

OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF NOVEMBER 14, 2017

REGULAR BUSINESS MEETING

TRANSCRIPTION NOTE (Exhibit A):

Anderson Reporting Service, 3242 West Henderson Road, Suite A, Columbus, OH 43220 was the transcription service for this meeting. Transcript is attached as Exhibit A.

ATTENDANCE (Exhibit B):

Tommy Taneff, Chairperson

Clara Osterhage, Vice-Chairperson

Luke Hanks

Tasha Sheipline

NeCole Cumberlander

Charles Penzone

Rowena Yeager

Staff in attendance:

Christopher H. Logsdon, Executive Director

Lori Pearson, Deputy Director

Lori Flanery, Program Administrator 1

Charley Yaniko, Board in-house counsel

Assistant Attorney General in attendance:

Daniel Murry, Assistant Attorney General

Others in Attendance:

Jennifer Lambert, Aveda Institute Columbus

Bernadine Neal, Columbus Downtown H.S.

Jill Vogel, ARS

Tim Hornsby, Western Hills

Angela Hodges, Western Hills School of Beauty

Elizabeth Murch, Ohio Salon Association

Liz Spencer, Moler Pickens Beauty Academy

Cindy Bowsher, Apollo Career Center

Melinda Williams, Madison Adult Career Center

Emily Harrison, Kenneth's

Angela Ramsay, WCSCC

Mike Batchelor, Mithchell's

Danellia Givens,

Matt Wells, ODE

Michael Schuh

Agenda item #1: CALL MEETING TO ORDER

Mr. Taneff called the meeting to order at 1:00 p.m.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and seven members were present. Having noted a majority of members were present, Mr. Taneff proceeded to have the Board conduct business.

Agenda item 1b: Pledge of Allegiance to the Flag of the United States of America

Following the roll call, Mr. Taneff asked members to stand and recite the Pledge of Allegiance to the Flag of the United States of America. Members and audience rose and recited the Pledge of Allegiance.

Agenda item 1c: Approval of Meeting Agenda (Exhibit C)

Motion #1: Ms. Osterhage moved to approve the meeting agenda for November 14, 2017. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken – motion carried: 7 – 0.

Agenda item #2: APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit D)

Agenda item 2a: Approval of Previous Meeting Minutes (Exhibit D)

Mr. Logsdon stated that motion #19 of the September 15, 2017 minutes needed corrected by striking “#99” and inserting “98” to read “excluding items #98 and #128.”

Motion #2: Ms. Cumberlander moved to approve the meeting minutes of September 15, 2017 with correction to motion #19 as read. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7– Yes.

Agenda item #3: OFFICER AND STAFF REPORTS (Exhibit E)

Agenda item 3a: Chairperson’s Report

Mr. Taneff had no report.

Agenda item 3b: Executive Director’s Report (Exhibit E)

Mr. Logsdon filed a written report. Mr. Logsdon provided a brief verbal review of his report.

Mr. Logsdon provided the Board with a summary of FY 2018 financial activity since the beginning of the fiscal year. Mr. Logsdon stated that the Board had incurred a number of expenses relating to the merger of the Ohio State Board of Cosmetology and the Ohio State Barber Board. Mr. Logsdon provided a list of those expenses and asked the Board to affirm those expenditures as necessary for the advancement of those projects.

Mr. Logsdon provided a legislative update on H.B. 189, S.B. 129, and H.B. 289.

Next, Mr. Logsdon provided an update on the Elicense 3.0 project, noting that system testing will begin on February 26, 2018 with a planned go-live date of April 22, 2018. Mr. Logsdon also provided the Board with a list of enhanced services being tested in the new system.

Last, Mr. Logsdon reported on travel he incurred and meetings he attended since the Board's meeting in September 2017.

Discussion: None.

Agenda item 3c: Deputy Director's Report

Ms. Pearson gave a verbal report. Ms. Pearson discussed the Annual School Overview, which was held on November 13, 2017. Ms. Pearson stated the overview was open to all schools and the Board staff presented information on updated testing requirements, areas of scoring that examinees commonly fail, laws and rules, and paperwork submissions. Ms. Pearson stated that approximately 230 persons attended the overview. Next, Ms. Pearson stated that the office had a booth at the Columbus Premier Beauty Classic where Board staff answered questions concerning licensing, handed out information concerning continuing education requirements, and explained the necessity to keep information updated in the licensing system.

Motion #3: Ms. Osterhage moved to approve the Executive Director's and Deputy Director's Report. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7- Yes.

Motion #4: Ms. Osterhage moved to approve the necessity of expenditures presented by the Executive Director and attached hereto. Ms. Shepline seconded the motion. Discussion: Mr. Logsdon noted that he provided the members with an attachment. Roll call vote taken - motion carried: 7- Yes.

Agenda item #4: COMMITTEE REPORTS

Agenda item 4a: Administrative Review Committee Report (Exhibit F)

Mr. Taneff asked Mr. Logsdon to present the Administrative Review Committee (ARC) report. Mr. Logsdon reported that the committee met on November 7, 2017 at 3:19 PM and a written report and recommendations of the Administrative Review Committee are presented as written.

**Names and identifying information were redacted from the Administrative Review Report. For the purposes of discussion, matters were referred to only by case number and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes where specific reference or motion is entered upon the board's journal.*

Motion #5: Ms. Shepline moved to confirm the Administrative Review Committee (ARC) report, as referenced hereto by attachment to the minutes of the Board. Ms. Osterhage seconded the motion. Discussion: Ms. Osterhage inquired why the committee report contained so many recommendations to amend inspection reports. Mr. Logsdon provided a number of possible explanations. He noted that the committee had not held a meeting for two months. Mr. Logsdon noted that the Inspection Supervisor does use the ARC report to individually educate staff. Mr. Logsdon explained that the committee often amends the report for specificity based on in-house counsel review, but the citation provided is generally correct. Ms. Osterhage inquired if inspectors were counseled. Mr. Yaniko stated that many of the amendments are related to Chapter 4713-15 of the Administrative, which should improve after the new rules become effective. No further discussion. Roll call vote taken - motion carried: 7 - Yes.

Agenda item 4b: Rules Review Committee Report (Exhibit G)

Mr. Hanks gave a report on the activity of the Rules Committee. Mr. Hanks stated that the Rules Committee met on October 2, 2017 and on November 6, 2017 to consider new and amended rule recommendations by staff. On October 2, 2017, Mr. Hanks reported that the committee considered four rules. The first rule considered was a new rule 4713-19-15, titled "Temporary Chemical Tanning Facilities." Mr. Hanks stated that the committee moved to recommend rule 4713-19-15 to the Board for consideration. Next, the committee reviewed amended rule 4713-7-09, titled "Out of state license holder applications for Ohio licenses." Mr. Hanks reported that the committee failed to reach a decision and tabled the rule. Next, the committee reviewed amended rule 4713-21-03. Mr. Hanks stated that the committee moved to recommend rule 4713-21-03 to the Board for consideration. Last, the committee considered new rule 4713-1-16, titled "Abandoned/Incomplete Applications." Mr. Hanks stated that the committee moved to recommend rule 4713-1-16 to the Board for consideration.

On November 6, 2017, Mr. Hanks reported that the committee considered four rules. The first rule considered was amended rule 4713-7-09, titled "Out of state license holder applications for Ohio licenses." Mr. Hanks stated that the committee moved to recommend rule 4713-7-09 to the Board for consideration. Next, the committee reviewed amended rule 4713-21-03. Mr. Hanks stated that the committee moved to recommend rule 4713-21-03 to the Board for consideration. Next, the committee considered new rule 4713-1-17, titled "Fees." Mr. Hanks stated that statute now requires the Board to establish its fees in rule and the committee moved to recommend rule 4713-1-17 to the Board for consideration. Last, the committee considered amended rule 4713-21-06, titled "Applying for inactive licensure status and temporary work permit." Mr. Hanks stated that the committee moved to recommend rule 4713-21-06 to the Board for consideration.

Agenda item 4c: Curriculum Review Committee Report (Exhibit H)

Ms. Sheipline reported that the Curriculum Review Committee met on October 27, 2017 to discuss the development of an instructor's curriculum as required under S.B. 213. Ms. Sheipline stated that the committee considered all of the things that were essential to an instructor curriculum. Ms. Sheipline stated that the committee did not include content. Ms. Sheipline stated that the committee considered a 300 hours of training program that would cover state laws and rules, special learning needs, distance learning, and different learning modalities. Ms. Sheipline stated that the committee also believes the examination requirements should only be theory and not practical.

Discussion: Mr. Hanks inquired where the 300 hour required was derived. Ms. Sheipline stated the committee looked at a number of state requirements, which ranged from 100 – 300 hour and the committee ultimately settled on 300 hours. Mr. Hanks asked what other states require. Ms. Sheipline stated that some states required much more. Ms. Sheipline stated that some of those had a lot of content specific hours. She stated that the committee did not believe scope content was necessary since these are persons already licensed in their fields. Mr. Hanks agreed that the content part might be unnecessary. Mr. Hanks inquired how NACCAS would play into the discussion. Mr. Hanks explained that NACCAS would likely expect the program to be accredited. Ms. Sheipline stated that NACCAS would be more oriented to private schools. Mr. Hanks recommended having Ms. Vogel, NACCAS commissioner for Ohio attend a meeting. Mr. Hanks said that he would try to get something in writing that lays out the requirements. Ms. Sheipline stated that she would support a recommendation to table the matter.

Motion #6: Ms. Osterhage moved to approve the Rules Review Committee and the Curriculum Review Committee reports. Ms. Yeager seconded the motion. Discussion: none. Roll call vote taken - motion carried: 7– Yes.

Agenda item #5: PUBLIC TESTIMONY (Exhibit I)

Tim Hornsby:

Mr. Hornsby introduced himself and provided his address for the record. Mr. Hornsby explained that he had received an email that told recipients to take action. Mr. Hornsby stated that the email indicates that Ohio public schools already graduate students at

1,000 hours in cosmetology. Mr. Hornby stated that if it (the email) was “true”, then vocational schools are violating Ohio law and the state Board and officers should investigate if it is true. If it’s not true, Mr. Hornsby asked the AAG and agency counsel to take action. Mr. Hornsby stated that over 100,000 licensees are being lied to or perpetrated fraud because they are being forced to take action. Mr. Hornsby asked the Board and the AGs office to look into the truthfulness of the matter and for members of the Board, who are members of the originating association, to recuse themselves.

Agenda item #6: UNFINISHED BUSINESS

None.

Agenda item #7: OLD BUSINESS

Agenda item 7a: COS/BRB merger update

Mr. Logsdon provided the Board with an update on the implementation plan approved by the Board on July 19, 2017, to merge the Ohio State Board of Cosmetology and the Ohio State Barber Board on January 21, 2018. Mr. Logsdon stated that both agencies have been working together to implement the approved plan. Mr. Logsdon stated that, together with numerous other agencies, the implementation team has been diligently working on all aspects of the plan. Additionally, the Board has been working with other state agencies to account for, address, and implement all other changes or steps needed to accomplish the merger, including agencies with expertise or direct responsibility in administrative, human resource, fiscal, records, assets, information technology, budget, and legal requirements to complete the merger. Mr. Logsdon stated that 90% of the plan should be complete by the end of December, 2017.

Mr. Logsdon stated that the facility is undergoing a buildout to accommodate the Barber Board’s staff and the move date is November 28, 2017. Between November 28, 2017 and January 21, 2018, the Ohio State Barber Board, Mr. Logsdon stated, would function autonomously within the offices of the Ohio State Board of Cosmetology. Mr. Logsdon discussed transitioning the Ohio State Barber Board’s inspection process from a paper-based system to an electronic system. Last, Mr. Logsdon discussed the Elicense 3.0 project and the planned design to meet the requirements of the merged Board, cutover dates for fiscal, IT, and status of personnel moving from the Ohio State Barber Board.

Mr. Hanks inquired about Board members. Mr. Logsdon stated that he was not aware of any appointments to the current Board, other than the Governor’s office is working on the appointments.

Agenda item 7b: National Examination RFP Update

Mr. Logsdon informed the members that the RFP was issued and proposals were collected and evaluated based on criteria established in the RFP. Mr. Logsdon stated that Ms. Osterhage and Ms. Shepline participated as evaluators. Mr. Logsdon stated that the contract would not be public until it is awarded.

Agenda item #8: NEW BUSINESS

Agenda item 8a: Proposed rules (Exhibit J collective):

Mr. Logsdon was asked to briefly review the rule being recommended. Mr. Logsdon reviewed and spoke to the following proposed rules:

Amendments:

Rule 4713-7-09 of the Administrative Code (Amend)
Rules 4713-21-03 of the Administrative Code (Amend)
Rules 4713-21-06 of the Administrative Code (Amend)

New:

Rule 4713-1-16 (New)
Rules 4713-1-17 (New)
Rule 4713-19-15 (New)

Some discussion followed the presentation of rules.

Motion #7: Ms. Yeager moved to approve proposed rules listed for filing with the Office of Common Sense Initiative after obtaining stakeholder comments, followed by JCARR pending an affirmative CSI recommendation, including final filing or refiling as may be necessary. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7-0.

The following rules will be filed:

Amendments:

Rule 4713-7-09 of the Administrative Code (Amend)
Rules 4713-21-03 of the Administrative Code (Amend)
Rules 4713-21-06 of the Administrative Code (Amend)

New:

Rule 4713-1-16 (New)
Rules 4713-1-17 (New)
Rule 4713-19-15 (New)

Agenda item 8b: Instructor Curriculum Review

Tabled.

Based upon earlier discussion, Mr. Penzone inquired if NACCAS needs to be compliant with the Ohio Board of Cosmetology rules and regulations or is the Board required to modify its rules to comply with NACCAS.

Mr. Logsdon responded, stating that there was not an easy answer to Mr. Penzone's question. Mr. Logsdon stated some would argue that a Board should create regulations that allow persons to function in their environment. NACCAS, Mr. Logsdon added, has prevailing standards for the purpose of accreditation and obtaining financial aid. Mr. Logsdon stated that a rule that does not allow persons to function in this environment (referring to accreditation and financial aid) could exclude those persons. Mr. Logsdon stated that the Board does not have any obligation meet NACCAS requirements, but he would propose a more inclusive rule. Ms. Sheipline stated that the proposed curriculum presented would not qualify for financial aid, unless combined with something else. Ms. Sheipline stated that 600 hours is the Department of Education standard. Ms. Sheipline implied that a 300 hour program in her environment could be accredited, but she would need to combine it with, say an advanced curriculum, to qualify for financial aid. Ms. Sheipline agreed that the Board should create a curriculum that works for public and private schools. Mr. Hanks voiced concern with the expense of NACCAS and the possibility of limiting available programs. Mr. Hanks stated that he wanted to be sure the Board doesn't create a situation that inadvertently limits instructor availability. Ms. Osterhage clarified whether it's a rule or law. Mr. Logsdon stated the Board would be adopting the curriculum. No further discussion.

Agenda item 8c: Forms Approval (Exhibits K)

Mr. Logsdon stated that the two forms being presented had been part of the Board's meeting material for the September Board meeting; however, the motion made by the members did not mention the forms. Mr. Logsdon stated that he was refileing the forms for consideration.

Motion #8: Ms. Shepline moved to approve revised forms: Request for Duplicate License -COS064, and Request for Duplicate Boutique Registration -COS069. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7-0.

Agenda item 8d: Reports and Recommendations

Agenda item 8(d)(1) - In the matter of Herman Upshaw, III, AUTH.011225, Case #2017-24 (Exhibit L)

Motion #9: Ms. Shepline moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of Herman Upshaw, III, AUTH.011225, Case #2017-24. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 – Yes.

Agenda item 8(d)(2) - In the matter of The Sy Le, MANA.023065, Case #2017-157 (Exhibit M)

Motion #10: Ms. Osterhage moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of The Sy Le, MANA.023065, Case #2017-157. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 – Yes.

Agenda item 8(d)(3) - In the matter of Fabiola Cardenas-Ordonez, COSA.154110, Case #2017-307. (Exhibit N)

Motion #11: Ms. Osterhage moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of Fabiola Cardenas-Ordonez, COSA.154110, Case #2017-307. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 – Yes.

Agenda item 8(d)(4) - In the matter of Aida Ndao, COS.168849, Case #2017-452 (Exhibit O)

Motion #12: Ms. Osterhage moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of Aida Ndao, COS.168849, Case #2017-452. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes, – Recused, Hanks.

Agenda item 8(d)(5) - In the matter of Nary Sot, MANA.127688, Case #2017-500 (Exhibit P)

Motion #13: Mr. Hanks moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of Nary Sot, MANA.127688, Case #2017-500. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 – Yes.

Agenda item 8e: Corrections to Previously Approved Orders of the Board

None.

Agenda item 8f: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 - #57) – (Exhibit Q collective)

Motion #14: Ms. Shepline moved to approve Orders of the Board as listed as items #1 through item #57 on the Administrative Action Report dated 11-14-2017 and the Orders to be journalized and attached hereto as exhibits. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - Yes

The Orders of the Board shall become effective upon the date of mailing of the Orders.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

Agenda item 8g: Consent Agreement Approval

Names and identifying information were redacted from the Administrative Action Report. For the purposes of discussion, matters were referred to only by case number and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes where specific reference or motion is entered upon the board's journal.

Agenda item 8(g)(1): Consent Agreement Approval (Items #58 – #121) (Exhibit R collective)

Motion #15: Mr. Hanks moved to approve the Consent Agreements as items #58 through item #121 on the Administrative Action Report dated 11-14-2017 and enter them upon the Board's journal as an Order of the Board and attached hereto as exhibits. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - Yes.

The Orders of the Board shall become effective upon the date of mailing of the Order.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

Agenda item 8(g)(2): Consent Agreement Approval – In the Matter of Case 2017 - 434 (Exhibit S)

Motion #16: Mr. Hanks moved to approve the consent agreement in the matter of Case 2017-434 (R.L.O., Inc., AUTH.170300). Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes, 1 – Abstained, Osterhage.

Agenda item 8(g)(3): Consent Agreement Approval – In the Matter of Case 2017 - 525 (Exhibit T)

Motion #17: Ms. Osterhage moved to approve the consent agreement in the matter of Case 2017-525 (Custom Skin Studio, OTH.175501). Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes, 1 – Recused, Hanks.

Agenda item 8(g)(4): Consent Agreement Approval – In the Matter of Case 2017 - 741 (Exhibit U)

Motion #18: Ms. Osterhage moved to approve the consent agreement in the matter of Case 2017-741 (Studio Wish Salon, COSS.110479). Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes, 1 – Recused, Yeager.

Agenda item #9 EXECUTIVE SESSION

None.

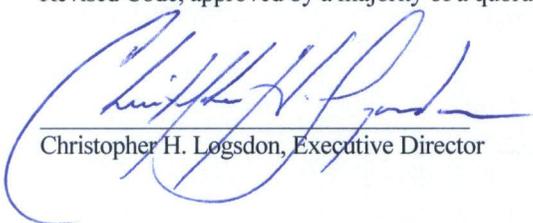
Agenda item #10 ADJOURNMENT

Mr. Taneff called for a motion to adjourn. Ms. Osterhage asked to address the Board. Ms. Osterhage stated that she is very interested in having the Board consider transitioning to an electronic system to replace paper used for the Board meetings. Ms. Osterhage stated that it would save paper and staff time. Mr. Taneff stated that he has used electronic systems with the Funeral Board. Mr. Logsdon stated that he supports the move, but recommends that the Board wait until after the merger is complete.

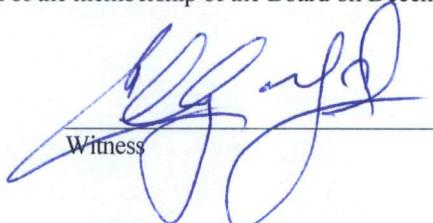
Motion #19: Mr. Hanks moved to adjourn. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7- Yes.

The meeting adjourned at 2:05 p.m.

Executive Director’s Certification: These are a true account of the proceedings in accordance with Section 121.11 of the Ohio Revised Code, approved by a majority of a quorum of the membership of the Board on December 12, 2017.



Christopher H. Logsdon, Executive Director



Witness