

**REGULAR MONTHLY MEETING
BOARD OF COSMETOLOGY AND HAIRSTYLING
124 HALSEY STREET - 6TH FLOOR
NEWARK, NEW JERSEY 07102
FEBRUARY 14, 2006**

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m.

ROLL CALL:

Ms. Janice Alvarez, Mr. Jack A. Fornaro, Mr. Christian R. Jones, Ms. Ann Marie Manahan, Mr. Carlo Melini, Mr. Anthony T. Monaco, Ms. Denise Pereau, Mr. Joseph Santagata, Mr. Jerry Speziale and Mrs. Barbara Ambrose, Program Development Assistant were present. Mr. Ronald Brown, Ms. Elaine C. Haroldson, Mr. Richard G. Griswold, Executive Director, Mr. Jay Malanga, Assistant Executive Director and Ms. Marie Maiorano, Office Supervisor 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, 2005 and was posted in the Office of the Board of Cosmetology and Hairstyling on December 15, 2005.

Mr. Carlo Melini called the meeting to order and asked that everyone turn off their cell phones unless they have a pending emergency and may need to be reached.

Mr. Carlo Melini opened the public participation portion of the meeting and there being no public members present asked for a motion to close the public portion of the meeting.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Janice Alvarez, the public participation portion of the meeting is closed. The motion passed unanimously.

Ms. Barbara Ambrose announced that Mr. Griswold was in the hospital and would not be attending the meeting.

Mr. Carlo Melini stated that Mr. Jay Malanga was on vacation and that Mr. Jonathan Eisenmenger is going to fill in for Mr. Griswold.

ACCEPTANCE OF MINUTES:

Ms. Janice Alvarez indicated that there was one item that was not correct. On Page 11, 7th paragraph, it stated that I am rewriting the practical and it should read that I am rewriting the oral questions for the teacher examination.

Upon motion made by Mr. Jerry Speziale and seconded by Ms. Denise Pereau, the Executive Director's report, Committee reports and Minutes of the regular monthly meeting held January 10, 2005 are accepted as amended. The motion passed unanimously.

INFORMAL HEARINGS:

10:15 A.M. Mr. Ronald D. Barrett, Esquire and his client, Ms. Elise Stone, 11 Braille Lane, Hazlet, New Jersey 07730 was scheduled to appear for an investigative inquiry hearing in connection with Ms. Stone's alleged abuse of Dorothy Siegel, a resident of Liberty Manner Assisted Living Residence on May 25, 2004.

Note: This matter was previously scheduled for hearing on December 13, 2005; but Mr. Barrett request an adjournment.

Deputy Attorney General Swang Oo informed the Board that Mr. Barrett requested an adjournment and that the matter would be scheduled peremptorily for the March meeting.

10:45 A.M. Mr. Steven Nguyen, Esquire and his client, Mr. Son T. Huynh, t/a Top Nails, 733 Route 72 West, K-Mart VIG Shop, Manahawkin, New Jersey 08050 was scheduled peremptorily to appear for hearing in connection with the outstanding penalties assessed against Mr. Huynh for the alleged violations resulting out of inspection of his shop on May 25, 2005. He was observed operating with Linh Phuong Thi Nguyen, Thanh T. Nguyen, Van Tran and Lyz P. Nguyen engaging in the practice of cosmetology and hairstyling without valid licenses, with an unidentified, unlicensed female engaging in the practice of cosmetology and hairstyling, without proper ventilation, without all required minimum equipment and in an unsanitary manner; and penalties in the amount of \$33,650.00 were assessed.

Note: This matter was previously scheduled for hearing on January 10, 2006 but Mr. Nguyen requested an adjournment.

Deputy Attorney General Swang Oo informed the Board that this matter was adjourned.

BUSINESS AGENDA

1. Correspondence received from Ms. Trish Passanate, Director of Career Development, PB Cosmetology Education Centre, 110 Monmouth Street, Gloucester City, New Jersey 08030 in connection with Krysta Parker was presented to the Board for consideration. She indicated that they allowed Ms. Parker to attend classes from September 12, 2005 until December 15, 2005 without benefit of a student registration and that an application for registration was submitted to the Board office on August 30, 2005 but a registration was never received; and she asked that the Board consider accepting the 400 hours of training she completed at PB as well as the 800 hours of training she completed at International Academy, South Daytona, Florida and admit her to examination.

Ms. Barbara Ambroise informed the Board that the school allowed the student to attend classes without a student registration from September 12th to December 15th. She indicated that the student has to have a student registration within 30 days after the application has been submitted to the Board office, however they allowed this student to attend classes without a registration for three months and now the student has graduated from PB Cosmetology Centre with 400 hours and also wants credit of 800 hours she received at International Academy, South Daytona, Florida.

Ms. Janice Alvarez indicated that the school stated that they had submitted her application to the Board office in August 2005.

Ms. Barbara Ambroise stated that they continued to allow her to attend school without the student registration.

Ms. Denise Perea questioned what the proper procedure is in a case like this?

Ms. Barbara Ambroise advised that the school should stop the student from attending if they do not receive the student registration.

Ms. Denise Perea questioned whether a school is usually fined for something like this.

Ms. Barbara Ambroise stated that the school is usually fined.

Ms. Janice Alvarez indicated that the school did say that it was an oversight because there was a new person in place of the registrar.

Mr. Jack Fornaro suggested that the Board send a warning letter to the school.

Ms. Barbara Ambroise stated that the school should be cited, that the student attended school for a long period of time without a student registration and the school never called the Board office to obtain information on what happened to the student registration.

Mr. Carlo Melini stated that traditionally people are fined because the inspector walks in and catches them but that PB is making the Board aware of the oversight. He indicated that he did not think that PB should be fined.

Ms. Janice Alvarez stated that it would be hard for this to be an oversight because the teacher would have to see that there was no registration number for the student for this length of time.

Upon motion made Mr. Jack Fornaro and seconded by Ms. Ann Marie Manahan, Ms. Krysta Parker is allowed credit of the 400 hours of training she completed at PB as well as the 800 hours of training she completed at International Academy, South Daytona, Florida and to be admitted to examination. The motion passed unanimously.

Upon motion made by Ms. Denise Pereau and seconded by Mr. Jack Fornaro, PB Cosmetology Education Centre is to be reprimanded for allowing an unregistered student to attend classes and is to be informed that the Board will not tolerate any further violations of this nature. The motion passed unanimously.

2. Correspondence received from Ms. Sylvia Choueri, t/a Syl's Salon & Spa, 21-16 Saddle River Road, Fair Lawn, New Jersey 07410 in connection with the penalties assessed against her in the amount of \$300.00 for the alleged violations resulting out of an inspection of her shop on June 28, 2005 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but submitted a written explanation for the Board to consider before rendering its final decision.

Ms. Ann Marie Manahan questioned whether they did or did not have a person there doing permanent makeup?

Ms. Janice Alvarez stated that they did not at that time, but yet they made an appointment for it.

Mr. Joseph Santagata stated a covert appointment was made which the investigators have been using as an investigative technique and as long as the salon agrees to perform the service, it is a violation.

Upon motion made by Ms. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

3. Correspondence received from Ms. Helen Hahn in connection with her application for initial (change of ownership) shop licensure of Klipper's, 212 Aurora Street, Phillipsburg, New Jersey 08865 was presented to the Board for consideration. The report of the inspection reflects that the shop only contains 316 square feet of floor space, 34 square feet short of the minimum required by N.J.A.C. 13:28-2.5 but she indicated that a shop has been operated at this location for over thirty years and that it is impossible for her to enlarge; and she asked that the Board waive it's minimum square footage requirement and issue the desired license.

Ms. Barbara Ambroise informed the Board that it has been an existing salon since 1986 and even prior to that it was a barber salon.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Jack Fornaro, the Board waives the minimum square footage requirement provided he have one (1) operator practicing at any given time and to advise the owner that if the shop should ever stop operation, the waiver would not be granted to the new owner. The motion passed unanimously.

Mr. Joseph Santagata questioned whether there was any basis on how the Board came up with 350 square feet as a minimum square footage.

Deputy Attorney General Swang Oo stated that before this requirement became adopted, it was published in the New Jersey Public Register for comment and then adopted. She indicated that the number in the regulations is set there for a reason, it is not a capricious arbitrary number.

Mr. Carlo Melini stated that he was sure that in coming up with this number they took into consideration the size of each chair and other equipment required in a salon.

Ms. Denise Pereau stated that the size of the chairs are much smaller now.

Deputy Attorney General Swang Oo stated there is an economic and social impact for having 350 square feet. The public health is a factor as well. She advised that if the size of the chair has changed through the years, the Board could look at the minimum square footage requirement again, but she did not know whether the size of the chair was the main reason for the 350 square feet. The regulations are in effect for a period of five (5) years and then it Sunsets and the Board has to review the regulations to determine whether it will re-adopt and what it will amend.

Mr. John Eisenmenger stated that if Mr. Griswold was here the Board would have been able to have this discussion and concluded it quickly. He indicated that if the Board would like, at break, he could go get the history on this. If this is something the Board would like to look at it could establish a regulation committee and review the regulations for the next Sunset and the Board will be ready to go.

Mr. Anthony Monaco stated that it would be nice to know when the next Sunset would occur.

Deputy Attorney General Swang Oo stated that what will happen is that the regulatory analyst will send a memo to the Board reminding it of the approaching Sunset and the Board would work with her on the Sunset process.

Mr. Jonathan Eisenmenger explained to the Board the process of the Sunset.

Mr. Carlo Melini asked the Board Members who would be interested in forming a Regulation Committee to review Sunset.

Mr. Christian Jones, Ms. Denise Pereau, Ms. Ann Marie Manahan and Mr. Anthony Monaco stated that they would be interested.

4. Correspondence received from Mr. Ermanno G. Bibbo, 7 Bloomingdale Drive, Apt. 211, Hillsboro, New Jersey 08844 in connection with his conviction and incarceration for fourteen (14) various criminal offenses and his desire to be admitted to the cosmetologist-hairstylist examination was presented to the Board for consideration. This matter is presented in order that the Board might render a determination with respect to his eligibility for admission to examination.

Upon motion made by Mr. Joseph Santagata and seconded by Ms. Ann Marie Manahan, the Board withholds decision pending Mr. Bibbo's appearance at an investigative inquiry hearing. Also, Mr. Bibbo is to submit a copy of his plea agreement. The motion passed unanimously.

5. Correspondence received from Ms. Bridget Damiano, Director, Capri Corporate Management, Inc., 615 Winters Avenue, Paramus, New Jersey 07876 in connection with the outstanding penalties assessed against them for the alleged violations resulting out of an inspection of Capri Institute of Roxbury, Succasunna, New Jersey on April 13, 2005 was presented to the Board for consideration. She admitted to the charge of operating without all required equipment and paid the penalty (\$100.00) for that violation and waived her right to a hearing on the other two charges but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Denise Pereau and seconded by Mr. Jerry Speziale, the fine stands. Mr. Anthony Monaco, Mr. Jack Fornaro and Ms. Ann Marie Manahan opposed, but the motion passed.

Mr. Christian Jones questioned who investigates the schools or salons and how often.

Deputy Attorney General Swang Oo explained that the Enforcement Bureau is responsible for the inspections. They conduct investigations for many Boards. They handle investigations in two ways: a regular/routine inspection and a special inspection in which the Board receives information from a complainant or a followup investigation.

Mr. Christian Jones rephrased his question and asked whether it was completely random or do the schools automatically get inspected once a year or twice a year?.

Deputy Attorney General Swang Oo informed him that the schools or salons are usually inspected once a year.

Mr. Christian Jones stated that the inspectors are clearly overwhelmed and that he flat out asked them why he had not been inspected in over five years and they told him it was because he ran a good shop and they have other shops to investigate. He indicated that one of the reasons the Board issues so many violations is because unfortunately the investigators are dramatically lacked to start with and it is creating an atmosphere that people break the law for long periods of time without ever being inspected, but that he understands that it has to do with the resources and bureaucracy that we are working in.

Mr. Carlo Melini asked whether it was possible to request additional inspectors to be assigned to the Board since it has the funds.

Deputy Attorney General Swang Oo stated that the Board could request an increase in its regular inspections.

Mr. Christian Jones stated that if the Board could request it than lets do so.

Deputy Attorney General Swang Oo indicated that she thought there may be a hiring freeze in effect now.

Mr. Jack Fornaro stated that the Board should request the number of inspectors that are working on its cases and then determine from there whether it needs to request more inspectors.

6. A comparison of penalty assessments and collections for the years 2003, 2004 and 2005 was presented to the Board for information.

Deputy Attorney General Swang Oo asked that this item be tabled for when Mr. Jay Malanga is present.

Mr. Christian Jones advised that if the Board is going to discuss this at the next meeting, he would encourage the Board Members to look at these totals because is shows a very prominent trend. He indicated that the Uniform Penalty Letters are way up, however, the Board is collecting less and less penalties.

7. Correspondence received from Ms. Sophie Cousoulis, 68 Bentley Court, Bedminster, New Jersey 07921 in connection with the outstanding penalties assessed against her in the amount of \$250.00 for her alleged violation of N.J.S.A. 45:5B-7 & 35 at Xoma Salon & Spa, Short Hills, New Jersey on August 4, 2004 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. Janice Alvarez and seconded by Mr. Jack Fornaro, the fine stands. The motion passed unanimously.

8. Correspondence received from Mr. Huy H. Nguyen, t/a Nail Trix, 400 Route 38, Morrestown Mall, Morrestown, New Jersey 08057 in connection with the outstanding penalty assessed against her in the amount of \$3500.00 for the alleged violations resulting out of an inspection of her shop on July 27, 2005 was presented to the Board for consideration. She admitted to the charge of operating without her current

shop license displayed and paid the penalty (\$100.00) for that violation; and she has waived her right to a hearing on the other two charges but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Jack Fornaro and seconded by Mr. Janice Alvarez, the fine stands. The motion passed unanimously.

9. Correspondence received from Mr. Jon Alt, License Coordinator, Regis Corporation, 7201 Metro Boulevard, Minneapolis, Minnesota 55439 in connection with their desire to add a new feature, nicknamed "Color Bar" to their Regis Salon Beauty Shops was presented to the Board for consideration. He inquired as to whether the Board's rules and regulations allow for them to mix colors at their "Color Bar" station and whether the Board foresees any other problems with this particular setup.

Mr. Christian Jones stated that they are already licensed to do this and what they are doing is creating a marketing technique and he thought it should be encouraged.

Ms. Denise Pereau stated that the new trend in the industry is to mix color in front of the client, and it be prominently displayed so the public knows what they are doing and they are also eliminating mirrors in the coloring department so people aren't seeing themselves all slopped up with color and to create a more intimate atmosphere so the process would become more professional.

Mr. Christian Jones indicated that anything the Board could do to encourage customers to go to legitimate businesses instead of people's homes, should be done. Creative marketing is one way of getting people into legitimate businesses.

Upon motion made by Ms. Janice Alvarez and seconded by Ms. Denise Pereau, Mr. Griswold is to send a letter indicating that there is nothing in the regulations designating where the mixing of colors should take place. The motion passed unanimously

10. Correspondence received from Mr. Thomas Sharpe, t/a Hair Group, 2110 Route 88, Brick, New Jersey 08724 in connection with the penalties assessed against them in the amount of \$450.00 for the alleged violations resulting out of an inspection of their shop on September 28, 2005 was presented to the Board for consideration. He admitted to the charge of operating without all minimum required equipment and paid the penalty (\$200.00) for that violation and waived his right to a hearing on the charge of operating without an experienced practicing licensee present but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Jack Fornaro and seconded by Ms. Denise Pereau, the fine stands. The motion passed unanimously.

AGENDA SUPPLEMENT

1. A newspaper article from the StarLedgeer regarding the passage of A-871 in the Assembly was presented to the Board for consideration.

Mr. Jack Fornaro informed the Board of the bill passed in the Assembly, A-871. He indicated that he is suppose to be working with Mr. Jay Malanga on this issue.

Mr. Christian Jones stated that this is the bill that the Board opposed seven months ago.

Mr. Jack Fornaro indicated that the Committee will have to work together with Jay regarding this matter.

Mr. Christian Jones stated that the Committee has been trying to get together since July but that a meeting has not been scheduled to date.

Mr. Jack Fornaro asked that a meeting date be set.

Mr. Christian Jones indicated that Monday, February 20th would be good.

Mr. Jack Fornaro stated that he has an exam in East Brunswick that day, but that Mr. Jones could meet him at the exam site.

Ms. Denise Pereau questioned the bill that had been passed and what the Board is trying to do.

Mr. Christian Jones stated that when he first brought the issue of reinstating a barber license to the table back in July, the Board decided it needed to act without delay so that they could defeat the bill. He indicated it should be reflected in the minutes that he said the Board needed to act without further delay and the Committee has not acted on it at all. Mr. Jones stated that he has five e-mail correspondences and a couple of letters about meetings the committee was going to hold but never had it and now unfortunately the bill the Board is opposed to has already passed the first step. He also indicated that what is worse is if the Board begins the process now, by the time it is ready and sponsored, the Board initiative is already way behind. The fact that it might happen is not because we did not put it on the table and try.

Mr. Carlo Melini stated that years back apprenticeship was the way to become a barber. He indicated that he has friends that became barbers through apprenticeship programs and they are very good at it.

Ms. Janice Alvarez stated that in the 70's when everything became unisex, you had the barbers trying to do color, perms, etc. that they were never trained for in apprenticeship. You need schooling to do those services.

Mr. Christian Jones stated that he wishes he could explain to the Board in a capsule way what is already in the legislation, but it is difficult, there is a lot to it and I have it with me but you have to read through it line by line to realize that it is a thinly veiled attempt or a way to get people in off the streets and just let them practice without education and without proper credentials other than a state license. It is not a good bill, it is not good for the industry and even worse for the consumer.

Ms. Denise Pereau stated that it really concerns all of us because one of our jobs as a Board is to uplift the level of professionalism in keeping with the trends of the future of the industry and as education is concerned it is horrible when you have people coming out that have no place to go to earn a living and they think, oh, I could be a barber or a hairdresser. She indicated that the Board conducts hearings every month with convicted felons and must determine whether or not they are going to be a threat to the general public's safety and whether to allow them to work in a salon environment. She advised that with this bill we may have to deal with applicants coming in off the streets getting a barber license with no education about public health, safety and welfare. She stated that she thought it is really a travesty when the Board is working so hard to try to change things to better the industry, that certain things are being allowed to happen without Board approval and she did not think this will be good for the barbering industry. She suggested that there needs to be some strict legislation with education and she thought that eventually applicants should have some type of course where psychology courses are in place and communication skills are developed. She stated that some students coming out of school can't even speak to their clients and they want to charge high prices to perform these services.

Mr. Christian Jones questioned whether there was anybody at the table right now that knows of any way for us to have intervention as a group via a letter attached to the Executive Director or yourself to hopefully try to get the breaks on this and then try to advance our own initiative.

Mr. John Eisenmenger stated that he again wished Mr. Griswold was here. I would have to caution the Board as a group and also as Board Members that the Board and the regulations that you have control over are different than the statutes that the legislature has control over. If you know legislators, nothing stops you as a person who is represented by a legislator from speaking with that legislator. However, you must be very careful not to represent yourself as the Board or use your position as a Board Member. You can as a

shop owner, as a professor, as a member of the public contact your legislator. He advised that it would take notice of the ethics officer in the Director's Office if Board Members were out talking to legislators as Board Members.

Mr. Anthony Monaco asked that if the Board is opposed to a bill wouldn't the Board have the responsibility to let the legislator know.

Mr. John Eisenmenger indicated that absolutely but through the Division.

Deputy Attorney General Swang Oo indicated that the Board did let the legislator know that the Board was opposed to A-871.

Mr. Joseph Santagata stated that this bill will be going to the Senate now and it is going to be in committee and before it is released for a full vote, there is going to be a hearing. He advised that if somebody watches the bill when it comes up for a hearing, they can go and testify, not as a Board Member but as individuals.

Mr. Christian Jones stated that the Board has sponsorship for the bill it is proposing. He questioned whether it would be wrong or an ethical violation for the Board Members to reach out to that person and have him see if he could put the breaks on bill A-871?

Mr. Jonathan Eisenmenger indicated that as long as you do not act as a board member you can do that.

Deputy Attorney General Swang Oo stated that the Board needs to get clearance first from Mr. Bob Campanelli, Ethics Liaison Officer.

Mr. Christian Jones stated that he has a lot of volume and research on this, it has to be advanced in presentation form. He advised that the Committee needs to discuss it so they could put it down in presentation form and that is why they need to meet.

Mr. Carlo Melini announced that Ms. Mary Ann Sheehan, Regulatory Analyst had entered the room.

Ms. Mary Ann Sheehan stated that she was asked by Mr. Jonathan Eisenmenger to come down and speak to the Board. She indicated that she would be happy to meet with a Committee of the Board in reference to the Sunsetting of the regulations. She asked whether a committee had been formed already.

Deputy Attorney General Swang Oo asked Joseph Santagata to pose his question so that Ms. Mary Ann Sheehan could know what the Board is concerned with.

Mr. Joseph Santagata explained that the Board has on the agenda a shop that is asking for a waiver of the minimum square footage requirement for an existing shop and that his question is whether the Board has a bonafide reason for having this number, 350 square feet, in the regulations. He stated that from there the Board questioned how regulations are formed and changed and that is why Ms. Sheehan was asked to come down.

Ms. Mary Ann Sheehan indicated that the minimum square footage of a shop which she believes is 350 square feet pre-dates her and the only one who may know how that number came up is Mr. Griswold. She stated that she believed she had been with the Board through two Sunsets and that this issue has never come up before.

Deputy Attorney General Swang Oo indicated that there was a question on how economic or social impact study is done. She also questioned whether the public comments get put on paper or in public hearings?

Ms. Mary Ann Sheehan explained to the Board how the public comments would normally be handled. She indicated that generally her office prepares public comment by paper and puts in a provision that says the Board will accept it for 60 days. Generally, there is no public hearings because they are costly and most of

the time there aren't that many comments. If someone should request a public hearing, the Board could grant the request. It does not stop you from having a public hearing if you needed to, but normally the Boards don't because of costs. Another way the Board could see what the public is thinking without going through the whole regulation process is something called a pre-proposal which is putting out a notice saying that the Board is considering creating regulations in this area and feedback from the public would be welcomed in the form of written comments. She indicated that the proposal process is very time consuming.

Mr. Carlo Melini stated that the Board was just discussing a proposed bill a few minutes ago and that it is something it has been discussing for the last several months now about reinstating the barber license. Mr. Melini asked how would the Board go about getting this initiative done.

Ms. Mary Ann Sheehan indicated that she needed a little bit more background on this.

Mr. Carlo Melini asked Mr. Christian Jones to elaborate on the Board's initiative to reinstate the barbering license.

Mr. Christian Jones indicated that first of all the Board does not have a barber license in the state of New Jersey and that they discussed it and decided that it probably would be in the best interest of the industry and the consumer to try to get that license back. He stated that the Board had not made a lot of progress yet.

Mr. Carlo Melini questioned what direction should the Board take at this time?

Ms. Mary Ann Sheehan stated that if the Board was looking for what they can do right now as a Board and if it requires a statutory change, they would have to go through the legislature route.

Mr. Carlo Melini questioned whether the Board could use Christian's draft and present it somehow into legislation.

Ms. Mary Ann Sheehan stated that there is generally two approaches. One is to have an outside group submit the language the Board would like to see. Generally that tends to work faster.

Mr. Christian Jones stated that Bill A-871 was proposed by an outside group.

Ms. Mary Ann Sheehan stated that the other approach is to have the Board come up with some language, through the Director's office and get in contact with the Office of the Attorney General's Legislative Unit to talk to them about how the Board, the experts in the field, have seen a need for change in this area and give them the language the Board has come up with. She indicated that they have their own staff of attorneys and legislative counsel that would review the request and would see whether or not it is something they could agree or disagree with. If they agree, they could start the ball rolling to get it introduced.

Mr. Carlo Melini questioned whether Mary Ann Sheehan would be the person to start this ground work with.

Ms. Mary Ann Sheehan stated that the effective route is to go through the Director's Office and then to the Attorney General's Office. She indicated that she would not have a problem with going to the Director's Office right now and have this discussion with them regarding this matter.

Mr. Jack Fornaro indicated that the point had to be made that there is already legislation that went through the Assembly. It is a pending bill and it needs to go before the Senate. The point is we are not appreciative of the way that bill was prepared in spite of the fact it went through the Assembly.

Mr. Joseph Santagata stated that he believed the Board commented on this bill at the last session.

Mr. Carlo Melini indicated that Craig Stanley sponsored the bill and it is basically an apprenticeship bill for

barbering. Our intent is to still have the training, but have two separate licenses, so that if a person wants to become a barber they do not have to take skin care, manicuring, eye brow waxing and various other things but instead would learn shaving. At the cosmetology end they would have to take everything, but they would not have to take shaving. So it helps the industry in two ways and also in a third way where as people from another state coming here has to take a live shaving test, when probably one tenth of one percent of these people perform shaving. We are trying to draft something to help both.

Ms. Mary Ann Sheehan questioned whether it was the Board's position that Assembly Bill 871 is not good for the public and the industry.

Mr. Carlo Melini indicated yes and in other words the Board recognizes there is a need for the Barber license, but we do not believe that the apprenticeship is necessarily the way to bring this about.

Ms. Mary Ann Sheehan stated that she could try to get information for the Board today with the Director of Legislative Services and see what he thinks the best approach would be. Basically what we will have to come up with besides the draft is a Memo to the OAG that states the reasons we need to create this draft and why the Board feels it is better one. The reasons really need to be more consumer based, rather than industry. Yes the industry prospective is very important but from my own experience I have seen that the consumer aspect of it is what weighs more heavily on getting this through quicker. She indicated that she would try to touch base with Burt Liebman, the Director of Legislative Services and if he tells me it is not a good idea, I do not want you to be wasting your time. If this approach is not best for the Board, we need to concentrate on getting an association to introduce a new bill.

Mr. Jack Fornaro questioned whether this would require a new bill being sponsored by someone or could we substitute or amend Bill Assembly Bill 871.

Ms. Mary Ann Sheehan stated that one way was to substitute the Board's proposed bill, that does not exist yet, or the Board could request amendments to Assembly Bill 871 that would reflect its approach.

The Board recessed for lunch.

Mr. Robert Campanelli, Ethics Officer and Mr. Burt Liebman, Director of Legislative and Regulatory Affairs entered the room and addressed the Board.

Mr. Robert Campanelli asked the Board whether there were questions it wanted to ask him concerning some opposition to certain legislation.

Mr. Christian Jones explained the background as already discussed by the Board earlier to Mr. Robert Campanelli and Mr. Burt Liebman. He indicated that the Board voted back in October to advance an initiative that would reinstate the barber license. As you know, we have not had a separate license since 1984. We discussed the reasons why. There are many reasons. Some are good for the industry and many more for the consumer. We voted to advance the initiative. Unfortunately we have not been able to put a finished product on the table in spite of the fact that we knew at the time that there was already legislation being sponsored by someone else.

Mr. Burt Liebman questioned whether that was Senator Stanley's Bill he was talking about.

Mr. Christian Jones stated yes it is. In our discussion, particularly those within the committee and with Mr. Malanga, we felt that the bill that Senator Stanley is sponsoring would not be best suited for the industry or the consumers and could set the profession back as opposed to advancing it in a professional way. The problem now is that Mr. Stanley's bill is moving forward and has passed its first leg and our concern is that if we do not act quickly to get ours on the table that this other legislation may be enacted. He asked whether creating a new barber license is possible, and whether it is something that is recommended?

Mr. Burt Liebman stated that beyond taking a position in favor of the substance of what Mr. Jones said,

there has been no pen to paper yet, is that correct?

Mr. Christian Jones indicated not exactly so. He stated that he has been researching it on his own for many, many months and he has been trying to get the Legislation Committee to talk about it, discuss it and get it into a final presentation form.

Mr. Burt Liebman indicated that there is a process for trying to advance a Board's legislative fix to a problem. What you have already done is to vote for it and now the Board needs to present to the Director's Office the proposed solution and a memo saying why the Board thinks this is a fix that is required. We would then work with your Committee and the DAG to put this into a form and send it through the system to get approval from the Attorney General's Office. We did convey the Board's opposition to Senator Stanley's Bill. The Attorney General's Office knows that. The Bill has been through the Assembly, but as you know it still has to go through the Senate. So it is not necessarily a done deal. If the Board wants to pursue this and follow the process that I have mentioned, we can help and work with you.

Mr. Christian Jones questioned that in knowing that the process takes time, in Mr. Liebman's estimation, does he think the Board could move this forward.

Mr. Burt Liebman explained that it was really impossible to say because he does not know how fast Assembly Bill 871 will move in the Senate.

Ms. Denise Pereau stated that even though the Board's opposition has been duly noted in the Assembly, it still was passed.

Mr. Burt Liebman stated yes and that despite the fact that on a number of occasions a Board has opposed a bill and the Division has opposed a bill, it has still moved. We do not agree with everything the legislature does and they do not agree with everything we would like. It is a fact of life. We have presented the Board's opposition to Assembly Bill 871, if there are amendments that you would like to make we can work with you, draft them and then send them through the AG's office. That is a process that is easier to do than to create a new bill.

Ms. Denise Pereau questioned if that would stop Assembly Bill 871.

Mr. Burt Liebman indicated that it might be easier with amendments to Assembly Bill 871 and we could ask that it be advanced in the Senate but informed the Board that it may not go anywhere. If we understand why it is that the Board wants this, we can articulate that to the AG's Office and ask them to consider it and see whether they can have it amended or stopped. There is no accounting for how fast a bill will move.

Mr. Carlo Melini asked Christian Jones whether he thought his proposal could work as an amendment to the existing bill.

Mr. Christian Jones stated that quite possibly. He indicated that the Board is not looking to re-invent the scissor. The Board wants a professional product. He also indicated that the Board could use it as a template and make some deletions or additions.

Mr. Carlo Melini stated that it appears it may be easier to work with Assembly Bill 871 and amend it rather than oppose it.

Mr. Robert Campanelli stated that even hypothetically if the Board could get a bill in to compete with A-871 there is no guarantee that the bill will move. He recommended that the Board work within the system.

Mr. Burt Liebman indicated that he thought in this case probably an amendment is a better way to go.

Mr. Robert Campanelli questioned whether he had given a presentation since the new Board Members were appointed. He indicated that a presentation would be scheduled soon to go over what is expected of Board

Members under the Ethics Code. He advised that one of the things Board Members can't do is when a member appears publicly he/she cannot represent what's being said as coming from the Board unless he/she is authorized to do so and only when it is approved. He stated that when he gives a full presentation, he will give the Board exactly what the implications are. He also advised the Board that this is an area where there is a potential for them to go out and lobby on their own and they cannot represent that they are doing it on behalf of the Board. I can't tell you not to talk to people, but it is very important that you must issue a disclaimer and say you are not representing the Board, you are not representing the Division and you are not representing the Attorney General. He also reminded the Board of the importance of maintaining confidentiality.

Deputy Attorney General Swang Oo stated that just so it is clear, the Board Members could not go out and initiate a proposed bill or find a sponsor.

Mr. Jack Fornaro questioned how soon the Board could propose this amendment?

Mr. Burt Liebman asked whether the Board has something in the Minutes that lays out exactly what they want to do and why.

Mr. Christian Jones stated that it was in the October 2005 Minutes.

Mr. Burt Liebman stated that they would look at the Minutes and see whether the Board needs anything else.

Mr. Christian Jones stated that he had the language on it and it was brief, it was about five pages long and that he could give it to him right now.

Mr. Burt Liebman indicated that he would get back to the Board through Deputy Attorney General Swang Oo.

Mr. Carlo Melini thanked Mr. Burt Liebman, Ms. Mary Ann Sheehan and Mr. Robert Campanelli for taking time out to meet with the Board today.

Deputy Attorney General Swang Oo asked that the Board make a motion to reaffirm its original proposal.

After review and discussion, upon a motion made by Christian R. Jones and duly seconded by Joseph R. Santagata, it was moved that the Board opposes Assembly Bill A871 because it lacks educational components to protect the health, safety and welfare of the public and it lacks a supervisory or monitoring component to determine that one internship is substantially equivalent to the next, and suggests that the applicant for barbering license be:

- a person of good moral character;
- is at least 18 years of age;
- does not have a communicable, contagious or infectious disease which could reasonably be expected to be transmitted during the course of rendering barbering services;
- demonstrates successful completion of high school or its equivalent;
- demonstrates 1,200 hours of successful completion of in-class education of core curriculum (including practical skills experience) approved by the Board at:

- (1) a school of cosmetology and hairstyling licensed in this State; or
- (2) a public school approved by the Board of Education to offer vocational program in cosmetology and hairstyling; or
- (3) a school of barbering licensed in another state which, in the opinion of the Board, offers curricula which is substantially similar to that offered at licensed schools within this State; and

- take and pass the barbering examination conducted by the Board. Also the Board took the opportunity to

reaffirm the original proposal to begin the process of reinstating the barbering license first articulated in October 2005 and discussed and voted in November 2005 to start the process of reinstating the barbering license who has fulfilled the following requirements:

- a person of good moral character;
- is at least 18 years of age;
- does not have a communicable, contagious or infectious disease which could reasonably be expected to be transmitted during the course of rendering barbering services;
- demonstrates successful completion of high school or its equivalent;
- demonstrates 1,200 hours of successful completion of in-class education of core curriculum (including practical skills experience) approved by the Board at:

(1) a school of cosmetology and hairstyling licensed in this State; or

(2) a public school approved by the Board of Education to offer vocational program in cosmetology and hairstyling; or

(3) a school of barbering licensed in another state which, in the opinion of the Board, offers curricula which is substantially similar to that offered at licensed schools within this State; and

- take and pass the barbering examination conducted by the Board.

The Board recognized that legislation is needed to accomplish this effort and the Board requests that the Division of Consumer Affairs and the Office of the Attorney General initiate this process as soon as possible toward legislation being passed or in the alternative, to submit amendments to Bill A871 incorporating the Board's reasons for opposing with suggestions.

COMMITTEE REPORTS

PUBLIC RELATIONS:

See Education report.

LEGISLATION:

Mr. Jack Fornaro reported that the Committee needs to meet to discuss the barber license initiative as discussed earlier.

VIOLATION:

Mr. Jerry Speziale reported that all Committee work is up to date.

EDUCATION:

Ms. Denise Pereau stated that she prepared an Education Committee outline that is also part of the Public Relations Committee outline of things the committee needs to know before they could move forward on any of their projects. She indicated that she has never been given any format or outline on how to issue proposals and that Chris's proposal was very clear and concise and he had a passion in it and a mission to submit his request for the barber's licensure. There is a lot of different things we have discussed in the Education Committee and the Public Relations Committee with Ann Marie and Chris. But there is a lot of things we need to know before we could make any moves on any of the ideas that are circulating. Carlo had asked everybody to write down ideas about things that the Board would like to see happen. She indicated that she contacted the NIC and is trying to obtain information from some of the other states regarding their Education Committees and Public Relations Committees on what type of projects they are working on. She has not received any information yet, but she thinks it would be interesting to see how other states are

doing and how they are acting on their proposals and projects. She also contacted some distributors within the State of New Jersey. She indicated that the distributors have direct links to the owners and could help us in getting a general consensus of what is happening in the salon businesses.

Ms. Janice Alvarez stated that she reported at the last meeting that the applicants are coming to the Board exams unprepared and that the schools should be made aware of this. She indicated that she would like to convey to the public that the person that is servicing them in the salon should have a posted license. She also indicated that she was reading about communication and having a hot line for people to call and notify the Board or a designated person of violations or complaints.

Ms. Denise Pereau stated that she thought the hot line idea is good. She questioned how the Board would go about outlining a step by step procedure to implement all these ideas on the table. Is it through regulation or is it statute. We need to know all these things so that we can protect our interest and the interest of the public. She indicated that she spoke to Mr. Carmen DePasquale, Owner of Artistic Academy and he sent her a couple of proposals. Ms. Pereau stated that Mr. DePasquale suggested that hairdressers should be allowed to teach hairdressing and aestheticians should be allowed to teach skin care etc.. and she agreed that people working in the profession should have a certain type of licensure based on experience and actually teach in schools based on their experience in the field.

Ms. Janice Alvarez stated that she did not have a problem with the professionals receiving a teaching license as long as they pass a state teaching exam, go to school for 500 hours, take the methods of teaching course and verify six months of experience in the field.

Mr. Jonathan Eisenmenger suggested that the Board discuss this at a committee meeting and then bring it back to the Board with recommendations.

Mr. Anthony Monaco suggested that the committee put it in writing and then submit it so that the Board could review it.

Mr. Jonathan Eisenmenger stated that once everyone in the Committee agrees on what has to be done, they can present it to the Board as a Committee.

Ms. Denise Pereau stated that the Education and Public Relations Committees are so closely related and that they have decided that a News Letter of the Board would be advantageous. She questioned what the limitations are, what the Board is allowed to do and what the budget constraints are.

Mr. Jonathan Eisenmenger stated that one of the other Boards that he attends is going through the same thing. It is up to the Board to submit a drafted News Letter to the Board staff and let them send it to the Director's Office for review. He indicated that it is up to the Board's discretion whether they want to do this. He stated however, that there are no guarantees that the New Letter would be published quickly.

Ms. Denise Pereau stated that she would like to make a proposal that the Board try to produce and distribute a News Letter.

Mr. Jonathan Eisenmenger stated that there is a press office upstairs, there are all sort of reports and minutes that go upstairs and they decide what will be released to the press.

Mr. Carlo Melini suggested getting some material together and sending it upstairs and if it is published great.

Mr. Christian Jones stated that he sent everybody a letter last week in regards to communication in general. He indicated that some of these things that are being discussed now were in the letter and that he was pleased to see a lot of ideas out there. He stated that there are a lot of ways to improve communication within the industry.

EXAMINATION AND SITES:

Mr. Joseph Santagata reported that Jack and himself visited Burlington County College with Mr. Mark Setash from Laser Grade. They have three units they could use there and he thought they could examine about nine people a day at that one site. He indicated that he did not think they have contracted with them yet, but it is one of the sites they would contract with. They also have Hohokus, with three seats, Brookdale Community College with four seats, Farmington County College with three seats and they have several others.

Mr. Jack Fornaro stated that it is his understanding that Mr. Setash has not gone to these places per se but that he has made arrangements to go to these places and that they will all be separate contracts. He indicated that he also questioned the security of the exams and that he spoke to Ms. Mary Lou Mascarin, Director of Marketing & Testing Supervisor and Ms. Mascarin provide him with a written report as to how they process their students at the college when they are sitting down taking the computer testing. He suggested that perhaps they should have cameras and audio. He also asked about students with learning disabilities and that there is nothing in the contract with regards to that. He questioned about whether they will have a separate location to test students who need a reader. Mr. Setash suggested in casual conversation that the Board has to get the contract first and then they could implement what the Board wants. Mr. Fornaro suggested that LaserGrade should set down a policy as to how they are going to administer the test and who is going to be responsible for the test. He stated that there are so many things that have not been considered, that he would think twice about what the Board is going to do and he did not think LaserGrade has the funds to provide the same kind of testing arrangement as Thompson. Mr. Fornaro stated that there are so many different things that need to be covered and that the Board is going to be talking about this a year from now if they continue to go with LaserGrade. He stated that the Board is doing a disservice to the citizens and students of this State by not having a computer based testing. He indicated that the Board needs to get a company, a vendor that can provide all services. He also stated that he felt the Board is wasting time with this company.

Mr. Joseph Santagata stated that he would like to add that Mr. Mark Setash e-mailed Mr. Griswold and copied him with respect to a date for RETS, in Nutley on Friday, February 17th after 1:00 p.m., and Tuesday through Friday from 2/21 to 2/24 after 1:00 p.m. and also Brookdale in Lincroft on Monday 2/20, so if anyone wants to go they could contact Mr. Setash.

Ms. Janice Alvarez stated that she is presently working with Laser Grade at her school. She indicated that her concern is about the product they are offering. She would like to see their product.

Mr. Christian Jones stated that the committee had a meeting with Joe, Carlo, himself, Richard and Mark Setash that covered many of these issues at the meeting and that Mr. Jack Fornaro missed that meeting.

Mr. Jack Fornaro stated that he would like to see what was discussed at that meeting in writing.

Mr. Christian Jones stated that LaserGrade had it all at the meeting, they laid it out for us.

Mr. Joseph Santagata stated that the Board was not going to give Mr. Mark Setash any contract without having sites first and that was clear.

Mr. Carlo Melini stated that he is hearing what Mr. Jack Fornaro is saying, but that Barbara and Richard have also had problems with Thompson and that Thompson is not the answer.

Ms. Barbara Ambroise stated that at the present time service has improved dramatically with Thompson, that they have been accommodating and presently they are doing a great job since they replaced the other account manager.

Deputy Attorney General Swang Oo stated that although Thompson has replaced the manager there is no assurance that the service will continue when this new manager leaves.

Mr. Carlo Melini stated that Barbara has to work with these people, so the Board has to give the Office a company that they feel confident with because they have to deal with them on a day to day basis.

Ms. Barbara Ambroise indicated that no one ever said that Thompson is out of the picture.

Mr. Christian Jones stated that this Board has spend an enormous amount of time discussing this subject, and that a lot of man hours and research has gone into this. He stated that the Board really knows what is going on and they know the vendors and he suggested that the Board make a decision.

Ms. Barbara Ambroise stated that Thompson does have many sites we could utilize.

Mr. Joseph Santagata stated that the previous Exam Committee did a lot of work on this issue. He indicated that they had a recommendation to go with Thompson, but there was some speculation that the Board Office was not happy with Thompson. That is when we contacted PCS and they sent us LaserGrade, they do the NIC exam which is pretty well established nation wide. The only problem is that they have poor exam sites.

Ms. Janice Alvarez questioned the term of the contract.

Mr. Christian Jones stated that in talking with both companies it has been made crystal clear that the Board will have an open end contract and can cancel it at any time for any reason without penalty. He indicated that if the Board is not satisfied with there service they are history. That being said, both of the companies we are talking about here have a professional product and they both have national standings. They have a product and it is incumbent on them to present that product in a way that is going to be satisfactory to people like us or they know they are out the door. Lets stop this. Lets select somebody. Lets advance computer based testing instead of personal agendas.

Mr. Carlo Melini stated that he agreed.

Mr. Jack Fornaro stated that we still could go back and revisit Thompson with the new members and see what they have to offer.

Mr. John Eisenmenger stated that he did not think there was a side by side comparison of several companies. There were problems with the process. The critical piece was that there was not a side by side comparison.

Mr. Christian Jones stated that in light of how much time is going by, how much discussion we have had, how much research has been done, how obvious it has been for us to do comparative studies, we have it all. I think we agree unanimously that the object here is to advance computer based testing at this point rather than talk about it for ever. He indicated that the point that Carlo made about it needing to be somebody who our Executive Director is comfortable with, who the office could work with to maximize their efficiency is a good point. He stated that the idea is to move the initiative, to defer to the Executive Director, Mr. Griswold, Mr. Malanga and Barbara Ambroise and let them pick who they can best work with.

Upon motion made by Christian Jones and seconded by Mr. Joseph Santagata, the Board delegated authority to the Executive Director, the Assistant Executive Director, and the Administrator of Testing to complete the review of the vendors and make a recommendation to the Board for their approval. The Examination Committee will continue to provide information to the Board office after visiting testing sites and gathering other pertinent and relevant information. Mr. Jack Fornaro opposed the motion, but the motion passed 8-1.

Mr. Jack Fornaro stated that the Board had made a decision to go with Thompson.

Deputy Attorney General Swang Oo stated that for the record again, the Board did not make a decision to

go with any company. The Board at that time was only considering computer based testing, they were not talking about a vendor in particular. They were all in unison that the Board should move ahead with CBT. That was discussed and voted on. The Board gave the Committee an opportunity to go out, scout and do fact findings. Now we have a new Board instituted, a new Committee looking at it and we are here to discuss what the Board should do in terms of a vendor. Mr. Jack Fornaro stated that the Board is still in the process of looking and still has the decision to make as to what vendor they are going to choose, that is why they are going through the leg work.

Mr. Carlo Melini explained that Mr. Jack Fornaro has attended the location as part of the Committee to come back with information. He stated that Jack gave his impression of what he thought of LaserGrade, Joseph gave his, a discussion ensued from there and from that discussion it was a majority vote of the Board to have the decision of what vendor to go with done by the Executive Director, Assistant Executive Director and Administrator of Testing and they will decide whether they want to use a particular vendor.

Mr. Jack Fornaro stated that the Committee is still fact finding. He also indicated that Board is still in the process of doing a review and why was the Board shifting the responsibility to Mr. Griswold, Jay and Barbara, with all do respect.

Mr. Carlo Melini stated that after the Committee reviews and gives the information to Mr. Griswold, Barbara and Jay, they will decide.

Deputy Attorney General Swang Oo stated that the Board could amend the motion to read that a particular vendor rests with the Executive Director in consultation with the Board.

Mr. Jack Fornaro stated it should read "approval of the Board".

SCHOOL

Ms. Janice Alvarez reported that all Committee work is up to date.

CARLO MELINI, Chairperson

Countersigned:

RICHARD G. GRISWOLD, Executive Director