

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

**124 Halsey Street - 6th Floor
Newark, New Jersey 07102
December 10, 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, Mr. Peter Macri, Mrs. Rose Policastro,, Mr. Joseph Santagata, Mr. Joseph Stead, Mr. Richard G. Griswold, Executive Director, Mr. Jay A. Malanga, Assistant Executive Director and Mrs. Barbara Ambroise, Program Development Assistant were present. Ms. Elaine C. Haroldson, Mr. Carlo Melini and Ms. Lynne 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 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 Ms. Patricia Graffin, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held November 12, 2002 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Ms. Denise Arrington, 124 Hamilton Street, East Orange, New Jersey 07017 appeared in connection with her alleged violation of N.J.S.A. 45:5B-8 on June 19, 2002. She allegedly agreed to render cosmetology and hairstyling services to a Board investigator upon unlicensed premises and a penalty of \$2500.00 was assessed.

Mrs. Rose Policastro greeted Denise Arrington and read the charges.

Deputy Attorney General Rhonda Pope Stephens gave her opening statement.

Deputy Attorney General Mary Kate Simmons gave her opening statement and asked that Investigator Tracy Alston be sworn-in.

Investigator Tracy Alston offered her testimony and answered questions of Deputy Attorney General Mary Kate Simmons and Ms. Denise Arrington.

Deputy Attorney General Rhonda Pope Stephens asked that Ms. Denise Arrington be sworn- in.

Ms. Denise Arrington offered her testimony and answered questions of Deputy Attorney General Mary Kate Simmons and the Board.

Deputy Attorney General Mary Kate Simmons gave her closing statement.

Ms. Denise Arrington gave her 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.

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.

Upon motion made by Mr. Peter Macri and seconded by Ms. Elaine Haroldson, the Board finds Ms. Denise Arrington guilty as charged and she is to pay a penalty of \$2,500.00 plus costs. The motion passed unanimously.

10:45 A.M. Mr. Henry C. Rivera, 190 Rose Avenue, Jersey City, New Jersey 07305 was scheduled to appear for an investigative inquiry hearing in connection with his convictions of Eluding an Officer, Aggravated Assault and Receiving Stolen Property and his desire to complete a term of training at Natural Motion Institute of Hair Design, Inc. and eventually become licensed.

Note: The Board previously considered this matter at the regular monthly meeting held October 8, 2002 and withheld decision pending Mr. Rivera's appearance for hearing.

Mrs. Rose Policastro stated that it is now 12:15 p.m. and Mr. Rivera is not present and did not request an adjournment.

The Board directed that this matter be set aside until such time as Mr. Henry C. Rivera contacts the Board.

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, 2003 to December 31, 2003.

Mrs. Rose Policastro asked Mr. Richard G. Griswold to take the Chair during election of officers.

Mr. Peter Macri stated that he pleased to nominate a most able, capable, proven, hardworking and efficient worker who never ducks the responsibility of the chairmanship of this Board. Rose Policastro is one of the hardest workers and most knowledgeable members of this Board.

Mr. Richard G. Griswold asked whether there are any other nominations and there were not.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, Mrs. Rose Policastro is appointed to serve as chairperson for the period of January 1, 2003 to December 31, 2003. The motion passed unanimously.

Upon motion made by Mrs. Patricia Graffin and seconded by Ms. Elaine Haroldson, Mrs. Frances Gray is appointed to serve as vice chairperson for the period of January 1, 2003 to December 31, 2003. The motion passed unanimously.

2. Pursuant to N.J.S.A. 10:4-6, the Board was asked to establish and file with the Secretary of State an Annual Notice Schedule for the period of January 1, 2003 through December 31, 2003.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the meetings for the period of January 1, 2003 through December 31, 2003 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. Correspondence received from Mr. Conrad Renner, Director, Corporate Administrative Services, Johnson and Johnson, One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933 in connection with their application for initial (restoration) licensure of a premise within their World Headquarters was presented to the Board for consideration. The shop at this location was previously licensed from May 1983 to July 31, 1990; and although it has been operated continuously since then, they inadvertently never renewed the license in 1990. The shop is not equipped with a lavatory and only contains 171 square feet of space; but Mr. Renner indicated that the Corporate Campus is at

it's maximum capacity and services are offered to employees only by appointment and asked that the Board waive it's minimum requirements and restore their license.

Mr. Peter Macri stated that he does not think it is fair to other licensees, who have to comply with all of the regulations, to let a major corporation like this get around the minimum requirements.

Mr. Joseph Stead indicated that he is against this because they haven't had a license for the past 12 years.

Mr. Richard G. Griswold indicated that this shop was initially licensed in 1983 by the Barber Board and that they are not offering services to the public, work by appointment and operate on a not for profit basis.

Mr. Peter Macri stated that they should be fined for operating without a license for 12 years.

Mr. Richard G. Griswold advised that he is also troubled that they have operated for such a long time without renewing but that they claim they always left it up to the Barber to renew and just found out that he has not done so.

Ms. Elaine Haroldson indicated that she would think that a lot of pressure is being put on this and that the board should consider it.

Mr. Joseph Stead stated that what is good for one is good for everyone and that they should be fined for not having a shop license.

Mrs. Frances Gray suggested that they should also have to pay all back renewal fees.

Mr. Joseph Stead stated that he is looking for them to accept responsibility for operating an unlicensed shop.

Mr. Peter Macri indicated that the Board should deny this request and if it doesn't, he thinks the Board will be discriminating against other shop owners.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Elaine Haroldson, this matter is tabled. The motion passed unanimously.

Upon motion made by Mr. Joseph Stead and seconded by Mrs. Frances Gray, the Johnson and Johnson application is approved with the following conditions;

- 1) they will never allow more than one (1) practitioner to render services at any time;
- 2) they render services to only Johnson and Johnson employees by appointment;
- 3) they pay past due renewal fees in the amount of \$780.00 and
- 4) they pay a penalty of \$1,250.00 for operating from 8/1/90 to present with an expired shop license. The motion passed unanimously.

4. Correspondence received from Ms. Ruby Gallon in connection with her application for initial shop licensure of U.M.I. by Appointment, 728 W Maple Avenue, Merchantville, New Jersey 08109 was presented to the Board for consideration. The shop only contains 304 square feet of floor space, 46 square feet short of the minimum required by N.J.A.C. 13:28-2.5; but Ms. Gallon indicated that a shop license was previously issued to Caruso's Hairstyling to operate at this location, that they satisfied the 350 square foot requirement and that no alterations have been made to the building; and she asked that the Board approve her application for a one (1) operator shop.

Note: The report of initial inspection conducted when this premise was initially licensed reflects that there was 352 square feet of space and that the inspector may have allowed credit for some space which is not floor space.

Mr. Richard G. Griswold stated that she bought this place thinking it was okay because it was an ongoing business.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Gallon's application is approved for a one (1) operator shop. The motion passed unanimously

5. A request received from Ms. Meg Stezzi, Director of Admissions & Recruiting, Rizzieri Institute, 6001 West Lincoln Drive, Marlton, New Jersey 08053 with accompanying revised class schedule was presented to the Board for consideration. Board approval is required by N.J.A.C. 13:28-6.13 before Rizzieri Institute can implement it's revised schedule.

Note: The Board previously considered this matter at the regular monthly meeting held August 13, 2002 but withheld decision until such time as Ms. Stezzi contacted Mrs. Rose Policastro to answer questions she had with respect to the changes.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Elaine Haroldson, the Rizzieri Institute revised class schedule is approved. The motion passed unanimously.

6. Correspondence received from Mr. Raymond Testa, Vice President, Concorde School of Hair Design, Highway 35 & Sunset Avenue, Ocean Township, New Jersey 07712 in connection with their Bloomfield and Ocean Township schools and changes they are contemplating making with NACCAS and the U S Department of Education was presented to the Board for consideration. He indicated that they understand that New Jersey laws and regulations require that the Bloomfield and Ocean Township schools be licensed separately but for the purposes of NACCAS and the US Department of Education, the Ocean Township school is designated as the main campus and the Bloomfield school is considered a branch location; and he asked that the Board confirm that it does not restrict which school is designated as the main campus for the purposes of accreditation or USDE approval and that each campus maintains a separate license even though it is under common ownership.

Mr. Richard G. Griswold indicated that the issue is accreditation and that he personally does not care what Mr. Testa calls his schools for accreditation purposes as long as he complies with the Board's laws and regulations.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board withholds decision on this matter until the School Committee obtains more specific information from Mr. Testa. The motion passed unanimously.

7. Correspondence received from Ms. Ava Tucker, 601 Branch Drive, Toms River, New Jersey 08755 in connection with the penalties assessed against her in the amount of \$650.00 for the alleged violations resulting out of an inspection of The Original Hair Wrap-Casino Pier, Grant Avenue/Boardwalk, Seaside Heights, New Jersey on August 21, 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 Mrs. Frances Gray and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

Deputy Attorney General Rhonda Pope Stephens stated that Ms. Tucker's argument is that she does not operate a hair salon, that she just takes strings and places them around the hair and that she is bringing this up because the argument will come up again on other hair weaving cases.

Mr. Peter Macri noted that the complainant claims that she uses combs.

Ms. Elaine Haroldson indicated that it is still hands on.

Mr. Richard G. Griswold stated that it is styling and arranging and falls within the definition of cosmetology and hairstyling..

8. Correspondence received from Mr. Armando Ferdinandi, t/a Armando's Hairstyling, 1023 Stuyvesant Avenue, Union, New Jersey 07083 in connection with the penalty assessed against him in the amount of \$250.00 for the alleged violation resulting out of an inspection of his shop on June 6, 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 it's final decision.

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

9. Correspondence received from Mr. Phong Truong, t/a Central Nail Salon #1, 518 Central Avenue, Jersey City, New Jersey 07307 in connection with the penalties assessed against him in the amount of \$600.00 for the alleged violations resulting out of an inspection of his shop on July 18, 2002 was presented to the Board for consideration. He remitted payment of the penalty assessed against him in the amount of \$300.00 for operating without an experienced practicing licensee present and waived his right to a hearing on the charge of operating with Pham Kim Le practicing cosmetology and hairstyling without a valid license 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 fine stands. The motion passed unanimously.

10. Correspondence received from Ms. Pearl Munchello, t/a Donna Lyn's Hairstyling, 104 Otter Branch Drive, Magnolia, New Jersey 08049 in connection with the penalty assessed against her in the amount of \$50.00 for the alleged violation resulting out of an inspection of her shop on February 16, 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 Mr. Peter Macri, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Ms. Elaine Haroldson 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 Ms. Elaine Haroldson and seconded by Mrs. Frances Gray, Ms. Pearl Munchello is guilty as charged but her explanation mitigates against the imposition of a monetary penalty and the penalty is rescinded. The motion passed unanimously.

11. Correspondence received from Ms. Kathleen A Herzog, t/a Rafferty's Hair and Skin Care, Inc., 438 County Road 513, Califon, New Jersey 07830 in connection with the penalties assessed against her in the amount of \$650.00 for the alleged violations resulting out of inspections of her shop on January 16, 2001 and August 15, 2001 was presented to the Board for consideration. She remitted payment of the penalty assessed against her in the amount of \$200.00 for operating on August 15, 2001 without all required minimum equipment and indicated that she would like to waive her right to a hearing on the other two charges 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 Mr. Peter Macri, the fines stand. The motion passed unanimously.

12. Correspondence received from Ms. Nancy Jo Czuba, t/a Guys & Dolls Hair Salon, 175 Stelton Road, Piscataway, New Jersey 08854 in connection with the penalty assessed against her in the amount of \$250.00 for the alleged violations resulting out of an inspection of her shop on August 9, 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. Frances Gray, the fine is rescinded. The motion passed unanimously.

Mr. Peter Macri asked that a reinspection be conducted to verify that she has corrected the problem.

13. Correspondence received from Mr. Arnold Rocklin, t/a Arnold Stevens Hair Salon, 1021 McBride Avenue, West Peterson, New Jersey 07424 in connection with the penalty assessed against him in the amount of \$100.00 for the alleged violation resulting out of an inspection of his shop on March 7, 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 it's final decision.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Patricia Graffin, the fine stands. The motion passed unanimously.

14. Correspondence received from Ms. Joselita Goncalves, President, t/a Black & White Beauty Salon Inc., 42 Ferry Street, Newark, New Jersey 07105 in connection with the penalty assessed against her in the amount of \$500.00 for the alleged violation resulting out of an inspection of her shop on May 12, 2000 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. Patricia Graffin, the fine stands. The motion passed unanimously.

15. Correspondence received from Ms. Ivy Hughes, 56 Railroad Avenue, Trenton, New Jersey 08628 in connection with the penalty assessed against her in the amount of \$200.00 for the alleged violation resulting out of an inspection of Creative Touch Beauty Salon on June 8, 2000 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 Mr. Peter Macri, the fine stands. The motion passed unanimously.

16. Correspondence received from Mr. George Cortese, President, Esthetics, Route 23 Meadtown Shopping Center, Kinnelon, New Jersey 07405 in connection with the penalties assessed against him in the amount of \$350.00 for the alleged violations resulting out of inspections of his shop on May 7, 1999 and March 24, 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 a final decision.

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

AGENDA SUPPLEMENT

1. A request received from Ms. Colleen Connelly, Director, PB Education Centre, 110 Monmouth Street, Gloucester City, New Jersey 08030 in connection with their January start date for new students was presented to the Board for consideration. She indicated that they are preparing for re-accreditation, that the accrediting commission will be visiting their school in January and that they would like to start their January new students on January 13, 2003 rather than January 6, 2003 as required by N.J.A.C. 13:28-6.10.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Joseph Stead, Ms. Colleen Connelly's request is approved.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Frances Gray reported that all committee work is up to date.

Mr. Jay Malanga indicated that they have gotten permission to utilize the Passaic County Vocational School in Wayne.

Mrs. Barbara Ambrose stated that they will be testing at Passaic County Vocational on January 18th, February 15th and sometime in May.

Mr. Jay Malanga advised that the Expo Center in Pennsauken may be available for the special tests and if not, Sovereign Arena in downtown Trenton might be a good alternative; and that he is waiting to hear from the Department of Education to see what they want to do.

Mrs. Barbara Ambrose stated that she is hopeful we will be able to conduct the Examiner Training Workshop in February or March.

Mr. Jay Malanga indicated that if any areas are short on Examiners, we could allow new Examiners to start and train them on site with the understanding that they must complete the Examiner Training when the workshop is scheduled.

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.

Legislation:

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

Mr. Jay Malanga advised that legislation which will require us to remove addresses from licenses has passed in the Assembly and is moving in the Senate.

Mr. Peter Macri stated that he thinks we should make legislators aware that candidates should be tested on all services we are going to license them to perform.

Mrs. Frances Gray indicated that the new Milady book has a whole section on barbering

Public Relations:

Ms. Patricia Graffin asked that the Board Members meet in private; and Ms. Barbara Ambrose, Mr. Richard Griswold and Mr. Jay Malanga left the room.

New Business:

Mr. Peter Macri asked that a letter be sent to Mr. Tumminello requesting that he have the inspectors type their reports so that they are legible.

Mr. Richard G. Griswold advised that he cannot do that because the inspectors prepare their reports while they are doing the inspections and cannot possibly bring typewriters with them.

Mr. Joseph Stead questioned what we are supposed to do with all of the fake drivers' licenses out there, especially at the exams. He indicated that he thinks it is a waste of time to require them as proof of identity and suggested that possibly Chief Santagata could come to the exams and show us how to spot fake licenses.

Mr. Richard G. Griswold acknowledged that fake licenses are clearly a concern but not to the extent Mr. Stead is suggesting.

Mr. Stead stated that he believes we need to get educated on drivers' licenses.

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, Vice Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director