

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
JULY 12, 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, Ms. Janice Alvarez, Mr. Jack A. Fornaro, Mr. Christian R. Jones, Mr. Carlo Melini, Mr. Joseph Santagata, Mr. Jerry Speziale, Mr. Richard G. Griswold, Executive Director, Mr. Jay A. Malanga, Assistant Executive Director, Mrs. Barbara Ambrose, Program Development Assistant and Ms. Marie Maiorano, Office Supervisor were present. Mr. Ronald Brown, Ms. Elaine C. Haroldson, Ms. Denise Pereau 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 stated that he has been a Member of this Board now for a little over six years and a Chairperson since January and for the most part, the meetings have been very uncontentious. For the most part, the Board along with the Executive Director and Assistant Executive Director and staff have pretty much been in agreement and I was little surprised, and that's not to say that things don't happen, that last months meeting was a little contentious and at this point, there seems to be some disagreement on the part of Board Members, staff, etc.. Let me say for the record that a disagreement between people does not mean or is not meant to be a sign of disrespect. We can respectfully agree or disagree but I would hope that in the future we refrain from name calling and any types of personal attacks on individuals here or individuals not present at the meeting. I do not believe that it serves a purpose. I think that a good discussion, a lively discussion is fine and healthy, an end to a means but I don't think personal attacks and name calling serve a purpose in our objectives. We all have our goals. I think everyone here has the industry's best interest at heart. We just sometimes have different points of view on how to go about achieving those goals. I would now like to welcome our newest Board Member, Janice Alvarez and ask her to say a little something about herself.

Ms. Janice Alvarez stated that cosmetology has been her life long career and that she is honored to be part of the Board of Cosmetology & Hairstyling, very overwhelmed to be here and very happy and hopes she can be a positive asset.

ACCEPTANCE OF MINUTES:

Mr. Carlo Melini stated that before he asks for a motion to approve the minutes, it has come to his attention that there are omissions and/or corrections that need to be made.

Mr. Jack Fornaro stated that in his opinion, the minutes do not reflect the entire meeting and that there were certain people who made certain statements that he does not recall being listed in the minutes and that if a court reporter was here, everything would have been recorded and nothing left out. He indicated that it is possible that certain issues were discussed but not recorded and that he feels that the folks who did most of the talking could correct the minutes now and put in what was said.

Mr. Richard Griswold asked Mr. Fornaro to be more specific about what items are missing.

Mr. Jack Fornaro advised that there was an issue with regard to statements concerning the computer based

testing and that he thinks it would be best for that person to reiterate what changes are needed and what needs to be added to the statements that were made. It appears that it is not complete and that there were some other issues that were brought up with regard to statements that were made from people at the Board regarding representatives of Thompson and allegations were made that weren't reflected in the minutes. I do not know if that's the process but at least if we have a court reporter, everything can be taken and then we can decide or the Chair can decide to accept certain statements or not accept them. I don't know exactly what was said but I think the people who had the floor should have an opportunity to correct any of the statements.

Mr. Richard G. Griswold indicated that he would like to make two points, that there is no obligation for the Board's minutes to be a verbatim transcript, that they are only supposed to provide a reasonable account of what transpired and that because we were without one of our transcribers at the last meeting and this was such a hot issue, he asked Gracinda to sit with Swang Oo to make sure nothing important was omitted. He advised that if there is something important missing, no one has a problem with amending the minutes but if you're talking about going through and nit picking, he has a problem and he is sure DAG Oo is going to have a problem because you're talking about her work product.

Mr. Jack Fornaro stated that if it takes more than 5 or 10 minutes of our time, we can stop the person but if the person has something important that might have been missed, I think it should be added to the minutes today and corrected if they feel that a correction should be made.

Ms. Kathleen Alexander indicated that under parliamentary procedure, the minutes really only have to record the motions and actions and do not have to record the total dialogue. Usually the only discussion that may go into the minutes is the discussion that is important to the motions and the action on the motions. The minutes have two areas, three areas actually, one area where it states that Ms. Kathleen Alexander questioned Mr. Richard 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 if they are not responsible. The conversation prior to that statement was not recorded at all, so it looks like a hanging statement and anyone reading the minutes would say why would she question Mr. Griswold on that. The prior conversation that was left out was that it was a Department of Education initiative and that the Board had no responsibility to that initiative and then I said why were you there.

Mr. Richard Griswold questioned exactly where she is referring to in the minutes.

Ms. Kathleen Alexander stated that she is on page 8, 8 paragraphs down.

Mr. Richard Griswold questioned Ms. Alexander what she wanted to insert before paragraph 8 where it states Ms. Alexander questioned Mr. Griswold.....

Ms. Kathleen Alexander indicated that she would like it to reflect that Mr. Griswold indicated that it is a Department of Education initiative and that the Board has no responsibility and that is why I asked that question.

Mr. Richard G. Griswold advised that it does not go before that.

Ms. Kathleen Alexander stated that it does and that is why she questioned how the Board could have no responsibility if it was licensing 1455 students.

Mr. Richard G. Griswold agreed to add wording reflecting that the had stated that this was a Department of Education initiative.

Ms. Kathleen Alexander stated that it should read that Mr. Griswold said that it was the NJ Department of Education's initiative, that they held the responsibility for the special testing and the Board did not have responsibility for that. Then two more paragraphs down, where it says "Mr. Griswold stated that if Earl was here, he would have notified them as he did every year", I consider that to be professionally and personally

inappropriate statement to go into the minutes and I would like to have that retracted. It adds nothing to the discussion about computer based testing.

Mr. Richard G. Griswold disagreed that it was a personal remark and advised that it was a remark made in response to your criticism of what was going on with the special testing. We experienced problems with this special test that we have never experienced before. I made that statement and I stand by that statement. I truly believe that if Earl ran the test this year, we would not have these problems; and I have difficulty with you asking to remove statements I made.

Ms. Kathleen Alexander stated that when she went back to the office and asked Mr. Brancolino about the special tests and about the readers, he said that in the past, Jay Malanga checked them in and took them into a special room and gave them a little speech.

Mr. Richard Griswold indicated that Earl is not here and that he has a problem changing his statement and will not agree to take it out.

Mr. Jay Malanga pointed out that Earl Brancolino is not there to defend himself but that he has never checked ADA students in and that the only thing he has ever done is to take them from the desk to the room where they were tested and that he wants that on the record also.

Ms. Kathleen Alexander stated that she has another amendment on page 10 at the top.

Mr. Griswold questioned how many more amendments she has.

Ms. Kathleen Alexander indicated that she would have to count them but that this is her last one. She went on to read the first paragraph of page 10 of the minutes "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 it is a disgrace" . She stated that this is not what he said, that he said Ms. Alexander was taking control of the meeting and that he felt Ms. Alexander has a bias because her daughter works for the company and that she wants that statement corrected or taken out of the minutes. It is a disparaging statement in saying that my participation is a disgrace and it is professionally inappropriate to be in the minutes.

Mr. Jay Malanga stated that he is not going to challenge it at this point but that he said what he said.

Ms. Kathleen Alexander indicated that it's not what he said.

Mr. Jay Malanga advised that he does not remember exactly what he said off the top of his head but that he does remember making a statement about the conflict and does not think he proceeded much further after that because he got up and left.

Ms. Kathleen Alexander stated that there was another one on page 9 at the bottom where "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". She stated that this was never said.

Mr. Richard G. Griswold indicated that this is exactly what he said.

Ms. Kathleen Alexander stated that she did not here that.

Mr. Richard G. Griswold advised that Gracinda heard it and that DAG Oo heard it.

Deputy Attorney General Oo stated that she has a correction, that when you read the April minutes, you should have read that the minutes stated that the motion was to authorize the Exam Committee to negotiate.

Ms. Kathleen Alexander indicated that she read from the minutes exactly, word for word and that they were

not paraphrased.

Deputy Attorney General Swang Oo stated that every Board Member has a copy of the April minutes and the minutes state that the Board authorized the committee to negotiate, not to enter into a contract but to negotiate.

Ms. Kathleen Alexander advised that it is exactly what she said, to negotiate.

Mr. Griswold asked what is being done with page 10, paragraph one, Jay Malanga's statement.

Ms. Alexander stated that she wants it removed.

Mr. Jay Malanga advised that he does not want the whole statement removed.

Ms. Kathleen Alexander indicated that she does not feel it was a true statement, if you read back in the minutes...

Mr. Richard G. Griswold stated that Jay believes it is a true statement, that it is exactly how he felt and that Jay sat there and raised his hand about four times while you were doing your thing and not allowing anyone else to participate.

Ms. Kathleen Alexander indicated that it was up to Carlo to recognize his hand.

Mr. Richard G. Griswold stated that he understands that.

Mr. Jay Malanga advised that it is also Carlo's job as chair to afford everyone an equal opportunity to speak.

Ms. Kathleen Alexander stated if anyone has a problem, they should speak.

Mr. Jay Malanga indicated that he did.

Ms. Kathleen Alexander responded and look at what you said when you did.

Mr. Jay Malanga advised that he was not recognized and that he had to make his point, just like you were making your point.

Mr. Carlo Melini indicated that he does try to let people speak until they have completed saying what they want to say, that he doesn't stop or discourage anyone from raising their hand and allowing them to speak but if somebody is speaking and they are in the middle of a remark, he is not going to stop them because another person wants to speak and that if he feels they are going on too lengthy and are repeating themselves, that is a different issue but if someone has something that is constructive, whether you feel it is constructive or not, he has to let them speak.

Mr. Jay Malanga stated that everything on this Board is constructive but with all due respect to you and your position, there were interludes there where I raised my hand, there were times conversation stopped and certain areas where I could have been recognized and I wasn't and I raised my hand four times and on the fourth occasion, I let loose and I apologize for that but in the mean time, feel that everyone is due a just say.

Mr. Carlo Melini agreed and stated that everyone has had a just say.

Mr. Richard G. Griswold suggested going back to page 10, paragraph 1.

Ms. Kathleen Alexander stated that it adds nothing to the minutes of the Board to have that in there. It is not a motion being made or constructive conversation or an action being taken and I am requesting that it

be removed.

Mr. Carlo Melini inquired of Deputy Attorney General Swang Oo for a ruling on this, as to whether it can be removed.

Deputy Attorney General Swang Oo advised that the minutes have to reflect a reasonable account of what happened.

Ms. Kathleen Alexander stated that they do not have to contain, by parliamentary procedure, every single conversation, especially comments that are hurtful.

Mr. Richard G. Griswold indicated that they were not intended to be hurtful, that they were intended to make a point and that he believes the point is very valid because you gave a dissertation that lasted about 30-45 minutes and no one else was really given an opportunity to participate. If you will, you filibustered.

Ms. Kathleen Alexander stated that she did not.

Deputy Attorney General Swang Oo advised that she can check her notes and if that they show Jay actually said those words, they are his words and it is up to him if he wants to stand by his words. As to the significance of those words being there, it is up to the person preparing the minutes and the Board also has the decision to make as to whether it is important to show that there was a lengthy discussion and in the mist of this discussion, someone made the remark about conflict issues and that he felt the meeting was being controlled by one person.

Mr. Jay Malanga stated that if, in fact, there was a disparaging remark pertaining to Ms. Alexander, it should be removed but the comments about the conflict of interest should stay.

Ms. Kathleen Alexander indicated that the comments on a conflict of interest were never in the minutes but she can see he is admitting to having said it.

Mr. Malanga stated that he is not admitting anything, but that if there was a disparaging remark made, he would like it removed and that the members can put the conflict of interest reference in there if it was left out.

Ms. Kathleen Alexander advised that the statement was made.

Mr. Carlo Melini indicated that Jay has agreed to amend his comments in the minutes.

Mr. Richard G. Griswold stated that he would like to be sure he understands the change. On page 10, paragraph 1, we would like to amend the wording to reflect that Mr. Jay Malanga indicated that he has been sitting here very quietly, watching Ms. Alexander take total control of the meeting, not allowing anyone else to participate and amend " that it is a disgrace" to read and that she is in a conflict situation. Is that what you want said?

Ms. Kathleen Alexander advised that what he actually said is that he believes she has a conflict of interest.

Mr. Richard G. Griswold indicated that he understands that the other amendment is on page 8 and that she would like to add, just before paragraph 8, wording to reflect that Mr. Griswold indicated that this is a New Jersey Department of Education initiative.

Ms. Kathleen Alexander acknowledged that this is the desired change.

Mr. Richard G. Griswold questioned whether the minutes can be accepted with these two changes.

Ms. Kathleen Alexander questioned whether he is taking out the comment about Earl.

Mr. Richard G. Griswold stated that no he is not.

Upon motion made by Ms. Kathleen Alexander and seconded by Mr. Jack Fornaro, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held on June 14, 2005 are accepted as amended. The motion passed unanimously.

Mr. Carlo Melini questioned whether the legal rule on this is that the only person who can ask for comments to be removed is the person making the comments.

Deputy Attorney General Swang Oo stated that she believes this is so, that it is an abbreviated transcript of the meeting.

Ms. Kathleen Alexander indicated that if it is not an inaccurate account, we have a responsibility to make sure the minutes are accurate.

Deputy Attorney General Swang Oo noted that we now have a tape recorder and it is not because we are not trusting one to forget what they said but because we are short a stenographer.

Mr. Carlo Melini stated that in light of the way things have been happening, the tape recorder should stay even after Yolanda comes back, that he thinks a tape recorder might be a good thing to use.

Mr. Joseph R. Santagata advised that the tapes will have to be maintained as public records.

INFORMAL HEARINGS

10:30 A.M. Ms. Aisha Pilgrim, 3 Kingsbury Square, Apt. 7A, Trenton, New Jersey 08611 appeared for an investigative inquiry hearing in connection with her conviction of Official Misconduct and her desire to reinstate cosmetologist-hairstylist license #WG37613.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board went into Executive Session for the purpose of conducting an investigative inquiry hearing. The motion passed unanimously.

Upon motion made by Ms. Kathleen Alexander and seconded by Mr. Jerry Speziale, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Christian Jones, the Board withholds decision pending review of a report from her parole officer and a copy of her sentencing plea colloquy. The motion passed unanimously.

10:45 A.M. Mr. Alexander R. Pimienta, 52 Melbourne Lane, Willingboro, New Jersey 08046 appeared for an investigative inquiry hearing in connection with his conviction of Conspiracy to Distribute and Possession with Intent to Distribute Cocaine and his desire to become licensed upon completion of training at Empire Beauty School, Cherry Hill.

Upon motion made by Ms. Kathleen Alexander and seconded by Mr. Jack Fornaro , the Board went into Executive Session for the purpose of conducting an investigative inquiry hearing. The motion passed unanimously.

Upon motion made by Ms. Kathleen Alexander and seconded by Mr. Jack Fornaro, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Joseph Santagata, Mr. Alexander Pimienta is to be admitted to examination upon completion of training, provided he complies with all of the terms and conditions of his probation, submits quarterly reports from his probation officer until he is released

from supervision, furnishes immediate written notification of any change of employment or residential address and has no further contact with the criminal justice system. The motion passed unanimously.

11:00 A.M. Mr. Dorian Bellamy, 900 Franklin Avenue, Newark, New Jersey 07107 appeared for an investigative inquiry hearing in connection with his conviction of Theft By Deception and Violation of Probation and his desire to obtain a student permit and to become licensed upon completion of training.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board went into Executive Session for the purpose of conducting an investigative inquiry hearing. The motion passed unanimously.

Upon motion made by Ms. Kathleen Alexander and seconded by Ms. Janice Alvarez, the Board returned to Open Session to announce it's decision. The motion passed unanimously.

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Christian Jones, Mr. Dorian Bellamy is to be allowed to sit for examination provided he has no further contact with the criminal justice system. Mr. Jack Fornaro abstained but the motion passed.

11:15 A.M. Ms. Bernice Bellamy, 27 Village Drive, Lumberton, New Jersey 08048 appeared for an investigative inquiry hearing in connection with her conviction of Medicaid Fraud and her desire to be admitted to the cosmetologist-hairstylist examination.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Christian Jones, the Board went into Executive Session for the purpose of conducting an investigative inquiry hearing. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, 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 Mr. Jack Fornaro, Ms. Bernice Bellamy is to be allowed to sit for examination provided she complies with the terms and conditions of her probation, submits quarterly reports from her probation officer until such time as she is released from supervision, furnishes immediate written notification of any change of employment or residential address and has no further contact with the criminal justice system. The motion passed unanimously.

BUSINESS AGENDA

1. Mr. Anthony Miragliotta, Deputy Director, Division of Consumer Affairs and Mr. Robert Campanelli, Ethics Liaison Officer, Division of Consumer Affairs appeared to discuss with the Board areas of concern involving conflicts of interest or the appearance of conflicts of interest.

Mr. Richard G. Griswold introduced Mr. Anthony Miragliotta and advised that he is the Deputy Director of the Division of Consumer Affairs and is responsible for the oversight of all Boards. He then introduced Mr. Robert Campanelli, Ethics Liaison Officer and advised that he is here to discuss this and issues involving conflict of interest.

Mr. Robert Campanelli distributed packets to each Board Member, explained that they are the Ethics Code and asked them to sign the top sheet and return it back to him. He stated that he is the Ethics Officer for the Division of Consumer Affairs and that is here to give the Board a presentation of what the Division's expectations are for the Ethics Code. He explained what his job entails and what is included in what he oversees and reviews for the Division. He discussed with the Board their responsibilities under Departmental and Division guidelines pertaining to attendance at events and functions, acceptance of gifts or favors, confidentiality and conduct and he gave examples of each. He stated that Acting Governor Codey has made it a priority to enforce the Ethics Code and that he has proposed strengthening the Code. Therefore, in the past he advised that he had a little discretion and could be lenient but now has to come

down very heavily on violations. He advised that the remedy for most of the problems Board Members may have is recusal and that recusal is the voluntary disqualification for any conflict arising for circumstances that are either unexpected or which cannot be avoided. A recused member is not privet to any information concerning that matter. They can sit in the audience while the matter is in public session but not in private session and may not speak; and they need only state their reasons for recusal for the record.

Ms. Kathleen Alexander questioned what the difference is between recusal and abstention from a vote.

Mr. Robert Campanelli stated that recusal is voluntary because of a conflict and abstention you do not have to give a reason for. Recusal means that you have no participation what-so-ever but with abstention you can participate in everything but just decide, at the time of the vote, that you want to abstain. In other words, you are not cut out of the process because of a conflict.

Ms. Kathleen Alexander asked Mr. Campanelli to reiterate what he said about meals.

Mr. Robert Campanelli stated that if you are requested to speak in front of a group, you have to get authorization from the Board to speak on it's behalf. Secondly, it has to be for a specific purpose or to provide information and it is customary for that person who is speaking on behalf of the Board to receive a free lunch. It's okay and I will permit it, assuming you come to me. I will permit it under those circumstances. I will have to report back to the ECEF and if they disagree with me, I will hear about it but generally it is not a difficult thing to do. He also noted that this only applies if you are in your official capacity.

Ms. Kathleen Alexander indicated that when we do examinations at one of the schools, they always provide lunch.

Mr. Robert Campanelli stated that schools are a different situation in that we do not regulate schools and they are government agencies.

Mr. Carlo Melini indicated that he would like to talk about the situation with Kathleen Alexander. He advised that his understanding is that the Ethics Office has ruled that because her daughter works for Thompson, she has to recuse herself, even though her daughter is an employee of the company which has many other employees and she in no way benefits.

Mr. Robert Campanelli stated that she has to recuse herself and that it does not matter that there are many more employees.

Mr. Anthony Miragliotta stated that it is not appropriate to be discussing a particular issue. The purpose of Bob's appearance is because we have so many new Board Members. We thought it would be appropriate to let the new members know the standards they have to follow. They are now special State employees and must abide by certain ethical standards and there are conflict of interest laws that apply to all of us as State employees. He advised that as Board Members you function as State employees and our purpose today is to heighten your knowledge so you are savvy on these issues. He advised that Board Members, as individuals or as a group, bring the Division, the Department and State Government into question through their actions. He stated that he reports to the Director of the Division and the Director of the Division reports to the Attorney General, that ethics are of the highest priority. He indicated that because the Attorney General is our boss, any ethics issue goes to his attention and it is very close and dear to our hearts. Our code is stricter because we are in the Department of Law and Public Safety and come under the Attorney General and the mere appearance of conflict is sufficient for recusal.

Ms. Kathleen Alexander questioned whether he could explain to her about being recused. She inquired as to whether someone who formally recuses themselves can assign someone else such as their boss.

Mr. Robert Campanelli stated that it only applies to other employees.

Mr. Anthony Miragliotta advised that the answer is no, you are all Board Members who are appointed by the Governor. The Governor is the only person with the authority to appoint members. You do not have the authority to appoint someone to act in your place.

Ms. Kathleen Alexander indicated that she will address it with her Department of Education DAG.

Mr. Anthony Miragliotta advised that it is not appropriate for her to go to her DAG, since her DAG has nothing to do with this issue. The Board has it's own counsel.

Mr. Carlo Melini inquired as to whether he can have a barbeque at his house and invite all of the Board Members.

Mr. Robert Campanelli stated that this could clearly present a sunshine law problem because if everyone is invited, you would have a quorum.

Mr. Carlo Melini asked if there would still be a problem if Gracinda and Jay were also attending.

Robert Campanelli advised that it has nothing to do with them, that it has to do with Board Members.

Mr. Anthony Miragliotta indicated that it is a social event, it is gathering and we are saying that a lot of caution should be exercised , not that you cannot do it. The problem that comes into play is that if there is a quorum, you have to be sure there is no discussion about any board business; and if you are seriously considering it, you should discuss it with the Executive Director and DAG so we can counsel you on what to do.

Mr. Carlo Melini advised that Kathy and he were working on Committee assignments and that they are concerned about the appearance of a conflict of interest in the situation where a person is a teacher who teaches students in a private or public school and is on a committee that has access to the examination questions.

Mr. Robert Campanelli stated that like a crystal ball, you just told someone what is going to happen. Is there an alternative to having it this way?

Mr. Anthony Miragliotta indicated that you may have to put someone else on.

Mr. Carlo Melini questioned whether there is a conflict when a person who works in a private school reviews applications for licensure submitted by new schools.

Mr. Anthony Miragliotta questioned whether it is a committee of Board Members.

Mr. Richard G. Griswold stated that the Governor, by statute, appoints to our Board a school representative and traditionally that member has been the chairperson of the School Committee because of their expertise and they are always open to charges of being in conflict but it has never been a problem.

Mr. Robert Campanelli indicated that the committee is only making recommendations to the full Board, that the full Board does not have to honor those recommendations and that this person is only one vote.

Mr. Jack Fornaro stated that that this person should not be the chairperson.

Mr. Robert Campanelli advised that this is not necessarily the case.

Mr. Jack Fornaro indicated that the chairperson of that committee is in charge.

Mr. Anthony Miragliotta stated that it becomes an issue for whoever make the assignments to decide. I do not view the chairperson as the overall decision maker. I view the chairperson as the person responsible to make sure the committee meets and the work is done without any more weight that anyone else.

Mr. Jack Fornaro advised that Joe and I, who are public members and do not have the expertise, get corralled by the others.

Mr. Anthony Miragliotta stated that he would say to Jack and Joe that you do not get corralled and do not get pushed, pulled or blown by the wind, I expect that your vote is your own vote. I do not care if you are the only one voice in the wind. To me it will look like either you are a cowboy or really have an issue.

Mr. Jack Fornaro indicated that it is a good argument and maybe he should not have used the word corral and would like it stricken.

Mr. Anthony Miragliotta stated that this is a huge responsibility and that we give you all of the support and guidance and will step in when need be.

Mr. Jack Fornaro inquired as to whether they can ask Mr. Mirgaliotta a question at any time.

Mr. Anthony Miragliotta responded affirmatively but indicated that all of his meetings are scheduled by appointment.

Ms. Kathleen Alexander questioned whether a licensee is also a consumer.

Mr. Anthony Miragliotta stated that a licensee is not a consumer in the same sense.

Mr. Jack Fornaro questioned what the time frame is when a person wants to obtain a decision on whether a conflict exists.

Mr. Anthony Miragliotta stated that he is a public member and lets say you are the owner of a cosmetology and hairstyling shop. Now I am going to corral you; but there are cases where we cannot know the answer right away and it may take weeks.

Mr. Robert Campanelli indicated that it also depends on when your decide to disclose it.

Mr. Anthony Miragliotta advised that you get the agenda, you read the agenda and are ready to participate and a light bulb goes off. Maybe you know the person, maybe you go to the shop and you have to make a judgement call. The next step is when you come in, you go to Mr. Griswold, Jay or Swang and you will get an answer. He encouraged everyone to get into the habit of being savvy about these things.

Mr. Robert Campanelli stated that recusal means you do not participate because of a conflict.

Mr. Carlo Melini advised that he used to be President of The Board of Education where he lives, that he always asked any members of the public if they had anything to say and that he was thinking he should do the same at our meetings.

Mr. Anthony Miragliotta indicated that he certainly can and probably should but it's his decision. If there is no one in the audience, there is no need to do so but if there are people, you or counsel could make the announcement and right before lunch, allow them to address the Board.

Mr. Carlo Melini stated that he usually did it whether there were people there or not.

Mr. Anthony Miragliotta acknowledged that he can make the statement regardless of whether there are members of the public present and as chairman, decide whether the Board needs to address an issue a member of the public may talk about.

Mr. Carlo Melini told Mr. Miragliotta that he has touched upon what he believes is only part of the Board's responsibility, to protect the consumer and asked him whether he thinks the Board also has a responsibility to address the concerns of it's licensees.

Mr. Anthony Miragliotta indicated that he absolutely does, that the Division licenses approximately 500,000 individuals, that the Boards' have an application process, license people and have to deal with problems coming out of that process. The second major responsibility is to regulate them and the third is if they are bad, you have to discipline them for the protection of the consumer.

Mr. Carlo Melini stated that he thinks it works hand in hand and that making the industry better is helping our consumer.

Mr. Anthony Miragliotta advised that all of the Board members bring a different perspective, that we want to hear from everyone and that is why no one vote is more exceptional than the other.

Mr. Jack Fornaro questioned if they can attend other Board's meetings if they are invited.

Mr. Anthony Miragliotta indicated that they can and that they do not have to be invited, that all meetings are public.

Ms. Kathleen Alexander asked if she wants to meet with all of the Executive Directors, whether she has to go through Mr. Miragliotta. She explained that her job requires that she look at all curriculums.

Mr. Anthony Miragliotta stated that she can contact him, that he is the Deputy Director and that he can decide whether a meeting is needed once he has more information.

Mr. Carlo Melini thanked Mr. Campanelli and Mr. Miragliotta for appearing and advised that he found their presentation to be very enlightening and beneficial.

2. Ms. Marta Font and Mr. Drew Romanello, 90 Chadwick Street, East Rutherford, New Jersey 07073 appeared with their supervising teacher, Ms. Mercedes Guzman at 1:00 p.m. for interview in connection with their application for initial school licensure of Total Image Beauty Academy, 288 Central Avenue, Jersey City, New Jersey.

Mr. Carlo Melini greeted Ms. Marta Font, Mr. Drew Romanello and Ms. Mercedes Guzman.

Ms. Kathleen Alexander questioned what the requirements for student teachers are.

Ms. Mercedes Guzman stated that they are planning to have student teachers, that they must have a cosmetology license for 6 months, must work in a shop for 6 months, must complete 600 hours at a school working with licensed teachers and must take the methods of teaching course.

Ms. Kathleen Alexander questioned who will be responsible for student teachers.

Ms. Mercedes Guzman indicated that she will.

Ms. Kathleen Alexander questioned how they will grade a student's work.

Ms. Mercedes Guzman advised that 75% is passing.

Ms. Kathleen Alexander questioned what the minimum requirements are for students on the senior floor.

Ms. Guzman stated that they must complete 600 hours and have a permit from the Board.

Ms. Janice Alvarez questioned if they will have exit exams for the students.

Ms. Guzman advised that they will and that 85% will be passing.

Ms. Kathleen Alexander questioned how they will track a students' practical work.

Ms. Guzman indicated that every time a student does practical work, they will record a grade on their card.

Ms. Kathleen Alexander questioned whether they will be keeping track of all of them.

Ms. Guzman stated that they have an evaluation form to record all of a student's practicals on.

Mr. Janice Alvarez questioned whether the school will charge for services given to clients on the senior floor.

Ms. Guzman indicated that they will.

Mr. Richard G. Griswold questioned how will they arrive at how much to charge.

Ms. Guzman advised that amounts will be arrived at by experience.

Ms. Kathleen Alexander indicated that amounts should be determined by their business plan and that they are not allowed to operate the clinic for profit but are allowed to recoup expenses for rent, utilities, supplies, etc..

Ms. Guzman stated that the pricing cannot be determined until they are able to calculate how much they will be spending.

Mr. Drew Romanello indicated that they are using a comparison with other schools.

Mr. Richard G. Griswold advised that it is not what they want to do, that they have to look at their costs.

Ms. Marta Font stated that they will see what their costs are when they get senior students and start operating the clinic.

Ms. Janice Alvarez questioned if disciplinary problems occur, who will take care of them.

Ms. Mercedes Guzman stated the teacher will first and that she will if the teacher is unable to resolve the problem.

Ms. Kathleen Alexander suggested that a good approach for them to take would be to include a time line to settle conflicts.

Ms. Janice Alvarez questioned who will be responsible to check lesson plans.

Ms. Mercedes Guzman indicated that she will be in charge of monitoring the teachers every week and doing corrections.

Ms. Janice Alvarez questioned how and when students will receive evaluations.

Ms. Guzman advised that they will do an evaluation on the students every month and that they give quizzes weekly.

Ms. Kathleen Alexander questioned what provisions will be made for a student who fails the state board exam.

Ms. Guzman stated that they are welcome to come back to school again for help and that they will decide on the number of hours after meeting with the student.

Ms. Kathleen Alexander questioned whether the school accepts students without a high school diploma.

Ms. Guzman stated that they can start classes but will have to have a high school diploma or a GED for the

state license.

Ms. Kathleen Alexander questioned whether the school gives potential students an entrance exam.

Ms. Marta Font advised that they have a format and question them on their interests but do not administer an exam.

Ms. Kathleen Alexander indicated that she does not have their revisions to the lesson plans but was informed that Ms. Rose Policastro has received, reviewed and approved them.

Ms. Guzman stated that she was missing a lot of practical work on her original lesson plans but that all necessary corrections have been made and approved by Ms. Policastro.

Mr. Richard G. Griswold questioned Ms. Guzman as to what her role will be in school.

Ms. Guzman stated that in addition to being supervising teacher, she will teach at night and be a teacher's aid during the day.

Ms. Janice Alvarez questioned what their policy is for make up hours.

Ms. Mercedes Guzman indicated that Saturdays will be for night students and Tuesdays for day students.

Ms. Kathleen Alexander stated that the practical sheet is very important for the makeup period, that you want to make sure that every student receives the entire curriculum and that some schools create a video so that if a student misses a class, they have the video.

Ms. Marta Font indicated that the video sounds like a good idea.

Ms. Janice Alvarez questioned whether there is a charge after a certain number of hours are missed.

Ms. Guzman advised that there is a charge after 10% of the course is missed. She also advised that if a student is absent for 90 days, their student registration is no longer valid.

Ms. Kathleen Alexander stated that if a state inspector visits their school, they will want to know what the teachers are teaching.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Kathleen Alexander, the Board went into Executive Session for the purpose of deliberation. The motion passed unanimously.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Christian Jones, the Board returned to Open Session to announce its decision. The motion passed unanimously.

Upon motion made by Ms. Kathleen Alexander and seconded by Ms. Janice Alvarez, the Total Image Beauty Academy application for initial licensure is approved subject to verification that Ms. Rose Policastro has approved the lesson plans. The motion passed unanimously.

3. An e-mail received from Mr. Anthony Miragliotta, Deputy Director, Division of Consumer Affairs in connection with an overlap in jurisdiction between the Board of Cosmetology and Hairstyling and the Board of Medical Examiners on skin care services was presented to the Board for consideration. In it, he listed three (3) questions they have received and suggested that the Board of Cosmetology and Hairstyling and the Board of Medical Examiners sort this out and get back to him with answers to the questions.

Upon motion made by Mr. Christian Jones and seconded by Mr. Jerry Speziale, the Board went into Executive Session for advice of counsel. The motion passed unanimously.

Upon motion made by Mr. Christian Jones and seconded by Mr. Jerry Speziale, the Board returned to Open

Session. The motion passed unanimously.

4. Correspondence recently received from Ms Susan Bodofsky, Vocational Education Association of New Jersey, Inc. inviting the Board to participate as an exhibitor at the New Jersey Department of Education 2005 Generation Next Conference to be held at the Atlantic City Convention Center on August 8 & 9, 2005 was presented to the Board for consideration.

Ms. Kathleen Alexander stated that this is for a booth and that she would like to see us have a booth for Generation Next.

Mr. Jay Malanga indicated that the Board participated last year but never did a booth.

Mr. Carlo Melini questioned whether the state would pay for this.

Deputy Attorney General Swang Oo stated that it probably wouldn't if the Board has not budgeted for it.

Mr. Carlo Melini advised that the matter is then mute.

5. Correspondence received from Ms. Pamela Mandel, Esquire, The Common-Suite #206, 225 Millburn Avenue, Millburn, New Jersey 07041 on behalf of Charles Moschetto, t/a Charles Barbers & Hairstylists, 214 Route 4 East, Paramus, New Jersey 07652 in connection with the outstanding penalty assessed against him in the amount of \$2500.00 for offering permanent cosmetic services within the confines of his shop on January 11, 2005 was presented to the Board for consideration. She indicated that there were mitigating circumstances and that her client is willing to admit to a violation but asked that the Board simply instruct the salon to cease and desist rather than assess a monetary penalty.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Joseph Santagata, the fine is reduced to \$1000.00 if paid within 30 days, is non-negotiable and if not paid, will revert back to \$2500.00 plus investigative costs. The motion passed unanimously.

6. Correspondence received from Ms. Diane Hughes, 26 Megill Road, Farmingdale, New Jersey 07727 in connection with her conviction of Theft By Deception and the Consent Order she entered into with the Office of Insurance Fraud Prosecutor was presented to the Board for consideration. Ms. Hughes appeared before the Board on April 13, 2004 for an investigative inquiry hearing and the Board determined that licensing action was not warranted provided she complied with all of the terms and conditions of her PTI Agreement and submitted copies of her PTI Agreement, her payment schedules and a letter from the individual supervising her in PTI explaining how she has satisfied the 75 hours of community service ordered by the court; and she finally submitted the requested information.

Upon motion made by Ms. Kathleen Alexander and seconded by Mr. Jack Fornaro, Ms. Diane Hughes' license is to be reinstated. The motion passed unanimously.

7. Correspondence received from Ms. Debra Norton, Conference Coordinator in connection with the Annual Conference of the National-Interstate Council of State Boards of Cosmetology to be held at the Marriott Washington Hotel, Washington, DC on August 27-29, 2005 was presented to the Board for consideration. There is presently a freeze on all out-of-state travel but this information was distributed in the event that any member would like to participate at their own expense.

Mr. Jay Malanga stated that there is a fee for individuals and that he was not sure of the cost factors.

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

8. Correspondence received from Mr. Ogbonna R. Khalfani, 132 Prince Street, Apt 2B, Newark, New Jersey 07203 in connection with his convictions of Attempted Murder (2nd Degree), Robbery (1st Degree), Aggravated Assault (2nd Degree), Possession of a Weapon for Unlawful Purpose and Aggravated Assault

and his desire to complete a term of training at Joy's School of Hair Design 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 Mr. Joseph Santagata, the Board withholds decision on this matter pending Mr. Ogonna R. Khalfani's appearance for an investigative inquiry hearing. The motion passed unanimously.

9. A report of investigation in conducted with Kelly Ann Murray, 946 Honeysuckle Lane, Cape May, New Jersey 08204 was presented to the Board for consideration. Ms. Murray is the holder of cosmetologist-hairstylist license #WG17417 and an employee of Peter Vincent Hairstyling, 206 Chestnut Avenue, Store C, North Wildwood, New Jersey 08260 was presented to the Board for consideration. The investigation was initiated upon receipt of a complaint alleging professional misconduct on the part of Ms. Murray; and since she is the holder of cosmetologist-hairstylist license #WG17517 and an employee of Peter Vincent Hairstyling, 206 Chestnut Avenue, Store C, North Wildwood, New Jersey 08260, Deputy Director Anthony Miragliotta has asked that the Board review the matter and determine whether there is basis for disciplinary action.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Christian Jones, the Board withholds decision on this matter pending Ms. Kelly Ann Murray's appearance for an investigative inquiry hearing. The motion passed unanimously.

10. Correspondence to Ms. Lisa Hwang, 95 Crown Point Road, Parsippany, New Jersey in connection with the Provisional Order of Discipline issued to her in the matter of the suspension or revocation of her cosmetologist-hairstylist license #WG35884 was presented to the Board for consideration. She remitted payment of the penalty (\$1,500.00) required by the order but has not surrendered her cosmetologist-hairstylist license #WG35884 or requested modification or dismissal within thirty (30) days of entry of the order and the Board was asked to determine whether it would like to issue a Final Order in the matter.

Ms. Kathleen Alexander stated that she the Board needs to pull her license.

Upon motion made by Mr. Kathleen Alexander and seconded by Mr. Jack Fornaro, DAG Swang Oo is to prepare a Final Order of Discipline. The motion passed unanimously.

11. Correspondence received from Mr. Clark E. Alpert, Esquire on behalf of Mr. Kwang Yul Kim in connection with the license (WG033734) he allegedly obtained by fraudulent means and his desire to reapply for licensure with credentials which are purportedly valid along with the report of investigation in this matter was presented to the Board for consideration. This information was presented to the Board for preliminary review with the idea that a investigative inquiry hearing should probably be scheduled

Note: The credentials which are purportedly valid were not included in the agenda materials so that the Board might first deal with the alleged violation and then determine whether it is willing to re-license Mr. Kim.

Mr. Jay Malanga stated that he thinks the response from both schools is sufficient.

Deputy Attorney General Swang Oo indicated that the attorney wants to show that his client did not intentionally want to defraud the Board, that he was mislead because of a language barrier, that he has everything corrected now and that he was also a victim in the matter because he had to pay money to get this license; and she expressed concern that if the Board accepts this argument, there could be hundreds more.

Ms. Janice Alvarez questioned his new documentation and whether anyone had checked the new schools.

Mr. Jay Malanga advised that we have and that the interesting thing is that his attorney commented to him

that his client does not understand and speak the English language but he did pass a test in English and that is what led us to conclude that they should be asked to come in.

Deputy Attorney General Swang Oo stated that the investigative inquiry should only deal with the old application and his involvement and that we will need an interpreter.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Jerry Speziale, Mr. Clark E. Alpert is to be informed that the Board has withheld decision on this matter pending his client's appearance for an investigative inquiry hearing. The motion passed unanimously.

COMMITTEE REPORTS

Mr. Carlo Melini stated that he has tried to revise the committee assignments as equally as he could and he distributed copies of the committee assignment sheets.

Mr. Jack Fornaro expressed a desire to schedule a meeting of the Legislation Committee.

Deputy Attorney General Swang Oo indicated that she will have to get information from Mr. Campanelli as to whether Ms. Kathleen Alexander can be on the Examination & Sites Committee and that her understanding is that she cannot serve on that Committee.

Mr. Carlo Melini advised that Ms. Alexander can just recuse herself from any discussion on Thompson.

Ms. Kathleen Alexander stated that she will recuse herself from any Thompson discussion.

Mr. Carlo Melini indicated that he has a final report that Jack brought in from Frances Tomeo for the Examination and Sites Committee and asked that it be put on the agenda for review at the September meeting.

Mr. Joseph Santagata distributed copies of Ms. Tomeo's report.

Deputy Attorney General Swang Oo stated that Ms. Kathleen Alexander cannot have a copy of the report.

There being no further business, the meeting was adjourned at 4:45 p.m.. The motion passed unanimously.

CARLO MELINI, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director