licensed.

Mrs. Frances Gray greeted Mr. Aurelio Torres and read the charges. Deputy Attorney General Joyce Brown gave her opening statement and asked that Mr. Torres be sworn-in.

Mr. Aurelio Torres offered his testimony and answered questions of Deputy Attorney General Joyce Brown and the Board.

See court reporter transcripts for exact testimony.

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

Upon motion made by Mr. Joseph Santagata 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. Joseph Santagata and seconded by Mr. Peter Macri, Mr. Aurelio Torres's conviction will not bar him from admission to examination, provided he has no further contact with the criminal justice system. The motion passed unanimously.

12:15 P.M. Mr. Joseph W. Weinberg, Esquire and his client, Robert A. Rivello appeared for an investigative inquiry hearing in connection with Mr. Rivello's application to renew shop license #WD016413 and his conviction of Conspiracy.

Mrs. Frances Gray greeted Mr. Joseph W. Weinberg, Esquire and his client, Robert A. Rivello and read the charges.

Deputy Attorney General Joyce Brown gave her opening statement and asked that Mr. Rivello and Ms. Patricia Lauria, Mr. Rivello's ex-wife and business partner be sworn-in.

Mr. Joseph W. Weinberg asked Mr. Robert A. Rivello and Ms. Patricia Lauria a series of questions intended to set out the facts in this case and to convince the Board that he should be allowed to renew his license.

Mr. Robert A. Rivello answered questions of Deputy Attorney General Joyce Brown and the Board.

See court reporter transcripts for exact testimony.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Rose Policastro, the Board went into Executive Session for the purpose of deliberation. 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. Carlo Melini and seconded by Mrs. Rose Policastro, Mr. Robert Rivello's license is to be renewed; but he is to be informed that if he has further contact with the criminal justice system, the Board may suspend or revoke his license.. The motion passed unanimously.

BUSINESS AGENDA

The Notice of Proposal for the proposed amendment of N.J.A.C. 13:28-2.10 with comments received from Valerie Helriegel, David Gargano, President, Gargano Company and Kathleen A. Russell, Corporate Counsel, Inverness Corporation was presented to the Board for consideration. If adopted, this amendment would prohibit licensed shops and schools from offering body piercing services of any type.

Mr. Anthony Miragliotta, Deputy Director addressed the Board on this matter and questioned whether it was the Board's intent to prohibit ear piercing.

Mr. Richard G. Griswold indicated that his recollection is that the Board Members wanted to prohibit any type of body piercing, to include ear piercing.

Mr. Anthony Miragliotta stated that as Mr. Griswold said, the comment period for this proposal was over on October 5th and only 3 comments were received. One was an e-mail from Valerie Helriegel stating that it is not a good idea and in response to this comment, the Board may was to say it thinks it is a good idea. He also indicated that it appears that the proposal does include ear piercing since there is no limitation to the part(s) of the body; and he questioned whether it was the Board's intention, all along, to include ear piercing.

Mr. Dennis Gullo indicated that at the time this proposal was made, everyone wanted to include ear piercing.

Mr. Peter Macri advised that the intent was and is to prohibit ear piercing and all other body piercing.

Mr. Richard G. Griswold stated that the Board was concerned about penetration of the skin and felt that there should be no invasion of the skin.

Mr. Dennis Gullo indicated that if the woman from Inverness is credible and they are defining body piercing to exclude ear piercing, possibly the Board should consider having the same definition.

Mr. Richard G. Griswold noted that although she serves on an Advisory Board with the Department of Health and may have gotten them to buy into a separate definition for ear piercing, she is employed by a product manufacturer and has a vested interest.

Mr. Anthony Miragliotta stated that the first issue is that the Inverness comment came in after the comment period ended and the Board may want to consider it but is under no obligation to do so.

Mr. Griswold thanked her but told her the comment came in late. She responded that there is no legal impediment for the Board to consider this comment and it is totally the Board's discretion to review it or not.

The Board expressed a willingness to consider this comment.

Mrs. Rose Policastro stated that the definition of body piercing does include ear piercing.

Mr. Dennis Gullo indicated that what opened his eyes is that you use a single sanitary stud with ear piercing.

Mr. Richard G. Griswold questioned whether other parts of the body can be pierced with a gun.

Ms. Patricia Graffin stated that she does think the gun can be used for any other parts of the body.

Mr. Carlo Melini indicated that from a practical stand point, they have done ear piercing in his salons for years and years and never had any problems.

Mr. Dennis Gullo suggested that the Board consider modifying the wording of what it is prohibiting.

Mr. Richard G. Griswold advised that the original intent was to prohibit tattooing and all body piercing so that shops will not be offering invasionary procedures.

Mr. Anthony Miragliotta stated that ear piercing is part of the proposal and that if the Board now wants to change it to exclude ear piercing, it may have to redo the whole proposal; and he questioned whether the Board wants to do so.

Ms. Patricia Graffin advised that the gun will not go up the ear lobe.

Mr. Richard G. Griswold indicated Ms. Graffin's statement may or may not be true but assuming it is, what happens if they develop a gun or other similar instrument that does?

Mr. Anthony Miragliotta stated that the Board should determine what should be in and what should be out for this practice and ancillary services; and that it's the Board's judgment call as to what services it wants provided within it's establishments.

Mr. Carlo Melini advised that he does not think the Board will have a problem but if it does, can fine the violators and should not take this service away from the industry.

Mr. Anthony Miragliotta questioned whether this service was ever legitimately there to begin with; since piercing is not part of the practice of cosmetology and hairstyling.

Mr. Carlo Melini suggested that the Board can limit it to just the lobe and if they break the law, fine them.

Mr. Anthony Miragliotta stated that it was the Board's intent all along not to have ear piercing.

Ms. Patricia Graffin indicated that she agrees with Mr. Melini that if the laws are broken, we can fine them.

Mr. Richard G. Griswold advised that piercing, regardless of where it is done on the body, is an invasive services which should not be done by cosmetologist-hairstylists.

Ms. Patricia Graffin stated that legitimate salons will not have a problem and that the others will always have problems anyway.

Mr. Peter Macri indicated that the Board should not allow it's licensees to perform invasive procedures.

Mr. Richard G. Griswold acknowledged that the Board has received only a handful of complaints but pointed out that this could be resultant of the fact that shops are not supposed to be offering this service now and that allowing ear piercing could open Pandora's box.

Mr. Anthony Miragliotta suggested that the Board know what the second step is going to be before making a decision on the first step. It is my understanding that the Board always considered this service to be taboo and believed that it, tattooing and other similar services should be supervised by the Medical Board. He indicated that the Medical Board believes that any piercing of skin should be done by a physician. He also advised that it there is another government body regulating this, and that the Board does not need to be concerned about it because they will determine what it takes to perform this function. He indicated that if an

individual has a license from other entities to perform another function, the Board needs to determine whether what they are doing is ancillary; but down the road, it may be difficult to allow ear piercing but prohibit body piercing, tattooing, etc. He cautioned that overlapping jurisdiction becomes very, very muddy.

Mr. Richard G. Griswold suggested that the Board say that it carefully considered their comments but that this is not the way it wants to go, without explaining point by point.

Mr. Anthony Miragliotta indicated that the Board does not have to explain it point by point and can table it if it wants to give it more thought. The Department of Health is saying they are establishing standards and will have jurisdiction over anyone who does this.

Deputy Attorney General Joyce Brown stated that the Board may want to talk to the Board of Health if it is thinking about allowing ear piercing.

Mr. Dennis Gullo advised that the Board probably should adopt this amendment for now but can take another look at it in the future.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Rose Policastro, after carefully considering all comments, to include the late comment, the amendment is adopted as proposed. Mr. Carlo Melini and Ms. Patricia Graffin opposed the motion; but the motion passed.

Mr. Anthony Miragliotta indicated that the Board has adopted the regulation and needs to send out responses to the comments. He suggested that the Board can say it is hazardous to the public, not a services that should be performed in shop and a services regulated by another state agency.

Correspondence received from Mr. Gerald B. O'Connor, Esquire and Ms. Judi Primiano in connection with eyelash tinting was presented to the Board for consideration. They inquired as to the Board's stance on this issue; and in the event that eyelash tinting is permitted, Mr. O'Connor indicated that he would like to know which types of individuals are permitted to perform this service.

Ms. Patricia Graffin stated there is a 2% product which is safe and is allowed; and that it is manufactured by Roux and has been around for a long time.

Mrs. Frances Gray indicated that the schools use Roux.

Mrs. Rose Policastro advised that Milady took it out of their new textbook.

Ms. Patricia Graffin stated that it is a vegetable dye.

Mr. Richard G. Griswold indicated that the Board needs to determine whether it falls within the definition of cosmetology and hairstyling. Mrs. Frances Gray advised that it falls under the definitions of beauty culture, cosmetology and hairstyling and skin care specialty but not barbering or manicuring.

Upon motion made by Mr. Dennis Gullo and seconded by Mr. Carlo Melini, a letter is be sent to Mr. Gerald B. O'Connor and Ms. Judi Primiano stating that is within the scope of the practice of cosmetology & hairstyling, beauty culture and skin care specialty. The motion passed unanimously.

A request received from Tisha Adams, Legislative Liaison, Division of Consumer Affairs in connection with Senate Bill #2564 was presented to the Board for consideration. If enacted, it will preclude boards or commissions from releasing the home address of licensees to anyone except an employer, law enforcement agency or other agency or individual with a demonstrable need for that information, pursuant to regulations adopted by the Attorney General; and Ms. Adams asked the Board for it's comments.

Upon motion made by Mr. Peter Macri and seconded by Mr. Dennis Gullo, Mr. Griswold's comments are appropriate and pretty much sum up the Board's support for this proposal. The motion passed unanimously.

A report recently received from the Division Enforcement Bureau in connection with Edward Bennett, Terrance K. Kyman and Heads that Talk Salon was presented to the Board for consideration. This matter was referred to the Division of Law on September 24, 1998 for a Superior Court Complaint against Terrance Kyman, an unlicensed person for practicing without a license and operating an unlicensed shop; but the Enforcement Bureau advises that the salon is no longer in business at this location; and the Board was asked to determine whether it would like to proceed further with this matter.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Rose Policastro, if there is no license issued to the owner or the shop, the case is to be closed without further action. The motion passed unanimously.

Information received from Deputy Attorney General Paul R. Kenny and Deputy Attorney General Rhonda Pope Stephens in connection with William Esterlund, his conviction of Attempted Theft By Deception and the settlement he entered into with the Office of Insurance Fraud Prosecutor was presented to the Board for consideration. Mr. Esterlund is the holder of cosmetologist-hairstylist license #WG11991; and the Board was asked to determine whether disciplinary action should be initiated against him.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Carlo Melini, this matter is tabled for further consideration at the next meeting. The motion passed unanimously.

Correspondence received from Mr. Jean L. Brutus, t/a Sir Jean Barber & Beauty Salon, 404 Main Street, Asbury Park, New Jersey 07712 in connection with the penalties assessed against him in the amount of \$1400.00 for the alleged violations resulting out of an inspection of Sir Jeans Hair & Nail, 729 Bangs Avenue, Asbury Park, New Jersey on September 18, 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 Mrs. Rose Policastro, the fines stand. The motion passed unanimously.

Correspondence received from Ms. Nickie D. Scott, 226 Lincoln Avenue, #15, Newark, New Jersey 07104 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 Unique Hair Unisex Salon, Inc., Irvington, New Jersey on February 19, 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. Carlo Melini and seconded by Mrs. Patricia Graffin, the fine stands. The motion passed unanimously.

Correspondence received from Ms. Mireya Manukyan, 5701 Boulevard East, Apt. 6-J, West New York, New Jersey 07093 in connection with the penalties assessed against her in the amount of \$500.00 for the alleged violations resulting out of an inspection of Alam Leidy's Salon, 5010 Park Avenue, West New York, New Jersey on June 7, 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. Joseph Santagata, the fines stands. The motion passed unanimously.

Correspondence received from Ms. Patricia Martinez, 327 Loomis Street, 2nd Floor, Elizabeth, New Jersey 07206 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 Finelines Artistic Nails, Chatham, New Jersey on February 1, 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. Carlo Melini, the fine stands. The motion passed unanimously.

Correspondence received from Mr. John Vrtaric, t/a Mr. John's Unisex Salon, 530 Amboy Avenue, Woodbridge, New Jersey 07095 in connection with the penalties assessed against him in the amount of \$700.00 for the alleged violations resulting out of an inspection of his shop on June 26, 2001 was presented to the Board for consideration. He paid the penalties assessed for operating in an unsafe or unsanitary manner and with an expired shop license (\$500.00) and indicated that he would like to waive his right to a hearing on the charge of operating without hot water in the lavatory (\$200.00) 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. Rose Policastro, 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 Mr. Peter Macri, 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 Mrs. Rose Policastro, Mr. Vrtaric is guilty as charged but the fine is reduced to \$50.00 due to mitigating circumstances. The motion passed unanimously.

Correspondence received from Ms. Dena Pacillo, 1 Carrington Court, Old Bridge, New Jersey 08857 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 Continental Hair Center Inc., Bayonne, New Jersey on November 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 Mr. Peter Macri and seconded by Mrs. Rose Policastro, the fine stands. The motion passed unanimously.

Correspondence received from Ms. Lam Trinh, t/a CA Perfection Nail, 1076 Springfield Avenue, Irvington, New Jersey 07111 in connection with the penalties assessed against her in the amount of \$3650.00 for the alleged violations resulting out of an inspection of her shop on June 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. Carlo Melini and seconded by Mr. Dennis Gullo, the fines stand. The motion passed unanimously.

Correspondence received from Mr. William Campagnolo, t/a Continental Hair Center, Inc., 675 Broadway, Bayonne, New Jersey 07002 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 November 18, 1999 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. Dennis Gullo and seconded by Mr. Peter Macri, 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 it's decision. The motion passed unanimously.

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

Correspondence received from Ms. Helen Gorecki, 1383 Roosevelt Avenue, Carteret, New Jersey 07008 in connection with the penalty assessed against her in the amount of \$250.00 for her alleged violation of N.J.S.A. 45:5B-7 & 35 at B'Lovely Beauty Salon, Carteret, New Jersey on August 13, 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. Carlo Melini and seconded by Mr. Dennis Gullo, 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 Mrs. Rose Policastro, 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 Mrs. Rose Policastro, due to mitigating circumstances, Ms. Gorecki's fine is rescinded. The motion passed unanimously.

Correspondence received from Mr. Julian Chiang, t/a Eilee Cosmetics, 838 Route 46 W, Parsippany, New Jersey 07054 and Ms. Bo Wu in connection with the penalties assessed against them in the amount of \$300.00 each for Ms. Wu's alleged practice of cosmetology and hairstyling at Eilee Cosmetics on August 23, 1999 without a valid license 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 Mr. Carlo Melini and seconded by Mr. Dennis Gullo, the fines stand. The motion passed unanimously.

Correspondence received from Mr. Larry Maxwell, 39 Gray Street, Montclair, NJ 07042 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 Charlie's Unisex Barber Shop, Montclair, New Jersey on January 6, 1999 was presented to the Board for consideration. He indicated that he would like to waive his right to waive to a hearing but furnished a written explanation for the Board to consider before rendering it's final decision.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Dennis Gullo, the fine stands. The motion passed unanimously.

Mrs. Rose Policastro introduced Dr. Daniello to the Board.

Dr. Daniello thanked the Board for inviting him here today. He gave the Board a summary of his education and background in the field of dermatology and advised that he belongs to every National Society, both scientific and medical. He stated that raw glycolic acid should be banned if anything is to be banned; and after finding out that raw glycolic acid is harmful, people began to buffer it but once buffered, it is harmless and useless. He indicated that he uses glycolic acid with a low ph which has a good effect, that he has sold 300,000 peels world wide and that he has a 800 number on all of his products but has not gotten complaints on any of them. He stated that the Board should require that the aesthetician be trained and that raw products be banned; and that raw, buffered and edidal catalyzed are the 3 different ones out there.

Mrs. Rose Policastro questioned whether a peel can be done by an aesthetician.

Mr. Daniello stated that the product he puts out is only sold to aestheticians. Basically, glycolic acid and retiniae are the two major break throughs of the century. Retiniae is very irritating, glycolic acid is not. It

exfoliates the dead cells and it thickens the epidermis. Glycolic Acid stimulates the cells to produce more skin naturally and evens out discoloration. It has many, many unique qualities. He advised that he has traveled to Europe, Asia and all over the world and has treated people of all colors. The PH of glycolic acid has to be below 3 to even penetrate the skin. Dr. Van Scott published a paper on bio availability. We deliver 2.1 or 12%. You have to have some criteria and take this all into account.

Mr. Dennis Gullo questioned the use of the word peel and advised that it is his understanding that exfoliation of the skin falls under cosmetology and peels fall under the medical board.

Dr. Daniello stated that the peels are natural and slow and that they actually do some good exfoliation while stimulating some growth underneath. He questioned whether the Board would want to sell the public things that are useless or sell them something that is safe and useful and suggested that if the Board requires criteria and education at it's schools, does not allow the use of raw and puts a ph on the product, that will be fine.

Mrs. Rose Policastro questioned whether the 30% would still stay on the epidermis

Dr. Daniello stated that it would.

Mr. Dennis Gullo indicated that it would still fall under cosmetology.

Mr. Carlo Melini agreed.

Dr. Daniello advised that if the Board educates and certifies, no one can criticize you.

Mrs. Frances Gray questioned whether 30% is the highest for safe treatment by an aesthetician.

Dr. Daniello indicated that it is but that he has used 40% for pedicures and has actually used up to 70%.

Mr. Richard G. Griswold questioned whether there are aestheticians in New York using this product.

Dr. Daniello stated that there are aestheticians all over the world using this product and they are practicing on their own.

Mr. Carlo Melini questioned if a salon was interested in getting involved with Dr. Daniello's products, what they would do.

Dr. Daniello stated that they would call his 800 number to obtain information and a video and attend one of his courses.

Mrs. Rose Policastro thanked Mr. Daniello for his presentation.

COMMITTEE REPORTS

Education & New Studies:

Mrs. Rose Policastro reported that all committee work is up to date.

Violation:

Mr. Jay Malanga indicated that there are some serious problems with the American School.

Mr. Richard G. Griswold advised that there are a multitude of violations, that the school relocated and has

been operating without a license for a year now; and that Mr. Malanga cannot go to the Uniform Penalty Schedule to assess penalties for something as serious as this.

Mr. Jay Malanga stated that he needs to sit with the Committee at the conclusion of the meeting to come up with some numbers

School & Department of Education Liaison:

Mrs. Rose Policastro reported that the Empire School request still has a few discrepancies and that she will be calling Margie Wagner.

Legislation:

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

Public Relations:

Mr. Jay Malanga reported that all committee work is up to date.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Rose Policastro, the meeting was adjourned at 3:00 p.m.. The motion passed unanimously.

FRANCES GRAY, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director

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Modified March 2002