

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JUNE 14, 2005**

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, Mr. Jack A. Fornaro, Mr. Christian R. Jones, Mr. Carlo Melini, Ms. Denise Pereau, Ms. Rose Policastro, Mr. Joseph Santagata, Mr. Jerry Speziale, 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. Mr. Ronald Brown, Ms. Elaine C. Haroldson and Ms. Lynne Rasiewicz were absent.

Mr. Carlo Melini 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 15, 2004 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 15, 2004.

Mr. Carlo Melini welcomed the new board members and suggested going around the table and having everyone introduce themselves.

Each person gave their name and a brief description of their background.

Mr. Carlo Melini stated that he would like everyone to turn off their cell phones during the meeting unless someone is waiting for a very important call. He also asked everyone to call Grace or Mr. Griswold in the event they are unable to attend a meeting and explained that by doing so, we will know whether or not we have a quorum ahead of time and can cancel the meeting if we don't. He briefly described the Board's functions and explained that the make up of the Board is no coincidence, that there are members from all segments of the industry and that he is open to discussing any issues a member may have. He also advised that Dick and his staff do a marvelous job, that you will not find a more dedicated administrator than Dick and that even through his illness, he has been here.

Deputy Attorney General Swang Oo stated that she would just like to add that Board members are appointed to serve the public, not really to advance the industry and they are here to insure the public's safety, to insure that the rules and regulations are done and that anyone who needs to be charged is charged in order to protect the public.

Upon motion made by Mrs. Rose Policastro and seconded by Ms. Kathleen Alexander, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held on April 12, 2005 and the Executive Director's report, Committee Reports and Minutes, as well as the recommendations of the Committee, of the regular monthly meeting held May 10, 2005 are accepted as read. The motion passed unanimously.

BUSINESS AGENDA

1. Correspondence received from Ms. Kimberly S. Ricketts, Acting Director, Division of Consumer Affairs was presented to the Board for their information. She indicated that she was recently appointed Acting Director by Governor Richard J. Codey and that she is looking forward to meeting with the Board to learn about it's oversight of the profession and the work it performs to ensure the safety and welfare of New Jersey's residents.

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

2. A report of investigation recently received from the Division Enforcement Bureau in connection with Ms. Tabitha Gayles, t/a Lyn Jonta , 67 Franklin Street, Bloomfield, New Jersey 07003 was presented to the Board for consideration. The Board cited Ms. Gayles for agreeing to rent space within her shop to a Board inspector on September 23, 2004, referred the matter to the Division of Law Prosecution Section when Ms. Gayles requested a hearing, was informed that there are not sufficient proofs to proceed with the hearing and requested further investigation; and since this report does not bolster the Board's case against Ms. Gayles, the Board was asked to determine whether it would like to withdraw the original charges and rescind the penalty.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Jack Fornaro, the charges are withdrawn and the penalty is rescinded. The motion passed unanimously.

3. Correspondence received from Ms. Annie Romano, Manager, Regis Corporation, d/b/a Natural Motion Institute of Hair Design on behalf of Shana H. McNeil in connection with her conviction of Possession of CDS within 1000 feet of School (2 counts) and her desire to obtain a student permit and to be admitted to examination upon her completion of training was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to her eligibility to obtain a student permit and eventually become licensed.

Upon motion made by Ms. Kathleen Alexander and seconded by Ms. Rose Policastro, the Board withholds decision on this matter pending Ms. Shana H. McNeil's appearance for an investigative inquiry hearing. The motion passed unanimously.

4. Correspondence received from Mr. Santo Trapani, Director, Regis Corporation, d/b/a European Academy of Cosmetology on behalf of Victor Garcia in connection with his convictions of various criminal offenses and his desire to complete a term of training at European Academy of Cosmetology 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 his eventual eligibility for licensure.

Upon motion made by Ms. Kathleen Alexander and seconded by Mrs. Rose Policastro, the Board withholds decision on this matter pending Mr. Victor Garcia's appearance for an investigative inquiry hearing. The motion passed unanimously.

5. Correspondence received from Ms. Darlene Fox, Administrative Supervisor, Artistic Academy, Inc. 34 Gibraltar Drive, Morris Plains, New Jersey 07950 in connection with the efforts they have been making to rebuild Artistic Academy was presented to the Board for consideration. On March 10, 2005, the Board granted approval for Artistic Academy to temporarily operate at 301 Gibraltar Drive for a period of sixty (60) days, beginning March 14, 2005; and Ms. Fox explained the delays they have experienced and requested approval to continue to operate at the temporary location until the original location is rebuilt.

Mr. Richard G. Griswold informed the Board that he received another letter from Ms. Fox after the agenda materials were mailed out and he distributed copies to the members. He explained that they have learned that there is substantial structural damage to the original building and that they would now like permission to operate there while they apply for a license for that premise and would like to know what documentation they will be required to submit with their application.

Mr. Richard G. Griswold suggested that they should be required to submit the same documentation Empire Beauty school has submitted in connection with their relocation from Lawrenceville to Bordentown.

Mrs. Rose Policastro concurred with Mr. Griswold's suggestion.

Upon motion made by Mr. Jack Fornaro and seconded by Mrs. Rose Policastro, Ms. Darlene Fox's request is approved. The motion passed unanimously.

6. Correspondence received from Ms. Linda Karas, Associate Director, Reignbow Beauty Academy, 121 Watchung Avenue, N. Plainfield, New Jersey 07060 in connection with their desire to obtain approval to offer the 300 manicuring course in Spanish at the Reignbow Beauty Academy schools in North Plainfield and Perth Amboy, pursuant to N.J.A.C 13:28-6.9, was presented to the Board for consideration.

Mrs. Kathleen Alexander noted that these teachers have been teaching in Spanish for 10 years.

Upon motion made by Mrs. Rose Policastro and seconded by Ms. Kathleen Alexander, Ms. Linda Karas' request is approved. The motion passed unanimously.

7. Information received from Dr. Vincent J. Walencik, 22 Cayuga Avenue, Rockaway, New Jersey 07866 in connection with his desire to obtain approval to offer the "30 clock hour methods course" required by N.J.S.A. 45:5B-23 to students applying for licensure in New Jersey as cosmetology and hairstyling teachers was presented to the Board for consideration.

Ms. Kathleen Alexander recused herself.

Mr. Richard G. Griswold indicated that he does not believe the Board has ever approved anyone who was not sponsored by an approved college to offer this course.

Ms. Barbara Ambrose stated that she believes Mr. Griswold is correct.

Mr. Richard G. Griswold advised that it appears that N.J.S.A. 45:5B-23 precludes the Board from approving this request.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Jack Fornaro, Dr. Vincent J. Walencik is to be informed that he must offer the course in conjunction with an approved college. Ms. Kathleen Alexander did not vote but the motion passed.

8. Correspondence received from Ms. Maryann Sheehan, Legislative Analyst, Division of Consumer Affairs in connection with the Board's amendment of N.J.A.C. 13:28-1.1 was presented to the Board for consideration. The Board approved an amendment for publication quite some time ago; but the Division of Law and the Division believe it should be amended further because the Department of Education allows people to obtain a high school diploma in a number of different ways; and she redrafted the amendment accordingly and asked that the Board consider approving the revised draft.

Mr. Richard G. Griswold stated that there is a recommendation that the wording for GED be expanded.

Ms. Maryann Sheehan stated that the 13:28-1.1 is dealing with applicants for licensure and their educational background. Currently it states that an applicant has to complete high school or it's equivalent. The Board decided in 2004 to amend that rule and to provide more guidelines. The Board voted to propose that language and when it went to the Division of Law for review, we received a question from the new DAG asking that we consider adding wording from the Department of Education regulations.

Ms. Kathleen Alexander stated that the Department of Education only recognizes the GED, that the other ways Ms. Sheehan is talking about are pathways to a GED and that the 30 credit hours does not qualify a student for a degree but just entitles them to take a GED test.

Ms. Maryann Sheehan stated that this language came from the Department of Education regulations.

Mr. Richard G. Griswold indicated that the proposed regulation seems to be saying that we have to take something other than a high school diploma or a GED and the Board does not want to do that.

Ms. Maryann Sheehan stated that if these are the pathways to get a GED, she can answer the Attorney General's questions by saying a GED is the only other document besides a high school diploma or she can

say that these are the pathways to a GED.

Ms. Kathleen Alexander advised that the only inaccuracy in the wording is the use of the word degree, the 30 clock hours does not lead to a degree but rather to a high school diploma.

Ms. Maryann Sheehan stated that her concern is that she doesn't want to miss something and give the applicant misinformation. She indicated that we could refer them to the Board of Education regulations.

Ms. Kathleen Alexander advised that you need a high school diploma or the state issued high school diploma obtained by a GED test.

Ms. Maryann Sheehan indicated that if these are all pathways to get the GED, her recommendation is to take out the language in ii and iii so the rule would say a state issued high school diploma obtained by passing the GED Diploma examination consistent with the Department of Education regulations set forth in N.J.A.C. 6:30-1 et. seq.

Upon motion made by Ms. Kathleen Alexander and seconded by Mrs. Rose Policastro, the Board accepts the new language as discussed. The motion passed unanimously.

9. Correspondence received from Ms. Susan Lucante, Associate Director, Capri Institute, Kenilworth on behalf of Anthony L. Barksdale in connection with his convictions of Possession of CDS with Intent to Distribute within 1000 feet of School (Cocaine) and Possesison of CDS with Intent to Distribute (Cocaine) and his desire to obtain a student permit and be admitted to the licensing examination upon his completion of training was presented to the Board for consideration. This matter was presented in order that the Board might render a determination with respect to his eligibility to obtain a student permit and to eventually become licensed.

Mrs. Rose Policastro indicated that she would like to recuse herself from deliberation on this item.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Denise Perea, the Board withholds decision pending Mr. Barksdale's appearance at an investigative inquiry hearing. Mrs. Rose Policastro did not vote but the motion passed.

10. Correspondence received from DAG Adriana Baudry in connection with the Provisional Order of Discipline issued to Ms. Yu Sook Kim on November 24, 2003 was presented to the Board for consideration. She indicated that she asked Mr. Robert W. Avery, Esquire, Ms. Kim's attorney to return the signed Consent Order that was originally mailed to him on May 5, 2004 by December 14, 2004 but that he has not done so; and she asked that the Board determine whether it would like to enter a Final Order of Discipline in this matter.

Upon motion made by Mr. Jack Fornaro and seconded by Mrs. Rose Policastro, this matter is to be referred to DAG Swang Oo for preparation of a Final Order. The motion passed unanimously.

11. Correspondence received from DAG Adriana Baudry in connection with the Provisional Order of Discipline issued to Ms. Kyung Ae Ko on November 24, 2003 was presented to the Board for consideration. She indicated that she sent a follow-up letter to Mr. Sun B. Rim, Esquire on October 1, 2004 with accompanying Consent Order but that he has not responded; and she asked that the Board determine whether it would like to enter a Final Order of Discipline in this matter.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, this matter is to be referred to DAG Swang Oo for preparation of a Final Order. The motion passed unanimously.

12. A request received from Mr. Raymond Testa, Compliance Officer, Regis Corporation in connection with their desire to start new students at Natural Motion Institute, European Academy of Cosmetology, Concorde School of Hair Design, Bloomfield and Concorde School of Hair Design, Ocean Township on

September 12, 2005 rather than September 6, 2005 as required by N.J.A.C. 13:28-6.10 was presented to the Board for consideration. He indicated that a large portion of their students are single mothers and that this would allow them to get their children started after the labor day holiday before starting classes themselves.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Christian Jones, Mr. Raymond Testa's request is approved. The motion passed unanimously.

13. A report of investigation conducted at the Garfield City Nutrition Center, 480 Midland Avenue, Garfield, New Jersey on April 7, 2005 was presented to the Board for consideration. It reflects that they are offering cosmetology and hairstyling services upon unlicensed premises and the matter was presented for appropriate disciplinary action.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Jack Fornaro, the Board went into Executive Session to discuss a pending disciplinary matter. The motion passed unanimously.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Jack Fornaro the Board returned to Open Session to announce it's decision.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Jack Fornaro, a letter of warning is to be sent to the Garfield City Nutrition Center and the practitioner. The motion passed unanimously.

14. Correspondence received from Mr. Paul Finkelstein, President, Regis Corporation, 7201 Metro Boulevard, Minneapolis, MN 55439 in connection with their intention to acquire New Horizons Institute of Cosmetology, Inc. was presented to the Board for consideration. He indicated that they intend to acquire this school on September 1, 2005 and asked that the Board inform Ms. Carol Cataldo, their agent in all matters pertaining to state approval and licensure, as to the specifics on the application and documentation the Board will require.

Mr. Richard G. Griswold suggested that they should be required to submit the same information they submitted for the four other schools they purchased not long ago.

Mr. Jay Malanga indicated that there are outstanding penalties assessed against New Horizon's which should be satisfied before the Board approves the new license.

Upon motion made by Mrs. Rose Policastro and seconded by Ms. Kathleen Alexander, the Board directed that Mr. Finkelstein is to be informed that they must submit an original and four (4) copies of an application for initial school license with the requisite fee and that each application and copy must be accompanied by the Regis Certificate of Incorporation, copies of all documentation they are required to file with the New Jersey Office of the Secretary of State in connection with the change of ownership of the New Jersey corporation, a letter from the bonding company verification that coverage will continue, a copy of the Regis 2004 Annual Report and a copy of the report of same day audit to be conducted on the date of closing; and that they must successfully complete a premise inspection and all outstanding penalties assessed against New Horizons must be satisfied. The motion passed unanimously.

AGENDA SUPPLEMENT

1. Carlo Melini stated that our next item, which is not on the agenda, is Thompson Prometric and the computer based testing. Sometime ago and after a lot of discussion, the Board moved to go forward with computer based testing. At that point, we had a committee made up of Kathleen Alexander, Rose Policastro and Frances Tomeo. These board members have background in education and teaching. They met and interviewed several different companies and after that, they decided that Thompson offered us the best fit for computer based testing.

Ms. Kathleen Alexander stated that in 1999, we signed a contract with a company called Experior and their representative was Linda Kellner. All of the cosmetology eventually was handled from Minnesota and most

recently the Board went through a change 18 months ago. Chauncey was the company we were dealing with and then they found out they were going to be acquisitioned and were acquisitioned by Thompson-Prometric. When the changes occurred, we went from Linda Kellner to several others after that. The Board wanted somebody based in New Jersey and we got Heather Welt who is now our contact person. Several years ago, the New Jersey Department of Education decided to enter a partnership with the Board to allow students prior to graduation to take the State Board Examination. If you look in the book, you must complete a course, have a high school diploma and pass a practical exam administered by the Board and a written test administered by Thompson Prometric. At the time, Thomas Henry was and now Rochelle Hendricks is the Department of Education's person in charge. At that time, the person on the Board representing them was Earl Brancolino and when Earl left, I came in. Prometric is here now and not being acquisitioned but due to all of the prior turn over, I am unaware of what is in the original agreement. I had to look for the administration, that communication fell through the cracks with me when I failed to send out the policy and procedure book last year. Each year, we have agreed to work cooperatively with the Board of Cosmetology and Hairstyling. It is the Department of Education's initiative and responsibility to locate a site. The Board reaches out and does all other arrangements. The Department of Education oversees the schools and makes sure that the students qualify to come. This year I wrote the policy and procedure book and got it out on time. In it, we have a procedure for students with the Americans Disability Act. IEP developed child study team documents come into our testing administrator, Barbara Ambroise and we do not want someone who is a cosmetologist or a teacher or a barber to be a reader, so we ask them to fill out a reader questionnaire. It is an honor service.

Ms. Barbara Ambroise stated that it is not an honor service, that she checks out these readers in our system.

Mr. Richard G. Griswold indicated that the readers also have to sign a statement indicating that they are not in an way affiliated with the cosmetology & hairstyling industry.

Ms. Kathleen Alexander stated that this year, when the examination was executed, what appears to have happened is that communication did not get to Heather Welt, our Program Manager. Traditionally the other companies did the check for us but the contract says the Board is responsible to check the readers.

Mr. Richard G. Griswold advised that the contract with Experior speaks to the regular examinations the Board administers all year long, that the special tests were an add on and that there isn't anything in the contract that pertains to the special tests. He noted that Thompson Prometric completed many administrative functions for the special tests that are not in the contract.

Ms. Kathleen Alexander stated that she disagrees.

Mr. Richard G. Griswold stated that the special tests are a Department of Education initiative and that the Board has no responsibility.

Ms. Kathleen Alexander questioned Mr. Griswold as to whether the Board is testing students for the board's license at the special tests and why Board members and staff were at the exam in they are not responsible.

Mr. Griswold stated that the Board is there maintaining control and the Board Members are overseeing the practical test.

Ms. Kathleen Alexander questioned how a new company who is taking over would know about these procedures.

Mr. Griswold stated that if Earl was here, he would have notified them as he did every year.

Ms. Alexander stated that Heather Welt is the person who should have been contacted, not Andrew who is a college student.

Ms. Ambroise stated that two weeks prior to the testing process, she called Heather Welt and told her that she was in the process of preparing for the ADA students. We had arranged to meet in the parking lot and I was to hand over the ADA questionnaires and the practicals which is what I did.

Ms. Heather Welt stated that after each check-in of the candidates, we put the materials back in the truck. At the end of the 2nd day, Barbara asked me for the ADA questionnaires and I told her everything was put in Heathers truck. Everything that was given to us was put in the truck for security reasons because there was no lock down room in Sovereign Arena.

Ms. Kathleen Alexander stated that the communication line had broken down and that people don't know what they don't know.

Mr. Carlo Melini stated that he is not one for pointing fingers and that we should forget about it, work this out and move forward.

Ms. Kathleen Alexander stated that the end result of what occurred, Barbara asked for the reader questionnaires back and at that point in time, we had begun securing things. At Sovereign Arena, there was no lock down room. We went to my daughter's truck who works for Prometric to get the information. When we gave the information back to Barbara, the folder did not look to have been touched and it was assumed that the questionnaires were not looked at. It was decided by Mr. Griswold that the grades were not to be given out to the ADA students until this matter was resolved.

Upon motion made by Ms. Kathleen Alexander and seconded by Mr. Jack Fornaro, the grades for students with ADA are to be released. The motion passed unanimously.

Ms. Kathleen Alexander stated that she would like to extend her apologies to the Board and although Earl Brancolino has been working with us on this, there is no way she could step up to his ability and his knowledge of 18 years of experience.

Ms. Barbara Ambroise stated that she would like the Board to know that the information was communicated by her but apparently they didn't want to be bothered with it.

Mr. Richard G. Griswold indicated that he thinks the Board should have a lot of discussion about this and many other problems before anything is done with a new contract.

Ms. Kathleen Alexander advised that the Board has passed a motion already to go with Thompson and she read the motion from the minutes.

Mr. Richard G. Griswold stated that he stands corrected but that the Board would be ill-advised to enter into a contract with this organization.

Mr. Jay Malanga indicated that he has been sitting here very quietly watching Ms. Alexander take total control of this meeting, not allowing anyone else to participate and that he believes there is a conflict of interest.

Ms. Barbara Ambroise stated that Andrew was aware of it. I did communicate it. I communicated it to the best of my ability.

Mr. Carlo Melini indicated that he believes that everybody here has tried to make this thing work, that we had some problems and that we will address them.

Ms. Christine Benassi of Prometric advised that the ADA situation was due to some fall down in communication, that our candidates are doing much better on the tests, that overall we learned tremendous lessons with this ADA situation and that she is very much looking forward to working with the Board in the future.

2. Correspondence received from Mr. Kevin Pernet, Director of Accreditation and Compliance, Empire Beauty Schools, Inc., 396 Pottsville-St. Clair Highway, Pottsville, PA 17901 in connection with the relocation of their Lawrenceville school to 610 Route 206, Bordentown, New Jersey was presented to the Board for consideration. He indicated that their lease at the Lawrenceville facility expires on June 30, 2005 and asked for permission to move to the new facility and ensue operation in the event the Board has not approved their application for initial (re-location) licensure prior to that date.

Mrs. Rose Policastro indicated that there are two minor corrections to their application paperwork that she has explained to Mr. Griswold and that she would recommend that the Board approve their application subject to their submission of corrected paperwork and their successful completion of a final school inspection.

Upon motion made by Mr. Jack Fornaro and seconded by Mrs. Rose Policastro, Mr. Pernet's application is approved subject to their submission of the corrected materials and their successful completion of a final school inspection and they are allowed to relocate. The motion passed unanimously.

COMMITTEE REPORTS

NEW BUSINESS

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Jack Fornaro, the Board is to order plaques for all of the members who just left the Board after many years of dedicated service. The motion passed unanimously.

Upon motion made by Mrs. Rose Policastro and seconded by Mr. Jack Fornaro, the former Board Members are to be invited to the Board's Christmas party at which point we can present the plaques. The motion passed unanimously.

Mr. Carlo Melini stated that the Board needs to re-do the Committee assignments to include the new members.

Mr. Jack Fornaro stated that he would like to be on the Legislative Committee; and Mr. Melini asked that he be Chairman.

Mr. Jerry Speziale also expressed interest in being on the Legislative Committee.

Mr. Carlo Melini asked that the members think about what committees they would like to be on and that we can discuss it further at the next meeting.

Mr. Richard Griswold indicated that the Board traditionally cancels it's July or August meeting and he asked whether it would like to do so this year.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, the August meeting is to be cancelled. The motion passed unanimously.

There being no further business the meeting was adjourned at 2:45 p.m.. The motion passed unanimously.

CARLO MELINI, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director