

New Jersey State Board of Cosmetology and Hairstyling

**Regular Monthly Meeting
124 Halsey Street - 6th Floor
Newark, New Jersey 07102
Minutes of June 11, 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. Dennis Gullo, Ms. Sylvia M. Kaplan, Mr. Carlo Melini, Mrs. Rose Policastro, Ms. Lynne Rasiewicz, Mr. Joseph Santagata, Mr. Richard G. Griswold, Executive Director, Mr. Jay A Malanga, Assistant Executive Director and Mrs. Barbara Ambroise, Program Development Assistant were present. Mr. Peter Macri and Mr. Joseph Stead were absent.

Mr. Dennis Gullo 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 Mrs. Rose Policastro, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held May 14, 2002 are accepted as read. The motion passed unanimously.

INFORMAL HEARINGS

10:15 A.M. Ms. Donna Pope was scheduled to appear in connection with the penalty assessed against her in the amount of \$2,500.00 for her alleged violation of N.J.S.A. 45:5B-8 on July 30, 2000. She allegedly agreed to render cosmetology & hairstyling services to a Board inspector upon unlicensed premises and a penalty of \$2,500.00 was assessed.

Mr. Richard G. Griswold informed the Board that Ms. Pope requested an adjournment.

The Board directed Mr. Griswold to reschedule the matter for hearing at the August meeting.

10:30 A.M. Mr. Gregory Singleton, Esquire and his client, Mr. Todd Israel were scheduled to appear for investigative inquiry hearing in connection with Mr. Israel's conviction and incarceration for Aggravated Assault (2 counts) and his desire to complete a term of training at Empire Beauty School, Cherry Hill and eventually become licensed.

Mr. Richard G. Griswold informed the Board the Mr. Singleton called the Board office this morning to advise that there was another mix-up with the halfway house arranging for transportation and to request another adjournment.

The Board directed Mr. Griswold to inform Mr. Singleton that this matter will be held in abeyance until Mr. Israel is released and able to appear for hearing when scheduled.

10:45 A.M. Ms. Heather J. Doyle, PO Box 325, Blairstown, New Jersey 07825 was scheduled to appear for an

investigative inquiry hearing in connection with her conviction and incarceration for Possession of Heroin and Violation of Probation and her desire to reinstate cosmetologist-hairstylist #WG023365.

Note: The Board previously considered this matter at the regular monthly meeting held May 14, 2002 but withheld decision pending Ms. Doyle's appearance for hearing.

Mr. Richard G. Griswold informed the Board that he received a letter from Ms. Doyle yesterday advising that she is in a treatment center in Arizona and that she would like an adjournment.

The Board directed Mr. Griswold to inform Ms. Doyle that this matter is being held in abeyance until she informs the Board office that she is available to appear for hearing..

BUSINESS AGENDA

1. Ms. Young Ok Shin, President, Ms. Crucita Vidro, Supervising Teacher and Ms. Lisa Helbig appeared for interview at 11:30 a.m. in connection with Ms. Shin's application for initial school licensure of Onyx Beauty Academy, 25 Broad Avenue, 2nd Floor, Palisades Park, New Jersey 07650. The School Committee approved all application paperwork and although there may be a problem with respect to minimum square footage, recommended that the Board proceed with the interview.

Mrs. Rose Policastro greeted Ms. Young Ok Shin, President, Ms. Crucita Vidro and Ms. Lisa Helbig.

Mr. Richard G. Griswold asked whether Lisa Helbig is going to be the Director?

Ms. Helbig stated that at the beginning she was but not anymore and that she is only here as a friend to help Ms. Shin with the interpretation.

Mrs. Rose Policastro asked what the requirements for student teachers are?

Ms. Vidro indicated that they need to be licensed and take a 30 hour methods of teaching course.

Mrs. Rose Policastro asked who will be responsible for student teachers?

Ms. Vidro advised that the supervising teacher will be.

Mrs. Frances Gray asked how will she grade a student's work?

Ms. Vidro stated that 85-93 is satisfactory and that a student needs to study more if they are below 75.

Mrs. Rose Policastro questioned what the minimum requirements are for students on the senior floor?

Ms. Vidro indicated that they need about 150 hours for chemical curls.

Ms. Sylvia Kaplan questioned how they will track a student's practicals?

Ms. Vidro advised that she has a grading paper for each student.

Ms. Sylvia Kaplan questioned whether the school will charge for services done by senior students?

Ms. Vidro stated that they are supposed to charge and that a price list will be posted.

Mrs. Rose Policastro questioned what they will use the money for from the clinic for?

Ms. Shin indicated that they will use it for the supplies.

Mrs. Rose Policastro asked who is responsible to deal with disciplinary problems?

Ms. Shin stated that she is.

Ms. Sylvia Kaplan questioned who will be responsible to check the lesson plans?

Ms. Vidro advised that she will.

Mrs. Frances Gray questioned how their students will receive their evaluation sheets?

Ms. Vidro stated that they will receive them with the tests they take.

Mrs. France Gray indicated that this has nothing to do with tests and that she would like to know how they will get their evaluations.

Ms. Vidro stated that at the end of the class, students will get a quiz or questions on the chapter, that they will evaluate how they are learning at that time but that students do not all learn at the same time.

Mrs. Rose Policastro questioned when the students will receive their evaluations?

Ms. Vidro advised that they will receive them montly.

Mrs. Rose Policastro questioned what provisions will be made for students who fail the State Board Exam?

Ms. Vidro indicated that when they receive a test date, they will have two weeks to come in for extra practice.

Mrs. Frances Gray questioned whether the school plans to accept students without a high school diploma?

Ms. Vidro stated that they must have their high school diploma.

Ms. Shin advised that they can also have a GED.

Ms. Vidro indicated that if they do not have a high school diploma, they must go for a GED and then come back to the school.

Mrs. Rose Policastro questioned whether they intend to give students an entrance exam?

Ms. Helbig stated that they do not.

Mr. Richard G. Griswold questioned what other sources of income the school has and how they could show income of \$84,258.00 on their balance sheet for the period ending December 31, 2000 if the school was not licensed to operate.

Ms. Helbig advised that Ms. Shin had been operating a massage therapy school under the same corporation but that it is not operating anymore.

Mr. Richard G. Griswold asked whether there is still a deficiency with the square footage?

Ms. Shin indicated that the driving school will be moving out next week and that all of the space will then be available to Onyx.

Mr. Richard G. Griswold questioned how many teachers they have employed?.

Ms. Shin stated that there are 3.

Mr. Griswold asked whether they would be giving some sort of entrance exam?.

Ms. Helbig indicated that they will not.

Mr. Dennis Gullo noted that neither Ms. Shin or Ms. Vidro have good command of the English language and that teachers need to communicate information.

Ms. Shin advised that she understands the book very well.

Mr. Dennis Gullo stated that if she is the teacher, she also needs to be able to communicate.

Ms. Shin indicated that Mr. Ko has been with an American Company for 15 years and that he will be helping her.

Ms. Vidro stated that she passed the teacher test in English and understands the language; and that she has a problem pronouncing some words but does get her message across.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Ms. Young Ok Shin's application for initial licensure of Onyx Beauty Academy is approved subject to her successful completion of a final school inspection. The motion passed unanimously.

2. A memorandum received from Sharon M. Joyce, Special Assistant to the Director, Division of Consumer Affairs with accompanying copy of an article that appeared in the Philadelphia Inquirer on May 15, 2002 was presented to the Board for their information. The article details how Vietnamese have flocked to the nail salon industry and explains, in general, how the Board regulates the industry.

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

3. A letter recently received from Ms. Lisa Camooso advising of her resignation as a Member of the Board was presented to the Board for their information. She indicated that she was recently sworn-in to the position of Deputy White House Liaison to the US Department of Commerce and that she has been required to relocate to the Washington DC area, making her regular attendance at Board meetings impossible.

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

4. A memorandum received from Paul R. Kenny, Deputy Attorney General, Division of Law with accompanying copy of the Office of Insurance Fraud Prosecutor file on Victoria M. Taylor was presented to the Board for consideration. Ms. Taylor is the holder of cosmetologist-hairstylist license #WG01431900; and Deputy Attorney General Kenny referred the matter in order that the Board might determine whether licensing action is warranted.

Deputy Attorney General Rhonda Pope Stephens stated that she spoke to the Deputy Attorney General handling this case for OIF sometime ago, that she wanted to know if the Board wanted to enter into a joint settlement and that she informed her that it is not the Board's policy to do so.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, Victoria Taylor is to be scheduled to appear for an investigative inquiry hearing. The motion passed unanimously.

5. Correspondence received from Ms. Danielle De Vito, 159 Willard Avenue, Bloomfield, New Jersey 07003 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 Betty & Company, Belleville, New Jersey on December 13, 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 its final decision.

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

6. Correspondence received from Ms. Betty Ann Kennedy, 9 South Belair Avenue, Cedar Knolls, New Jersey 07927 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 Sandy's Hair Salon, Madison, New Jersey on December 14, 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.

7. Correspondence received from Ms. Kerri Kicoyne, 71 Belleau Gateway, West Milford, New Jersey 07480 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 Stella's Hair Studio, Inc., New Foundland, New Jersey on November 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 Ms. Sylvia Kaplan and seconded by Mrs. Frances Gray, the fine stands. The motion passed unanimously.

8. Correspondence received from Ms. Jung-Sun Lee, t/a Boulevard Nail Salon, 159 Boulevard, Hasbrouck Heights, New Jersey 07164 in connection with the penalty assessed against her in the amount of \$250.00 for her alleged operation on March 20, 2002 in violation of N.J.S.A. 45:5B-9 was presented to the Board for consideration. She indicated 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.

9. Correspondence received from Ms. Sydney Yarnold, 110 Clayton Avenue, Toms River, New Jersey 07755 in connection with the penalty assessed against her in the amount of \$500.00 for her alleged violation of N.J.S.A. 45:5B-12(g) at Bliss Spa and Salon/Heads Above, Toms River, New Jersey on February 25, 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 Mrs. Rose Policastro, the Board went into Executive Session to discuss a pending disciplinary matter. 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, Ms. Sydney Yarnold is guilty as charged but the penalty is rescinded subject to her future compliance with all cosmetology and hairstyling laws and regulations. The motion passed unanimously.

10. Correspondence received from Ms. Donna Kapetanakis, t/a Barber & Style Shop, 18 Main Street, Sparta, New Jersey 07871 in connection with the penalty assessed against her in the amount of \$300.00 for her alleged operation on December 4, 2001 with Anna Nerlinger engaging in the practice of cosmetology and hairstyling without a valid license 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.

11. Correspondence received from Mr. Alexander S. Garcia, Executive Assistant, New Concept Beauty School #2, 263 N. Broad Street, 2nd Floor, Elizabeth, New Jersey 07208 in connection with the penalties assessed against them in the amount of \$1200.00 for the alleged violations resulting out of an inspection conducted on January 30, 2002 was presented to the Board for consideration. He indicated that they admit to failing to maintain accurate sign-in sheets and are willing to pay the penalty (\$200.00) assessed for that violation and that they would like to waive their right to a hearing on the other 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 Mrs. Rose Policastro, the fines stand. The motion passed

unanimously.

12. Correspondence received from Ms. Mary Thuong Nguyen, t/a Kimmy Nails, 15 Broad Street, Bloomfield, New Jersey 07003 in connection with the penalties assessed against her in the amount of \$3,100.00 for the alleged violations resulting out of inspections of her shop on March 28, 2001 and April 2, 2001 was presented to the Board for consideration. She remitted payment of the penalties assessed against her for operating without proper ventilation and all required minimum equipment on March 28, 2001 (\$250.00) and for operating without proper ventilation on April 2, 2001 (\$50.00) and indicated that she would like to waive her right to a hearing on the other charges but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, the fines stand. The motion passed unanimously.

Mr. Richard G. Griswold informed the Board that Ms. Nguyen has already remitted payment.

13. Correspondence received from Ms. Judith Gleason, Legislative Liaison, Division of Consumer Affairs with accompanying copy of Assembly Bill #2279, sponsored by Assemblymen Anthony Impreveduto and Jeffrey W. Moran and co-sponsored by Assemblyman James Holzapfel was presented to the Board for consideration. If enacted, it would allow for a person to qualify for licensure as a cosmetologist-hairstylist on the basis of participation in an apprenticeship program, approved and certified by the United States Department of Labor and under the supervision of a licensed cosmetologist-hairstylist; and Ms. Gleason indicated that The Office of the Attorney General has requested a bill analysis by June 14, 2002.

Mr. Richard G. Griswold informed the Board that Mr. Peter Macri had called the Board office late yesterday and told him that an emergency came up, that he is very opposed to this bill and that he wanted to know if he could vote by phone. Mr. Griswold advised that he told Mr. Macri that he could not; and that Mr. Macri asked that his position be put on the record and that the Board be informed that Hair International, the State Barber Association also strongly opposes this proposal and will be submitting written comments. Mr. Griswold further indicated that the New Jersey Cosmetology Association, the National Cosmetology Association and Mr. Franklin Schoeneman, Chairman of the Pennsylvania Board of Cosmetology had been in touch with his office, are opposed and will appear to testify if necessary.

Mrs. Frances Gray advised that she is totally opposed to A-2279 and that she thinks the objections set out in Mr. Raymond Testa's letter are very valid.

Mr. Richard G. Griswold indicated that he had asked Hair Cuttery's attorney for a list of the states where they are approved to offer this program and copies of the apprenticeship agreements they use in those states but never got a response.

Mr. Dennis Gullo asked Ms. Sylvia Kaplan how this differs from other occupations that have apprenticeship.

Ms. Sylvia Kaplan advised that she is concerned about changing the statutes because of the safety and health part, that she has reservations because of the safety and health and that her gut is saying no to this.

Mr. Richard G. Griswold noted that they are proposing that a cosmetologist-hairstylist teach, that a cosmetologist-hairstylist is not qualified to do so and that this proposal is self serving and does not address the needs of students or the public.

Mr. Dennis Gullo stated that he would consider it because he has acquaintances in another state that has this program and that they are very happy with it.

Mrs. Frances Gray indicated that the existing laws allow for students to work in a salon after they complete 600 hours and that this approach better serves the student and protects the public.

Mr. Richard G. Griswold advised that he thinks that in a small salon setting with professional people, this might work;

but in a large salon setting, he could visualize 1 cosmetologist-hairstylist, with little to no experience and no teacher training, supervising several apprentices

Mr. Dennis Gullo stated that they claim the Board will have control.

Ms. Sylvia Kaplan noted that the proposal says the Board or the Department of Labor.

Mr. Dennis Gullo stated oh....they are being sneaky.

Mr. Jay Malanga advised that the National Association of Cosmetology Schools and NACCAS are also opposed to this.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the Board is opposed to Assembly Bill #2279. Mr. Carlo Melini opposed the motion; but the motion passed.

14. Correspondence received from Mr. Paul Ferrara, President, Rainbow Beauty Academy, Inc., 312 State Street, Perth Amboy, New Jersey 08861 in connection with the penalties assessed against him in the amount of \$2050.00 for the alleged violations resulting out of an inspection of his school on October 18, 2001 was presented to the Board for consideration. He indicated that he admits to the charge of operating without all required minimum equipment and paid the penalty (\$500.00) assessed for that violation and that he would like to waive his right to a hearing on the other four (4) charges but furnished a written explanation for the Board to consider before rendering its final decision.

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

15. All correspondence received from Ms. Margie Wagner, Director of Education, Empire Education Group, Route 61 North, PO Box 600, Pottsville, PA 17901 in connection with her desire to obtain Board approval of revised class schedules and new student start dates which do not fall within the guidelines set forth in N.J.A.C. 13:28-6.10 was presented to the Board for consideration.

Mrs. Rose Policastro stated that the School Committee just had a short meeting with representatives of Empire Beauty School; and she introduced Kathy Kakamase, Teresa Kayniak and Kevin Pernetta to the Board. She indicated that they have asked for permission to start new students every 6 weeks rather than the first Monday of each month as required by the Board's regulations; and that the committee has some concerns about deviating from the first Monday.

Mrs. Frances Gray indicated that first Monday starts have worked well for a lot of years and that she is concerned that individual start dates for 30 schools would be very chaotic administratively and difficult to monitor.

Ms. Theresa Kayniak stated that they have found that the students do not receive as good an education on a 4 week program because everything is so rushed and when they changed to a 6 week program in other states, it has worked very well.

Mr. Richard G. Griswold advised that the 4 week program has always worked well in New Jersey, that he had Jay Malanga check the pass/fail rates for Empire Beauty Schools and that they have been good. He stated that he has been with the Board for 31 years, that when he joined the Board, schools started new students whenever they came in to enroll and that students were being done a disservice because there was no orderly starting point in which they began their training. He further indicated that the first Monday starts brought about uniformity and stability and that the provision in the regulation which allows the Board to approve a start date on other than the first Monday was only put in there to accommodate isolated cases.

Ms. Theresa Kayniak stated that their request is based upon the fact that they use a modular training approach.

Mr. Richard G. Griswold indicated that it is his understanding that there are other licensed schools on modular programs and that they utilize the 4 week program.

Mr. Kevin Pernetá inquired as to whether the Board just picked the first Monday arbitrarily or looked into the benefits of a 4 week program for students.

Mr. Richard G. Griswold advised that he believes the Board researched the matter thoroughly before deciding on the first Monday and that he believes most schools would agree that it works well.

Ms. Theresa Kayniak indicated that their concern is for the student.

Mrs. Rose Policastro indicated that the student is the concern of all of the schools operating in New Jersey.

Upon motion made by Mrs. Rose Policastro and seconded by Mrs. Frances Gray, this matter is tabled until Empire Beauty School submits statistical data on their pass/fail rates in the other states where they are using a 6 week program. The motion passed unanimously.

COMMITTEE REPORTS

Examination & Sites:

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

Education & New Studies:

Mrs. Rose Policastro reported that she is turning over her report on the mass testing to Mrs. Barbara Ambroise. She advised that 886 students were tested, that there were 62 no shows, that she received a few suggestions from Examiners and that she thinks the testing went beautifully with the exception of a problems on the first day which resulted in all classes being delayed by an hour or a little more.

Mr. Richard G. Griswold stated several students did not have I.D.'s with photos on the first day; and that there was an entire class from one of the Monmouth County Schools with only photos and no I.D on the second day..

Ms. Sylvia Kaplan indicated that she thought Barbara did a wonderful job.

Mrs. Barbara Ambroise indicated that she has not received any complaints as yet, that on the practical, 830 cosmetologist-hairstylists took the test and 788 passed (94.9% pass rate). In the manicurists 67 took the test and 63 passed. In the theory, 830 cosmetologists-hairstylists took the exam and 544 passed (65.31%). 67 manicurists took the practical test and 59 passed (88%).

Mr. Jay Malanga stated that he would like to thank Sylvia Kaplan for a great job.

Mrs. Ambroise also thanked Sylvia Kaplan for all her help.

Violation:

Mr. Jay Malanga stated that everything is up to date, that the only serious outstanding matter is Eldysi and that the Enforcement Bureau is putting a report together right now and it appears that there are some serious problems.

Mr. Richard G. Griswold indicated that they should be brought in for an investigative inquiry hearing.

School & Department of Education Liaison:

Mrs. Rose Policastro reported that all committee work is up to date.

Legislation:

No report was given.

Public Relations:

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

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Patricia Graffin, the meeting was adjourned at 3:10 p.m.. The motion passed unanimously.

ROSE POLICASTRO, Vice Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director



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Posted September 2002