

**REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
MARCH 9, 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 and Ms. Barbara Ambroise, Program Development Assistant were present. Mr. Ronald J. Brown, Ms. Elaine C. Haroldson 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 Newspapers on December 10, 2003 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 10, 2003.

**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 February 10, 2004 are accepted as read. The motion passed unanimously.

**INFORMAL HEARINGS**

10:15 A.M. Ms. Theresa Wolf, t/a Classic Cuts, 201 Spring Street, Newton, New Jersey 07860 was scheduled to appear in connection with the alleged violations resulting out of an inspection of her shop on June 28, 2001. She was observed operating in an unsanitary manner and without all required minimum equipment (closed container) and penalties of \$450.00 were assessed.

Mr. Richard G. Griswold informed the Board that Ms. Theresa Wolf has paid all penalties and that the hearing is cancelled.

10:30 A.M. Ms. Jean Zabriskie, t/a Pro-Cutters, 282 Route 23, Franklin, New Jersey 07416 was scheduled to appear in connection with the alleged violations resulting out of an inspection of her shop on July 25, 2001. She was observed operating in an unsanitary manner and without all required minimum equipment (closed containers); and penalties of \$500.00 and \$200.00 respectively were assessed.

Mr. Richard G. Griswold informed the Board that Ms. Jean Zabriskie has paid all penalties and that the hearing is cancelled. 11:00 A.M. Mr. Charles B. Roder, 11 Rumson Road, Kendall Park, New Jersey 08824 was scheduled to appear in connection with the alleged violations resulting out of investigations conducted on December 15, 2000 and April 16, 2003. On December 15, 2000, he was found practicing upon and operating an unlicensed premise and a penalty of \$2500.00 was assessed. On April 16, 2003, he was observed practicing upon and operating an unlicensed premise and a penalty of \$5000.00 was assessed.

Mr. Richard G. Griswold informed the Board that DAG Daniel Goodman has tentatively settled this matter and would like to discuss it with the Board.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the Board went into Executive Session to discuss the offer of settlement made in this matter. 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, the Board accepts Mr. Charles B. Roeder's payment of \$2,500.00 and admissions of guilt, as set forth in the Consent Order he signed, in settlement of all charges set forth in the Uniform Penalty Letters. The motion passed unanimously.

11:15 A.M. Ms. Brenda Lee Height, 44 Dover Street, Newark, New Jersey 07016 appeared for an investigative inquiry hearing in connection with her conviction of Distribution of CDS within 1000 feet of School Property (2 counts) and her desire to become licensed upon her completion of training at Concorde School of Hair Design, Bloomfield, New Jersey.

Mr. Peter Macri greeted Ms. Brenda Lee Height and explained why she has been scheduled to appear.

Deputy Attorney General Rhonda Pope Stephens gave an opening statement and asked that Ms. Height be sworn in.

Ms. Brenda Lee Height offered her testimony and answered questions of Deputy Attorney General Rhonda Pope Stephens and the Board.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

See Court Reporter Transcripts for exact testimony.

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 Ms. Kathleen Alexander, this conviction does not preclude Ms. Brenda Lee Height from eventual licensure provided she has no further contact with the criminal justice system. The motion passed unanimously.

## **BUSINESS AGENDA**

1. Correspondence received from Mr. Burt Liebman, Regulatory Affairs Officer, Division of Consumer Affairs with accompanying copy of Assembly Bill #1264, sponsored by Assemblyman Craig A. Stanley was presented to the Board for consideration. If enacted, it would amend the existing definition of cosmetology & hairstyling to broaden the practice as well as create new licenses for general barbering and barbering and hairstyling within the practice of cosmetology & hairstyling; and Mr. Liebman asked that the Board review this proposal and inform him as to whether it's position has changed since it opposed this same proposal in the last session. A copy of the memorandum setting forth the Board's reasons for opposing the proposal in the last session has been included with the agenda materials for this item.

Ms. Kathleen Alexander indicated that the training system in place consists of 600 hours of classroom work and 600 hours of clinic training with a permit which allows students to work in shops when they are not scheduled to attend classes; and that the 600 hours clinic phase is really an apprenticeship approach but with much better supervision than what is proposed in A-1264.

Ms. Patricia Graffin stated that when she started with the Board she did not see why apprenticeship would not be good but that she now has a better appreciation for why proper instruction is necessary.

Mr. Peter Macri advised that page 2 of the Board's original memo on this issue sums it up and that he strongly opposes this proposal.

Upon motion made by Ms. Patricia Graffin and seconded buy Ms. Kathleen Alexander, the Board is

unanimously opposed to this bill for reasons set forth in the memorandum, dated 3/17/03 which was sent to the Division Legislative Section. The motion passed unanimously.

2. Correspondence received from Mr. Jim Cox, Executive Director, American Association of Cosmetology Schools in connection with the Spring Management Conference they are sponsoring in Las Vegas, Nevada on March 28 & 29, 2004 was presented to the Board for consideration. He invited the Board Chairperson and Executive Director to attend and indicated that their registration fees have been waived but that they would be responsible for their transportation and hotel expenses.

Mr. Peter Macri indicated that he would like Mr. Griswold to send a letter to Mr. Cox thanking him for the invitation and advising that there is not sufficient for him to obtain authorization to attend.

3. Correspondence received from Ms. Tanya Patterson in connection with her application for initial shop licensure of Foxy's, 575 Clifton Avenue, Clifton, New Jersey was presented to the Board for consideration. The hand washing facilities for the lavatory are on the outside wall and the shop only contains 305 square feet of working space, 45 square feet short of the minimum required by N.J.A.C. 13:28-2.5; but she indicated that she is unable to move the sink or enlarge the shop and that a licensed nail establishment operated at this location as recently as July 2003 and prior to that, licensed barber shops; and she asked that the Board waive it's minimum licensing requirements and issue the desired license.

Mr. Richard G. Griswold stated that although Ms. Patterson did not purchase an existing business, she did lease the premise because shops have been operated at this location in the past and no alterations have been made to the premise. He also advised that the report of initial inspection for the last business that operated at this location reflects that there is 350 square feet of space and it appears that the inspection included the footage for the stair case in the measurement.

Ms. Patricia Graffin indicated that she does not see a problem with where the sink is but that Ms. Patterson did not purchase an existing shop.

Upon motion made by Mr. Carlo Melini and seconded by Ms. Patricia Graffin, Ms. Tanya Patterson's application for shop license is approved provided she never has more than one (1) person offering services at any time. The motion passed unanimously.

4. A copy of Assembly Bill #1918, sponsored by Assemblywomen Loretta Weinberg was presented to the Board for consideration. If enacted, it would require that home-schooled children be administered each of the Statewide assessment tests required by the State of public school pupils and that the parents or guardians of home-schooled children provide documentation to the resident district board of education no later than September 1 of each year that the child has undergone an annual medical examination.

Deputy Attorney General Rhonda Pope Stephens indicated that it would appear that this proposal arose from the information in the news about the boys who were starving.

Mr. Richard G. Griswold advised that he is sure Assemblywomen Weinberg introduced this proposal because of the DYFS situation but that he thought it was pertinent to the Board because of the home school issue before it and that he thinks it would be in the Board's interest to support A-1918.

Mr. Carlo Melini stated that regardless of the reasons, he would think everyone, from all walks of life, will support this proposal.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Kathleen Alexander, the Division Legislative Section is to be informed that the Board unanimously supports Assembly Bill #1918. The motion passed unanimously.

5. Correspondence received from Mr. Mark A. Mahran, 14 Deb Lynn Drive, Erial, New Jersey 08081 in connection with his conviction of Distribution of CDS and his desire to complete a term of training at

Rizzieri Aveda School for Beauty and Wellness 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. Mahran's eventual eligibility for admission to examination.

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Rose Policastro, the Board withholds decision on this matter pending Mr. Mark Mahran's appearance for an investigative inquiry hearing. The motion passed unanimously.

6. A memorandum received from Deputy Attorney General Adriana Baudry in connection with Sora Ahn and the Provisional Order of Discipline issued to her on August 18, 2003 was presented to the Board for consideration. Deputy Attorney General Baudry indicated that Ms. Ahn requested modification or dismissal of the order on September 8, 2003 and some time to furnish written evidence supporting her request but has not, to date, done so and that in light of her failure to submit any evidence supporting her request, the Board should enter it's Final Order of Discipline.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the Board went into Executive Session to discuss a pending disciplinary matter. The motion passed unanimously.

Upon motion made by Ms. Kathleen Alexander 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 Ms. Kathleen Alexander and seconded by Mrs. Frances Gray, the Board directed that a Final Order of Discipline is to be issued. The motion passed unanimously.

7. A memorandum received from Deputy Attorney General Adriana Baudry in the matter of Eun Jung Kim, the Provisional Order of Discipline issued to her on November 20, 2003 and the correspondence Ms. Kim submitted advising that she attempted to contact her beauty school in Korea but that the school is closed and she is unable to prove she graduated from Jasmil Beauty School was presented to the Board for consideration. Deputy Attorney General Baudry indicated that Ms. Kim's letter does not appear to support modification or dismissal and that the Board should enter it's Final Order of Discipline.

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, the Board went into Executive Session to discuss a pending disciplinary matter. The motion passed unanimously.

Upon motion made by Ms. Kathleen Alexander 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 Ms. Kathleen Alexander and seconded by Mrs. Frances Gray, the Board directed that a Final Order of Discipline is to be issued. The motion passed unanimously.

8. A memorandum received from Deputy Attorney General Adriana Baudry in the matter of Kyung Ae Ko, the Provisional Order of Discipline issued to her on November 24, 2003 and the correspondence she received from Sung B. Rim, Esquire requesting a modification of the Provisional Order of Discipline was presented to the Board for consideration. She indicated that it is apparent that any hearing in this matter would be for the purpose of mitigation and if the Board wishes to alter it's penalty position of \$1500.00, she will convey the new position to counsel in an effort to resolve the matter. If not, she asked that the Board schedule a hearing so that Ms. Ko can offer mitigation testimony.

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

Upon motion made by Mrs. Frances Gray and seconded by Ms. Patricia Graffin, DAG Adriana Baudry is to

be informed of the Board's settlement position and to be asked to convey it to counsel. The motion passed unanimously.

9. Information received from Mr. & Mrs. John Byrne, 315 Chairville Road, Southampton, New Jersey 08088 on behalf of their daughter, Laura and correspondence received from Mr. Scott A. Woodruff, Esquire, Home School Legal Defense Association in connection with same was presented to the Board for consideration. The Byrne's furnished copies of Laura's two (2) SAT results, a copy of her PSAT results, her academic file from Rizzieri Aveda School for Beauty and Wellness; and Mr. Woodruff explained Title 18A of the New Jersey Statutes Annotated, contended that Laura has finished an educational program in one of the three lawful options and indicated that he will appreciate the Board's prompt approval of Laura's request.

Mr. Richard G. Griswold indicated that he had received three (3) items pertinent to this case after the agenda materials were mailed out and he distributed copies to the Board Members. He advised that the first one is a document which appears on the Department of Education web-site and lists the most commonly asked questions about home schooling; and that he believes items 1-4 & 14 will be of particular interest to the members. The second one is a group of documents submitted by Mr. Woodruff and hand delivered to the Board office yesterday by Mr. & Mrs. Byrne which seem to contain information previously submitted to the Board but in certification form and a certification, not previously submitted, detailing Mrs. Byrne's qualifications. The last item is a letter from Mr. Woodruff which was faxed to the Board Office yesterday indicating that although he is representing the Byrne's, he is comfortable with them speaking to the Board directly. Mr. Griswold explained that Mr. Woodruff's letter was prompted by a telephone conversation between him, Mr. Woodruff and Rhonda Pope Stephens yesterday in which he indicated that Mrs. Byrne has called him directly and he has spoken to her but that he has been reluctant to do so because she is represented. He also advised that in his letter, Mr. Woodruff asks that the Board make a declaratory judgment today. Finally, he advised that although this matter is not scheduled for hearing today, Mr. & Mrs. Byrne are present, that they have traveled a great distance and that the Board may want to afford them a few minutes if they would like to make a brief presentation.

Mr. Peter Macri greeted Mr. & Mrs. Byrne and informed them that the Board has a very heavy agenda but that if they would like to address the Board, he will be happy to allow them 5 to 10 minutes to do so.

Mrs. Byrne stated that she is college educated, that she has been home schooled Laura for 9 years, that she has brought her lesson plans with her today and that if the Board would like to review them, she will be happy to leave them. She advised that the law does not state how to make diplomas for their kids, that she learned that it varies from state to state and that the State of New Jersey is no different. She indicated that they have 2 children, have been amazed to find what is available out there in terms of good books, have always exceeded the State's mandate of 120 days of school, have never allowed for sick days as public schools do and has never had their children subjected to the horrific situations you often hear about in public schools. She advised that a very good friend of her's has a full scholarship to Princeton, that they take this very seriously and that they do not want their kids coming back to her saying "hey ma what are you doing". She advised that her daughter has gone for bible study, that Renee, her other daughter is going on trips and that they are walking them through it. It has great advantages and there are also disadvantages, like they are always in my face but Laura is thriving at Rizzieri. She is anxious to complete the course, is innovative, creative and loves color. She stated that she has her curriculum with her if anyone wants to see it, that she understands that home schools, in the past, have been few and far between but that they have responded to the needs of their children, did not think this would be a problem and would like to answer any questions the Board might have.

Mr. Byrne indicated that the good thing about home schooling is that you can tailor the education to your own child's learning styles, that their younger daughter had trouble with multiplications and they were able to spend a month on it as opposed to a week in a public school, that she is also certified in scuba diving and black belt and that the only reason they did this is because the State of New Jersey allowed them to and that there is another student at Rizzieri who will also be applying on the basis of home schooling.

Mr. Griswold advised that whether there is another student who may apply on the basis of home schooling has no bearing on this case.

Mrs. Byrne stated that she can demonstrate what she has done and that the home school diploma is not just a piece of paper.

Mr. Richard G. Griswold advised that the Board will not debate the legal issues today and that those arguments are better left to the attorneys.

Mr. Peter Macri indicated that upon advice of counsel, the Board will be discussing this matter in closed session and that if the Board Members or Mrs. Byrne's do not have anything further, he would ask for a motion to do so.

Mr. Carlo Melini stated that his understanding is that if a child is home schooled, takes the proper courses, gets grades and gets their diploma, they can go on and be admitted to college.

Mrs. Byrne answered yes, that thousands of colleges across the country accept home school diplomas.

Ms. Kathleen Alexander advised that she does not think that the lesson plan or the quality of instruction are the sole issues before the Board, that every student has to be assessed and that the measurement is a high school or GED diploma.

Mrs. Byrne indicated that there is stigma about the GED.

Mr. Jay Malanga stated that thousands of servicemen have obtained a GED, went on to college and were not stigmatized. He also noted that Pennsylvania regulates home schools and requires home schoolers to be measured by the GED test.

Mrs. Byrne stated that in Pennsylvania the curriculum has to be submitted; and we had to do that the first year but after that, it is our responsibility to keep up with it.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Carlo Melini and upon advice of counsel, the Board went into Executive Session to discuss a matter in which a declaratory judgement has been requested and litigation may ensue. The motion passed unanimously.

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

Upon motion made by Mrs. Frances Gray and seconded by Mrs. Kathleen Alexander, the Board does not believe the documentation submitted is a sufficient showing of a high school education or it's equivalent. However, the Board is exploring other avenues for her to pursue. The motion passed unanimously.

10. Correspondence received from Ms. Sarah Roener, 154 Southern Boulevard, Chatham, New Jersey 07928 in connection with the outstanding penalty assessed against her in the amount of \$300.00 for her alleged violation of N.J.S.A. 45:5B-7 at Holiday Hair Dressers, New Providence, New Jersey on December 13, 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 Ms. Kathleen Alexander and seconded by Mrs. Rose Policastro, ignorance of the law is not an excuse and the fine stands. The motion passed unanimously.

11. Correspondence received from Mr. Pasquale Colella, t/a 7 C's Barber Shop, 101 Mathistown Road, Harbor Plaza, Mystic Islands, New Jersey 08087 in connection with the outstanding penalties assessed against him in the amount of \$800.00 for the alleged violations resulting out of an inspection of his shop on

October 30, 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 its 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. Chung Suk Ryang, 34-24 70 Street, 1st. Floor, Jackson Heights, New York 11372 in connection with the outstanding penalty assessed against her in the amount of \$300.00 for her alleged violation of N.J.S.A. 45:5B-7 at Tina Nail, Pompton Plains, New Jersey on May 8, 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 its final decision.

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

13. Correspondence received from Mr. Gary T. Reece, Superintendent, Watchung Hills Regional High School on behalf of Marfa Haleta Paul was presented to the Board for consideration. He indicated that as a former Assistant Commissioner of the New Jersey Department of Education, he appreciates the need to adhere to State laws and regulations, that he understands State regulations required her to renew her cosmetology license, even though she limits her business to cutting hair and opens her shop only one day a week but that in this specific instance, waiving the license requirement is not only the right thing to do but also serves the public's interest.

Note: The Board considered this matter at the regular monthly meeting held December 9, 2003, found her guilty of charges resulting out of an August 27, 2003 inspection and ordered her to pay a penalty of \$700.00 and to cease and desist from practicing without a valid license. The Board also recommended that she apply to restore her practicing license by examination immediately.

Ms. Kathleen Alexander stated that she thinks Mr. Reece's letter is inappropriate.

Mr. Richard G. Griswold stated that Ms. Paul is required by law to have a license to practice and to restore her license by exam and that he does not believe the Board has the authority to act in contradiction of law.

Upon motion made by Ms. Kathleen Alexander and seconded by Ms. Patricia Graffin, in order for Ms. Paul to reinstate her license and practice, she must take the exam. The motion passed unanimously.

14. Correspondence received from Ms. Nam Duk Shin, t/a Choice Nail, 1750 Fullerton Avenue, Montclair, New Jersey 07042 in connection with the penalties assessed against her in the amount of \$500.00 for the alleged violations resulting out of an inspection of her shop on September 10, 2003 was presented to the Board for consideration. She admitted to operating with Miriana Roman practicing cosmetology and hairstyling without a valid license and paid the penalty (\$300.00) assessed for that violation; and she indicated that she would like to waive her right to a hearing on the charge of operating without all current licenses on display(Hi Soon Lee-Yun) but furnished a written explanation for the Board to consider before rendering its final decision.

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

## **COMMITTEE REPORTS**

Mr. Peter Macri stated that before starting the committee reports he would like to say that in the past, board members at test sites have always moved around the room to oversee Examiners and applicants to insure that written and practical tests are being given properly, that he is seeing more and more members sitting at the front desk doing what are and always have been clerical functions lately and that if additional clerical

people are needed we should hire them, so Board Members can go back to doing what they need to do.

Ms. Kathleen Alexander indicated that one of the things we have been in discussion with the testing companies about is computer based testing and that if the Board is willing to consider computerized testing, a lot of the confusion at the test sites would be gone. It would be much simpler to go with computerized testing; and the Board would have more control at the sites if there wasn't so much going on.

Mr. Richard G. Griswold advised that while we continue to administer both written and practical tests, the Board should consider what Mr. Macri has to say.

Mr. Peter Macri stated that he would like to see the Board Members overseeing the tests and not serving as clerical workers.

Mrs. Frances Gray indicated that at the East Brunswick exam, we brief the examiners about their responsibilities and every year we conduct a work shop for all examiners. She advised that the exam committee has spent several weekends discussing a bunch of problems and acknowledged that a Board member's role is not sitting behind the desk but that they do need to be aware of the in-processing and other clerical desk duties.

Mr. Jay Malanga stated that he thinks that Peter is trying to say, is that we should hire people for the desk and the Board Members should not be behind the desk.

Mrs. Frances Gray indicated that sometimes in the morning, you have examiners or clerical people who have not shown up yet.

Mr. Richard G. Griswold suggested that they should hire people who do show up and terminate people who do not report when they are supposed to..

Ms. Kathleen Alexander concurred that Board Members should have a higher level of involvement at these test sites. I think we should hire someone to do that.

Mrs. Barbara Ambrose stated that she is the person Board Members come to when they have questions and that she does answer them.

Mrs. Frances Gray agreed that Barbara does help us with a lot of questions.

### **Examination & Sites:**

Mrs. Frances Gray reported that they have spent several weekends going over the NIC and Experior tests and although they weren't able to review NIC's entire question bank, both tests are very basic. She advised that Experior seems to be doing the job we want now but regardless of which test the Board wants to use, she would like to see the time allowed for the test extended from one hour and 15 minutes to two hours.

Ms. Kathleen Alexander indicated that they asked Experior to give them a recommendation on time we should allow and because of the demographics of our population, students who have English as a second language, they suggested extending the testing time to 120 minutes.

Mrs. Rose Policastro stated that she has been observing the administration of the written tests at her site and did the same at Fran's last exam and believes that many applicants would benefit from an allowance of more time.

Mr. Richard G. Griswold indicated that he would, as he has done every time the Board has discussed this issue, recommend that the Board increase the time in 15 minute intervals rather than almost doubling the time all at once.



Ms. Kathleen Alexander stated that she relies on the point that there are a lot of failures and it will not take anything away from us to give people an opportunity to do the best they can.

Mr. Richard G. Griswold advised that he does not disagree but does not see why you would jump to 2 hours when 1 - or 1 3/4 hours might accomplish the goal.

Ms. Kathleen Alexander questioned what he was basing his approach on. She indicated that we have the jurisdiction to adjust the time if we need to and if we see that 2 hours is too much, we can change it. Based on the statistics we have and the high failure rate, the committee recommends that the exam be 2 hours long.

Mrs. Frances Gray stated that because we do attend the tests and see what is going on, we need to do something to address the problem.

Upon motion made by Ms. Kathleen Alexander and seconded by Mrs. Rose Policastro, the testing time is to be changed from 75 minutes to 120 minutes. The motion passed unanimously.

Mrs. Frances Gray advised that the other item the committee has been discussing is allowing students to sit for the written test prior to graduation.

Ms. Kathleen Alexander stated that this will allow the schools to address proficiency and correct any problems while the student is still paying tuition and make them accountable to the students. She advised that the Board has been taking a lot of misguided criticism and that this will shift the focus back to the obligations of the school. She suggested that the student can contact the testing company, that the test would be given at the student's expense and that it would be optional.

Mr. Richard G. Griswold indicated that it should not be optional if the Board goes into pre-testing and that the test should be given just prior to graduation.

Ms. Kathleen Alexander suggested that we could say that they have to be senior students.

Mr. Richard G. Griswold recommended that the test should be given at 900 or 1000 hours.

Mrs. Frances Gray stated that most of the vocational school students are taking the special tests at about 900 hours and that the committee recommends that students should not be allowed to take the practical test until they pass the written test.

Mrs. Kathleen Alexander advised that if students are failing while still in school, it's the school's responsibility to address those deficiencies while the student is still there but if the testing is too close to graduation, they won't have an opportunity to do that.

Mr. Richard G. Griswold indicated that the Board should not vote on this issue today in-as-much as none of this specifics have been discussed.

Mrs. Frances Gray stated that she would like to see this done by way of computerized tests at the testing centers around the state and that it should be done as soon as possible.

Ms. Kathleen Alexander agreed that the Board should not vote on something that needs to be delved into in greater detail and will have a large impact on applicants and the Board.

Mrs. Frances Gray asked for a half hour at the next Board meeting and that this be the first item on the agenda so we can discuss everything we have to and get the project moving.

Mr. Richard G. Griswold suggested that the Committee should try to schedule a meeting on a week day in the Board office.

Mrs. Frances Gray suggested inviting Experior and Linda Kellner to appear to do a demonstration on their computer based testing and that she believes they both have access to the Sylvan Learning Center testing facilities.

Mr. Richard G. Griswold advised that the Board is going to have to look at whether this approach will work with out-of-state/out-of-country applicants, cross-over exams, etc..

Ms. Kathleen Alexander stated that when the student is ready, they will make an appointment with the testing service. We do not have to give the exam and the Board would not be involved in that at all. When they meet all requirements and pass the written, the Board would then schedule them for the practical exam. She indicated that by allowing students to come in their senior year, after 1000 hours to take the exam, it's off our back if they fail and the schools will have to deal with it. If they pass the test, it will be held in escrow until they meet all the other obligations for the State and then will be scheduled for the practical examination. The Board will have total control over the practical test; and this will cover our back side and bring the Board to the next level by doing everything it can; but Richard is right, we have to have every single dot crossed before we approve this.

Mrs. Rose Policastro stated that the Examination Committee should meet..

Ms. Kathleen Alexander indicated she would like to see Barbara, Richard and Jay at the committee meeting.

Mrs. Barbara Ambroise stated that Experior actually advised her that there are two states that have early testing, Maryland and Minnesota.

#### **Education & New Studies:**

Mrs. Rose Policastro reported that she would like to see a word to word dictionary as part of the computerized testing for in-state and crossover applicants.

#### **Violation:**

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

#### **School & Department of Education Liaison:**

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

#### **Legislation:**

Mr. Carlo Melini reported that in a recent discussion with some friends who are legislators, he discussed Megan's Law notifications to employers and that they have OLS looking into it.

#### **Public Relations:**

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

Ms. Kathleen Alexander stated that before she was appointed as a Member of the Board, she didn't realize how committed the Board Members and staff are and as she has become more familiar with Board operations and friends with the people involved, she has come to believe that when these good people retire, they will be recognized for their dedication and desire to attain excellence.

Upon motion made by Mr. Carlo Melini and seconded by Mr. Joseph Santagata, the meeting was adjourned at 3:35 p.m.. The motion passed unanimously.

PETER MACRI, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director