
OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF July 14, 2015

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.

MEMBERS IN ATTENDANCE (Exhibit B):

Thomas Taneff, Chairman

Steven Thompson, Vice Chairman

Luke Hanks

Tasha Sheipline

Shalini Gupta, M.D. (arrived at 1:11 PM)

Clara Osterhage

Staff in attendance:

Christopher H. Logsdon, Executive Director

Lori Pearson, Program Administrator 2

Lori Flanery, Program Administrator 1

Assistant Attorney General in Attendance:

Federico G. Barrera, III, Assistant Attorney General

Others in Attendance:

Bernadine P. Neal, CDHS

Melinda Williams, Madison Adult

Angela Ramsay, Wayne County Schools Career Center

Liz Spencer, Moler Beauty Academy

Elizabeth Murch, OSA

Don Yearwood, OACS

Emily Harrison, Kenneths

Lena Austin

Leslie Kennebrew

Theresa Mathis

Agenda item #1: CALL MEETING TO ORDER (Exhibit C)

Mr. Taneff called the meeting to order at 1:02 pm.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and five were present. Having noted a majority of members were present, Mr. Taneff proceeded to conduct business. Dr. Gupta was not present during roll call, but later arrived at 1:11 PM, making a total number of six members present. Ms. Benfer and Mr. Penzone were not in attendance and excused.

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 the July 14, 2015 Board meeting. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 5 – 0.

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

Agenda item 2a: Approval of Previous Meeting Minutes

Motion #2: Ms. Shepline moved to approve the June 9, 2015 meeting minutes. Ms. Osterhage seconded the motion. Discussion: None Roll call vote taken - motion carried: 5 – 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 submitted a written report. He verbally reviewed the following issues:

1. FY 2015 Financial Report – Mr. Logsdon reported that FY 2015 ended on June 30, 2015. He reported the Board completed the fiscal year within budget and encumbered funds for FY 2015 will need to be paid by November 2015. Mr. Logsdon also addressed FY 2016 allotments, but reported no expenditures.
2. Mr. Logsdon reported on Sub. H.B. 64, the Budget bill. Mr. Logsdon reported on the final funding for the Ohio State Board of Cosmetology and the proposal to merge the Ohio State Board of Cosmetology and the Ohio Barbers Board contained in the Senate version of Sub. H.B. 64, stating the proposal was not retained in the final version. Mr. Logsdon reported the final version of the budget bill requires the Ohio State Board of Cosmetology to go through Sunset review in FY 2016.
3. Mr. Logsdon reported that the agency had completed a review and analysis of building lease options and has decided to continue contracting for the existing property. Mr. Logsdon stated the rent costs will increase by \$31,200.00 in FY 2016 and FY 2017, but thereafter the costs should only increase in increments of approximately 3% biennially.
4. Mr. Logsdon reported on the OCSEA contract and Parity pay increases of the next three years. Mr. Logsdon reviewed the pay changes for E-2 and E1 exempt employees.
5. Last, Mr. Logsdon provided an update on strategic plan items: (1) Administrative Code Rule Revisions, (2) Administrative Action Procedures, and (3) Business Friendly Policy Development.

Dr. Gupta arrived at 1:11 p.m.

Discussion: Ms. Osterhage inquired about the Sunset Review process. Mr. Logsdon stated that he had only been through Sunset Review one time. Mr. Logsdon indicated the Sunset Review Committee, from recollection, was a joint committee that looks at the necessity of governance and can conclude that an entity should be "sunsetted" or eliminated, modified, or merged with other similarly related entities. Any recommendations from the Committee could result in a bill being introduced. Ms. Osterhage asked if it was standard to conduct this type of review. Mr. Logsdon responded it was for new agencies, the legislature can add agencies to the list of entities scheduled for review.

Motion #3: Mr. Thompson moved to approve the Executive Director's report. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes.

Agenda item #4: COMMITTEE REPORTS

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

Mr. Taneff asked Mr. Logsdon to present the Administrative Action Committee (ARC) Report. Mr. Logsdon reported that the ARC met on July 7, 2015 to review case closures, proposed notices of opportunity for hearing amendments, proposed notices of opportunity for hearing withdrawals, proposed corrections to Board Orders, and Consent Agreements. Mr. Logsdon reviewed each case listed in the ARC report

Motion #4: Ms. Osterhage moved to confirm the Administrative Action Committee (ARC) Report, as referenced hereto by attachment to the minutes of the Board, and Mr. Taneff's actions taken on behalf of the Board contained therein pursuant to his authority under resolution #1, March 10, 2015. Mr. Hanks seconded the motion. Discussion: None No further discussion. Roll call vote taken - motion carried: 6 – Yes.

Agenda item 4b: Curriculum Committee Report

Mr. Taneff asked Ms. Shepline to report on the Curriculum Committee. Ms. Shepline reported the curriculum committee met prior to the Board meeting to go over the proposed manager's curriculum. The committee, she reported, needed more data before moving forward with any curriculum revisions. Ms. Pearson was asked to comment. Ms. Pearson stated the manager's curriculum reflects all of the advanced training in color, cutting, and so forth. The curriculum did not include, she stated, training in skin care or nail care. Ms. Pearson stated the committee is considering advanced training in these areas.

Agenda item 4c: License Taskforce Report

Mr. Taneff asked Mr. Thompson to give a report on the License Taskforce. Mr. Thompson reported the license taskforce met at 8 a.m. prior to the board meeting. He stated Ms. Osterhage, himself, and Ms. Emily Harrison were present along with staff. The meeting, he stated, concluded at 9:30 a.m. Mr. Thompson stated the taskforce took up the issue of license portability. Mr. Thompson stated the law requires a license to be conspicuously displayed; however, licensees face challenges when they work in multiple locations. Mr. Thompson stated the taskforce is looking into methods that would satisfy the legal requirement to conspicuously display a license while affording portability. The taskforce, he stated is recommending that the Board offer the ability, through rule, to use an electronic verification format as an alternative to issuing a physical license. In addition, Mr. Thompson stated, the committee is recommending that the current rule be amended to permit the use of the cosmetology wallet sized I.D. and a photo I.D. for proof of current licensure.

Agenda item 4d: Violation Grid Workgroup Report

Mr. Hanks was asked to report on the Violation Grid Workgroup. Mr. Hanks reported that the workgroup, consisting of member Penzone, himself, and members of the staff met over the past few weeks to review the violation grid that inspectors use as guidance to issue violations and the subsequent fines. Mr. Hanks stated that the workgroup made some sensible alterations to the agency's current guidance, such as issuing warnings in certain circumstances versus a fine for a first time offense. Mr. Hanks recommended that the Board vote to approve the new "Violation Guidance Grid" document.

Mr. Taneff added that the workgroup looked at all of the rules and all of the violations and penalties. The workgroup, he stated, made decisions on whether to leave the current guidance alone, or adjust the penalty up or down, taking into consideration the violation and what really warrants a penalty. Mr. Taneff stated that he was very astonished with the work of the group, given this project had been on the Board's "back burner" for some time. Mr. Taneff complimented his fellow members of the workgroup.

Motion #5: Mr. Thompson moved to approve the Curriculum Committee Report, the License Taskforce Report, and the Violation Grid Workgroup Report. Ms. Shepline seconded the motion. Discussion: Ms. Shepline noted an error on page 13, item 4713-5-23, stating the text was missing. Members discussed the error and if the motion on the table was to approve the reports or the guidance document. Determining the motion was to approve the committee, taskforce, and workgroup reports, Mr. Taneff called the question. Motion carried: 6 – 0.

Agenda item #5: PUBLIC TESTIMONY

Teresa Merriweather

Mr. Taneff inquired if Ms. Merriweather was present. Seeing no person rise, Mr. Taneff then called Theresa Mathis.

Theresa Mathis

Mr. Taneff asked Ms. Mathis to introduce herself. Ms. Mathis stated her full name and stated she was representing herself from Cincinnati. Ms. Mathis stated she was a licensed cosmetologist and managing cosmetologist. Her address was given. Ms. Mathis stated that she was concerned about the profession in Cincinnati and after discussing the state of the profession with many salons in her area determined a regional hair show might be beneficial for the profession. Ms. Mathis stated she was appearing before the Board to advise the member of her plans and to introduce them to it. Ms. Mathis proposed a June 2016 date. Ms. Mathis stated she has a team together and is now advising the Board of the project.

Mr. Thompson inquired if she had distributors participating. Ms. Mathis stated she is planning on getting distributors involved for professional products, including color, relaxers, and others. Mr. Thompson recommended that she (Ms. Mathis) work with the Board staff on CE offerings. Ms. Mathis affirmed that the program would include CE offerings.

Ms. Sheipline applauded Ms. Mathis' efforts for going into the neighborhoods and finding out what the stylists in Cincinnati need. Ms. Sheipline said it was "a great idea" and an awesome way to showcase Cincinnati's talent.

Mr. Taneff also applauded Ms. Mathis for her efforts.

Agenda item #6 UNFINISHED BUSINESS

None.

Agenda item #7: OLD BUSINESS (Exhibit G)

Mr. Logsdon provided a verbal report on the missing text.

Motion #6: Ms. Osterhage moved to approve the Violation Guidance Matrix, revision date 7-7-2015. Ms. Sheipline seconded the motion. Discussion: None. Motion carried: 6 – 0.

Agenda item #8: NEW BUSINESS

Agenda item 8a: Kimberly Washington

Mr. Taneff inquired if Ms. Washington was present. Seeing no person rise, Mr. Taneff moved to agenda item #8b, Approval of the Violation Guidance Matrix.

Agenda item 8b: Approval of Violation Guidance Matrix (Exhibit G)

See motion #6, Old Business.

Agenda item 8c: Hearing Examiner Report and Recommendation:

In the matter of Lucy Noelle Beauty Salon and Day Spa COSS.070822, Case #2014-1099 (Exhibit H)

Motion #7: Ms. Osterhage moved to approve the hearing examiner's findings of fact in the matter of Lucy Noelle Beauty Salon and Day Spa, COSS.070822, Case #2014-1099. Dr. Gupta seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #8: Ms. Osterhage moved to approve the hearing examiner's conclusions of law in the matter of Lucy Noelle Beauty Salon and Day Spa, COSS.070822, Case #2014-1099. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #9: Ms. Osterhage moved to approve the hearing examiner's recommended Order of the Board in the matter of Lucy Noelle Beauty Salon and Day Spa, COSS.070822, Case #2014-1099 to impose a \$300.00 fine, based upon mitigating factors, including Ms. Schnar's health condition and Ms. Schnar's attempts to remedy the licensure problem prior to the inspection. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

The Order will be entered upon the Board's journal and attached hereto as an exhibit to the proceedings.

In the matter of Lesia M. McHugh, COSM.811709, Case #2015-57 (Exhibit I)

Motion #10: Mr. Thompson moved to approve the hearing examiner's findings of fact in the matter of Lesia M. McHugh, COSM.811709, Case #2015-57. Mr. Hanks seconded the motion. Discussion: Ms. Osterhage raised concerns over the findings of fact in this case, stating that the hearing examiner did not find that the station inspected by the Board's inspector was actually the respondent's station. Additionally, the findings of fact appears to assume items were used, reused, etc. based on observations like the files being worn down and that they look like they had been used multiple times. Ms. Osterhage stated that she had concerns with the assumptions that lead to the determination of guilt. Mr. Hanks stated that he did not entirely disagree, but the examiner in this case also looked at pictures taken by the inspector. Ms. Osterhage responded, stating the respondent stated used items were going to be recycled. Ms. Osterhage stated that the inspector's case did not use firm language. No further discussion. Roll call vote taken. Motion carried: 5 – Yes, 1 – abstained (Ms. Osterhage).

Motion #11: Mr. Hanks moved to approve the hearing examiner's conclusions of law in the matter of Lesia M. McHugh, COSM.811709, Case #2015-57. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #12: Mr. Hanks moved to approve the hearing examiner's recommended Order of the Board in the matter of Lesia M. McHugh, COSM.811709, Case #2015-57 to impose a \$500.00 fine. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 5 – Yes, 1 – abstained (Ms. Osterhage).

The Order will be entered upon the Board's journal and attached hereto as an exhibit to the proceedings.

Agenda item 8d: Correction to Previously Approved Orders, item #1 (Exhibit J)

Motion #13: Ms. Osterhage moved to approve the corrections to Board Orders as listed as "Corrections Needed" on the COS-Issue Report NOV Business + Credential, dated June 26, 2014 – June 26, 2015, specifically item #1, and the Order to be journalized and attached hereto as an exhibit. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 - 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 8e: Board Orders to Approve Settlement Agreements (Items #2 - #45)
(Exhibit K collective)

Motion #14: Ms. Osterhage moved to approve the Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated June 26, 2014 – June 26, 2015 as items #2 - #45 and the Orders be journalized and attached hereto as exhibits. The motion was seconded by Ms. Sheipline. Discussion: None. Roll call vote taken. Motion carried: 6 - 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 8f: Board Orders to Enforce Notice of Violation (Items #46 - #57) (Exhibit L collective)

Motion #15: Ms. Osterhage moved to approve the Settlement Agreement Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated June 26, 2014 – June 26, 2015 as items #46- #57 and the Orders to be journalized and attached hereto as an exhibit. The motion was seconded by Ms. Sheipline. Discussion: None. Roll call vote taken. Motion carried: 8 - 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 #9 EXECUTIVE SESSION

Mr. Taneff moved to enter Executive Session pursuant to R.C. 121.22 (G)(1) for the purpose of considering the promotion of a public employee. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote:

Thomas Taneff - Yes

Steven Thompson - Yes

Luke Hanks - Yes

Tasha Sheipline - Yes

Shalini Gupta, M.D. - Yes

Clara Osterhage - Yes

Motion carried. Visitors were excused. All members of the Board were present during Executive Session. Mr. Logsdon and Mr. Barrera were asked to remain in the room for Executive Session. The Board entered Executive Session at 1:49 p.m. and returned to public session at 2:07 p.m.

Mr. Taneff read the following resolution:

WHEREAS, The Board is authorized under O.R.C. 4713.06 to employ staff as necessary to administer Chapter 4713 of the Revised Code, and

WHEREAS, The Board has identified need to employ a Deputy Director or other similarly titled position for the purpose of assisting the Executive Director in defining agency goals and objectives, develop policies and procedures, direct agency operations in the area of examinations and customer services.

BE IT RESOLVED, that the Board proposes to promote Lori Pearson to the position of Deputy Director I or similar position, subject to appropriate approvals and authorizations by the Ohio Department of Administrative Services and the Ohio Office of Budget and Management. Further, the Board directs the Executive Director to initiate the appropriate steps to carry out this objective and provide report to the Board on progress toward meeting the objective.

Motion #16: Ms. Osterhage moved to adopt the resolution as read. Mr. Hanks seconded the motion. Discussion: Mr. Taneff expressed his personal opinion that the board is blessed to have an incredible board, court reporter, Assistant Attorney General, and staff administrators. Mr. Taneff stated the board has a great team and it is successful because it is a "Team." Mr. Taneff stated it should be emulated by every other state board in Ohio. Mr. Taneff expressed his appreciation for a great job performed by all and by Ms. Pearson. No further discussion. Motion carried: 6 – 0.

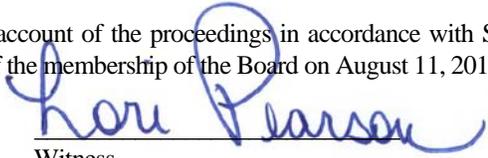
Agenda item #10 ADJOURNMENT

Motion #17: Ms. Osterhage moved to adjourn. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes.

The meeting adjourned at 2:11 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 August 11, 2015.


Christopher H. Logsdon, Executive Director


Lori Pearson
Witness