

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
DECEMBER 9, 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, Ms. Elaine C. Haroldson, Mr. Peter Macri, 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, Mr. Carlo Melini and Ms. Lynn Rasiewicz 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 Mrs. Frances Gray and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held November 18, 2003 are accepted as read. The motion passed unanimously.

BUSINESS AGENDA

1. Pursuant to N.J.S.A. 45:5B-5, the Board was asked to elect from it's membership a chairperson and a vice chairperson to serve for the period of January 1, 2004 to December 31, 2004.

Mrs. Frances Gray nominated Mr. Peter Macri for chairperson.

Mrs. Rose Policastro asked if there were any other nominations and there were not.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Kathleen Alexander, Mr. Peter Macri is appointed to serve as chairperson for the period of January 1, 2004 to December 31, 2004. The motion passed unanimously.

Mr. Peter Macri graciously accepted and stated that he understands that Carlo was interested in running for chair, but for whatever reason he was unable to attend today's meeting and that he hopes there are no hard feelings. He indicated that he knows this is going to be a tough job to follow after Rose Policastro and Frances Gray have served for so many years.

Mrs. Frances Gray nominated Ms. Patricia Graffin for vice chairperson.

Mrs. Rose Policastro asked if there were any other nominations and there were not.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Patricia Graffin is appointed to serve as vice chairperson for the period of January 1, 2004 to December 31, 2004. The motion passed unanimously.

Mrs. Rose Policatro stated that as the outgoing chairperson, she would like to thank everyone on the Board for their support, especially in light of the hard times she has been through.

2. Pursuant to N.J.S.A. 10:4-6, the Board was asked to establish an Annual Notice Schedule for the period of January 1, 2004 through December 31, 2004.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, the meetings for the period of January 1, 2004 through December 31, 2004 are to be scheduled on the second Tuesday of each month; and Mr. Richard G. Griswold is to file the required Annual Notice Schedule with the Secretary of State. The motion passed unanimously.

3. Regulations proposed by the Board of Nursing to regulate the practice of Massage, Bodywork and Somatic Therapy were presented to the Board for consideration. This proposal appeared in the New Jersey Register on October 20, 2003; and the Board was asked to determine whether it desires to submit written comments.

Ms. Elaine Haroldson questioned whether our shops will be able to continue offering massage services if the Board of Nursing is now regulating the practice.

Mr. Richard G. Griswold indicated that shops have been offering massage services as ancillary services for several years and that he thought it would have made a lot more sense for the Board of Cosmetology & Hairstyling to regulate this practice but that didn't happen; and that the Board should review the proposed regulations to see if they will have any impact on our regulatory scheme. He advised that he doesn't believe they will but that we might want to ask that they add wording which prohibits massage therapists from performing cosmetology and hairstyling services.

Deputy Attorney General Rhonda Pope Stephens suggested that wording could be added on page 16 to the "scope of practice".

Mr. Richard G. Griswold stated that he was thinking it should go on page 26.

Deputy Attorney General Rhonda Pope Stephens indicated that we need to see if there is an overlap in the definitions and that is why they need guidance from the Board Members.

Mr. Richard G. Griswold stated that any services falling under the definition of cosmetology and hairstyling, barbering, beauty culture and skin care as defined by N.J.S.A. 45:5B-3b,c,j & y should be prohibited.

Deputy Attorney General Rhonda Pope Stephens advised that it should also be added to page 16 under "scope of practice"; and that the same wording can be used in both sections.

Upon motion made by Ms. Kathleen Alexander and seconded by Ms. Elaine Haroldson, the Board of Nursing is to be informed that we have reviewed their rule proposal and ask that sections 16.2 & 16.7 be amended to prohibit the offering of cosmetology and hairstyling services as defined by N.J.S.A. 45:5B-3 et. seq.. The motion passed unanimously.

4. The Provisional Order of Discipline issued to Ms. Eun Sook Hong, 3963 Fairfax Square, Fairfax, Virginia 22031 on August 13, 2003 in connection with the suspension or revocation of her cosmetologist-hairstylist license #WG33200 was presented to the Board for consideration. Ms. Hong has not requested modification or dismissal; and the Board was asked to determine whether it would like to take final action on this matter.

Mr. Richard G. Griswold stated that a Provisional Order of Discipline was mailed to Ms. Eun Sook Hong on August 14, 2003 by way of regular and certified mail. The Order allowed Ms. Hong 30 business days following it's entry to request modification or dismissal. He advised that both the regular and certified

mailings were returned on or about December 2, 2003 as undeliverable; but none of the material facts contained in the Provisional Order of Discipline have changed and pursuant to N.J.A.C. 13:28-1.6(c), "service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1(proper modes of service) and the commencement of any disciplinary proceedings". The Provisional Order of Discipline charged Ms. Eun Sook Hong with obtaining a cosmetology and hairstyling license by means of fraudulent documents and that copies of the Provisional Order and the false documents are included in the Board's agenda materials for this item. He stated that Ms. Hong submitted a purported diploma from Jamsil Beauty School, 96-2 Songp-Dong Songpa-Ku, Seoul, Korea in support of her application for examination pursuant to N.J.S.A. 45:5B-17 and represented that she was, in fact, a graduate of that school but the Board reviewed those documents, including a Certification from Sang-Uhk Lee, the principal of Jamsil Beauty School indicating that Jamsil Beauty School has no record that respondent ever attended that school or received a diploma from that school; and the Order calls for a 2 year license suspension, a civil penalty in the amount of \$1,500.00 and prior to petitioning for re-licensure, Ms. Hong would have to meet all qualifications and requirements pursuant to N.J.S.A. 45:5B-1 et. al. and provide proof of same and successfully take and pass an examination conducted by the Board pursuant to N.J.S.A. 45:5B-17(c) if she ever petitions for re-licensure..

Upon motion made by Mr. Peter Macri and seconded by Ms. Elaine Haroldson, the Board is not persuaded that further consideration is merited, a Final Order of Discipline shall be entered and all penalties, costs and disciplinary measure should be included in the Final Order. The motion passed unanimously.

5. The Provisional Order of Discipline issued to Ms. Yoon Jung Choi, 386 Fairview Avenue, Fairview, New Jersey 07022 on August 14, 2003 in connection with the suspension or revocation of her cosmetologist-hairstylist license #WG35359 was presented to the Board for consideration. Ms. Choi has not requested modification or dismissal; and the Board was asked to determine whether it would like to take final action on this matter.

Mr. Richard G. Griswold stated that on August 14, 2003, a Provisional Order of Discipline was filed by the Board against Yoon Jung Choi. It alleged that she submitted false documents in support of her application for examination, that the Board upon review of those documents, including a Certification from the Principal of Jamsil Beauty School indicating that respondent never attended and directed that a Provisional Order calling for a 2 year suspension of respondent's license, a civil penalty in the amount of \$1500.00 and a requirement that respondent will have to meet all qualifications and provide proof of same and successfully take and pass an examination conducted by the Board pursuant to N.J.S.A. 45:5B-17(c) in the event that she ever petitions for re-licensure should be issued. He indicated that the Provisional Order of Discipline was mailed to Ms. Yoon Jung Choi at 386 Fairview Avenue, Fairview, New Jersey by way of certified and regular mail, that she had 30 business days in which to ask for modification or dismissal, that the envelopes were not returned by the post office and that the Board has not, to date, received any correspondence from Ms. Yoon Jung Choi; and he asked whether the Board would like to take final action.

Upon motion made by Mr. Peter Macri and seconded by Ms. Elaine Haroldson, the Board is not persuaded that further consideration is merited, a Final Order of Discipline shall be entered and all penalties, costs and disciplinary measure should be included in the Final Order. The motion passed unanimously.

6. The Provisional Order of Discipline issued to Ms. Yoon Eui Hong, 26 Palm Court, Paramus, New Jersey 07652 on August 14, 2003 in connection with the suspension or revocation of her cosmetologist-hairstylist license #WG30768 was presented to the Board for consideration. Ms. Hong has not requested modification or dismissal; and the Board was asked to determine whether it would like to take final action on this matter.

Mr. Richard G. Griswold stated that on August 14, 2003, a Provisional Order of Discipline was issued to Yoon Eui Hong charging that she submitted a purported diploma from Jamsil Beauty School, Seoul, Korea in support of her application for examination and that the Board reviewed a certification from Sang-Uhk Lee, the principal of Jamsil Beauty School indicating that Jamsil Beauty School does not have any record

that respondent ever attended that school or received a diploma from that school. The Board concluded that Ms. Hong submitted false documents to obtain her license and ordered that respondent's license be suspended for a period of 2 years, that she pay a civil penalty in the amount of \$1,500.00 and that she meet all qualifications and requirements pursuant to N.J.S.A. 45:5B-1, et.al., provide proof of same and successfully take and pass an examination conducted by the Board if she ever applies for re-instatement.. Respondent was afforded an opportunity to respond within thirty business days for modification or dismissal. He advised that the Provisional Order of Discipline was mailed by way of regular mail and certified mail, that the certified envelope was returned by the post office but the regular envelope was not and that upon advice of prosecuting counsel, pursuant to N.J.A.C. 13:28-1.6(c), "service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 (proper modes of service) and the commencement of any disciplinary proceedings' and asked whether the Board wants to take final action.

Upon motion made by Ms. Patricia Graffin and seconded by Ms. Kathleen Alexander, the Board is not persuaded that further consideration is merited. A Final Order of Discipline is to be entered and all penalties, costs and disciplinary measure should be included in the Final Order. The motion passed unanimously.

7. The Provisional Order of Discipline issued to Ms. Chung Hee Chang-Park, 23 Rte 206, Byram, New Jersey 07874 on August 14, 2003 in connection with the suspension or revocation of her cosmetologist-hairstylist license #WG30713 was presented to the Board for consideration. Ms. Chang-Park has not requested modification or dismissal; and the Board was asked to determine whether it would like to take final action on this matter.

Mr. Richard G. Griswold stated that a Provisional Order of Discipline was filed by the Board on August 14, 2003 against Ms. Chung Hee Chang-Park. The Provisional Order of Discipline made findings that on May 11, 1998, respondent submitted a purported diploma from Jamsil Beauty School, Seoul, Korea in support of her application for examination pursuant to N.J.S.A. 45:5B-17. The Board also reviewed documentation including a certification from Sang-Uhk Lee, the principal of Jamsil Beauty School indicating that Jamsil Beauty School has no record that respondent ever attended that school or received a diploma from that school and concluded that respondent's actions, in reporting that she was a graduate of the school, constitute a violation of N.J.S.A. 45:1-21(a) by submitting false documentation for authorization to sit for an examination and also N.J.S.A. 45:1-21(b) by engaging in dishonesty, fraud, deception or misrepresentation. The Board ordered that respondent's license to practice cosmetology and hairstyling be provisionally revoked for a period of 2 years, that respondent shall pay a civil penalty in the amount of \$1,500.00 and prior to petitioning for re-licensure, respondent shall meet all qualifications and requirements pursuant to N.J.S.A. 45:5B-1 et. al., provide proof of same and successfully take and pass an examination conducted by the Board. Mr. Richard G. Griswold advised that the Provisional Order reflected that respondent had thirty business days following entry of the Order to ask for modification or dismissal but Board office records reflect that there has been no response from Ms. Chang-Park. He also advised that the Order was sent out by regular and certified mail but both envelopes were returned by the post office marked undeliverable and upon advise of the prosecuting deputy, pursuant to N.J.A.C. 13:28-1.6(c), "service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1(proper modes of service) and the commencement of any disciplinary proceedings;" and he asked the Board to consider taking final action.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Kathleen Alexander, the Board is not persuaded that further consideration is merited. A Final Order of Discipline is to be entered and all penalties, costs and disciplinary measure should be included in the Final Order. The motion passed unanimously.

8. Correspondence received from Mr. Mangal Gupta, t/a Hair Corral, Concordia Shopping Center, Monroe Township, New Jersey 08831 in connection with the outstanding penalties assessed against him in the

amount of \$1300.00 for the alleged violations resulting out of inspections of his shop on October 25, 2002 and July 16, 2003 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 Ms. Patricia Graffin, the fines stand. The motion passed unanimously.

9. Correspondence received from Ms. Marfa Haleta Paul, t/a Marfa Haleta Paul Barber Shop, 333 W. State Street, Trenton, New Jersey 08618 in connection with the outstanding penalties assessed against her in the amount of \$700.00 for the alleged violations resulting out of an inspection of her shop on August 22, 2003 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 Board is touched by all of the problems she has had in the past; but they do not have any bearing on these violations and the fines stand. The motion passed unanimously.

COMMITTEE REPORTS

Examination & Sites:

Ms. Kathleen Alexander stated that she has some concerns with the way the testing in New Brunswick is being done, that written and practicals should be separated and that the Board may want to consider allowing more time for the written. Mr. Richard G. Griswold suggested that this should be discussed in committee.

Education & New Studies:

Mrs. Rose Policastro reported that she will contact Dr. Laura Wood about reviewing the tests, that they will put us up anywhere we want for what should be a two day affair and that the School Committee will be meeting.

Violation:

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

Mr. Jay Malanga reported that the Board will exceed 1 - million dollars in UPLs and \$900,000.00 in collections for the calendar year.

School & Department of Education Liaison:

Mrs. Rose Policastro reported that all Committee work is up to date, that the Committee might be meeting with Mr. Raymond Testa and that we will have to get our information together.

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 Mrs. Frances Gray, the meeting was adjourned at 3:07 p.m.. The motion passed unanimously.

ROSE POLICASTRO, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director

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