

Board of Cosmetology and Hairstyling

Regular Monthly Meeting

124 Halsey Street - 6th Floor
Newark, New Jersey 07102
November 18, 2003

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

ROLL CALL:

Ms. Kathleen M. Alexander, Ms. Patricia Graffin, Mrs. Frances Gray, Mr. Peter Macri, Mr. Carlo Melini, Mrs. Rose Policastro, Mr. Joseph Santagata, Mr. Richard G. Griswold, Executive Director, Mr. Jay A. Malanga, Assistant Executive Director and Ms. Barbara Ambrose, Program Development Assistant were present. Mr. Ronald J. Brown, Ms. Elaine C. Haroldson, Ms. Lynn Rasiewicz and Ms. Marie Maiorano, Office Supervisor were absent.

Mrs. Rose Policastro announced that the time, date and location of the meeting was listed in the Annual Notice Schedule. The Annual Notice Schedule was mailed to Ms. Regina L. Thomas, Secretary of State and the Newark Star-Ledger and Trentonian Newspapers on December 11, 2002 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 11, 2002.

ACCEPTANCE OF MINUTES:

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held October 14, 2003 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Ms. Veronica L. Anglin, 958 Randolph Avenue, Rahway, New Jersey 07065 was scheduled to appear for an investigative inquiry hearing in connection with her conviction of Robbery and her desire to restore cosmetologist-hairstylist license #WG028582.

Mr. Richard Griswold informed the Board that Ms. Anglin is not present and that she did not request an adjournment.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, Ms. Veronica L. Anglin is to be informed that the Board is troubled by her failure to appear or to request an adjournment and will not further consider this matter until she submits a written explanation. The motion passed unanimously.

11:00 A.M. Mr. Ronald Jones, 17 N. Pennsylvania Avenue, Atlantic City, New Jersey 08401 appeared for an investigative inquiry hearing in connection with his convictions of various criminal offenses and his desire to restore his barber license #KI10242 by examination. Mrs. Rose Policastro greeted Mr. Ronald Jones and explained to him why he had been scheduled to appear.

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

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

See Court Reporter Transcripts for exact testimony.

Upon motion made by Mr. Peter Macri 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 Mr. Peter Macri and seconded by Mrs. Frances Gray, 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. Frances Gray, based upon Mr. Jones' 26 convictions between 1958 and 2000, the Board withholds decision on his application for admission to the barber restoration examination for a period of 12 months after which he can reapply provided he submits a copy of his Release Order at such time as he is released from parole and he has no further contact with the criminal justice system. The motion passed unanimously.

11:15 A.M. Ms. Mia Brown, 50 Fenwick Street, Bldg. #2, Newark, New Jersey 07114 appeared for an investigative inquiry hearing in connection with her conviction of Receiving Stolen Property (2 counts) and her desire to complete a term of training at Natural Motion Institute of Hair Design and eventually become licensed.

Ms. Rose Policastro greeted Ms. Mia Brown and explained to her why she had been scheduled to appear.

Deputy Attorney General Rhonda Pope Stephens gave her opening statement and asked that Ms. Brown be sworn-in.

Ms. Mia Brown offered her testimony and answered questions of Deputy Attorney General Rhonda Pope Stephens and the Board.

See Court Reporter Transcripts for exact testimony.

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

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 Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Mia Brown's conviction will not bar her from admission to exam provided she submits a copy of her parole agreement and quarterly reports from her parole officer, complies with all of the terms and conditions of her parole and does not have any further contact with the criminal justice system. Also, she is to furnish immediate written notification of any change of employment or residential address. The motion passed unanimously.

BUSINESS AGENDA

1. Correspondence received from Mr. Frank Alois, Ms. Gloria Fico (property owner) and Mr. John Fico in connection with Mr. Alois' application for initial shop licensure of Johnnies Barber Shop, 9320 Ringwood Avenue, Haskell, New Jersey was presented to the Board for consideration. The shop only contains 288 square feet of space, 62 square feet short of the minimum required by N.J.A.C. 13:28-2.5; and although Ms. Fico's husband operated a barber shop at this location for over 30 years until he passed away in August 1999, she was unaware that she had to renew the license when it expired in July 31, 2000; and she advised that it is impossible for her to enlarge and asked that the Board waive it's minimum square footage requirement.

Mr. Peter Macri indicated that a waiver should be granted since this is a pre-existing shop.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Mr. Alois' request is approved provided he never has more than one (1) practitioner offering services at any time. The motion passed unanimously.

2. Correspondence received from Ms. Janice Little in connection with her application for initial shop licensure of Hair Gazism Hair Salon, 487 Chestnut Street, Trenton, New Jersey 08618 was presented to the Board for consideration. The shop only contains 293 square feet of floor space, 57 square feet short of the minimum required by N.J.A.C. 13:28-2.5; but she indicated that a shop was previously operated at this location and that it is impossible for her to enlarge; and she asked that the Board waive it's minimum square footage requirement and issue the desired license.

Note: Board office records reflect that there was a license previously issued to Hair Studio By Marie but that Hair Studio By Marie went "out of business" on February 13, 2003 and that Ms. Little did not purchase a going business.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Ms. Janice Little's request is approved provided she never has more than one (1) practitioner offering services at any time. The motion passed unanimously.

3. Correspondence received from Ms. Kathleen D'Alonzo in connection with her application for initial shop licensure of Park Avenue Studios, Inc., 1500 N. Kings Highway, Suite 203 A, Cherry Hill, New Jersey 08034 was presented to the Board for consideration. The shop only contains 339 square feet of floor space, 11 square feet short of the minimum required by N.J.A.C. 13:28-2.5 and there is not a lavatory within the confines of the shop as required by the same regulation; but Ms. D'Alonzo indicated that she was told there was 350 square feet of space when she signed the lease, that the shop is located on the 2nd floor in the corner of the building with nowhere to expand and that there are lavatories in the hallway just outside of the entrance to the shop; and she asked that the Board waive it's minimum requirements and issue the desired license.

Mr. Carlo Melini stated that this is an initial application, that she had a responsibility to check the square footage prior to entering into a lease and that she should have recourse against the landlord if he represented that there is 350 square feet.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Kathleen D'Alonzo's request for a waiver of the in-shop lavatory requirement is approved; but her request for a waiver of the minimum square footage requirement is denied. The motion passed unanimously.

4. Correspondence received from Mr. Raymond Testa, President, Association of Cosmetology and Hairstyling Schools of New Jersey, Inc., 1126 Morris Avenue, Union, New Jersey 07083 in connection with their desire to have the Board make changes to it's testing policies and procedures was presented to the Board for consideration. He indicated that he understands the Board is considering changing test administrators and that they would support such a change but that they still contend that their proposals to certify students just prior to graduation and to lower passing scores to 70% would greatly improve their situation.

Ms. Kathleen Alexander stated that she does not like Mr. Testa's proposal because it would downgrade the profession.

Mr. Jay Malanga indicated that it is prompted by their need to satisfy NACCAS requirements.

Mr. Richard G. Griswold advised that he is 100 % against what he is asking for and that he does not think that an agency should dummy down it's test so that a school, private or public, can show better pass rates.

Ms. Kathleen Alexander stated that she has seen a lot of people at the test sites who have language problems and are guessing at answers.

Mr. Richard G. Griswold reminded the Board that this issue goes back about 8 months, that the Examination Committee was working on it and then got sidetracked and that Mr. Testa had asked to meet with the Committee.

Mrs. Frances Gray indicated that the Committee has been waiting for statistics from the office on this.

Mr. Jay Malanga advised that he and Barbara have been looking at the scores and that lowering the passing score to 70% would not substantially help anyone.

Mrs. Frances Gray stated that we should follow through on this and if we said we would meet with him, we should but that she would like to see the statistics.

Mr. Richard G. Griswold indicated that he thinks the Board needs to bring this to closure.

Mrs. Rose Policastro suggested that the Board can meet with him in January after the regular meeting.

Upon motion made by Ms. Kathleen Alexander and seconded by Mr. Peter Macri, Mr. Raymond Testa's request is denied; but he is to be informed that the School Committee will be happy to meet with him in January if he would like. The motion passed unanimously.

5. Correspondence received from Mr. Chau Gian Phan, t/a Nails Envy, 126 Route 10, West, Succasunna, New Jersey 07876 in connection with the penalties assessed against him in the amount of \$1650.00 for the alleged violations resulting out of an inspection of his shop on October 31, 2001 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing, remitted payment in the amount of \$1250.00 and asked that the Board accept his payment in settlement of all outstanding penalties.

Upon motion made by Ms. Patricia Graffin and seconded by Mr. Peter Macri, Mr. Phan is guilty as charged and is to pay the full penalty of \$1,650.00. The motion passed unanimously.

6. Correspondence received from Ms. Danielle Hoberman, Esquire on behalf of Mr. Agostino Barletta in connection with the outstanding penalties assessed against him in the amount of \$2,400.00 for the alleged violations resulting out of inspections of Augie Men's Salon, 798 Route 46 West, Parsippany, New Jersey 07054 on November 21, 2000 and July 11, 2001 was presented to the Board for consideration. She indicated that he would like to waive his right to a hearing but furnished a written explanation and asked that the Board eliminate or substantially reduce the penalties.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the fine is reduced to \$2000.00 and if not paid and a hearing is necessary, it will revert back to \$2400.00 plus costs. The penalty must be satisfied by way of a \$1000.00 payment up front and two subsequent payments of \$500.00 each within 120 days. The motion passed unanimously.

7. Correspondence received from Mr. Huy Ho Nguyen, t/a Nail Trix, 400 Route 38, Moorestown Mall, Moorestown, New Jersey 08057 in connection with the penalty assessed against him in the amount of \$6000.00 for the alleged violation resulting out of an inspection of his shop on May 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 and asked that the Board consider reducing the penalty and allowing him to pay the reduced penalty over a period of six months.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, Mr. Nguyen is guilty as charged and is to pay the full penalty within ten (10) days. The motion passed unanimously.

8. Correspondence received from Mr. Lawrence Matarese, t/a Lawrence Gerard Salon, 349 Route 9 South, Manalapan, New Jersey 07726 in connection with the outstanding penalties assessed against him in the amount of \$3500.00 for the alleged violations resulting out of an inspection of the shop on October 12,

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 its final decision. He also asked that the Board release the "hold" it has on the application for initial (change of ownership) shop licensure submitted by Mr. Peter Brescia, an employee.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the penalty is reduced to \$3000.00 but the hold on the change of ownership application is not to be released until the penalty is paid in full. The motion passed unanimously.

9. Correspondence received from Mr. Ju Gan Chen, 2655 S. Alden Street, Philadelphia, PA 19148 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 White's Cover Beauty Center, Camden, New Jersey on June 7, 2001 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Kathleen Alexander and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

10. Correspondence received from Mr. Salvatore Puglisi, 1608 Broadway Boulevard, Toms River, New Jersey 08757 in connection with his application to restore beautician license #WA45641 and his convictions of Possession of CDS, Theft By Deception and Credit Card Fraud was presented to the Board for consideration. Mr. Puglisi successfully completed the restoration examination on June 9, 2003; but his license has not been issued in light of his convictions; and the Board was asked to determine whether he should be permitted to resume practice.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board withholds decision on this matter pending Mr. Salvatore Puglisi's appearance for an investigative inquiry hearing. The motion passed unanimously.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Rose Policastro reported that there is an exam on Saturday in area #2 and that she will be attending.

Education & New Studies:

Mrs. Rose Policastro reported that all Committee work is up to date; and that they were scheduled to meet with Linda Kellner last week to review the N.I.C. tests but had to cancel and will try to reschedule for January 26th & 27th at the Sheraton in Weehawkin.

Barbara Ambrose, Kathleen Alexander and Frances Gray all indicated that the 26th and 27th sounds good.

Mr. Richard G. Griswold suggested that if the Board decides to go with NIC, it should make sure there are provisions in the contract requiring Board review of all test booklets prior to use.

Mrs. Rose Policastro stated that they can try to schedule Experiore in February.

Ms. Kathleen Alexander advised that she will be going on a cruise in February and asked that Rose try to schedule the meeting in late February.

Mrs. Frances Gray indicated that we can tell Experiore we will get back with them.

Mr. Richard G. Griswold suggested that Experiore be informed that the Board wants to review all tests being used in New Jersey before it gets involved in an item review workshop.

Violation:

Mr. Joseph Santagata reported that all Committee work is up to date.

School & Department of Education Liaison:

Mrs. Rose PolICASTRO reported that all Committee work is up to date and that they will be meeting with representatives of Professional Beauty School at the conclusion of this meeting to discuss the numerous discrepancies on their application for initial school license.

Legislation:

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

Public Relations:

Ms. Patricia Graffin reported that she tried her best to get a restaurant at Borgata for our Christmas party but did not have any luck and that we're back to a Newark Restaurant for the party. She gave the members a choice of 3 restaurants and they decided on Casa Vasca on December 9th at 12:30 P.M..

Upon motion made by Mr. Peter Macri and seconded by Mr. Carlo Melini, the meeting was adjourned at 3:18 p.m.. The motion passed unanimously.

ROSE POLICASTRO, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director

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