

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JANUARY 13, 2004**

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, Mrs. Barbara Ambroise, Program Development Assistant and Ms. Marie Maiorano, Office Supervisor were present. Ms. Elaine C. Haroldson, Mr. Ronald J. Brown and Ms. Lynn Rasiewicz were absent.

Mr. Peter Macri 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 Newspaper on December 10, 2003 and was posted in the office of the Board of Cosmetology and Hairstyling on December 10, 2003.

Mr. Peter Macri, Chairperson thanked the Board for their support and commended Mrs. Rose Policastro for her many accomplishments during her term as Chairperson.

ACCEPTANCE OF MINUTES:

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held December 9, 2003 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Ms. Thi Ngo, t/a Beautiful Nail Salon, 143 Halsey Street, Newark, New Jersey 07102 appeared in connection with the alleged violations resulting out of inspections of Millennium Nail, 140 Halsey Street, Newark, New Jersey and Beautiful Nail Salon, 143 Halsey Street, Newark, New Jersey on March 22, 2001. She was observed operating Millennium Nail without an experienced practicing licensee present and Beautiful Nail Salon without an experienced practicing licensee present and without a shop license; and penalties of \$250.00 and \$500.00 respectively were assessed.

Deputy Attorney General Sunil G. Raval advised that he is sponsoring and supervising, Ms. Nicole Martin a law student from Rutgers University pursuant to N.J.S.A. 1:21-1&1:21-3(b).

Mr. Peter Macri gave an opening statement with regard to how the proceeding would be conducted and asked that Ms. Thi Ngo and Investigator Sun Su Kim be sworn in simultaneously.

Ms. Nicole Martin gave her opening statement and during the course of doing so, explained that Ms. Ngo admits to the violation at Millennium Nail and will pay the penalty today but that she does not admit to the violations at Beautiful Nail Salon and would like to proceed with the hearing on those charges.

Investigator Sun Suk Kim 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 Ms. Patricia Graffin, the Board went into Executive Session to discuss the investigator's testimony and Ms. Ngo's settlement offer. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, 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. Carlo Melini, the Board accepts Ms. Ngo's offer to pay the penalty of \$250.00 and to cease and desist on the violation at Millennium Nail; and the two (2) charges lodged against her for the alleged violations at Beautiful Nail Salon are dismissed due to insufficient evidence. The motion passed unanimously.

10:45 A.M. Mr. Theodore P. Pettigrew, t/a Body & Bounce Hair Spa, 97 Route 27, Edison, New Jersey 08820 was scheduled to appear in connection with the alleged violations resulting out of the inspection of his shop on October 11, 2001. He was observed operating without all current licenses displayed and in an unsanitary manner and penalties of \$100.00 and 250.00 respectively were assessed.

Deputy Attorney General Sunil G. Raval indicated that he is sponsoring and supervising Mr. Albert Brindle in a training exercise pursuant to N.J.S.A. 1-21-1& 1-21-3(b).

Mr. Albert Brindle indicated that Mr. Pettigrew has made an offer of settlement which will provide for him to sign a Consent Order agreeing to cease and desist and to pay a penalty of \$250.00 within two (2) weeks.

Upon motion made by Mr. Carlo Melini and seconded by Ms. Patricia Graffin, the Board went into Executive Session to discuss a settlement offer made by Mr. Theodore Pettigrew. The motion passed unanimously.

Upon motion made by Mr. Carlo Melini and seconded by Ms. Patricia Graffin, the Board returned to Open Session to announce it's decision. The motion passed Unanimously.

Upon motion made by Mr. Carlo Melini and seconded by Mrs. Rose Policastro, the Board accepts Mr. Pettigrew's settlement offer provided he signs a Consent Order and pays the penalty within two (2) weeks. The motion passed unanimously. 11:00 A.M. Ms. Lavonne Banks, t/a Von's Shear Elegance, 2325 Kennedy Boulevard, Jersey City, New Jersey 07304 was scheduled to appear in connection with the alleged violation resulting out of an inspection of her shop on June 13, 2000. She was observed operating without an experienced practicing licensee present and a penalty of \$250.00 was assessed.

Deputy Attorney General Sunil G. Raval indicated that Ms. Lavonne Banks is not here today but that he is sponsoring and supervising Mr. Albert Brindle as part of his training program, pursuant to N.J.S.A. 1-21-1&1-21-3(b) and that they would like to proceed with a default hearing.

Mr. Albert Brindle gave his opening statement and indicated that he would like to proceed with a default hearing.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, the Board will proceed with a default hearing. The motion passed unanimously.

Mr. Richard G. Griswold offered testimony with regard to service of the hearing notice.

Mr. Robert J. Lafferty offered his testimony and answered questions of Mr. Brindle and the Board.

See Court Reporter Transcripts for exact testimony.

Upon motion made by Ms. Patricia Graffin and seconded by Mrs. Frances Gray, 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 Mrs. Rose Policastro, 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 Mrs. Rose Policastro, Ms. Lavonne Banks is guilty as charged and is to pay a penalty of \$250.00 plus all legal and investigative costs. The motion passed unanimously.

11:15 A.M. Mr. Salvatore Puglisi, 1608 Broadway Boulevard, Toms River, New Jersey 08757 appeared for an investigative hearing in connection with his conviction of Possession of CDS, Theft By Deception and Credit Card Fraud and his desire to restore beautician license # WA 45641.

Mr. Peter Macri greeted Mr. Salvatore Puglisi, explained why he had been scheduled to appear and how the proceeding would be conducted and asked that he be sworn-in.

Mr. Salvatore Puglisi offered his testimony and answered questions of DAG Rhonda Pope-Stephens and the Board.

See Court Reporter Transcripts for exact testimony.

Upon motion made by Mrs. Frances Gray and seconded by Rose Policastro, 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 Mrs. Rose Policastro, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Mr. Carlo Melini and seconded by Ms. Kathleen Alexander, Mr. Salvatore Puglisi is to be allowed to restore his license provided he furnishes written verification from his ISP officer stating that he has paid all fines and restitution, has completed 200 hours of community service and is scheduled to be released from supervision on April 20, 2004 and he does not have any further contact with the criminal justice system. The motion passed unanimously.

BUSINESS AGENDA

1. Correspondance received from Ms. Yolanda Neris, Admissions Representative, Empire Beauty Schools on behalf of Stefon Elam in connection with his conviction of Endangering the Welfare of a Child and his desire to complete a term of training at Empire Beauty Schools and eventually become licensed was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Mr. Elam's eventual eligibility for licensure.

Upon motion made by Ms. Kathleen Alexander and seconded by Mrs. Rose Policastro, the Board withholds decision pending Stefon Elam's appearance for an investigative inquiry hearing. The motion passed unanimously.

2. Correspondance received from Ms. India A. Knight, 128 Bearfort Road, West Milford, New Jersey 07480 in connection with her desire to be readmitted to the cosmetology and hairstyling examination was presented to the Board for consideration. She indicated that she completed 1200 hours of training at Capri Institute and took the state licensing examination in 1992 but failed the practical portion and due to a series of personal problems, did not retake the examination and become licensed; and she asked that the Board allow her to take a brush-up course or apply some of the hours she previously completed rather than having to complete another full term of training.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, Ms. India Knight is to be informed that her request is denied and that she must complete another full term of training in order to be readmitted to examination. The motion passed unanimously.

3. Correspondance received from Ms. Susan Guido, Registrar, Concorde School of Hair Design, 15 Ward Street, Bloomfield, New Jersey on behalf of Brenda Lee Heights in connection with her conviction of Distribution of CDS within 1000 feet of School Property (2 counts) and her desire to be admitted to the licensing examination upon her completion of training at Concorde School of Hair Design. was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to Ms. Heights' eventual eligibility for admission to examination.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Kathleen Alexander, the Board withholds decision pending to Ms. Brenda Lee Heights' appearance for an investigative inquiry hearing. The motion passed unanimously.

4. Information recently received from Ms. Rosanne Kinley, Region I Director in connection with the annual National Interstate Council Region Meeting to be held in Nashville, Tennessee between May 1 and May 3, 2004 was presented to the Board for consideration. She asked that the Board inform her as to the number of representatives it will be sending to the meeting and assist her in developing an agenda by completing the survey she furnished.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Mr. Joseph Santagata is authorized to represent the Board at this function. The motion passed unanimously.

5. Correspondance recently received from Mr. Charles Janousek, Liaison to the Professional Boards, Division of Criminal Justice, Office of Insurance Fraud Prosecutor in connection with Diane Hughes, 26 Megill Road, Farmingdale, New Jersey and her conviction of Theft By Deception was presented to the Board for consideration. Ms. Hughes is the holder of beautician license #WA 32575; and the Board was asked to determine whether licensing action is warranted.

Upon motion made by Mrs. Kathleen Alexander and seconded by Mrs. Frances Gray, the Board directed that Diane Hughes is to be scheduled to appear for an investigative inquiry hearing. The motion passed unanimously.

6. Correspondance received from Mr. Scott A. Woodruff, Esquire, Home School Legal Defense Association, P.O. Box 3000, Purcellville, Virginia 20134 on December 8, and December 17, 2003 on behalf of Laura Byrne and her desire to be admitted to the licensing examination on the basis of a diploma issued by her parents through their home school education program was presented to the Board for consideration. He provided an analysis of state and federal guidelines on home schooling, indicated that he believes they have supplied evidence of Laura's completion of the equivalent of a high school education and asked that the Board reconsider it's position with respect to Laura's eligibility to sit for the examination.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the Board went into Executive Session for the purpose of discussing a matter which may involve future litigation. The motion passed unanimously.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, 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 Mrs. Rose Policastro, Mr. Scott Woodruff is to be informed that the Board has carefully considered his submission and has affirmed it's original decision that Laura Byrne must furnish a GED in order to be admitted to examination. The motion passed unanimously.

7. Correspondance received from Ms. Debra F. Lopat, 289 Elmwood Avenue, Maplewood, New Jersey 07040 in connection with the outstanding 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 Club Beaute, Hills Drive, Bedminster, New Jersey on April 11, 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 Mr. Carlo Melini and seconded by Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

8. Correspondance received from Ms. Jo Ann Juralewicz, t/a Simply Skin, 313 Water Street, Toms River, New Jersey 07353 in connection with the penalties assessed against her in the amount of \$750.00 for the alleged violations resulting out of inspections of her shop on November 15, 2001 and February 20, 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 and also asked for clarification with respect to the reason(s) for the inspections.

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

COMMITTEE REPORTS

Examinations & Sites:

Mrs. Rose Policastro reported that she had an exam last Saturday and that everything went well except a lot of people seemed to need more time for the written test; and she asked that the Board members in charge of the other test sites let her know if they are having the same problem and if so, to make suggestions as to how much more time should be allowed. She also indicated that they should also try to separate people doing the written from people doing practicals.

Mrs. Frances Gray stated that Mrs. Barbara Ambroise spoke with Mr. Simone about obtaining another room and he indicated that it would not be a problem.

Mr. Richard G. Griswold advised that as he recalls, Experior suggested an hour and a half or an hour and forty five minutes but everyone was finishing in a half hour to forty five minutes; and if time is now a problem, the Board members in charge of the three test sites should get a fix on the amount of time that should reasonably be allowed.

Ms. Kathleen Alexander indicated that students are told if they leave a question unanswered, it is considered wrong. Therefore, they guess at unanswered questions when time becomes an issue.

Mrs. Frances Gray stated that in the past, Experior has been more lenient about extending time.

Mr. Richard G. Griswold indicated that up to the maximum time allowed, Experior has nothing to say about it; and that the Board members should get a fix on what is reasonable, have an Examination Committee Meeting to discuss it, have the Examination Committee make a recommendation to the Board and then the Board can inform Experior as to the amount of time allowed.

Mr. Peter Macri stated that the Examination Committee should establish a time and date for a meeting.

Mrs. Frances Gray advised that the committee can consider this issue on January 25th and 26th when it is meeting with Experior to review the question bank.

Education and New Studies:

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

Violations:

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

School & Department of Education Liaison:

Mrs. Rose Policastro reported that they are meeting with the School Association at the conclusion of this meeting.

Public Relations:

Ms. Patricia Graffin reported that all committee work is up to date.

Legislation:

Mr. Peter Macri reported that all committee work is up to date. He also advised that he has asked Mr. Griswold to prepare and distribute a new committee roster and that he is leaving all committees the same except for some minor changes on committee chairpersons.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Carlo Melini, the meeting was adjourned at 3:05 p.m. The motion passed unanimously.

Peter Macri, Chairperson

Countersigned:

Richard G. Griswold, Executive Director