

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

**124 Halsey Street - 6th Floor
Newark, New Jersey 07102
November 12, 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. 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, Ms. Lynne Rasiewicz and Mr. Joseph Stead 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:

Mrs. Frances Gray asked that the minutes of the October meeting be amended to reflect that Ms. Patricia Graffin gave the Public Relations Committee report and not her.

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 October 8, 2002 are accepted as amended. The motion passed unanimously.

INFORMAL HEARINGS

10:30 A.M. Mr. Samuel H. Bullock, Esquire and his client, Mr. William Esterlund were scheduled to appear for an investigative inquiry hearing in connection with Mr. Esterlund's conviction of Attempted Theft By Deception, the settlement he entered into with the Office of Insurance Fraud Prosecutor and the medical treatment he has been receiving for depression and substance abuse.

Note: The Board previously considered this matter at the regular monthly meeting held February 13, 2001, December 11, 2001 and January 8, 2002 but withheld decision pending Mr. Esterlund's appearance for hearing. Also, Mr. Esterlund voluntarily surrendered his license #WG11991 pending an investigative inquiry.

Mr. Richard G. Griswold informed the Board that he is in receipt of correspondence from Mr. Bullock advising that Mr. Esterlund has had a relapse and is in a rehab center and requesting an adjournment.

The Board directed that the matter be rescheduled for hearing when Mr. Esterlund is able to attend.

10:45 A.M. Mr. Mark Cimino, Esquire and his client, Ms. Genie M. McGovern were scheduled to appear in connection with Ms. McGovern's alleged violation of N.J.S.A. 45:5B-8 on June 21, 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.

Mr. Richard G. Griswold indicated that Mr. Mark Cimino has made a settlement offer on behalf of Ms. Genie M. McGovern which provides for payment of a penalty in the amount of \$1,500.00 within 120 days, that a payment in the amount of \$500.00 would be made by November 15th and that the balance would be paid by way of four (4) monthly installments in the amount of \$250.00 each.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board accepts Mr. Cimino's settlement offer. The motion passed unanimously.

11:00 A.M. Ms. Kathleen M. Spezial, 2 Polin Place, Westwood, New Jersey 07676 was scheduled to appear in connection with her alleged violation of N.J.S.A. 45:5B-7 and 35 at Supercuts #9340, 425 Washington Street, Hoboken, New Jersey on February 16, 1999. She was observed engaging in the practice of cosmetology and hairstyling with an expired license and a penalty of \$250.00 was assessed.

Mrs. Rose Policastro read the charges and stated that it is now 12:45 p.m., that Ms. Spezial is not present and that she did not request an adjournment.

Deputy Attorney General Kathy Mendoza indicated that she would like to make application for a default; and she asked that Mr. Griswold be sworn in.

Mr. Richard G. Griswold offered his testimony and answered questions of Deputy Attorney General Kathy Mendoza.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, the Board would like to proceed with a default hearing. The motion passed unanimously.

Deputy Attorney General Kathy Mendoza proceeded with the default hearing and asked that Investigator Luis Inoa be sworn-in.

Investigator Inoa offered his testimony and answered questions of Deputy Attorney General Kathy Mendoza and the Board.

Upon motion made by Mrs. Rose Policastro and seconded by Mrs. Frances Gray, the Board accepts the documents Deputy Attorney General Kathy Mendoza entered into evidence. The motion passed unanimously.

Deputy Attorney General Kathy Mendoza gave her closing statement.

See Court Reporter Transcripts for exact testimony.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, the fine stands and Ms. Spezial is to pay all costs associated with the investigation and the appearance of the investigator as well as charges for the services of the prosecuting deputy, not to exceed \$1,000.00. The motion passed unanimously.

BUSINESS AGENDA

1. Mr. Carmen DePasquale, President and Ms. Noreen Schubert, Supervising Teacher appeared for interview in connection with Mr. DePasquale's application for initial (relocation) licensure of Artistic Academy of Hair Design, Inc., 34 Gibraltar Drive, Route 10 East, Powder Mill Plaza, Morris Plains, New Jersey 07950. The School Committee approved all application paperwork and although there were problems when the school inspection was conducted on September 10, 2002, recommended that the Board proceed with the interview.

Mrs. Rose Policastro greeted Mr. Carmen DePasquale and Ms. Noreen Schubert.

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

Ms. Schubert advised that a student teacher needs a 500 hour course and a 30 clock hour methods of teaching course at a college and then must take the licensing exam.

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

Ms. Schubert stated that the teacher in the classroom will be and then me.

Mrs. Rose Policastro questioned how they will grade a student's work?

Ms. Schubert indicated that practicals are graded on a scale of 1 to 10 and 75% is passing on the written.

Mrs. Frances Gray questioned what the minimum requirements are for students on the senior floor?

Ms. Schubert stated that they have to have 600 hours to obtain a student permit.

Mrs. Frances Gray questioned how they will track students' practicals? Ms. Schubert advised that they have a guide from 1 to 10 for each service done.

Mrs. Frances Gray questioned whether the school will charge for services given to clients on the senior floor?

Ms. Schubert indicated that there are very minimum charges.

Mr. Richard G. Griswold asked how they determine how much should be charged.

Mr. Carmen Depasquale stated that it depends upon what supplies and equipment are used and that they do a lot of programs where we do not charge at all.

Mrs. Rose Policastro questioned who will be responsible to check lesson plans?

Ms. Schubert advised that she is responsible for lesson plans.

Mrs. Rose Policastro questioned when students will receive evaluation sheets?

Ms. Schubert advised that they will receive them twice a week sometimes depending upon where they are.

Mrs. Rose Policastro questioned how students will receive evaluation sheets?

Ms. Schubert stated that they meet with them, that they come in to her office and receive a progress report and that if they get a 65% or less, they get a consultation.

Mrs. Frances Gray questioned what provisions are made for a student who fails the State Board Exam?

Ms. Schubert indicated that they are allowed back in school for extra help but then have to apply for re-examination on their own.

Mrs. Frances Gray questioned whether the school accepts students without a high school diploma?

Ms. Schubert stated that they must have a high school diploma or a GED.

Mrs. Frances Gray questioned whether the school gives potential students an entrance exam?

Ms. Schubert advised that they do not.

Mrs. Frances Gray questioned whether all of the teachers listed on their application for school license are still employed by Artistic?

Mr. DePasquale stated that he would have to see the list; and after he reviewed the list; advised that Kathleen Jones is no longer with them but that they have hired Mariam Calderone and Vivian Stagalio.

Mr. Richard G. Griswold indicated that the Members received pertinent portions of the application for license with their agenda materials along with the report of the first school inspection, that all discrepancies have been corrected except there are still 2 areas (laundry room and offices) within the school which will perform work for other businesses owned by Mr. DePasquale but not the school and that this is in violation of N.J.A.C. 13:28-6.12(a) & (b).

Mr. Carmen Depasquale stated that he brought a copy of the floor plan for each Board Member and he distributed them. He explained that prior to moving the school, he had a laundry room which services his spa and salon at this location and that he was able to acquire all of the space surrounding the laundry room, spa and salon and then decided to move the school. He advised that he put a doorway in the back of the laundry so that they could also do laundry for the school and that the 2 laundry people, who will also be cleaning the school each morning, will be able to conveniently get into the school. He indicated that the offices have their own lavatory and have nothing to do with the school. He advised that he thought he was in compliance and only put the doorway in the back of the offices for his own convenience. He asked the Board to consider that the reason it was done was only to make the businesses run in a more professional way.

Mr. Peter Macri asked whether the laundry room will be used as a commercial business.

Mr. DePasquale stated that it absolutely will not be run as a commercial business and that the doors are only there so that the school can use that service.

Mrs. Rose Policastro indicated that all school equipment is in order.

Mr. Richard G. Griswold inquired as to whether the other leased space on the diagram is a jewelry store?

Mr. DePasquale stated that it is and that it has nothing to do with Artistic Academy or his other businesses and only has a front entrance.

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 Mr. Peter Macri 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 Mrs. Frances Gray and seconded by Mr. Peter Macri, Mr. Carmen DePasquale's application is approved with the provision that the two leased areas discussed, which are not part of the school, will not be used for anything other than a laundry room and office space for Depasquale without prior Board approval. The motion passed unanimously. Mrs. Frances Gray questioned whether NACCAS requires them to give an entrance exam.

Ms. Schubert stated that they do not.

Mr. DePasquale indicated that they do not think entrance exams are productive and that their only concerns are whether a student really wants to take the course and their language skills are good enough for them to succeed.

2. Correspondence recently received from Mrs. Sylvia Kaplan, 48 Maplewood Avenue, Maplewood, New Jersey 07040 was presented to the Board for consideration. She indicated that she is resigning from her Board Member position effective immediately.

Mrs. Rose Policastro indicated that Sylvia will be missed and that she would like a letter sent with the Board's regrets.

Upon motion made by Mr. Peter Macri and seconded by Mrs. Frances Gray, a letter is to be sent to Mrs. Kaplan and a plaque is to be ordered. The motion passed unanimously.

3. Correspondence received from Ms. Mary S. Ignatz in connection with her application for initial (change of ownership) licensure of Steve's Barber Shop, 768 South Main Street, Phillipsburg, New Jersey was presented to the Board for consideration. The Board previously considered that matter at the regular monthly meeting held August 13,

2002 and withheld decision pending Ms. Ignatz's removal of one work station, her erection of separate signs for the barber shop and the bar next door and her promise to cease and desist from placing advertisements inviting patrons to get a haircut and a beer. Ms. Ignatz corrected the problem with the signs, explained the confusion surrounding her alleged advertisements for patrons to get a hair cut and a beer and asked that the Board allow her to keep the 2nd work station but has expressed a willingness to sign an agreement which precludes her from having more than one practitioner offering services at any time.

Upon motion made by Mr. Peter Macri and seconded by Ms. Patricia Graffin, Ms. Ignatz's application is approved provided she never has more than one person offering services at any time. The motion passed unanimously.

4. A request received from Mr. Kevin Pernetta, Accreditation/Compliance Coordinator, Empire Education Group, Route 61 North, PO Box 600, Pottsville, PA 07901 in connection with their desire to change the class schedules in their New Jersey schools was presented to the Board for consideration.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Mr. Kevin Pernetta's class schedule is approved. The motion passed unanimously.

5. Correspondence received from Ms. Allison Michalewsky, 3317 Clark Lane, South Plainfield, New Jersey 07080 in connection with the penalty assessed against her in the amount of \$300.00 for her alleged violation of N.J.S.A. 45:5B-7 at Plaza Hair Studio, Bernardsville, New Jersey on December 27, 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. Frances Gray and seconded Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

6. Correspondence received from Mr. Edward Morris, President, Style In Action, 1980 Route 37 West, Manchester, New Jersey 08759 in connection with the penalties assessed against him in the amount of \$550.00 for the alleged violations resulting out of inspections of his shop on June 26, 2001 and May 18, 2002 was presented to the Board for consideration. He indicated that he would like to waive his right to a hearing but furnished written explanations for the Board to consider before rendering it's final decision.

Upon motion made by Mr. Peter Macri and seconded Mr. Joseph Santagata, the fines stand. The motion passed unanimously.

7. Correspondence received from Mr. Binh Tran, 21 Frankie Lane, East Hanover, New Jersey 07936 in connection with the penalty assessed against him in the amount of \$300.00 for his alleged violation of N.J.S.A. 45:5B-7 at CA Perfection Nails, Irvington, New Jersey on July 19, 2002 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 Mrs. Frances Gray, the fine stands. The motion passed unanimously.

8. Correspondence received from Ms. Myung S. Lee, 2161 Jones Road, Fort Lee, New Jersey 07024 in connection with the penalty assessed against her in the amount of \$300.00 for her alleged violation of N.J.S.A. 45:5B-7 at Hanna Nails, Englewood, New Jersey on March 6, 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. Peter Macri and seconded by Mr. Joseph Santagata, the fine stands. The motion passed unanimously.

9. Correspondence received from Mr. Francesco Guerreiro, t/a Sole Mio European Salon, 292 Route 46 West, Parsippany, New Jersey 07054 in connection with the penalty assessed against him in the amount of \$300.00 for the

alleged violation resulting out of an inspection of his shop on March 28, 2002 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. Joseph Santagata and seconded by Mr. Peter Macri, the fine stands. The motion passed unanimously.

10. Correspondence receipt from Ms. Nicole Scott, 654 New York Avenue, Lyndhurst, New Jersey 07071 in connection with the penalty assessed against her in the amount of \$300.00 for her alleged violation of N.J.S.A. 45:5B-7 at Robert Palumbo Hair Design, North Arlington, New Jersey on July 19, 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 Ms. Patricia Graffin, the fine stands. The motion passed unanimously.

11. Correspondence received from Mr. Joseph Trapp, Supervising State Investigator, New Jersey Division of Criminal Justice, PO Box 085, Trenton, New Jersey 08625 in connection with Linda J. Palumbo, 50 Oakdale Village Drive, North Brunswick, New Jersey 08902 and her conviction of obtaining a CDS by Fraud was presented to the Board for consideration. Ms. Palumbo is the holder of cosmetologist-hairstylist license #WG012764; and although she has not renewed her license since September 20, 1992, the Board was asked to determine whether licensing action should be initiated against her.

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 Mr. Peter Macri 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 Mr. Peter Macri and seconded by Mr. Joseph Santagata, the criminal background information is to be retained in Ms. Palumbo's file and in the event that she ever applies to restore her license, she is to appear for an investigative inquiry hearing before receiving the necessary restoration exam applications. The motion passed unanimously.

12. A memorandum received from Deputy Attorney General Paul R. Kenny with accompanying report of investigation in connection with Christine M. Confenti, 97 Brandywine Court, Bricktown, New Jersey 08724 was presented to the Board for consideration. Ms. Conventi is the holder of cosmetologist-hairstylist license #WG032826; and Deputy Attorney General Kenny recommended that she be required to appear before the Board to answer questions of the counseling deputy to see if she admits to the thefts outlined in the investigation report and in the event that she does, the Board could then render a determination with respect to disciplinary action.

Upon motion made by Ms. Patricia Graffin and seconded by Mrs. Frances Gray, Ms. Christine M. Confenti is to be scheduled for a hearing. The motion passed unanimously.

AGENDA SUPPLEMENT

1. A request received from Ms. Jill Stutz, Premier Salons, 4207 Winchester Road, Allentown, Pennsylvania 18109 in connection with the outstanding penalty assessed against them in the amount of \$500.00 for an alleged violation resulting out of an inspection of Premier Salon Inc. at Macy's #20104, 1201 Hooper Avenue, Toms River, New Jersey on August 20, 2002 was presented to the Board for consideration. She asked that the Board accept payment of \$250.00 in settlement of this penalty.

Mr. Richard G. Griswold informed the Board that he told DAG Kate Simmons he would present the offer but cannot recommend that the Board accept it in-as-much as this is a repeat offense.

Upon motion made by Mrs. Frances Gray and seconded by Mr. Peter Macri, Ms. Jill Stutz's settlement offer is rejected. The motion passed unanimously.

COMMITTEE REPORTS

Examination & Sites:

Mrs. Barbara Ambrose indicated that Mary O'Flaherty of Experior called recently to advise that they are closing the Burlington office and did not have any information about how they will be getting materials to the test sites but that she was supposed to be getting more information this week or next week and will advise us further.

Mr. Griswold stated that he got this news from the staff in the Burlington office a few days before Mary O'Flaherty called; and that she claims she had been away and just got the news herself but would be meeting with her superiors to address our concerns regarding test administration, reporting of test results, etc..

Mr. Jay Malanga indicated that he went to look at a facility in Burlington County for the special tests and does not think it is viable; and he suggested the Meadowlands and the Atlantic City Convention Center as other facilities the Board and the Department of Education may want to look at.

Mrs. Frances Gray advised that Atlantic City is be too long of a trip for the kids in the northern counties.

Mr. Rose Policastro suggested looking at two sites, one in the north and one in the south.

Mrs. Frances Gray stated that they had a great deal of difficulty with the examiners at the last test and that the Board may want to consider using some of the people on the waiting list for the examiner training session.

Mrs. Rose Policastro noted that a lot of the examiners do not call any more when they are going to be out at a test and that they should be replaced.

Mr. Malanga indicated that Middlesex is a problem; and he suggested sending letters to examiners who do not show up when scheduled warning that if they do it again, they will be dropped.

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.

Public Relations:

Ms. Patricia Graffin reported that she got a list of four different restaurants for the Board Members to look at for the Christmas Party and that the members will be asked to contribute toward the staff luncheon, scheduled for December 10th, at the next meeting; and she asked Mrs. Gracinda Almeida to make the necessary arrangements.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the meeting was adjourned at 3:05

p.m.. The motion passed unanimously.

ROSE POLICASTRO, Vice Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director



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Posted December 2002