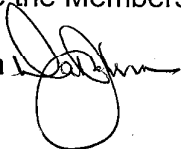




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

SECRETARY, BOARD OF REGENTS  
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Albany, New York 12234  
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**TO:** The Honorable the Members of the Board of Regents

**FROM:** David Johnson 

**COMMITTEE:** Full Board

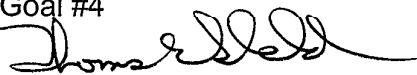
**TITLE OF ITEM:** Summary of the December Meeting

**DATE OF SUBMISSION:** January 9, 2003

**PROPOSED HANDLING:** Approval

**RATIONALE FOR ITEM:** Enable public distribution of the summary of the monthly meeting

**STRATEGIC GOAL:** Goal #4

**AUTHORIZATION(S):** 

**SUMMARY:**

Attached for approval is the Summary of the December Meeting of the Board of Regents.

I recommend that the Regents take the following action:

**VOTED**, that the Summary of the December 2002 Meeting of the Board of Regents of The University of the State of New York be approved.

**THE BOARD OF REGENTS**

The Board of Regents of The University of the State of New York held an executive session on Friday, December 13, 8:00 a.m. and held two public sessions on Thursday, December 12, 2:45 p.m. and Friday, December 13, 8:30 a.m. pursuant to a call duly sent to each Regent.

**MEETING OF THE FULL BOARD, Thursday, December 12**

**Board Members in Attendance:**

Robert M. Bennett, Chancellor  
Adelaide L. Sanford, Vice Chancellor  
Diane McGivern  
Saul B. Cohen  
James C. Dawson  
Robert M. Johnson  
Anthony S. Bottar  
Merryl H. Tisch  
Geraldine D. Chapey  
Arnold B. Gardner  
Harry Phillips, 3<sup>rd</sup>  
Joseph E. Bowman, Jr.  
Lorraine Cortés-Vázquez  
James R. Tallon, Jr.  
Milton L. Cofield

Also present were the President of The University and Commissioner of Education, Richard P. Mills, the Deputy Counsel for Legal Affairs, Erin O'Grady-Parent, and the Secretary, Board of Regents, David Johnson. Regent Judith O. Rubin was absent and excused.

Chancellor Bennett called the meeting to order at 2:45 p.m.

**CONSENT AGENDA ITEMS**

**Master Plan Amendments - Cazenovia and Empire State Colleges  
BR (CA) 1**

MOVED, that the master plan of Cazenovia College be amended, effective December 13, 2002, authorizing Cazenovia College to offer the Bachelor of Science (B.S.) degree in Environmental Studies. This approval will be effective only until December 31, 2003 unless the Department registers one or more programs leading to the degree indicated for that institution prior to that date, in which case the master plan amendment shall be without term.

*The University of the State of New York*  
Education  Department

**SUMMARY OF THE DECEMBER MEETING  
OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF THE STATE OF NEW YORK**

*Held at the State Education Building  
Albany, New York*

*December 11, 12 and 13, 2002*

*David Johnson, Secretary  
Board of Regents*

**MOVED**, that the master plan of the State University of New York be amended authorizing Empire State College to offer the Master of Arts in Teaching (M.A.T.) degree in Middle Childhood and Adolescence Education leading to New York State teacher certification. This approval will be effective only until December 31, 2003 unless the Department registers one or more programs leading to the degree indicated for that institution prior to that date, in which case master plan amendment shall be without term.

**Report of the Committee on Professions Petitions  
BR (CA) 2**

**MOVED**, that the Board approve the report of the Committee on the Professions on licensing petitions.

**Master Plan Amendment - SUNYIT  
BR (CA) 3**

**MOVED**, that the master plan of the State University of New York be amended authorizing the Institute of Technology at Utica-Rome, effective December 13, 2002, to offer lower-division instruction and admit freshman students in selected programs. This approval will be effective only until December 31, 2003 unless the Department registers one or more four-year programs for that institution prior to that date, in which case the master plan amendment shall be without term.

**Proposed Amendment to the Regulations of the Commissioner  
of Education Relating to the Practice of Nursing and Midwifery  
BR (CA) 4**

**MOVED**, that section 64.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 3, 2003.

**Proposed Amendment to the Regulations of the Commissioner of Education  
Relating to Requirements for the Renewal of a Provisional Teaching Certificate and  
the Issuance of a Limited Certificate in the Classroom Teaching Service  
BR (CA) 5**

**MOVED**, that paragraph (2) of subdivision (a) of section 80-1.7 of the Regulations of the Commissioner of Education be amended and section 80-5.15 of the Regulations of the Commissioner of Education be added, as submitted, effective January 3, 2003.

**Proposed Amendment to the Rules of the Board of Regents Relating  
to the Definition of Unprofessional Conduct in the Practice of Pharmacy and  
Limitations of Assistance to Licensed Pharmacists by Unlicensed Individuals  
BR (CA) 6**

**MOVED**, that clause (a) of subparagraph (ii) of paragraph (21) of subdivision (a) of section 29.7 of the Rules of the Board of Regents be amended, as submitted, effective January 3, 2003.

**Proposed Amendment to the Regulations of the Commissioner Relating to the No Child Left Behind Act of 2001 (Public School Choice, Supplemental Education Services Providers and Unsafe School Choice)  
BR (CA) 7**

**MOVED**, that Part 120 of the Regulations of the Commissioner of Education be added as submitted, effective January 3, 2003.

**MOVED**, that Part 120 of the Regulations of the Commissioner of education be added as submitted, effective December 16, 2002, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that the provisions of the rule remain continuously in effect until the effective date of its adoption as a permanent rule, so as to avoid disruption to the timely implementation of public school choice provisions, the approval of supplemental educational service providers, and unsafe school choice provisions, and thereby ensure compliance by the State and local educational agencies with the No Child Left Behind Act of 2001 and Chapter 425 of the Laws of 2002.

**Appointments to the State Rehabilitation Council  
BR (CA) 8**

**MOVED**, that Jason McDonald and Brad Williams be appointed to serve three-year terms ending December 31, 2005 on the State Rehabilitation Council; Charles Callahan III, Michael Connelly, JoAnn Clune, David Dubois, Peter Honsberger, Jeff Klare, Maxcine Johnson, and Michael Peluso be reappointed to serve three-year terms ending December 31, 2005.

**Appointments to the New York State Independent Living Council  
BR (CA) 9 Revised**

**MOVED**, the following individuals be appointed to fill vacancies on the New York State Independent Council, Inc.: Amy LaShomb to be reappointed for a three-year term ending December 31, 2005; term extension requested for one year for Douglas Hovey and Steve Lovi ending December 31, 2005, two year term extension for Sharon Shapiro-Lacks, Maria Dibble, Marigrace Power, Victor Pagano and Iris Bannister ending December 31, 2004; a two year term extension for Marguerite Haring ending December 31, 2005; Dennis Boyd, Michael Kink, Alexander Wood, Randy Black Schantz, Mark Hernandez and Michael Godino to be appointed to serve a three-year term ending December 31, 2005.

**Reappointments of Members to the State Boards for the Professions;  
and Reappointments of Extended Members to the State Boards  
for the Professions for Service on Licensure Disciplinary,  
Licensure Restoration, and Moral Character Panels  
BR (CA) 10**

**MOVED**, that the recommended reappointments of members to the State Boards for the Professions and the recommended reappointments of extended members to the State Boards for the Professions for service on licensure disciplinary, licensure restoration, and moral character panels are approved.

**Conferral of Degrees  
BR (CA) 11**

**MOVED**, that the award indicated be conferred upon the individuals as listed for CERGE-EI and Mildred Elley.

**Regents Authorization - SUNY Empire State College,  
Master of Arts in Teaching (M.A.T.)  
BR (CA) 12**

**MOVED**, that the State University of New York Board of Trustees be authorized, effective December 13, 2002, to confer the degree of Master of Arts in Teaching (M.A.T.) on students successfully completing registered programs at the SUNY Empire State College.

**Proposed Amendment to the Rules of the Board of Regents  
Relating to the Definition of Unprofessional Conduct and Work  
Paper Documentation and Retention in the Practice of Accountancy  
BR (CA) 13**

**MOVED**, that subdivision (a) of section 29.10 of the Rules of the Board of Regents be amended, as submitted, effective January 3, 2003.

**Reappointment of Adjunct Members of Review Committee  
BR (CA) 14**

**MOVED**, that the individuals listed in the item be re-appointed as Adjunct Members of the Regents Review Committee for a term beginning January 1, 2003 and ending December 31, 2007.

**Bryant and Stratton Business Institute Campuses in New York State:  
Confirmation of Compliance with the Standards for Institutional  
Accreditation in Subpart 4-1 of the Rules of the Board of Regents  
and Extension of Institutional Accreditation  
BR (CA) 15**

**MOVED**, that the Board of Regents confirms Bryant and Stratton Business Institute's compliance with the standards for institutional accreditation set forth in subpart 4-1 of the Rules of the Board of Regents and extends its institutional accreditation, with the conditions specified in the Department's final report, effective December 13, 2002, until such time as the U.S. Secretary of Education makes a determination on whether the institution meets the Federal standards of financial responsibility and requests that the Regents Advisory Council on Institutional Accreditation review at its spring 2003 meeting Bryant and Stratton's compliance with the accreditation standards and make such report and recommendation to the Regents as may be warranted by the Institute's circumstances at that time.

**New York Career Institute: Confirmation of Compliance with the Standards  
for Accreditation in Part 4 of the Rules of the Board of Regents and Extension of  
Institutional Accreditation  
BR (CA) 16**

**MOVED**, that the Board of Regents confirm and extend the institutional accreditation of New York Career Institute, effective December 13, 2002 subject to the conditions recommended by the Regents Advisory Council on Institutional Accreditation, for a period beginning immediately and ending on December 12, 2007.

**Rabbi Isaac Elchanan Theological Seminary: Confirmation of Compliance  
with the Standards for Accreditation Under Part 4 of the Rules of the Board of  
Regents and Extension of Institutional Accreditation with Conditions  
BR (A) 17**

**MOVED**, that the Board of Regents confirm and extend the institutional accreditation of Rabbi Isaac Elchanan Theological Seminary subject to the conditions recommended by the Regents Advisory Council on Institutional Accreditation, for a period beginning immediately and ending on December 12, 2007.

**Bramson ORT College: Renewal of Accreditation Under Part 4  
of the Rules of the Board of Regents  
BR (CA) 18**

**MOVED**, that the Board of Regents renew the institutional accreditation of Bramson ORT College subject to the reporting requirements recommended by the Regents Advisory Council on Institutional Accreditation, for a period beginning immediately and ending on December 12, 2012.

**Summary Recommendations with Respect to Charter Applications  
BR (A) 1**

**MOVED**, that the Regents approve each application in accordance with the recommendations continued in the respective summaries.

**Supplemental Charter Application  
BR (A) 7**

**MOVED**, that the Regents approve the application of the New York Institute for Acupuncture and Oriental Medicine, Inc. for consent to file a certificate of incorporation.

**MOVED**, that the Board of Regents approve by consent the following items: BR (CA) 1 - BR (CA) 18; BR (A) 1; and, BR (A) 7.

**Motion by:** Regent Robert M. Johnson  
**Seconded by:** Regent James C. Dawson  
**Action:** Motion carried unanimously

**ACTION ITEMS**

**Executive Session Motion**

**MOVED**, that the Board of Regents convene in Executive Session on Friday, December 13 at 8:00 a.m. for the purpose of discussing pending legal actions.

**Motion by:** Vice Chancellor Adelaide L. Sanford  
**Seconded by:** Regent James C. Dawson  
**Action:** Motion carried unanimously

**Final Review of the Regents Federal Legislative Agenda,  
Federal Legislation and Education In New York State, 2003**  
**BR (A) 3**



The Board received for final review and approval the proposed 2003 Federal Legislative Agenda and its pocket edition companion. The Agenda presents the actions the Regents propose to fulfill the Federal role in education in the first session of the 108<sup>th</sup> Congress.

**MOVED**, that the Regents Agenda, Federal Legislation and Education in New York State, 2003 be approved for publication.

**Motion by:** Regent Geraldine D. Chapey  
**Seconded by:** Regent James C. Dawson  
**Action:** Motion carried unanimously

**Summary of the November Meeting  
BR (A) 5**

**MOVED**, that the Summary of the November 2002 Meeting of the Board of Regents of The University of the State of New York be approved.

**Motion by:** Regent Robert M. Johnson  
**Seconded by:** Regent Anthony S. Bottar  
**Action:** Motion carried unanimously

**Implementation of Accountability Provisions in  
No Child Left Behind Act  
BR (A) 6**

The Board reviewed for action a revised conceptual framework which is the basis for the State's submission of its No Child Left Behind Act (NCLB) accountability plan to the United States Department of Education (USDOE). The plan has been modified to reflect the information gained from continuing discussions with USDOE, modeling studies conducted to determine the implications of NCLB accountability for schools and districts in New York State, and field reactions to the conceptual framework.

Based upon clarification concerning NCLB requirements received from USDOE staff during a peer review conducted on December 10 of the elements of New York State's proposed State accountability system, and the final Federal Regulations on Title I that were published on December 4, the Department revised the Conceptual Framework. The revisions are in five specific areas: high school completion rate; combining results across years; methodology for determining the size of desegregated groups; district accountability; and, rewards for high-performing schools and districts.

**MOVED**, that the Board of Regents directs Department staff to use the Conceptual Framework for NCLB, as set forth in item BR (A) 6, as amended, to reflect the revised recommendations, contained in the Addendum to BR (A) 6, to create the State plan for NCLB accountability that will be submitted to the USDOE, and consistent with guiding principles of the framework, and authorizes staff to make such changes to the framework subsequent to this vote as may be required to reflect additional regulations or guidelines issued by the USDOE.

**Motion by:** Regent Saul B. Cohen  
**Seconded by:** Regent Diane McGivern  
**Action:** Motion carried unanimously

**State Education Department November 2002 Fiscal Report  
BR (A) 9**

The Board received for review and action the November 2002 Fiscal Report. General Fund and Federal accounts are in structural balance. All revenue accounts are in balance, allowing for normal reimbursement delays and the planned use of prior year balances. A Variance Report was also included, identifying a number of mid-year adjustments that have been made.

**MOVED**, that the Board of Regents approve the November 2002 State Education Department Fiscal Report .

**Motion by:** Regent Milton L. Cofield  
**Seconded by:** Regent Robert M. Johnson  
**Action:** Motion carried unanimously

**Charter School Applications  
BR (A) 10**

The Board of Regents is authorized to approve or deny charter applications it receives directly as a charter entity under the New York Charter Schools Act of 1998. This month the Board received three applications for action.

**MOVED**, that the Board of Regents approve the applications for the following charter schools based upon the information contained in the attachments and upon a finding by the Board of Regents that (1) the charter schools described in the applications meet the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicants can demonstrate the ability to operate the schools in an educationally and fiscally sound manner; and (3) granting the applications is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law:

**Bronx Charter School for Children - Bronx, New York**

**Motion by:** Regent Harry Phillips, 3<sup>rd</sup>  
**Seconded by:** Regent Lorraine A. Cortés-Vázquez  
**Action:** Motion carried unanimously

**Pinnacle Charter School - Buffalo, New York**

**Motion by:** Regent Saul B. Cohen  
**Seconded by:** Regent James C. Dawson  
**Action:** Motion carried (Regents Arnold B. Gardner and Robert M. Johnson voted nay; Regent Lorraine A. Cortés-Vázquez abstained)

Board members expressed concern that approval of this application resulted in a cumulative fiscal impact that exceeds 6% for charter schools in Buffalo. It was requested that the matter of fiscal impact on local districts by a charter school be referred to the Elementary, Middle, Secondary and Continuing Education Committee for review.

**Syracuse Academy of Science Charter School - Syracuse, New York**

**Motion by:** Regent Milton L. Cofield  
**Seconded by:** Regent Harry Phillips, 3<sup>rd</sup>  
**Action:** Motion carried (Regent Saul B. Cohen voted nay)

The Board of Regents is also authorized to approve proposed revisions to a charter school's existing charter and certificate of incorporation. The ReadNet Bronx Charter School at Audrey Cohen College seeks a change to its certificate of incorporation and its charter to reflect a change of its name to The ReadNet Bronx Charter School at Metropolitan College of New York. The college has officially changed its name, thereby making it necessary for the charter school to request this revision.

**MOVED**, that the Board of Regents approve the proposed revision to the certificate of incorporation (also referred to as the provisional charter) and charter of the ReadNet Bronx Charter School at Audrey Cohen College based upon the information contained in the attachment and upon a finding by the Board of Regents that: (1) the revision meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the revision (together with the other terms of the charter) will permit the charter school to operate in an educationally and fiscally sound manner; and (3) the revision (together with the other terms of the charter) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law:

**Motion by:** Regent Diane McGivern  
**Seconded by:** Regent Milton L. Cofield  
**Action:** Motion carried unanimously

**Final Report by CUNY on Implementation of the  
New Baccalaureate Admission Standards  
HP (D) 1  
and  
The City University of New York Master Plan Amendment  
Authorizing New Baccalaureate Admission Standards  
HP (A) 1**

In November 1999, the Regents approved, until December 31, 2002, the CUNY Master Plan Amendment that authorized CUNY to adopt new standards for admission to baccalaureate programs. The Regents action required that CUNY provide a written report by December 31, 2001, "concerning the following matters during the period January 1, 2000, through the beginning of the fall semester of 2001: (a) the effect of the change on access to baccalaureate programs, including, but not limited to, data reflecting the impact on minority students; (b) the effect on remedial efforts at senior and community colleges; (c) the effect on the academic programs of the senior and community colleges; and (d) the validity and reliability of any examinations being used by CUNY to assess student remediation needs." That report was submitted and the data included was discussed by the Regents in connection with the Department's monitoring reports.

The Regents action in 1999 also required CUNY to update the 2001 report, through the beginning of the fall 2002 semester, by November 15, 2002. The updated report, Implementation of The City University of New York Master Plan Amendment: Final Report, was discussed.

The report concludes with a statement of CUNY's plan for its ongoing monitoring and reporting of data related to the standards in response to the external review teams' recommendations. CUNY will prepare regular reports on applications, admissions and enrollment in baccalaureate programs by race/ethnicity; success rates in summer and winter immersion and Prelude to Success by race/ethnicity; performance of baccalaureate applicants on the SAT, Regents exams and CUNY/ACT assessment tests by race/ethnicity; rates of transfer from associate to baccalaureate programs by race/ethnicity; enrollment and academic performance of SEEK students by race/ethnicity, and, enrollment of ESL students. These reports will be updated every semester or at other intervals if appropriate and be published on a Web site. CUNY will continue to evaluate the validity of the testing program and will modify testing policies when data indicates that changes are desirable. CUNY also commits to meeting regularly with faculty to discuss policies and practices related to the new admissions policy.

The Higher and Professional Education Committee met on Wednesday, December 11, to discuss this item and, following discussion by the Board, introduced the following language for action:

MOVED, that the Board of Regents November 22, 1999 action to approve until December 31, 2002, an amendment to the long-range plan of The City University of New York (CUNY) authorizing CUNY to change its admissions policy be extended with the following requirements:

1. That CUNY and SED each continue to conduct monitoring including, but not limited to, the following:
  - a. Student access and success, to determine whether any particular populations of students are being disadvantaged by the policy, including SEEK and ESL students;
  - b. Transfer rates from associate degree to baccalaureate programs, especially between community and senior colleges, to determine whether students are able to make the transition successfully; and
  - c. The outcomes of each of the support programs established to assist students to pass the basic skills assessments, including Summer Immersion, Prelude to Success, Bridge to College, College Now, and CUNY Language Immersion Program (CLIP).
2. That CUNY's 2004-2008 long-range plan, due on or before June 1, 2004, include a report on the findings of CUNY's monitoring of implementation and CUNY's plans for any needed adjustments for revisions to the admission policy; and
3. That CUNY's 2006 progress report on its 2004-2008 long-range plan, due on or before June 1, 2006, include a further report on the findings of its monitoring of implementation.

<b>Motion by:</b>	Regent Saul B. Cohen
<b>Seconded by:</b>	Regent Diane McGivern
<b>Action:</b>	Motion carried (Regent Geraldine D. Chapey recused herself from the discussion and vote; Vice Chancellor Adelaide L. Sanford and Regent Arnold B. Gardner abstained)

## **DISCUSSION ITEMS**

### **Commissioner's Report**

The Commissioner's written report focused on 11 subject areas; next moves in the current cycle of improving student learning; renewing Regents policy on middle grades; 24-month policy calendar; Regents State Aid recommendation; preparing future librarians; disproportionate enrollment in special education; CUNY's master plan amendment; aligning Regents accountability and No Child Left Behind; school leadership; a technology strategy; and, College at Work.

#### **New Century Libraries: Developing a Highly Skilled Library Workforce BR (D) 2**

The Board discussed a \$4 million request included in the Regents Priority Legislative Proposal New Century Libraries to support initiatives to ensure a highly skilled library workforce. The Regents Commission on Library Services recommended this proposal in their July 2000 report, Meeting the Needs of All New Yorkers: Library Service in the New Century. The Commission's recommendation emphasizes the importance of workforce excellence, improved access to library education programs, and a diverse, well-trained workforce, particularly in urban public libraries.

Discussion focused on three policy recommendations that emerged from the Regents Policy Conference session on the library workforce: provide incentives to go into librarianship; extend education opportunities via technology; and, educate policymakers so they can make informed decisions about recruitment, training and retention of a highly skilled workforce.

#### **Proposed Amendments to the Regulations of the Commissioner of Education Relating to Physical Education and Athletic Trainers and Homeless Children and Youth BR (D) 4**

The Board discussed two proposed amendments to the Regulations of the Commissioner of Education which are scheduled to be submitted for approval in February 2003.

The purpose of the proposed amendment to section 135.4 of the Regulations of the Commissioner is to establish qualifications and the scope of duties and responsibilities of athletic trainers who may be employed by boards of education for interschool and intramural athletic teams or physical education classes. The amendment would allow the State Education Department oversight and control over the professional practice of certification related to athletic trainers in high schools, and would enable school districts to hire the most qualified candidates for athletic trainer positions.

The purpose of the proposed amendment to section 100.2(x) of the Regulations of the Commissioner is to conform Commissioner's Regulations with recent amendments to Subtitle B of Title VII of the federal McKinney-Vento Homeless Education Assistance Act that were enacted pursuant to the No Child Left Behind Act of 2001, as a condition to the State's receipt of federal funds. The proposed amendment requires school districts to immediately review a designation form for a homeless child or youth to assure it has been completed, admit the homeless child, and contact the school district where the child's records are located for a copy of such records. The school district receiving such a request must forward these records within five days. Further, each school district shall establish procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth and provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian, if the school district sends the child or youth to a school other than the school of origin or a school requested by the parent or guardian. Each school district shall designate an appropriate staff person as a local educational agency liaison for homeless children and youth and inform school personnel, service providers and advocates working with homeless families of the duties of the liaison. Each school district shall coordinate the provision of services with local social services agencies and other agencies or programs providing services to homeless children and youths and their families and coordinate with other school districts on interdistrict issues, such as transportation or transfer of school records. Each school district shall collect and transmit to the Commissioner of Education a report containing such information as the Commissioner determines necessary to assess the educational needs of homeless children and youths within the State.

### **Technology Strategy for USNY BR (D) 8**

The Board began discussion of a draft technology strategy with the goal of endorsing a strategic direction at the February 2003 meeting. The draft "Strategic Objectives for Technology" organizes a set of strategies around the six Regents goals in the overall Strategic Plan. Each goal lists "Desired Goals," taken primarily from the Strategic Plan, and identifies action strategies to accomplish those goals. The draft also includes a set of assumptions about technology and the Department's role in technology.

### **MEETING OF THE FULL BOARD, Friday, December 13**

#### **Board Members in Attendance:**

Robert M. Bennett, Chancellor  
Adelaide L. Sanford, Vice Chancellor  
Diane McGivern  
Saul B. Cohen

James C. Dawson  
Robert M. Johnson  
Anthony S. Bottar  
Merryl H. Tisch  
Geraldine D. Chapey  
Arnold B. Gardner  
Harry Phillips, 3<sup>rd</sup>  
Joseph E. Bowman, Jr.  
Lorraine Cortés-Vázquez  
James R. Tallon, Jr.  
Milton L. Cofield

Also present were the President of The University and Commissioner of Education, Richard P. Mills, the Deputy Counsel for Legal Affairs, Erin O'Grady-Parent, and the Secretary, Board of Regents, David Johnson. Regent Judith O. Rubin was absent and excused.

Chancellor Bennett called the meeting to order at 8:30 a.m.

### **ACTION ITEMS**

#### **Proposed Amendment to the Regulations of the Commissioner of Education Relating to the Licensing of Physical Therapists and Certification of Physical Therapist Assistants BR (A) 2**

The Board received for emergency action a proposed amendment to Part 77 of the Regulations of the Commissioner of Education relating to the licensing of physical therapists and certification of physical therapist assistants. The purpose of the proposed amendment is to implement Chapter 404 of the Laws of 2002 by establishing requirements for the renewal of a limited permit for a physical therapist assistant and prescribing the examination that must be passed for certification as a physical therapist assistant, and to make nonsubstantial changes in the requirements for licensure as a physical therapist.

**MOVED,** that Part 77 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 9, 2003, as an emergency action upon a finding by the Board of Regents that such action is necessary for preservation of the general welfare in order to implement the requirements of Chapter 404 of the Laws of 2002, designated to ensure the competency of applicants for certification as physical therapist assistants, by the effective date of that statute.



**Motion by:** Regent Diane McGivern  
**Seconded by:** Regent Joseph E. Bowman, Jr.  
**Action:** Motion carried unanimously (Regent Arnold B. Gardner absent from vote.)

**Emergency Adoption of Proposed Amendment of Sections 200.2,  
200.4 and 200.16 of the Regulations of the Commissioner of Education  
(Individualized Education Program)**

**BR (A) 4**

The purpose of the proposed amendment is to ensure that school districts provide teachers, related service providers and other service providers with a copy of the IEP of a student with a disability prior to the implementation of the student's IEP, in accordance with Chapter 408 of the Laws of 2002. The proposed amendment to section 200.2 of the Regulations of the Commissioner of Education establishes a requirement for a board of education policy relating to IEP implementation and defines the term "other service provider" as used in the statute. The proposed amendments to sections 200.4 and 200.16 conform State regulations with the statute relating to a school's responsibilities to implement a student's IEP.

**MOVED**, that a new paragraph (11) be added to subdivision (b) of section 200.2 of the Regulations of the Commissioner; that paragraph (3) of subdivision (e) of section 200.4 of the Regulations of the Commissioner be repealed and that a new paragraph (3) of subdivision (e) of section 200.4 of the Regulations of the Commissioner be added; and that a new paragraph (6) be added to subdivision (e) of section 200.16 as submitted, effective December 16, 2002, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure compliance of the State and local educational agencies with Chapter 408 of the Laws of 2002 by its effective date.

**Motion by:** Regent Geraldine D. Chapey  
**Seconded by:** Regent James C. Dawson  
**Action:** Motion carried unanimously (Regent Arnold B. Gardner was absent from vote)

**Regents 2003-2004 Proposal on State Aid to School Districts**

**BR (A) 8**

The Board received for final review and action the 2003-04 Proposal on State Aid to School Districts. It advances recommendations to improve State funding formulas by: consolidating eight aids and grants into a single Comprehensive Operating Aid, raising the aid ceiling, adding pre-k pupils, and adjusting aid for regional costs differences; providing a limit on aid increases and losses; consolidating five aids into a new Gap Aid to

provide extra time and help to meet State learning standards; consolidating three aids into a new Instructional Materials Aid to provide greater flexibility for school districts to meet their instructional material needs, including loans to non-public school students; providing aid for the education of students with disabilities adjusted to provide a greater incentive to districts to place students in integrated settings with their non-disabled peers; providing for an increase in Educationally Related Support Services Aid to help school districts with the costs of support services and curriculum modification to maintain students' placement in general education and avoid referral to special education; improving aids in support of career and technical education; consolidate aid for summer school transportation with regular Transportation Aid; continuing existing provisions for aid for school construction; providing Building Reorganization Incentive Aid for school construction projects approved by the voters within five years of school district consolidation; and, continuing Operating Reorganization Incentive Aid, providing it only to newly consolidated districts where the Commissioner determines that the consolidation will improve student performance.

The proposal recommends a \$516 million increase in State Aid to schools for the 2003-04 school year.

**MOVED**, that the Board of Regents approve its proposal on State Aid to School Districts for 2003-2004.

<b>Motion by:</b>	Regent James C. Dawson
<b>Seconded by:</b>	Regent Saul B. Cohen
<b>Action:</b>	Motion carried unanimously

### **Smallpox Vaccine BR (A) 11**

In September 2000, the Board of Regents adopted 8NYCRR Section 64.7 of the Regulations of the Commissioner of Education authorizing the administration of certain immunizing agents pursuant to non-patient specific orders and protocols. The regulation authorizes the Board of Regents to act by resolution to add to those immunizing agents which may be administered.

In accordance with the procedure established by 8 NYCRR §64.7, the Commissioner of Education has received information from the New York State Department of Health and the Centers for Disease Control and Prevention that smallpox vaccine will be made available on a voluntary basis to adults and now recommends that the Regents act by resolution to authorize this agent to be administered in the manner authorized and specified in the regulation.

**MOVED**, that effective December 13, 2002, pursuant to the provisions of 8 NYCRR §64.7 of the Regulations of the Commissioner of Education, the Board of Regents hereby authorizes the administration, by registered professional nurses, of smallpox vaccine to adults pursuant to non-patient specific orders and protocols ordered by licensed physicians or certified nurse practitioners in accordance with the requirements and conditions presented in 8 NYCRR §64.7.

**Motion by:** Regent Milton L. Cofield  
**Seconded by:** Regent Diane McGivern  
**Action:** Motion carried unanimously (Regent Arnold B. Gardner absent from vote)

### **DISCUSSION ITEMS**

#### **Draft Outline of a Middle-Level Education Policy Statement BR (D) 1**

The Board and the Department, in collaboration with the field, are engaged in a series of actions designed to strengthen middle grades education and to improve student performance on the State's intermediate assessments.

The Board discussed the proposed core contents of a revised policy statement for middle-level education. During discussion a number of comments and concerns were expressed: statement must be child-focused; must consider fundamental issue of middle-level education defined by local districts as grades 5-8, grades 6-8 or grades 7-8; need to identify and explore variety of issues facing adolescents; need to consider whether grade level structure is a factor - current regulations are only grades 7-8; and, adolescents must be involved in the discussion.

A draft of the proposed policy statement will be submitted to the Board in February for approval to solicit public comment.

#### **Proposed Amendment to the Rules of the Board of Regents and the Regulations of the Commissioner of Education Relating to Pharmacy and Registration of New York Pharmacies and Nonresident Establishments BR (D) 3**

The Board received for discussion a proposed promulgation of section 29.7(c) of the Rules of the Board of Regents and section 63.8 of the Regulations of the Commissioner of Education, and amendment to section 63.6 of the Regulations of the Commissioner of Education, relating to pharmacy and the registration of New York pharmacies and non-resident establishments.

The purpose of the proposed amendment is to establish requirements for the registration of non-resident establishments that ship, mail, or deliver prescription drugs and/or devices in New York State, remove unnecessary requirements for faxing a prescription to a New York pharmacy and delete outdated references to registered stores in the regulations.

Action on the proposed amendment will be scheduled in February 2003.

### **Addressing Racial and Ethnic Disproportionality in Special Education BR (D) 5**

Children from racially and ethnically diverse backgrounds have been disproportionately identified in specific disability categories and placed in separate special education settings away from their non-disabled peers for over 30 years. The Board received a report that provides the framework for a discussion on the research, root causes, effective strategies and recommendation to address this issue.

Dr. Daniel Reschly, Professor, George Peabody College, Vanderbilt University, presented information developed by the National Research Council Committee on Minority Representation in Special Education, of which he was a member.

### **Standards Implementation Study: Year III School Level Report BR (D) 9**

The Board received a two-part report of the Year III Standards Implementation School Level Study. Part I focuses on the implementation of the Science and Technology Learning Standards. Part II reports on the implementation of the learning standards for Health, Physical Education, and Family and Consumer Sciences.

The overall assessment of the building level implementation was highly positive, with an overwhelming majority of the teachers and principals rating the implementation process as proceeding moderately well or very well. Teachers and principals attributes successful implementation mainly to such factors as experienced and prepared teachers, adequate instructional materials and equipment, good teacher attendance in staff development, and sufficient district support. A lack of shared planning times was listed as the top factor where implementation was not proceeding very well. Teachers also listed large class size, lack of time for implementing, lack of instructional equipment, and unprepared students as concerns.

**Preliminary Draft School Leadership Regulations  
BR (D) 10**

The Board reviewed preliminary draft regulations developed to implement the Regents leadership initiative. These regulations have been designed to provide the required competencies in school leadership to assist colleges in revising their current programs leading to building, district and business leadership certificates while promoting the maximum level of flexibility for individuals and institutions interested in participating in this initiative.

The Department has established an extensive review process and comment period for these regulations, including: discussion with the Commissioner's Advisory Council; posting the preliminary draft regulations on the Departments web site; and, scheduled public forums across New York in January.

The draft regulations will be presented to the Board for discussion in February.

**MISCELLANEOUS**

**Emlyn I. Griffith Scholarship Award**

The Emlyn I. Griffith Scholarship is awarded annually to the son or daughter of a State Education Department employee through an endowment established by Regent Emeritus Emlyn Griffith and his wife, Mary. The scholarship recognizes a young adult for involvement in community service, time and energy devoted to charities, religious organizations, civic groups and community services projects.

The 2002 recipient of a scholarship award in the amount of \$500 is Ms. Katherine Hinman.

**STANDING COMMITTEE REPORTS**

**Committee Reports**

**MOVED**, that the report from the Regents Standing Committee on Professional Practice be approved as submitted.

**Motion by:** Regent Diane McGivern  
**Seconded by:** Regent Milton L. Cofield  
**Action:** Motion carried unanimously

## **REGENTS COMMITTEE ON PROFESSIONAL PRACTICE**

Regent Diane McGivern, Chair of the Regents Committee on Professional Practice, presented on behalf of the Committee the following written report.

### **ACTION ITEMS**

Your Committee on Professional Practice held its scheduled meeting on December 12, 2002. All members were present. Regent Saul B. Cohen was present for the discussion only in the matter of Henry Magiet, licensed pharmacist.

### **ACTION ITEMS**

#### **Professional Discipline Cases**

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 12 cases, and not accepted in 1 case to the extent hereafter set forth. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 95 consent order applications and 11 surrender applications be granted.

These recommendations are made following the review of 119 cases involving 21 licensed practical nurses, 18 registered professional nurses, 14 pharmacists, eight certified public accountants, seven dentists, seven licensed practical nurses who are also registered professional nurses, six certified social workers, five chiropractors, five pharmacies, three veterinarians, two architects, two massage therapists, two physical therapists, two podiatrists, two professional engineers, two psychologists, one certified public accountancy professional corporation, one landscape architect, one midwife, one occupational therapy assistant, one physical therapy professional corporation, and one speech-language pathologist.

In the case of Henry Magiet, Pharmacist, Calendar Number 19924, we recommend, by a vote of 5-2, that, based upon a more serious view of the misconduct committed by the respondent, the recommendation of the Regents Review Committee as to the penalty to be imposed not be accepted and that respondent's license to practice as a pharmacist in the State of New York be revoked upon the charge of which the respondent was found guilty.

#### **Restoration Petitions**

Voted, that the Board of Regents stay the order of revocation of the physician license of Jean J. Labaze for five years, that he be placed on probation for five years under specified terms and conditions, and that upon successful completion of the probationary period, his license be fully restored. (PPC EXS A 1)

Voted, that the Board of Regents deny the petition for restoration of the physician license of Shahid M. Siddiqui. (PPC EXS A 2)

Voted, that the Board of Regents stay the order of revocation of the physician license of Lorenzo T. Teruel for five years, that he be placed on probation for five years under specified terms and conditions, and that upon successful completion of the probationary period, his license be fully restored. (PPC EXS A 3)

**APPENDIX I**  
**NEW YORK STATE BOARD OF REGENTS**  
**CHARTER ACTIONS**  
**DECEMBER 12 AND 13, 2002**

**NEW YORK INSTITUTE OF ACUPUNCTURE AND ORIENTAL MEDICINE, INC.** An application having been made by and on behalf of the directors of the New York Institute of Acupuncture and Oriental Medicine, Inc., for the consent of the Board of Regents, pursuant to Education Law §6506(3), and of the Commissioner of Education to the filing of a certificate of incorporation under Business Corporation Law (BCL) §402(a) to permit the corporation to operate a school providing programs in acupuncture and oriental medicine, each leading to a noncredit diploma and meeting the education requirement for licensure in Acupuncture; to learn Chinese Herbology as a complementary therapy to acupuncture; and to gain a fundamental understanding of Western Bioscience in order to communicate with Western health care providers, it was

Voted, that pursuant to Education Law §6506(3), the consent of the Board of Regents to the filing of a certificate of incorporation by the New York Institute of Acupuncture and Oriental Medicine, Inc., under Business Corporation Law (BCL) §402(a), be, and the same hereby is, granted; and that the consent of the Commissioner of Education to the filing of said certificate of incorporation be, and the same hereby is, approved, provided that nothing in the certificate or this consent shall be deemed to authorize the corporation to engage in the practice of medicine under Article 131 of the New York Education Law or to offer programs leading to licensure in medicine in New York State.

**TOWN OF JOHNSBURG LIBRARY.** An application having been made by and on behalf of the trustees of Town of Johnsburg Library, for its provisional charter to be made absolute, and it appearing to the satisfaction of the Regents that the conditions for an absolute charter have been met, it was

Voted, that the provisional charter of the Town of Johnsburg Library, located in North Creek, county of Warren, state of New York, which was granted by action of the Board of Regents on September 19, 1997 be, and the same hereby is, made absolute.

**BROCKPORT COMMUNITY MUSEUM**

Voted, that

1. A provisional charter valid for a term of five years is granted incorporating William G. Andrews, R. Scott Winner, Mary Lynne Turner, Norman J. Knapp, Jacqueline M. Morris and their associates and successors as an education corporation under the corporate name of Brockport Community Museum, located in Brockport, county of Monroe and state of New York.

2. The purposes for which such corporation is formed are
- a. To establish and maintain a history museum relating to the Village of Brockport and nearby areas;
  - b. To collect, own, hold, maintain, preserve, and make available appropriate historical objects and artifacts;
  - c. To arrange, create, maintain, and promote appropriate historical exhibits and displays; and
  - d. To sponsor and organize appropriate educational programs.



3. The persons named as incorporators shall constitute the first board of trustees. The board shall have power to adopt bylaws, including therein provisions fixing the method of election and the term of office of trustees, and shall have power by vote of two-thirds of all the members of the board of trustees to change the number of trustees to be not more than twenty-five nor less than five.

4. The names and post office addresses of the first trustees are as follows:

William G. Andrews  
46 College Street  
Brockport, New York 14420

R. Scott Winner  
28 Fair Street  
Brockport, New York 14420

Mary Lynne Turner  
29 Hillcrest Parkway  
Brockport, New York 14420

Norman J. Knapp  
72 South Avenue  
Brockport, New York 14420

Jacqueline M. Morris  
45 Maxon Street  
Brockport, New York 14420

5. The corporation hereby created shall be a nonstock corporation organized and operated exclusively for educational purposes, as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), and no part of the net earnings or net income shall inure to the benefit of any member, trustee, director or officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, director or officer of the corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

6. Notwithstanding any other provision of these articles the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code).

7. No substantial part of the activities of the corporation shall be devoted to carrying on propaganda, or otherwise attempting to influence legislation, (except to the extent authorized by Internal Revenue Code section 501(h) as amended, or the corresponding provision of any future Federal tax code, during any fiscal year or years in which the corporation has chosen to utilize the benefits authorized by the statutory provision) and the corporation shall not participate

in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of or in opposition to any candidate for public office.

8. Upon dissolution of the corporation, the board of trustees shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of the remaining assets of the corporation exclusively for one or more exempt purposes, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), or shall distribute the same to the Federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York in the judicial district where the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, organized and operated exclusively for such purposes, as said Court shall determine.

9. The mailing address of the corporation shall be c/o Village of Brockport, 49 State Street, Brockport, New York 14420. The institution shall be maintained at 60 Clinton Street and 49 State Street, Brockport, New York, 14420.

10. The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served.

11. Such provisional charter will be made absolute if, within five years after the date when this charter is granted, the corporation shall acquire resources and equipment which are available for its use and support and which are sufficient and suitable for its chartered purposes in the judgment of the Regents of the University, and shall be maintaining an institution of educational usefulness and character satisfactory to the Regents. Prior to the expiration of said five-year period, an application for the extension of such provisional charter or for an absolute charter will be entertained by the Regents, but in the event that such application is not made, then at the expiration of said term of five years, and upon notice by the Regents, such provisional charter shall terminate and become void and shall be surrendered to the Regents.

## **CANARSIE HISTORY MUSEUM**

Voted, that

1. A provisional charter valid for a term of five years is granted incorporating Ramon Martinez, Marshall Squeri, Morton Werbel, Kevin Roth, Louis Petrillo and their associates and successors as an education corporation under the corporate name of Canarsie History Museum, located in Brooklyn, county of Kings and state of New York.

2. The purposes for which such corporation is formed are

a. To establish and maintain a history museum relating the neighborhood and surrounding communities of Brooklyn and its origins in the Canarsie section;

b. To collect, own, hold, preserve and make available appropriate historical objects and artifacts and to arrange, create and promote historical exhibits; and

c. To promote and support historical research and scholarship, issue publications in all formats, and organize historical and cultural activities, programs and events for the public.

3. The persons named as incorporators shall constitute the first board of trustees. The board shall have power to adopt bylaws, including therein provisions fixing the method of election and the term of office of trustees, and shall have power by vote of two-thirds of all the members of the board of trustees to change the number of trustees to be not more than twenty-five nor less than five.

4. The names and post office addresses of the first trustees are as follows:

Ramon Martinez  
954 East 95<sup>th</sup> Street  
Brooklyn, New York 11236

Marshall Squeri  
2045 East 52<sup>nd</sup> Street  
Brooklyn, New York 11234

Morton Werbel  
1465 Rockaway Parkway  
Brooklyn, New York 11236

Kevin Roth  
1361 Rockaway Parkway  
Brooklyn, New York 11236

Louis Petrillo  
1435 Bayridge Avenue  
Brooklyn, New York 11219

5. The corporation hereby created shall be a nonstock corporation organized and operated exclusively for educational purposes, as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), and no part of the net earnings or net income shall inure to the benefit of any member, trustee, director or officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, director or officer of the corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

6. Notwithstanding any other provision of these articles the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code).

7. No substantial part of the activities of the corporation shall be devoted to carrying on propaganda, or otherwise attempting to influence legislation, (except to the extent authorized by Internal Revenue Code section 501(h) as amended, or the corresponding provision of any future Federal tax code, during any fiscal year or years in which the corporation has chosen to utilize the benefits authorized by the statutory provision) and the corporation shall not participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of or in opposition to any candidate for public office.

8. Upon dissolution of the corporation, the board of trustees shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of the remaining

assets of the corporation exclusively for one or more exempt purposes, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), or shall distribute the same to the Federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York in the judicial district where the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, organized and operated exclusively for such purposes, as said Court shall determine.

9. The mailing address of the corporation shall be 954 East 95<sup>th</sup> Street, Brooklyn, New York 11236.

10. The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served.

11. Such provisional charter will be made absolute if, within five years after the date when this charter is granted, the corporation shall acquire resources and equipment which are available for its use and support and which are sufficient and suitable for its chartered purposes in the judgment of the Regents of the University, and shall be maintaining an institution of educational usefulness and character satisfactory to the Regents. Prior to the expiration of said five-year period, an application for the extension of such provisional charter or for an absolute charter will be entertained by the Regents, but in the event that such application is not made, then at the expiration of said term of five years, and upon notice by the Regents, such provisional charter shall terminate and become void and shall be surrendered to the Regents.

#### **FRIENDSHIP-NILE HISTORICAL SOCIETY**

Voted, that

1. A provisional charter valid for a term of five years is granted incorporating Richard H. Langdon II, V. Perry Carter, Shirley J. Shelley, Norma R. Pizza, Gerald B. Jones, Bonnette M. Bliss, Kathleen Schumann, Bette L. Stockman and their associates and successors as an education corporation under the corporate name of Friendship-Nile Historical Society, located in Friendship, county of Allegany and state of New York.

2. The purposes for which such corporation is formed are

a. To establish and/or illustrate the history of the Friendship-Nile area;

b. To preserve such material/information that pertains to the Friendship-Nile area; and

c. To present, disseminate and educate the public on the historical background of the Friendship-Nile Community.

3. The persons named as incorporators shall constitute the first board of trustees. The board shall have power to adopt bylaws, including therein provisions fixing the method of election and the term of office of trustees, and shall have power by vote of two-thirds of all the members of the board of trustees to change the number of trustees to be not more than twenty-five nor less than five.

4. The names and post office addresses of the first trustees are as follows:

Richard H. Langdon II  
10 Queen Ann Street  
Friendship, New York 14739

V. Perry Carter  
37 East Main Street  
Friendship, New York 14739

Shirley J. Shelley  
7 North Branch Street  
Friendship, New York 14739

Norma R. Pizza  
7294 Co. Rt. 20  
Friendship, New York 14739

Gerald B. Jones  
11 Vorhis Street  
Friendship, New York 14739

Bonnette M. Bliss  
4119 5<sup>th</sup> Avenue  
Friendship, New York 14739

Kathleen Schumann  
7226 Co. Rt. #1  
Friendship, New York 14739

Bette L. Stockman  
RR2 4 South Street  
Friendship, New York 14739

5. The corporation hereby created shall be a nonstock corporation organized and operated exclusively for educational purposes, as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), and no part of the net earnings or net income shall inure to the benefit of any member, trustee, director or officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, director or officer of the corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

6. Notwithstanding any other provision of these articles the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code).

7. No substantial part of the activities of the corporation shall be devoted to carrying on propaganda, or otherwise attempting to influence legislation, (except to the extent authorized by Internal Revenue Code section 501(h) as amended, or the corresponding provision of any

future Federal tax code, during any fiscal year or years in which the corporation has chosen to utilize the benefits authorized by the statutory provision) and the corporation shall not participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of or in opposition to any candidate for public office.

8. Upon dissolution of the corporation, the board of trustees shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of the remaining assets of the corporation exclusively for one or more exempt purposes, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), or shall distribute the same to the Federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York in the judicial district where the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, organized and operated exclusively for such purposes, as said Court shall determine.

9. The mailing address of the corporation shall be P.O. Box 466, Friendship, New York 14739.

10. The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served.

11. Such provisional charter will be made absolute if, within five years after the date when this charter is granted, the corporation shall acquire resources and equipment which are available for its use and support and which are sufficient and suitable for its chartered purposes in the judgment of the Regents of the University, and shall be maintaining an institution of educational usefulness and character satisfactory to the Regents. Prior to the expiration of said five-year period, an application for the extension of such provisional charter or for an absolute charter will be entertained by the Regents, but in the event that such application is not made, then at the expiration of said term of five years, and upon notice by the Regents, such provisional charter shall terminate and become void and shall be surrendered to the Regents.

**THE LEARNING GARDEN.** An application having been made by and on behalf of the trustees of The Learning Garden, for its provisional charter to be made absolute, and it appearing to the satisfaction of the Regents that the conditions for an absolute charter have been met, it was

Voted, that the provisional charter of The Learning Garden, located in New Windsor, county of Orange, state of New York, which was granted by action of the Board of Regents on November 14, 1997 be, and the same hereby is, made absolute.

**ACADEMY OF MOUNT ST. URSULA, BEDFORD PARK, NEW YORK CITY.** An application having been made by and on behalf of the trustees of Academy of Mount St. Ursula, Bedford Park, New York City, for an amendment of its charter, it was

Voted, that the charter of Academy of Mount St. Ursula, Bedford Park, New York City, located in the city, county, and state of New York, which was incorporated on April 13, 1868 pursuant to Chapter 185 of the Laws of 1868 under the corporate name "The Ursuline Convent"; which absolute charter was amended to change the name to "Academy of Mount St. Ursula, Bedford Park, New York City" by a certificate of change of name issued by the Board of Regents on December 10, 1908; which absolute charter was amended by Regents action on January 26, 1972 and March 25, 1988 be, and the same hereby is, amended to add the following language:

- “a. All Members of the corporation shall be persons who (i) are members of the Order of Saint Ursula of the Roman Union and (ii) are appointed by the Provincial of the Order of St. Ursula, Eastern Province of the United States (or by the Provincial or equivalent official if there be no Provincial of any canonical entity that may succeed said Eastern Province), acting with the consent of her council. The exact number of Members (within the limits of not fewer than five nor more than twenty-five) shall be fixed in the by-laws of the corporation and may be increased or decreased by amendment of said by-laws by the Members.
- b. The Members shall have the authority to buy, sell, mortgage, let and otherwise use and dispose of the real property of the corporation as they shall deem for the best interest of the corporation, subject to any necessary approval by the Regents. Such authority shall extend to any real property subsequently acquired by the corporation by gift, grant or devise whether to the corporation, its Members or to the Board of Trustees.
- c. The Members shall have the power (i) to elect Trustees of the corporation and fill any vacancy that may arise in the Board of Trustees, (ii) to authorize the increase or decrease in the number of Trustees (within the limits of not fewer than five nor more than twenty-five), (iii) to remove any Trustee for cause or without cause, (iv) to elect and remove the officers of the corporation, (v) to amend, adopt or repeal the by-laws of the corporation, and (vi) to alter or amend the charter of the corporation with the approval of the Board of Regents.
- d. No action shall be taken to initiate the merger, consolidation, dissolution or other restructuring of the corporation without the prior written approval of the Members.
- e. The procedures for accomplishing the actions set forth in b. and c. above shall be set forth in the by-laws of the corporation.”

**THE BROOKLYN HEBREW SCHOOL FOR SPECIAL CHILDREN.** An application having been made by and on behalf of the trustees of The Brooklyn Hebrew School for Special Children for an amendment of its charter, it was

Voted, that the provisional charter of The Brooklyn Hebrew School for Special Children located in Brooklyn, county of Kings, state of New York, which was granted by action of the Board of Regents on November 17, 1967; which provisional charter was made absolute by Regents action on December 18, 1970; which absolute charter was amended on July 28, 1972 be, and the same hereby is, amended to change the corporate name to “Block Institute School.”

**THE KEW-FOREST SCHOOL, INC.** An application having been made by and on behalf of the trustees of The Kew-Forest School, Inc., for an amendment of its charter, it was

Voted, that the provisional charter of The Kew-Forest School, Inc. located in Forest Hills, county of Queens, state of New York, which was granted by action of the Board of Regents on June 20, 1941; which provisional charter was made absolute by Regents action on July 18, 1946; which absolute charter was amended on April 24, 2001 be, and the same hereby is, amended to authorize the corporation to also operate a nursery school.

**MONTESSORI SCHOOL OF ALBANY.** An application having been made by and on behalf of the trustees of the Montessori School of Albany, for an amendment of its charter, it was

Voted, that the provisional charter of the Montessori School of Albany located in the city and county of Rensselaer, state of New York, which was granted by action of the Board of Regents on August 25, 1967; which provisional charter was made absolute by Regents action on September 25, 1970; which absolute charter was amended on September 15, 1989 and September 17, 1999 be, and the same hereby is, amended to change the corporate address to 100 Montessori Place, Rensselaer, New York 12144; to change the corporate name to "Woodland Hill Montessori School"; to indicate that the age of the children in the program will extend from two years and nine months to fourteen years of age; and to delete the purpose of day care.

**WOODSTOCK DAY SCHOOL.** An application having been made by and on behalf of the trustees of the Woodstock Day School, for an amendment of its charter, it was

Voted, that the provisional charter of the Woodstock Day School, located in Woodstock, county of Ulster, state of New York, which was granted by action of the Board of Regents under the corporate name "Woodstock Children's Center" on December 14, 1973; which provisional charter was made absolute by Regents action on May 23, 1986; which absolute charter was amended by Regents action on April 26, 1991 and June 8, 1999 be, and the same hereby is, amended to add authority for the corporation to also operate a summer program.

### **CRISTO REY NEW YORK HIGH SCHOOL**

Voted, that

1. A provisional charter valid for a term of three years is granted incorporating William P. Ford III, Martin Estevearena, Eva Goley, Jeffrey D. Thielman, Mary Claire Ryan, Frederick C. Mueller, F.S.C., Nora Cronin, P.B. V. M. and their associates and successors as an education corporation under the corporate name of Cristo Rey New York High School, located in Bronx, county of Bronx and state of New York.

2. The purposes for which such corporation is formed is to operate a Catholic secondary school for boys and girls, grades 9-12. The School will be a college preparatory, Catholic high school serving Mott Haven and the surrounding communities of the South Bronx. The School will provide a quality education for economically disadvantaged high school students of all faiths. In addition to the core, college preparatory curriculum, all students will participate in a corporate work study program of shared full-time entry level clerical positions, to obtain job skills and increase self-confidence. The School will strive to foster the human and intellectual potential, as well as the cultural heritage, of all members of its school community. Cristo Rey New York High School will also strive to prepare its graduates to become leaders in service, working alongside others to transform the South Bronx into a place where all can live with dignity and peace.



3. The persons named as incorporators shall constitute the first board of trustees. The board shall have power to adopt bylaws, including therein provisions fixing the method of election and the term of office of trustees, and shall have power by vote of two-thirds of all the members of the board of trustees to change the number of trustees to be not more than twenty-five nor less than five.

4. The names and post office addresses of the first trustees are as follows:

William P. Ford III  
44 Belleview Avenue  
Ossining, New York 10562

Martin Esteverena  
32 West 75<sup>th</sup> Street  
Apartment No. 3  
New York, New York 10023

Eva Goley  
14 Nansen Court  
Spring Valley, New York 10977

Jeffrey D. Thielman  
106A Kenny Cottle – Stuart House  
Boston College  
885 Centre Street  
Newton, Massachusetts 02459

Mary Claire Ryan  
Holy Child Middle School  
220 East Fourth Street  
New York, New York 10009

Frederick C. Mueller, F.S.C.  
Christian Brothers Center  
635 Ocean Road  
Narragansett, Rhode Island 02882-1314

Nora Cronin, P.B. V. M.  
Office of the New York Jesuit Provincial  
39 East 83<sup>rd</sup> Street  
New York, New York 10028

5. The corporation hereby created shall be a nonstock corporation organized and operated exclusively for educational purposes, as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), and no part of the net earnings or net income shall inure to the benefit of any member, trustee, director or officer of the corporation, or any private individual (except that reasonable compensation may

be paid for services rendered to or for the corporation), and no member, trustee, director or officer of the corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

6. Notwithstanding any other provision of these articles the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code).

7. No substantial part of the activities of the corporation shall be devoted to carrying on propaganda, or otherwise attempting to influence legislation, (except to the extent authorized by Internal Revenue Code section 501(h) as amended, or the corresponding provision of any future Federal tax code, during any fiscal year or years in which the corporation has chosen to utilize the benefits authorized by the statutory provision) and the corporation shall not participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of or in opposition to any candidate for public office.

8. Upon dissolution of the corporation, the board of trustees shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of the remaining assets of the corporation exclusively for one or more exempt purposes, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), or shall distribute the same to the Federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York in the judicial district where the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, organized and operated exclusively for such purposes, as said Court shall determine.

9. The address of the corporation shall be 378 East 151<sup>st</sup> Street, 5<sup>th</sup> Floor, Bronx, New York 10455.

10. The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served.

11. Such provisional charter will be made absolute if, within three years after the date when this charter is granted, the corporation shall acquire resources and equipment which are available for its use and support and which are sufficient and suitable for its chartered purposes in the judgment of the Regents of the University, and shall be maintaining an institution of educational usefulness and character satisfactory to the Regents. Prior to the expiration of said three-year period, an application for the extension of such provisional charter or for an absolute charter will be entertained by the Regents, but in the event that such application is not made, then at the expiration of said term of three years, and upon notice by the Regents, such provisional charter shall terminate and become void and shall be surrendered to the Regents.

**FAITH CHRISTIAN ELEMENTARY SCHOOL.** An application having been made by and on behalf of the trustees of Faith Christian Elementary School, for its provisional charter to be extended, it was

Voted, that the provisional charter of Faith Christian Elementary School, located in Brooklyn, county of Kings, state of New York, which was granted by action of the Board of Regents on September 17, 1999 be, and the same hereby is, extended until December 13, 2005;

and prior to that date, an application for the further extension of such provisional charter or for an absolute charter will be entertained by the Regents, but, in the event that such application is not made, then after December 13, 2005 and upon notice by the Regents, such provisional charter shall terminate and become void and shall be surrendered to the Regents.

**MANHATTAN CENTER FOR EARLY LEARNING.** An application having been made by and on behalf of the trustees of Manhattan Center for Early Learning, for its provisional charter to be extended, it was

Voted, that the provisional charter of Manhattan Center for Early Learning, located in city, county and state of New York, which was granted by action of the Board of Regents on November 3, 1995, nunc pro tunc to July 1, 1995; which provisional charter was extended by Regents action on December 20, 1996 and September 17, 1999 be, and the same hereby is, extended until December 13, 2005; and prior to that date, an application for the further extension of such provisional charter or for an absolute charter will be entertained by the Regents, but, in the event that such application is not made, then after December 13, 2005 and upon notice by the Regents, such provisional charter shall terminate and become void and shall be surrendered to the Regents.

**BARD COLLEGE.** An application having been made by and on behalf of the trustees of Bard College, for an amendment of its charter, it was

Voted, that the absolute charter in the first instance of Bard College, located in the city Red Hook, county of Dutchess and state of New York, which corporation was incorporated pursuant to the provisions of Chapter 89 of the Laws of 1860 under the corporate name "The Trustees of St. Stephen's College" on March 20, 1860; which absolute charter was amended pursuant to Chapter 125 of the Laws of 1860; Chapter 254 of the Laws of 1861; Chapter 196 of the Laws of 1865; Chapter 773 of the Laws of 1866; Chapter 206 of the Laws of 1920; Chapter 224 of the Laws of 1927; Chapter 316 of the Laws of 1934; and Chapter 669 of the Laws of 1939, and was amended by action of the Board of Regents on March 15, 1935 to change the corporate name to "Bard College" and on April 29, 1966 to restate the charter in its entirety; which corporation was merged with and absorbed Simon's Rock Early College, a Massachusetts not-for-profit corporation formed in 1964, pursuant to consent of the Regents granted on August 14, 1984; which absolute charter of such merged corporation was further amended by Regents action on September 14, 1990, May 21, 1993, September 19, 1997 and September 13, 2002 be, and the same hereby is, amended to add authority for the College to confer degree of Master of Fine Arts (M.F.A.) in New York City.

**THE GRADUATE SCHOOL OF FIGURATIVE ART OF THE NEW YORK ACADEMY OF ART.** An application having been made by and on behalf of the trustees of The Graduate School of Figurative Art of the New York Academy of Art, for an amendment of its charter, it was

Voted, that the provisional charter of The Graduate School of Figurative Art of the New York Academy of Art located in the city, county, and state of New York, which was granted by action of the Board of Regents on March 17, 1989; and which was amended by Regents action on June 24, 1994, and as amended, made absolute, be, and the same hereby is, amended to change the corporate name to "The New York Academy of Art."

**NEW YORK CHIROPRACTIC COLLEGE.** An application having been made by and on behalf of the trustees of the New York Chiropractic College, for an amendment of its charter, it was

Voted, that the provisional charter of the New York Chiropractic College located in the city, county, and state of New York, which was granted by action of the Board of Regents on March 25, 1977; which provisional charter was made absolute by Regents action on October 19, 1979; which absolute charter was amended by Regents action on May 19, 1989 be, and the same hereby is, amended to add authority for the College to confer the degrees of Bachelor of Professional Studies (B.P.S.) and Master of Science (M.S.).

**NEW YORK INSTITUTE OF TECHNOLOGY.** An application having been made by and on behalf of the trustees of the New York Institute of Technology, for an amendment of its charter, it was

Voted, that the provisional charter of New York Institute of Technology located in the city, county, and state of New York, which was granted by action of the Board of Regents on November 18, 1955; which provisional charter was provisionally amended by Regents action on March 1, 1957; which provisional charter was amended by Regents action on September 25, 1959, and January 28, 1960, and as so amended, extended; which provisional charter was made absolute by Regents action on April 27, 1962; which absolute charter was provisionally amended by Regents action on June 28, 1963, amended by Regents action on December 20, 1963, May 23, 1969, June 26, 1970, January 24, 1973 and February 28, 1974, provisionally amended by Regents action on March 26, 1976, amended by Regents action on June 24, 1977, July 29, 1977, September 21, 1979, December 16, 1983, September 21, 1984 and April 24, 1996 be, and the same hereby is, amended to add authority for the Institute to confer the degree of Doctor of Physical Therapy (D.P.T.).

**APPENDIX II**  
**REGENTS ACTIONS IN 119 PROFESSIONAL DISCIPLINE CASES**  
**AND 3 RESTORATION PETITIONS**

**December 12-13, 2002**

The Board of Regents announced disciplinary actions resulting in the revocation of 5 licenses, surrender of 11 licenses, and 103 other disciplinary actions. In addition, the Board acted upon 3 restoration petitions.

**I. REVOCATIONS AND SURRENDERS**

**Engineering and Land Surveying**

**Bruce Zaretsky a/k/a Boris Zaretsky**; Professional Engineer; 2020 Kings Highway, Brooklyn, NY 11229; Lic. No. 060982; Cal. No. 20383; **Application to surrender license granted. Summary:** Licensee did not contest charge of making false and misleading statements regarding his status with the New York City Department of Buildings in order to perform an unauthorized engineering inspection of the heating and cooling systems of a building.

**Massage Therapy**

**Vasilios Vasiliu**; 16 Salem Way, Glen Head, NY 11545; Lic. No. 013844; Cal. No. 20503; **Application to surrender license granted. Summary:** Licensee admitted to charge of having been convicted of Forcible Touching, a class A misdemeanor.

**Mark D. Brice**; 19 Coshway Place, Tonawanda, NY 14150; Lic. No. 011704; Cal. No. 20600; **Application to surrender license granted. Summary:** Licensee admitted to charge of willfully abusing three female patients.

**Nursing**

**Stephen John Russell**; Registered Professional Nurse; 25 East Maple Street, Central Islip, NY 11722; Lic. No. 448636; Cal. No. 17730; **Found guilty of professional misconduct; Penalty:** Revocation.

**Nancy Nichols**; Licensed Practical Nurse; 1698 Brooks Avenue, Rochester, NY 14624; Lic. No. 053366; Cal. No. 20320; **Application to surrender license granted. Summary:** Licensee admitted to charge of altering the registration certificate for her licensed practical nurse license to appear that she was licensed as a registered professional nurse and presenting it to her employer and executing the duties and responsibilities of a registered professional nurse when she was only licensed as a licensed practical nurse.

**Barbara Meller Maniaci**; Registered Professional Nurse; 344 Northfield Way, Camillus, NY 13031; Lic. No. 140823; Cal. No. 20581; **Application to surrender license granted. Summary:** Licensee did not contest charge of taking Nubain for herself without authorization.

**Judith Fornes Sommer**; Registered Professional Nurse; 840 Fairmont Street, North Tonawanda, NY 14120; Lic. No. 190173; Cal. No. 20598; **Application to surrender license granted. Summary:** Licensee did not contest charge of being dependent on alcohol.

### Pharmacy

**Thomas M. Allegra**; 33 Central Avenue, Westbury, NY 11590; 215 Alexander Avenue, Nesconset, NY 11767; Lic. No. 030673; Cal. No. 18464; **Found guilty of professional misconduct; Penalty:** Revocation.

**Ismael Sosa**; 36-36 167<sup>th</sup> Street, Flushing, NY 11358; Lic. No. 028127; Cal. No. 20423; **Application to surrender license granted. Summary:** Licensee admitted to charge of having been convicted of one count of narcotics conspiracy and twenty-nine counts of distribution and possession with intent to distribute hydromorhone, both Federal felonies.

**Gordon Brodwin**; 33 Morris Avenue West, Malverne, NY 11565; Lic. No. 021608; Cal. No. 20424; **Application to surrender license granted. Summary:** Licensee admitted to charge of having been convicted of one count of narcotics conspiracy and ten counts of distribution and possession with intent to distribute hydromorhone, both Federal felonies.

**Henry Magiet**; 19 Roland Drive, White Plains, NY 10605; Lic. No. 028513; Cal. No. 19924; **Found guilty of professional misconduct; Penalty:** Revocation.

### Podiatry

**Khadija Shakir**; 163 Executive Drive, New Hyde Park, NY 11040; Lic. No. 003058; Cal. No. 19099; **Found guilty of professional misconduct; Penalty:** Revocation.

**Jay H. Cohen**; 8173 Mizner Lane, Boca Raton, FL 33433; Lic. No. 004372; Cal. No. 20410; **Application to surrender license granted. Summary:** Licensee admitted to charge of having been convicted of Willful Failure to File a Return.

### Psychology

**Viola Wiegand**; 185 Clinton Avenue, Brooklyn, NY 11205; Lic. No. 001898; Cal. No. 18609; **Found guilty of professional misconduct; Penalty:** Revocation.

### Public Accountancy

**Kenneth Sirlin**; Certified Public Accountant; 32 Frost Creek Drive, Lattingtown, NY 11560; Lic. No. 037634; Cal. No. 20433; **Application to surrender license granted.**  
**Summary:** Licensee admitted to charge of having been convicted of Grand Larceny in the Third Degree, a class D felony.

### Speech-Language Pathology and Audiology

**Peter Bert Wisla**; Speech-Language Pathologist; 229 S Main Street, Janesville, WI 53545; Lic. No. 011189; Cal. No. 20560; **Application to surrender license granted.**  
**Summary:** Licensee did not contest charge of practice evidencing moral unfitness.

## II. OTHER REGENTS DISCIPLINARY ACTIONS

### Architecture

**Clarence A. Weigold, Jr.**; 5227 Myaka Valley Trail, Sarasota, FL 34241; Lic. No. 007226; Cal. No. 20094; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 21 months of suspension stayed, probation 24 months, \$3,500 fine.

**Brian Wayne Berry**; 199 Baltic Street, Brooklyn, NY 11201; Lic. No. 027760; Cal. No. 20178; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$1,000 fine.

### Chiropractic

**Bradley Stephen Leader**; 2115 West Genesee Street, Auburn, NY 13021; Lic. No. 008312; Cal. No. 20040; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, \$1,000 fine.

**Andrew Nicholas Mazzella**; 354 Downing Drive, Yorktown Heights, NY 10598; Lic. No. 007818; Cal. No. 20127; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 21 months of suspension stayed, probation 24 months, 50 hours of public service.

**Peter MacPherson**; P.O. Box 881, 5375 State Highway 7, Oneonta, NY 13820; Lic. No. 002175; Cal. No. 20271; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$1,000 fine.

**Patricia Ann Bubach**; P.O. Box 644 668 South Main Street, Central Square, NY 13036; Lic. No. 006748; Cal. No. 20274; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$500 fine.

### Dentistry

**Joseph V. Trumpatori**; 376 Moore Avenue, Oceanside, NY 11572; Lic. No. 033240; Cal. No. 19114; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$2,500 fine.

**Robert J. Marcovici**; 353 Veterans Memorial Highway, Commack, NY 11725; Lic. No. 022859; Cal. No. 20167; **Application for consent order granted; Penalty agreed upon:** \$1,000 fine, probation 1 year.

**David J. Zilka**; 301 Mohawk Street, Herkimer, NY 13350; Lic. No. 037326; Cal. No. 20223; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$1,500 fine.

**Abdullah A. Amin**; 33-04 91<sup>st</sup> Street, Jackson Heights, NY 11372; Lic. No. 042017; Cal. No. 20242; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of last 18 months of suspension stayed, probation 2 years.

**George Schnapp**; 150 Broad Hollow Road, Melville, NY 11747; Lic. No. 024642; Cal. No. 20301; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$2,000 fine.

**Thomas Kent**; 169-11 Union Turnpike, Flushing, NY 11366; Lic. No. 035064; Cal. No. 20318; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$1,500 fine.

**Nodari Davitashvili**; 98-10 64<sup>th</sup> Avenue, Rego Park, NY 11374; Lic. No. 048309; Cal. No. 20330; **Application for consent order granted; Penalty agreed upon:** 1 year suspension with leave to apply for early termination as set forth in consent order application – upon return to practice, probation 1 year, \$2,500 fine.

### Engineering and Land Surveying

**Henry P. Marek**; Professional Engineer; 187 Fordham Street, Bronx, NY 10464; Lic. No. 068242; Cal. No. 19740; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 23 months of suspension stayed, probation 24 months, \$3,000 fine.



### Landscape Architecture

**Michael J. Bonura;** 117 Martin Street, Syracuse, NY 13208; Lic. No. 000655; Cal. No. 20452; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$1,000 fine.

### Midwifery

**Sarah J. Parker;** 115 Allen Road, Albion, NY 14411; Lic. No. 000551; Cal. No. 18820; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution for the last 21 months of suspension stayed, probation 2 years.

### Nursing

**Judith Zorana Stratton;** Licensed Practical Nurse; 37 Mirin Avenue, Roosevelt, NY 11575; Lic. No. 225977; Cal. No. 18664; **Application for consent order granted; Penalty agreed upon:** 2 year suspension with leave to apply for early termination as set forth in consent order application, probation 2 years to commence upon return to practice.

**Genevieve Valdmemar;** Licensed Practical Nurse; 37 Columbo Drive, Deer Park, NY 11729; Lic. No. 236256; Cal. No. 19130; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 21 months of suspension stayed, probation 2 years.

**Marguerita Brice-Dorsica;** Licensed Practical Nurse; 255-26 149<sup>th</sup> Avenue, Rosedale, NY 11422; Lic. No. 242672; Cal. No. 19224; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 21 months of suspension stayed, probation 2 years.

**Therese Nicholas a/k/a Therese Barionette;** Licensed Practical Nurse, Registered Professional Nurse; 310 East 45<sup>th</sup> Street, Brooklyn, NY 11203; Lic. Nos. 218615, 489991; Cal. Nos. 19229, 19597; **Applications for consent orders granted; Penalty agreed upon:** Licensed Practical Nurse - 24 month suspension, execution of last 21 months of suspension stayed, probation 2 years; Registered Professional Nurse - Annulment of registered professional nurse license.

**Carole Louis a/k/a Carole Coriolan;** Licensed Practical Nurse; 4200 Avenue X, Brooklyn, NY 11210; Lic. No. 221708; Cal. No. 19268; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 21 months of suspension stayed, probation 2 years.

**Flora McGregor;** Licensed Practical Nurse; 720 Sackman Street, Brooklyn, NY 11212; Lic. No. 146650; Cal. No. 19473; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 21 months of suspension stayed, probation 2 years.

**Patricia Keane-Austin;** Licensed Practical Nurse; 14 Nagle Lane, Waddington Estate, Central Islip, NY 11722; Lic. No. 244064; Cal. No. 19476; **Dismissed.**

**Robert Laureano;** Licensed Practical Nurse, Registered Professional Nurse; 98 Olympia Boulevard, Staten Island, NY 10305; Lic. Nos. 214621, 435119; Cal. Nos. 19499, 19498; **Dismissed.**

**Donna M.M. Lane Burtis a/k/a Donna Burtis;** Licensed Practical Nurse; 908 A Village Drive, Ridge, NY 11961; Lic. No. 101384; Cal. No. 19800; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$500 fine.

**Wanda Sharpsteen;** Registered Professional Nurse; 286 Aycrigg Avenue, Passaic, NJ 07055; Lic. No. 391206; Cal. No. 19888; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years.

**Eric Brent Roy;** Registered Professional Nurse; 938 Owens Road, Calhoun, LA 71125; Lic. No. 456647; Cal. No. 19896; **Application for consent order granted; Penalty agreed upon:** Suspension for not less than 3 months and until terminated as set forth in consent order application – upon termination of suspension, probation 2 years to commence if and when return to practice.

**Janice Lopez a/k/a Janice L. Lopez;** Licensed Practical Nurse, Registered Professional Nurse; 3564 Kamhi Drive, Yorktown Heights, NY 10598; Lic. Nos. 259120, 509570; Cal. Nos. 19941, 19947; **Found guilty of professional misconduct; Penalty:** 36 month suspension, execution of last 33 months of suspension stayed, probation for last 33 months.

**David L. Delaney;** Licensed Practical Nurse, Registered Professional Nurse; 2530 East Maple Terrace, Marcellus, NY 13108; Lic. Nos. 110731, 285659; Cal. Nos. 19974, 19973; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$500 fine.

**Jacqueline Marie Pick;** Registered Professional Nurse; 6 New Street, Sherburne, NY 13460; Lic. No. 494203; Cal. No. 20033; **Application for consent order granted; Penalty agreed upon:** 2 year suspension with leave to apply for a stay of execution of any unserved portion of said suspension as set forth in consent order application – upon service or stay of execution of any unserved portion of the aforesaid suspension, probation 2 years, \$500 fine.

**Candida M. Eggers;** Registered Professional Nurse; 75 Palmer Street, Quincy, MA 02169; Lic. No. 385089; Cal. No. 20067; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 20 months of suspension stayed, probation 2 years.

**Jesse Grover**; Licensed Practical Nurse; 128 Adirondack Drive, Selden, NY 11784; Lic. No. 265492; Cal. No. 20071; **Application for consent order granted**; **Penalty agreed upon**: 1 year suspension, execution of suspension stayed, probation 1 year, \$250 fine.

**Gueldye M. Beaubrun**; Licensed Practical Nurse, Registered Professional Nurse; 7 Inwood Lane, Spring Valley, NY 10977; Lic. Nos. 213574, 439047; Cal. Nos. 20073, 20050; **Application for consent order granted**; **Penalty agreed upon**: 12 month suspension with leave to apply for early termination, upon service of three months of said suspension, as set forth in consent order application – upon service or termination of suspension, probation 2 years.

**Elizabeth Santiago-Rubio**; Licensed Practical Nurse; 296 Sheep Pasture Road, East Setauket, NY 11733; Lic. No. 240129; Cal. No. 20076; **Application for consent order granted**; **Penalty agreed upon**: 24 month suspension, execution of last 23 months of suspension stayed, partial suspension in certain area until terminated as set forth in consent order application, probation 2 years.

**Patricia Berezny**; Licensed Practical Nurse; P.O. Box 762, 192 Forge Road, Calverton, NY 11933; Lic. No. 242609; Cal. No. 20123; **Application for consent order granted**; **Penalty agreed upon**: 24 month suspension, execution of last 23 months of suspension stayed, probation 2 years.

**Christopher Alexander Rem**; Registered Professional Nurse; 93 Southbury Road, Clifton Park, NY 12065; Lic. No. 431087; Cal. No. 20162; **Application for consent order granted**; **Penalty agreed upon**: Censure and Reprimand, probation 2 years, \$1,000 fine.

**Suzanne T. Quartaro**; Registered Professional Nurse; 51 Wembly Road, Rochester, NY 14616; Lic. No. 392866; Cal. No. 20180; **Application for consent order granted**; **Penalty agreed upon**: Suspension until terminated as set forth in consent order application – upon termination of suspension, probation 2 years to commence upon return to practice, \$750 fine.

**Patricia A. Scarperi**; Registered Professional Nurse; 27 Hoofprint Road, Millbrook, NY 12545; Lic. No. 496979; Cal. No. 20191; **Application for consent order granted**; **Penalty agreed upon**: 2 year suspension, execution of suspension stayed, probation 2 years.

**Karen L. Pitcher**; Licensed Practical Nurse; 609 Church Street, Glen Park, NY 13601; Lic. No. 180581; Cal. No. 20202; **Application for consent order granted**; **Penalty agreed upon**: 24 month suspension, execution of last 18 months of suspension stayed, probation 2 years, 25 hours of public service.

**Patricia Ann Doherty**; Registered Professional Nurse; 764 Roseville Avenue, Staten Island, NY 10309; Lic. No. 384645; Cal. No. 20217; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$500 fine.

**Christina Mary Latimer**; Registered Professional Nurse; 67 Helms Hill Road, Washingtonville, NY 10992; Lic. No. 455769; Cal. No. 20253; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of last 21 months of suspension stayed, probation 2 years to commence when and if return to practice.

**David Harris Goldstein**; Licensed Practical Nurse; 11 Harmon Street, Long Beach, NY 11561; Lic. No. 225095; Cal. No. 20266; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$500 fine.

**Laurel G. Lennon**; Licensed Practical Nurse, Registered Professional Nurse; 189-19 122<sup>nd</sup> Avenue, St. Albans, NY 11412; Lic. Nos. 119380, 304185; Cal. Nos. 20278, 20019; **Application for consent order granted; Penalty agreed upon:** Suspension for not less than 3 months and until terminated as set forth in consent order application – upon termination of suspension, probation 2 years to commence upon return to practice.

**John B. Garcia**; Licensed Practical Nurse; 5438 Main Street, Lee Center, NY 13363; Lic. No. 224346; Cal. No. 20279; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$500 fine.

**Anna Smithmen a/k/a Anna Laura Mumford**; Licensed Practical Nurse; 9 Circuit Drive, Elmira, NY 14904; Lic. No. 255050; Cal. No. 20295; **Application for consent order granted; Penalty agreed upon:** Suspension until terminated as set forth in consent order application – upon termination of suspension, probation 2 years to commence upon return to practice, \$250 fine.

**Eric Michael Oberle**; Registered Professional Nurse; 31 Woodlawn Avenue, Poughkeepsie, NY 12601; Lic. No. 519115; Cal. No. 20296; **Application for consent order granted; Penalty agreed upon:** 3 month suspension with leave to apply, after service of 1 month of suspension, for early termination as set forth in consent order application – upon service or termination of suspension, probation 2 years, \$1,000 fine.

**Mildred Geraldine Yates**; Licensed Practical Nurse; 21 First Street, Troy, NY 12180; Lic. No. 233553; Cal. No. 20300; **Application for consent order granted; Penalty agreed upon:** Suspension until terminated as set forth in consent order application – upon termination of suspension, probation 1 year to commence upon return to practice.

**Helen M. Chesnut;** Registered Professional Nurse; 165 Webster Road, Scarsdale, NY 10583; Lic. No. 269875; Cal. No. 20305; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$500 fine.

**Cindy Lou Vandenberg;** Registered Professional Nurse; 6 Erie Manor Lane #1, Henrietta, NY 14467; Lic. No. 408112; Cal. No. 20306; **Application for consent order granted; Penalty agreed upon:** Suspension until terminated as set forth in consent order application – upon termination of suspension, probation 2 years to commence upon return to practice, \$750 fine.

**Kanise V. Brown;** Licensed Practical Nurse; 33 19<sup>th</sup> Avenue, Bay Shore, NY 11706; Lic. No. 245366; Cal. No. 20335; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$250 fine.

**Jacqueline Lois Hemingway;** Registered Professional Nurse; 78 Widener Lane, Southampton, NY 11968; 350 West 12<sup>th</sup> Street, New York, NY 10014; Lic. No. 514829; Cal. No. 20350; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$500 fine.

**Gabrielle Celanges;** Licensed Practical Nurse; 203 Dolce Street, Brentwood, NY 11717; Lic. No. 245635; Cal. No. 20361; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 21 months of suspension stayed, probation 2 years.

**Pierre Marie Dugue;** Licensed Practical Nurse; 832 Ocean Avenue, Brooklyn, NY 11226; Lic. No. 213102; Cal. No. 20362; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 21 months of suspension stayed, probation 2 years.

**Toni Ferello;** Licensed Practical Nurse, Registered Professional Nurse; 154 Village Drive, Hauppauge, NY 11788; Lic. Nos. 134915, 394292; Cal. Nos. 20381, 20382; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$1,000 fine.

**Yanick Descorbeth;** Licensed Practical Nurse; 128-01 160<sup>th</sup> Street, Jamaica, NY 11434; Lic. No. 247290; Cal. No. 20396; **Application for consent order granted; Penalty agreed upon:** 24 month suspension to commence on February 1, 2003 and terminate on April 30, 2003, execution of the balance of said suspension stayed, probation 2 years.

**William Howard Heath, Jr.;** Registered Professional Nurse; 60 Macey Lane, Plattsburgh, NY 12901; Lic. No. 490567; Cal. No. 20407; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of last 21 months of suspension stayed, probation 2 years, \$500 fine.

**Paulette Rebecca Lounse;** Licensed Practical Nurse, Registered Professional Nurse; 120 Benchley Place, Bronx, NY 10475; Lic. Nos. 221718, 445486; Cal. Nos. 20415, 20174; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$750 fine.

### Occupational Therapy

**Camille Ritchie;** Occupational Therapy Assistant; 124 Filors Lane, Stony Point, NY 10980; Cert. No. 003659; Cal. No. 20053; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years.

### Pharmacy

**Adewale Akinwunmi Esho;** 8 Stewart Court, Old Bridge, NJ 08857; Lic. No. 046570; Cal. No. 20030; **Application for consent order granted; Penalty agreed upon:** 12 month suspension, execution of last 9 months of suspension stayed, probation 1 year, \$2,500 fine.

**Ivette Ann Delerme;** 31-39 42<sup>nd</sup> Street, Astoria, NY 11103; Lic. No. 040016; Cal. No. 20095; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of first month and the last 22 months of suspension stayed, probation 24 months.

**Delvin Pharmacy, Inc. d/b/a Athenas Pharmacy;** 32-24 Steinway Street, Astoria, NY 11103; Reg. No. 017800; Cal. No. 20096; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$1,500 fine.

**Julio A. Delerme;** 38 Kenmore Street, Dix Hills, NY 11746; Lic. No. 027682; Cal. No. 20097; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 23 months of suspension stayed, probation 24 months, \$1,500 fine.

**Peter H. Emery, Jr.;** 408 Lamond Place, Utica, NY 13502; Lic. No. 038123; Cal. No. 20145; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$1,000 fine.

**Alla Nyurenberg;** 7 Topper Lane, Levittown, NY 11756; Lic. No. 044347; Cal. No. 20209; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$1,000 fine.

**Kew Gardens Pharmacy, Inc.;** 81-57 Lefferts Boulevard, Kew Gardens, NY 11415; Reg. No. 023105; Cal. No. 20210; **Application for consent order granted;** **Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$5,000 fine.

**Patrick Y.F. Yee-Chan;** 127 Ludwig Lane, East Williston, NY 11596; Lic. No. 030039; Cal. No. 20333; **Application for consent order granted;** **Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$1,000 fine.

**AAA Chemists, Ltd.;** Pharmacy; 97-02 101 Avenue, Ozone Park, NY 11416; Reg. No. 019007; Cal. No. 20347; **Application for consent order granted;** **Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years.

**Alfred A. Monaco;** 97-02 101 Avenue, Ozone Park, NY 11416; Lic. No. 030935; Cal. No. 20348; **Application for consent order granted;** **Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$500 fine.

**Christopher S. Desorbo;** 27 North Helderberg Parkway, Slingerlands, NY 12159; Lic. No. 041959; Cal. No. 20389; **Application for consent order granted;** **Penalty agreed upon:** 2 year suspension, execution of last 23 months of suspension stayed, probation 2 years, \$1,000 fine.

**William Y. Choi;** 103 New Brook Lane, Springfield, NJ 07081; Lic. No. 040949; Cal. No. 20438; **Application for consent order granted;** **Penalty agreed upon:** 2 year suspension, execution of last 21 months of suspension stayed, probation 2 years, \$5,000 fine.

**Buy-Rite Corp.;** Pharmacy; 185 Canal Street, New York, NY 10013; Reg. No. 021143; Cal. No. 20439; **Application for consent order granted;** **Penalty agreed upon:** \$10,000 fine, probation 2 years.

**Choi & Tam, Inc. d/b/a Buy-Rite Pharmacy II;** Pharmacy; 106-110 Lafayette Street, New York, NY 10013; Reg. No. 024994; Cal. No. 20440; **Application for consent order granted;** **Penalty agreed upon:** \$10,000 fine, probation 2 years.

**Lawrence R. Wheelock;** 104 Smithfield Drive, Endicott, NY 13760; Lic. No. 033108; Cal. No. 20537; **Application for consent order granted;** **Penalty agreed upon:** Suspension for not less than 6 months and until terminated as set forth in consent order application – upon termination of suspension, probation 2 years.

#### Physical Therapy

**Gai-Fu W. Yang;** 133-29 41<sup>st</sup> Road, Flushing, NY 11355; Lic. No. 008180; Cal. No. 19728; **Found guilty of professional misconduct;** **Penalty:** 3 year suspension, execution of last 2 years of suspension stayed.

**Alpine Home Physical Therapy, P.C.;** 4851 Candy Lane, Manlius, NY 13104; Cal. No. 20143; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year.

**Michael Patrick McGee;** 4851 Candy Lane, Manlius, NY 13104; Lic. No. 014015; Cal. No. 20144; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$1,500 fine.

**Psychology**

**Bernard Mackler;** 5 Lenox Place, Scarsdale, NY 10583; Lic. No. 003064; Cal. No. 20190; **Application for consent order granted; Penalty agreed upon:** 24 month suspension, execution of last 23 months of suspension stayed, probation 24 months, \$2,000 fine.

**Public Accountancy**

**Robert J. Futerman;** Certified Public Accountant; 1217 Estates Lane, Bayside, NY 11360; Lic. No. 036482; Cal. No. 19833; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of last 23 months of suspension stayed, probation 24 months, \$5,000 fine.

**Ross John Schnitzer;** Certified Public Accountant; 550 Mamaroneck Avenue, Harrison, NY 10528; Lic. No. 058626; Cal. No. 20192; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$2,500 fine.

**Richard Sterling Kondub;** Certified Public Accountant; 550 Mamaroneck Avenue, Harrison, NY 10528; Lic. No. 064799; Cal. No. 20193; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$2,500 fine.

**Schnitzer & Kondub, C.P.A., P.C.;** 550 Mamaroneck Avenue, Harrison, NY 10528; Cal. No. 20195; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$2,500 fine.

**Jean-Louis Vorburger;** Certified Public Accountant; 575 Madison Avenue, New York, NY 10022; Lic. No. 049094; Cal. No. 20208; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$2,500 fine.

**David M. Peretz;** Certified Public Accountant; 73 Robert Drive, New Rochelle, NY 10804; Lic. No. 026043; Cal. No. 20245; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$1,500 fine.



**Seymour Eisengart**; Certified Public Accountant; 84-01 Main Street, Jamaica, NY 11435; Lic. No. 017972; Cal. No. 20359; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$1,500 fine.

**Edward Kelly**; Certified Public Accountant; 12 Highland Street W, Massapequa, NY 11758; Lic. No. 044269; Cal. No. 20527; **Application for consent order granted; Penalty agreed upon:** 3 year suspension; and then be placed on probation 3 years.

### Social Work

**Arlene I. Pack**; 127 Brunswick Street, Jersey City, NJ 07302; Lic. No. 029403; Cal. No. 17299; **Application for consent order granted; Penalty agreed upon:** Suspension for no less than 3 years and until terminated as set forth in consent order application – upon termination of suspension, probation 2 years.

**Rom Kovalsky**; 312 Seventh Street, Brooklyn, NY 11215; Lic. No. 039506; Cal. No. 19730; **Found guilty of professional misconduct; Penalty:** 7 year suspension, execution of last 6½ years of suspension stayed, probation for last 6½ years.

**Kathleen Manning Mullon**; 65 Le Brun Avenue, Amityville, NY 11701; Lic. No. 037399; Cal. No. 20017; **Application for consent order granted; Penalty agreed upon:** 5 year suspension, execution of suspension stayed, probation 2 years.

**Maureen Grace Robidoux**; 42 Highland Down, Shoreham, NY 11786; Lic. No. 040894; Cal. No. 20334; **Application for consent order granted; Penalty agreed upon:** Suspension for no less than 3 months and until terminated as set forth in consent order application – upon termination of suspension, probation 1 year to commence upon return to practice, \$500 fine.

**Collin Quammie**; 26 Jennifer Lane, Hartsdale, NY 10530; Lic. No. 045741; Cal. No. 20387; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$3,000 fine.

**David A. Pilliod**; 1175 Godfrey Lane, Schenectady, NY 12309; Lic. No. 015729 Cal. No. 20388; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of last 12 months of suspension stayed, probation 2 years, \$1,000 fine.

### Veterinary Medicine

**Jane Benson**; 85 North Main Street, Bainbridge, NY 13733; Lic. No. 001737; Cal. No. 19966; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of last 23 months of suspension stayed, probation 2 years.

**Robert Bellinger**; 70 Walling Road, Port Crane, NY 13833; Lic. No. 003156; Cal. No. 19980; **Application for consent order granted; Penalty agreed upon:** 2 year suspension, execution of suspension stayed, probation 2 years, \$1,000 fine.

**Richard Southgate Smith**; Sherburne Turnpike, New Berlin, NY 13411; Lic. No. 002354; Cal. No. 20163; **Application for consent order granted; Penalty agreed upon:** 1 year suspension, execution of suspension stayed, probation 1 year, \$1,000 fine.

### **III. RESTORATIONS**

The Board of Regents voted on December 13, 2002 to deny the petition for restoration of the physician license of Shahid M. Siddiqui, 6387 Route 41, Homer, NY 13077. Dr. Siddiqui's license was originally revoked effective March 20, 1995.

The Board of Regents voted on December 13, 2002 to stay the order of revocation of the physician license of Jean J. Labaze, 1120 E. Jersey Street, Elizabeth, NJ 07201, for five years, place him on probation for five years under specified terms and conditions, and upon successful completion of the probationary period, fully restore his license. Dr. Labaze's license was originally revoked effective January 15, 1997.

The Board of Regents voted on December 13, 2002 to stay the order of revocation of the physician license of Lorenzo T. Teruel, 2818 Harlem Road, Buffalo, NY 14216, for five years, place him on probation for five years under specified terms and conditions, and upon successful completion of the probationary period, fully restore his license. Dr. Teruel's license was originally revoked effective May 16, 1996.