

**REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
NOVEMBER 15, 2005**

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

**ROLL CALL:**

Ms. Janice Alvarez, Mr. Jack A. Fornaro, Mr. Christian R. Jones, Mr. Anthony T. Monaco, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Richard G. Griswold, Executive Director, Mr. Jay A. Malanga, Assistant Executive Director, Mrs. Barbara Ambrose, Program Development Assistant and Ms. Marie Maiorano, Office Supervisor were present. Mr. Ronald Brown, Ms. Elaine C. Haroldson, Mr. Carlo Melini, Ms. Denise Pereau and Ms. Lynne Rasiewicz and were absent.

**ACCEPTANCE OF MINUTES:**

Upon motion made by Mr. Christian R. Jones and seconded by Mr. Jerry Speziale, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held October 11, 2005 are accepted as read. The motion passed unanimously.

Mr. Richard G. Griswold informed the Board that Mr. Carlo Melini is not able to attend the meeting today and that Mr. Joseph Santagata will be chairing the meeting in his absence.

**INFORMAL HEARINGS**

10:30 A.M. Mr. Michael McQuade, Esquire and his client (partner), Lilly Wang were scheduled to appear in connection with the alleged violations resulting out of an inspection of Shiseido Beauty Care, 90 East Main Street, Ramsey, New Jersey 07446 on May 11, 2005. They were observed operating in an unsanitary manner, while offering permanent make-up services within the confines of the shop and without a price list posted and penalties of \$500.00, \$5000.00 and \$50.00 respectively were assessed.

Deputy Attorney General Megan Cordoma stated that Mr. Brock Page, a 3rd year law student is handling this case under her supervision on behalf of the Attorney General.

Mr. Brock Page indicated that he would like to present to the Board a proposed settlement. He stated that subject to the approval of the Board, the Office of the Attorney General and respondent entered into settlement negotiations and as of last week, a settlement was agreed upon. He advised that respondents have signed a Consent Order and that it is being submitted to the Board today to see if the Board is willing to accept it. The terms of the agreement are as follows: Lilly Wang and Mei Lei Fashion Inc. agree to cease and desist from offering permanent makeup services at Shiseido Beauty Care located in Ramsey, New Jersey, to commit no further violations of any statutes or regulations pertaining to the practice of cosmetology and hairstyling in New Jersey and acknowledge that any other violations could lead to enhanced penalties including the revocation of licenses. In addition, a \$3000.00 penalty shall be paid in three (3) monthly installments beginning next week with the last installment to be paid by January 21, 2006. He advised that the Office of the Attorney General feels that this agreement is appropriate because although there is strong circumstantial evidence, the Attorney General lacks any direct evidence. He indicated that the circumstantial evidence is strong and that the case can be made but that it would just be a little bit more difficult without direct evidence. Furthermore, the settlement helps respondents and the Board in saving attorney costs and saves the Board the time of having to go through a hearing and having to make a decision. Finally, he advised that he believes a penalty of \$3000.00 is a substantial fine that adequately serves not only as a deterrent but also punishment for these violations.

Upon motion made by Mr. Christian Jones and seconded by Mr. Anthony Monaco, the Board accepts the settlement offer. The motion passed unanimously.

10:45 A.M. Mr. Rodney A. Davis, 968 Fernwood Avenue, Plainfield, New Jersey 07062 appeared for an investigative inquiry hearing in connection with his conviction and incarceration for Sexual Assault and his desire to be admitted to the cosmetologist-hairstylist examination.

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Janice Alvarez, the Board went into Closed Session for the purpose of conducting an investigative inquiry hearing. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Janice Alvarez, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion may by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the Board withholds decision pending Mr. Davis' submission of a comprehensive report from the health care professional who is treating him. The motion passed unanimously.

11:15 A.M. Mr. Joseph J. Rodgers, Esquire and his client, Kelly Ann Murray, 946 Honeysuckle Lane, Cape May, New Jersey 08204 appeared for an investigative inquiry hearing in connection with Ms. Murray's arrest for Conspiracy to Commit the Crime of Unlicensed Practice of Medicine and Conspiracy to Commit the Crime of Aggravated Assault with a Weapon.

Upon motion made by Mr. Christian R. Jones and seconded by Mr. Jerry Speziale, the Board went into Closed Session for the purpose of conducting an investigative inquiry hearing. The motion passed unanimously.

Upon motion made by Mr. Christian R. Jones and seconded by Mr. Jack Fornaro, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, the Board does not find sufficient evidence to initiate disciplinary action at this time but does caution that Ms. Murray is to comply with the Board's statutes and regulations in the future. The motion passed unanimously.

## **BUSINESS AGENDA**

1. Ms. Sasha M. Rash and Ms. Barbara E. Rash, Supervising Teacher appeared for interview in connection with Ms. Sasha Rash's application for initial licensure of The Lab Paul Mitchell Partner School, 25 Scotch Road, StA, Ewing, New Jersey.

Mr. Joseph Santagata greeted Ms. Sasha Rash, Ms. Barbara Rash and Mr. Sal Yodice.

Ms. Janice Alvarez stated that they have a \$62,500 a year contract with the Supervising Teacher but that they are showing a bi-monthly payment of \$2,402.85 to her and that they should look at the contract since the math doesn't work out. She also inquired as to the percentage of time the other teacher, Ms. Janet Cash will be working.

Ms. Sasha Rash stated that the other teacher will be working full time once the school actually opens.

Ms. Janice Alvarez asked who will be working on Saturdays?

Ms. Sasha Rash advised that her mom, Mrs. Rash will be.

Ms. Janet Alvarez questioned what the requirements for a student teacher are?

Ms. Barbara Rash indicated that the student must be 18 years old or older, have already completed and passed their 1200 hour beauty culture exams, have 500 hours from us and be of good moral character and

have no communicable diseases.

Ms. Janice Alvarez questioned who will be responsible for student teachers?

Ms. Barbara Rash stated that she will.

Ms. Janice Alvarez questioned how they will grade a student's work and how their progress will be monitored?

Ms. Barbara Rash stated that they have daily, weekly and monthly schedules that have to be filled out on their progress, practical and theory, that 70% is passing and that after each test which is given on Friday, grades will be posted on the following Tuesday.

Ms. Janice Alvarez questioned how they came up with their clinical charges?

Ms. Sasha Rash indicated that as she recalls, they estimated each student will see about 10 clients a week and based on the amount of clients per week each student would see, they did a market study on how to price it based on what other schools might be charging and what they felt would be realistic.

Ms. Janice Alvarez questioned who will take care of disciplinary problems?

Ms. Barbara Rash advised that students are encouraged to stay out of situations but that after 5 suspensions, they will be dis-enrolled and everything will be documented.

Ms. Janice Alvarez questioned who will be responsible to check lesson plans?

Ms. Barbara Rash stated that she will be responsible to check lesson plans.

Ms. Janice Alvarez questioned how she will be able to monitor the classrooms and make sure that they are following the lesson plans?

Ms. Barbara Rash indicated that they will be posted and that she will be checking them at various times.

Ms. Janice Alvarez questioned what provisions will be made for a student who fails the State Board exam?

Ms. Barbara Rash advised that they can come back and take additional hours to help them do better.

Mr. Richard Griswold questioned whether they will be charged?

Ms. Sasha Rash stated that they can get up to 120 hours without being charged.

Ms. Janice Alvarez questioned whether they have an entrance exam?

Ms. Barbara Rash indicated that they do have a small entry test and will evaluate students who complete hours at another school.

Ms. Janice Alvarez questioned what materials they will use to test them.

Ms. Barbara Rash stated that each lesson plan has a test that goes with it.

Ms. Janice Alvarez asked whether they will accept students without a high school diploma?

Ms. Barbara Rash advised that they will not.

Mr. Richard G. Griswold indicated that on the report of inspection, the inspector indicated that their schedule is Monday through Friday the first week and then Tuesday to Saturday thereafter; and he

questioned whether this is what they are planning to do.

Ms. Sasha stated that they intend to follow that schedule.

Mr. Richard G. Griswold suggested that she should take a look at 13:28-6.12 and advised that full-time students cannot attend regularly on Saturdays, that Saturdays are for make-up time. He also informed Ms. Rash that students must follow a set schedule and cannot change back and forth. Mr. Sasha Rash indicated that she misunderstood the regulation and that she will change the schedule.

Mr. Richard G. Griswold stated that several people have questions on their financials but before they start asking specific questions, he would like to know why they didn't submit a certified audited financial statement when the application clearly states that one is required.

Ms. Sasha Rash advised that maybe it is out of her own ignorance but that she did not understand that a company that did not exist yet and wasn't taking revenue in yet could have a certified financial statement and that she misunderstood the process. She indicated that when she had an opportunity to sit with Mr. Griswold and Mrs. Rose Policastro in May during the testing in Trenton, she came away from that with the understanding that as long as we provided as much as we could, it would be alright.

Mr. Sal Yodice indicated that this is something he could provide in a short period of time, that with this particular financial statement, he would be comfortable and confident that he could provide an opinion letter which, in essence, would make it a certified financial and that, it was just a question of cost.

Ms. Janice Alvarez advised that the paperwork they recently submitted differs greatly from what was initially submitted with the application and that the Board needs clarification..

Mr. Sal Yodice stated that one of them is Sasha Rash's personal financial statement.

Mr. Richard G. Griswold indicated that he told Ms. Sasha Rash that whatever the form of the ownership is going to be, that is what financial information must be submitted and that since the school is owned by a corporation, her personal finances have no bearing on the application or the ability of the corporation to keep the school running.

Mr. Sal Yodice advised that it may have been provided to show a source of potential additional funding.

Mr. Richard G. Griswold stated that they are looking at the school's ability to operate financially and that her personal assets and personal accounts do not do anything for the corporation as far he can see.

Mr. Sal Yodice indicated that she is committed on a moments notice to have her personal funds support and be put into the corporate entity. She is 100% share holder and on a days notice, she could transfer funds to provide support for any undertaking and she is willing to do so; and he advised that they apologize if the personal financial statement has caused any confusion.

The Board went over the financial statement with them.

Mr. Richard G. Griswold asked if PSE&G had connected the transformer for their lights.

Ms. Sasha Rash stated that they have not been connected yet but that there is a work order and that she expects the work to be done any day now.

Mr. Griswold asked about the construction material in the senior room.

Ms. Sasha Rash stated that it has been cleaned up.

Upon motion made by Mr. Christian Jones and seconded by Ms. Janice Alvarez, 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 Mr. Christian Jones and seconded by Mr. Jerry Speziale, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, Ms. Sasha Rash's application for school license is approved subject to her submission of a certified audited financial statement for the corporation which will support their revised operating budget. The motion passed unanimously.

2. Correspondence received from Ms.. Kathryn Pivovar, 3123 Glen Hollow Drive, Dover, PA 17315 in connection with her convictions of Possession of CDS, Unlawful Taking of a Means of Conveyance and Theft by Deception and her desire to renew cosmetologist-hairstylist license #WG032657 was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to her eligibility to renew her license.

Upon motion made by Mr. Christian Jones and seconded by Mr. Jack Fornaro, the Board withholds decision pending Ms. Pivovar's appearance for an investigative inquiry hearing. The motion passed unanimously.

3. Correspondence received from Ms. Bridget Damiano, Vice President, Capri Corporate Management, Inc., 615 Winters Avenue, Paramus, New Jersey 07652 with accompanying 2006 calendar of the new student starting dates for the five (5) Capri Institute Cosmetology Training Centers schools was presented to the Board for consideration. She indicated that three (3) of the dates are not in compliance with N.J.A.C. 13:28-6.10 and asked that the Board approve alternate dates to accommodate certain holidays.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jerry Speziale, Ms. Bridget Damiano's request is approved. The motion passed unanimously.

4. A copy of the report prepared by Mr. Christian R. Jones, Board Member with regard to his desire to have the Board work on legislation that will bring back the barber license was presented to the Board for consideration. The Board briefly discussed this matter at the regular monthly meeting held October 11, 2005 and directed that it be placed on the agenda for this meeting for further consideration.

Mr. Christian Jones stated that he would like to get this in a Committee so that we can begin fact finding.

Mr. Richard G. Griswold indicated that this should probably be put into the Legislative Committee unless you want to establish a special committee and that anyone not serving on that committee, who has strong feelings, should voice their opinions today. He advised that we have talked about this several times in the past and everyone seems to agree that we should bring back the Barber license.

Mr. Joseph Santagata stated that Christian Jones did a wonderful job on this.

Mr. Jay Malanga indicated that one of the things to seriously consider is whether we want to tamper with the shop aspect of this. He advised that he believes that the statutes we have now will satisfy that need but that is something we will have to take into consideration. He stated that there is a whole host of changes and things we have to address and that we should be absolutely right with this.

Upon motion made by Mr. Christian Jones and seconded by Mr. Jack Fornaro, this matter is referred to the Legislative Committee. The motion passed unanimously.

5. Correspondence received from Mr. Hanif Husain, 529 Cooper Street, Beverly, New Jersey 08010 in connection with his convictions of Possession of CDS, Possession with Intent to Distribute and Possession with Intent to Distribute On or Near School and his desire to reinstate barber license #WI11160 was

presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to his eligibility to reinstate his license.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the Board withholds decision pending Mr. Husain's appearance for an investigative inquiry hearing. The motion passed unanimously.

6. Correspondence received from Ms. Jutta Stapperfenne, t/a Carmine's Hair Salon, 104 Minebrook Road, Bernardsville, New Jersey 07924 in connection with the outstanding penalties assessed against her in the amount of \$1000.00 for the alleged violations resulting out of an inspection of her shop on August 17, 2005 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the fines stands. The motion passed unanimously.

7. Correspondence received from Ms. Inessa Plotkin, 556 Jones Road, Englewood, New Jersey 07631 in connection with the outstanding penalty assessed against her in the amount of \$2800.00 for her alleged violation of N.J.S.A. 45:5B-7, 8, 9 and N.J.A.C. 13:28-2.7(a) on February 10, 2005 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Janice Alvarez, the fine stands. The motion passed unanimously.

8. A report of investigation conducted in connection with the alleged professional misconduct of Ms. Elise Stone, 11 Brailley Lane, Hazlet, New Jersey 07730 was presented to the Board for consideration. Ms. Stone is the holder of beautician license #WA06759900; and the Board was asked to determine whether it would like to initiate disciplinary action against her for her alleged professional misconduct while working at Liberty Manor Assisted Living Residence, 49 LaSatta Lane, Englishtown, New Jersey.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the Board went into Executive Session to discuss a pending disciplinary matter. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Anthony T. Monaco, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Christian Jones, Ms. Elise Stone is to be scheduled to appear for an investigative inquiry hearing. The motion passed unanimously.

9. Correspondence received from Mr. Kevin Pernetta, Director of Accreditation and Compliance, Empire Beauty Schools in connection with the Empire Beauty School and American Red Cross Day of Beauty they conducted on Saturday, October 1, 2005 was presented to the Board for their information. He indicated that the event was very successful and thanked the Board for its support and generosity in allowing their three (3) New Jersey schools to participate.

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

## **COMMITTEE REPORTS**

### **PUBLIC RELATIONS:**

Mr. Jerry Speziale stated that he had spoken to Denise and Carlo, that the Board usually goes out for a Christmas luncheon and treats some board staff and that he was thinking about the Newark Club upstairs from Seton Hall Law School.

Mr. Joseph Santagata indicated that it sounds good but that he should get a price.

**LEGISLATION:**

Mr. Jack Fornaro reported that all Committee work is up to date.

**VIOLATION:**

Mr. Jerry Speziale reported that all Committee work is up to date.

**EDUCATION:**

No report was given.

**EXAMINATION AND SITES:**

Mr. Joseph Santagata reported that the Examination Committee met with representatives of N.I.C. and Laser Grade a few weeks ago, that they were very impressed with their presentation but not with some of their testing facilities and that they have new sites they want us to look at, mostly at County Colleges.

Mr. Jack Fornaro asked what the time frame is.

Mr. Joseph Santagata stated that the time frame is whatever the Board gives them.

Mr. Richard G. Griswold advised that Laser Grade is talking about partnering with Promisor or some of the community colleges for new sites, that county colleges appeal to him since they can probably accommodate a greater number of people per testing session and that N.I.C. is appealing to him because they are testing in 32 other states. He indicated that it appears that all or most of the states that pulled out of N.I.C. and went to Experior have gone back to N.I.C..

Mr. Jack Fornaro asked whether we have replied to Thompson about their proposed contract.

Mr. Richard G. Griswold stated we are still talking to other vendors and that their contract, work agreement and supplemental work agreement are just sitting while we talk to other vendors.

Mr. Jack Fornaro inquired as to when we plan to bring this to the attention of the Board.

Mr. Richard G. Griswold indicated that it is up to the Committee, that we have to look at the Laser Grade sites and that we have not told Thompson anything because we stopped to look at other vendors.

Mr. Joseph Santagata advised that Promisor gives the Real Estate test and that they have good facilities around the state.

Mr. Richard G. Griswold indicated that Thompson has assigned a new account manager, Andy Parker and that things have been a lot better for the past few months but the fact that N.I.C. is servicing 32 other states really appeals to him.

**SCHOOL**

Ms. Janice Alvarez reported that all Committee work is up to date.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Anthony Monaco, the meeting was adjourned at 3:00 p.m.. The motion passed unanimously.

CARLO MELINI, Chairperson  
Countersigned:

RICHARD G. GRISWOLD, Executive Director