

New Jersey State Board of Cosmetology and Hairstyling

Minutes of December 11, 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:

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

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 Mrs. Rose Policastro and seconded by Mr. Peter Macri, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held November 13, 2001 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:15 A.M. Mr. Terrance D. Evans, 681 South Broad Street, Trenton, New Jersey 08611 was scheduled to appear in connection with the outstanding penalties assessed against him in the amount of \$1400.00 for his alleged violations on February 2, 1994, July 15, 1994 and September 22, 2000. On February 2, 1994, he was observed practicing cosmetology & hairstyling at Hair Elegance Plus, Trenton, New Jersey without a valid license and a penalty of \$150.00 was assessed. On July 15, 1994, he was observed practicing cosmetology & hairstyling at Hair Elegance Plus without a valid license and a penalty of \$250.00 was assessed; and on September 22, 2000, it is alleged that he engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense by utilizing a cosmetology and hairstyling license not issued by the Board of Cosmetology & Hairstyling to practice illegally at La Parisennie Beauty Salon, Trenton, New Jersey and a penalty of \$1000.00 was assessed.

Deputy Attorney General Swang Oo informed the Board that Mr. Terrance Evans contacted her a few days ago to advise that his landlord just gave him the hearing notice and to ask that the hearing be adjourned; and she asked that the Board proceed with a default hearing in light of the fact that he was previously scheduled for hearing on September 11, 2001 and October 9, 2001 but did not appear or request adjournments.

The Board agreed to proceed with the default hearing and asked Ms. Oo to begin.

Deputy Attorney General Swang Oo called Mr. Richard G. Griswold to testify with regard to service of the hearing notices; and he was sworn-in, offered his testimony and answered questions of Deputy Attorney General Swang Oo.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Dennis Gullo, Mr. Terrance D. Evans is found to be in default. The motion passed unanimously.

Deputy Attorney General Swang Oo presented her case and entered her proofs into evidence.

See Court Reporter Transcripts for exact testimony.

Upon motion made by Mr. Joseph Santagata and seconded by Mrs. Rose Policastro, the Board finds that the State has met it's burden of proof and that Mr. Terrance D. Evans is guilty on all three charges. The motion passed unanimously.

Deputy Attorney General Swang Oo asked that the Board assess penalties in the amount of \$1,400.00 plus costs.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patrician Graffin, Mr. Terrance D. Evans is to pay a penalty of \$1,400.00 plus costs. The motion passed unanimously.

11:00 A.M. Ms. Holly Singerline appeared for an investigative inquiry hearing in connection with her indictment of Possession of CDS and Distribution of CDS.

Mrs. Frances Gray greeted Ms. Holly Singerline and explained the proceeding to her.

Deputy Attorney General Rhonda Pope Stephens gave her opening statement.

Ms. Holly Singerline was sworn in, 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 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 Mrs. Rose Policastro and seconded by Mr. Joseph Stead, 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. Joseph Stead, Ms. Singerline is to be allowed to renew her license subject to her not having any further contact with the criminal justice system. The motion passed unanimously.

11:30 A.M. Mr. Maury K. Cutler, Esquire and his client, Brigitte F. Nzali were scheduled to appear in connection with the outstanding penalties assessed against her for the alleged violations resulting out of an inspection of African and American Braiding, 1034 Little Gloucester Road, Blackwood, New Jersey on March 16, 2001. She was observed operating without a shop license and without an experienced practicing licensee present and practicing cosmetology & hairstyling without a valid license; and penalties of \$250.00, \$250.00 and \$300.00 respectively were assessed against her.

Deputy Attorney General Daniel Goodman informed the Board that Ms. Brigitte Nzali is willing to sign a Consent Order admitting to all charges and agreeing to cease and desist and to pay a penalty of \$500.00; and he asked whether the Board is willing to accept this settlement offer.

See Court Reporter Transcripts for exact testimony.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Rose Policastro, the Board accepts the

settlement offer made by Mr. Maury K. Cutler, Esquire on Ms. Nzali's behalf. The motion passed unanimously.

Deputy Attorney General Daniel Goodman indicated that he will prepare the Consent Order.

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 vice chairperson to serve for the period of January 1, 2002 through December 31, 2002.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, Ms. Rose Policastro is nominated to serve as chairperson.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Joseph Stead, Mr. Dennis Gullo is nominated to serve as chairperson.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Patricia Graffin, the Board should conduct a paper ballot vote. The motion passed unanimously.

Mrs. Frances Gray asked Mr. Richard G. Griswold to take the chair. A vote was taken; and Mr. Richard G. Griswold counted the votes and announced that Mr. Dennis Gullo has been elected by a 5 to 4 vote.

Upon motion made by Mr. Joseph Stead and seconded by Mr. Joseph Santagata, Mr. Carlo Melini is nominated to serve as vice chairperson.

Upon motion made by Mrs. Annie Anderson and seconded by Mr. Peter Macri, Mrs. Rose Policastro is nominated to serve as vice-chairperson.

A paper ballot vote was taken; and Mr. Richard G. Griswold counted the votes and announced that Mrs. Rose Policastro has been elected by a 5 to 4 vote.

Mrs. Annie Anderson stated that she nominated Rose Policastro so that the new chairperson can learn the ropes.

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, 2002 through December 31, 2002 in order that it might be filed with the Secretary of State..

Upon motion made by Mr. Peter Macri and seconded Mrs. Rose Policastro, the meetings for the period of January 1, 2002 through December 31, 2002 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 Ms. Marcia Bird , 74 Dorchester Drive, Basking Ridge, New Jersey 07920 in connection with her desire to be admitted to the cosmetology & hairstyling teacher examination was presented to the Board for consideration. She has not completed the 500 hour teacher training course required by N.J.S.A. 45:5B-23 but indicated that she completed a student teaching course, while pursuing her Bachelor of Science degree in Vocational Education at Rutgers University and has taught cosmetology for 9 years; and she asked that the Board review the information she provided and admit her to examination.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Rose Policastro, the Board agrees with Mr. Griswold's response to Ms. Bird and would like Mr. Griswold to inform her that her request is denied. The motion passed unanimously.

4. Correspondence received from Mrs. Bridget Damiano, Vice President, Capri Institute of Cosmetology Training Centers, 615 Winters Avenue, Paramus, New Jersey 07652 with accompanying calendar of proposed 2002 new student start dates for all of the Capri Institute schools was presented to the Board for consideration. She indicated that two (2) dates are not in compliance with N.J.A.C. 13:28-6.10 and asked that the Board approve those dates.

Mrs. Rose Policastro recused herself from deliberation on this matter.

Upon motion made by Mr. Dennis Gullo and seconded by Mr. Peter Macri, Mrs. Bridget Damiano's request is approved. Mrs. Rose Policastro abstained from voting; but the motion passed.

5. A memorandum received from Mr. Anthony Miragliotta, Deputy Director, Division of Consumer Affairs with accompanying Appellate Division decision in the matter of Andrew T. Fanelli, D.O. was presented to the Board for their information. He indicated that this is a good example of Board authority to discipline licenses for conduct not directly related to their profession/occupation.

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

6. Correspondence received from Ms. Patricia Zatorski, 31 Glenn Terrace, Newton, New Jersey 07060 in connection with the penalty assessed against her in the amount of \$2500.00 for her alleged violation of N.J.S.A. 45:5b-8 on July 26, 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. Peter Macri and seconded by Mr. Patricia Graffin, the fine stands. The motion passed unanimously.

7. Correspondence received from Ms. Briseida Rodriguez, t/a Hair Creation, 2114 Bergenline Avenue, Union City, New Jersey 07087 in connection with the penalties assessed against her in the amount of \$3000.00 for the alleged violations resulting out of an inspection of her shop on June 26, 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. Peter Macri and seconded by Mrs. Patricia Graffin, the fine stands. The motion passed unanimously.

8. Correspondence received from Ms. Charlotte Roth, 1700 10th Avenue, Toms River, New Jersey 08757 in connection with the penalty assessed against her in the amount of \$100.00 for her alleged violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-2.12(a)2 at Du Barri Beauty Salon, Whiting, New Jersey on January 20, 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. Dennis Gullo and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

9. Correspondence received from Ms. Elaine Barriale, t/a Du Barri Beauty Salon, 75 Lacey Road, Whiting, New Jersey 07759 in connection with the penalty assessed against her in the amount of \$100.00 for the alleged violation resulting out of an inspection of her shop on January 20, 1999 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing and have the Board render a final decision based upon available evidence and the written explanation submitted by Charlotte M. Roth.

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

10. Information received from Deputy Attorney General Paul R. Kenny & Deputy Attorney General Rhonda Pope Stephens in connection with William Esterlund's 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.

Deputy Attorney General Rhonda Pope Stephens suggested that the Board bring Mr. Esterlund in for an investigative inquiry hearing.

Mr. Richard G. Griswold also suggested that the Board have him appear.

Upon motion made by Mr. Dennis Gullo and seconded by Mrs. Rose Policastro, Mr. Esterlund is to be scheduled to appear for an investigative inquiry hearing. The motion passed unanimously.

11. Correspondence received from Ms. Karen Roggenkamp, 13 Sioux Avenue, Lake Hiawatha, New Jersey 07034 in connection with the penalty assessed against her in the amount of \$100.00 for her alleged violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-2.12(a)2 at Madison Avenue Salon, Madison, New Jersey on May 2, 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 its final decision.

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

12. Correspondence received from Mr. Frank M. Melendez, Esquire on behalf of Ms. Feliciano Burgos, t/a Fe Unisex in connection with the penalties assessed against her in the amount of \$2,800.00 for the alleged violations resulting out of inspections conducted on September 16, 1997 and March 22, 1998 was presented to the Board for consideration. He indicated that the charges alleged are denied but that his client would be willing to settle the matter with a payment of an amount in the area of \$1000.00.

Upon motion made by Mrs. Rose Policastro and seconded by Mrs. Carlo Melini, the Board went into Executive Session to discuss a pending disciplinary matter. 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 its decision. The motion passed unanimously.

Upon motion made by Mr. Dennis Gullo and seconded by Mr. Peter Macri, Deputy Attorney General Rhonda Pope Stephens is to attempt to settle the matter for not less than \$2000.00 and a promise to cease and desist. If this cannot be accomplished, the matter is to be set aside for hearing. The motion passed unanimously.

13. Correspondence received from Mr. Charles Jyamfi, 71 Old Short Hills Road, West Orange, New Jersey 07102 in connection with the penalty assessed against him in the amount of \$300.00 for the alleged violation resulting out of an inspection of Coiffures Beauty Ltd., East Orange, New Jersey on November 16, 1999 was presented to the Board for consideration. He indicated that the business is closed and 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 Mr. Peter Macri and seconded by Mr. Carlo Melini, the fine stands; and Mr. Richard G. Griswold is to file a Certificate of Debt with the Superior Court if the penalty is not paid within 30 days. The motion passed unanimously.

14. Correspondence received from Ms. Audrey Bush, t/a Fairgrounds Hairstyling, County Road 541, High Street, Mt. Holly, New Jersey 08060 in connection with the penalty assessed against her in the amount of \$300.00 for the alleged violation resulting out of an inspection of her shop on June 17, 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 Ms. Patricia Graffin and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

15. Correspondence received from Ms. Chong Y. Cho, 266 13th Street, 2nd Floor, Palisades Park, New Jersey 07650 in connection with the penalty assessed against her in the amount of \$100.00 for her alleged violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-2.12(a)2 at Young Nail, 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 Mrs. Rose Policastro and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

16. Correspondence received from Ms. Elaine Stelmack, 50 Windsor Avenue, Randolph, New Jersey 07869 in connection with the penalty assessed against her in the amount of \$100.00 for her alleged violation of N.J.S.A. 45:5B-12(f) and N.J.A.C. 13:28-2.12(a)2 at Madison Avenue Salon, Madison, New Jersey on May 2, 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 Mr. Peter Macri and seconded by Mrs. Rose Policastro, the fine stands. The motion passed unanimously.

AGENDA SUPPLEMENT

1. Deputy Attorney General Paul R. Kenny met with the Board to discuss the investigation involving Oak Tree Beauty Salon and the Ko General Insurance Agency.

Upon motion made by Mr. Dennis Gullo and seconded by Mr. Peter Macri, the Board went into Executive Session for advise of counsel on an on-going investigation. The motion passed unanimously.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Peter Macri, the Board returned to Open Session. The motion passed unanimously.

COMMITTEE REPORTS

Education & New Studies:

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

Mr. Joseph Stead stated that there is a slight problem at the Sicklerville site; and he questioned whether there is any way to have the manicurist written group start earlier. He indicated that there are too many people coming at the same time.

Mr. Jay Malanga advised that the only solution is to go back to 3 classes.

Mr. Joseph Stead stated that if we do that, we won't get out of there until midnight..

Mr. Malanga indicated that this month was difficult because there is no test in December but that things should level out at the next test.

Mrs. Barbara Ambroise stated that more applicants than usual were scheduled last month because we do not have an examination in December.

Mr. Joseph Stead stated that he has a feeling that a lot of people are going out to the hallway and then having someone else come back in to complete the test.

Mr. Richard G. Griswold suggested that they announce that no one can leave until the entire test is over and reminded Mr. Stead that there are pictures on the test sheets and that he should have the examiners check the photos. He also suggested that all examiners should be made to stay at the test site until everyone is done.

Mrs. Frances Gray indicated that the Board Members should be supervising the examination, not grading practical tests.

Mr. Joseph Stead advised that he needs another Board Member with him at his site.

Mrs. Rose Policastro stated that she also needs another Board Member with her.

Violation:

Mr. Jay Malanga indicated that he has two cases he wants to have the committee review today, that he is almost finished working on the American case and that total penalties on that case are going to be around \$12,000.

School & Department of Education Liaison:

Mrs. Rose Policastro reported that she has completed her review of the application for initial licensure of Onyx Beauty School, that there are very substantial deficiencies and that she would recommend that the owner be asked to meet with the committee at the conclusion of the next meeting.

Mr. Richard G. Griswold indicated that he will schedule her to appear.

Legislation:

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

Public Relations:

Mrs. Annie Anderson reported that money has been collected for the Christmas gifts and given to the appropriate people.

New Business:

Mr. Peter Macri stated that he would like to ask the Enforcement Bureau to have their investigators write more legibly.

Mrs. Rose Policastro advised that Milady is publishing a new textbook on aesthetics which is geared for advanced training and that the Board is probably going to receive request for approval of advanced courses.

Mr. Richard G. Griswold indicated that the Board has never required that post graduate courses be approved

but that the regulations do specify that they be at least 250 hours.

Mrs. Frances Gray stated that a letter should be sent to Ruth Factor informing her that she should cease and desist from advertising that her Shiatzo course is approved by the Board. She also advised that it has been a great honor to serve the Board of Cosmetology & Hairstyling for the past two years and that she would like to wish Dennis Gullo success during his tenure as chairperson.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Rose Policastro, the meeting was adjourned at 3:15 p.m.. The motion passed unanimously.

FRANCES GRAY, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director

[Board of Cosmetology & Hairstyling](#)

[Other Professional and Occupational Licensing Boards](#)

[Feedback Survey](#)

[Consumer Affairs Home Page](#)

[NJ Dept. of Law and Public Safety Home Page](#)

[State of NJ Home Page](#)

Modified March 2002