

---

# OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

## Contents

|  |   |   |
|--|---|---|
| <b>TRANSCRIPTION NOTE (Exhibit A):</b> | .....   | 2 |
| <b>ATTENDANCE (Exhibit B):</b>         | .....   | 2 |
| <b>Agenda item #1:</b>                 | <b>CALL MEETING TO ORDER</b> .....  | 3 |
| Agenda item 1a:                        | Roll Call .....   | 3 |
| Agenda item 1b:                        | Pledge of Allegiance to the Flag of the United States of America.....   | 3 |
| Agenda item 1c:                        | Approval of Meeting Agenda (Exhibit C).....   | 3 |
| <b>Agenda item #2:</b>                 | <b>APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit D)</b> .....   | 4 |
| Agenda item 2a:                        | Approval of Previous Meeting Minutes (Exhibit D).....   | 4 |
| <b>Agenda item #3:</b>                 | <b>OFFICER AND STAFF REPORTS (Exhibit E)</b> .....  | 4 |
| Agenda item 3a:                        | Chairperson’s Report.....   | 4 |
| Agenda item 3b:                        | Executive Director’s Report (Exhibit E) .....   | 4 |
| <b>Agenda item #4:</b>                 | <b>COMMITTEE REPORTS</b> .....  | 5 |
| Agenda item 4a:                        | Administrative Review Committee Report (Exhibit F).....   | 5 |
| <b>Agenda item #5:</b>                 | <b>PUBLIC TESTIMONY</b> .....   | 5 |
| -                                      | <b>Pat Dihn, Ohio Cosmo School</b> .....  | 5 |
| <b>Agenda item #6:</b>                 | <b>UNFINISHED BUSINESS</b> .....  | 6 |
| <b>Agenda item #7:</b>                 | <b>OLD BUSINESS</b> .....   | 6 |
| <b>Agenda item #8:</b>                 | <b>NEW BUSINESS</b> .....   | 6 |
| Agenda item 8a:                        | <b>Appointment of Executive Director (Exhibit G)</b> .....  | 6 |
| Agenda item 8b:                        | Proposed Rule Rescission (Exhibit H) .....  | 6 |
| Agenda item 8c:                        | Tanning Certified Operator Training Course Packet (Exhibit I).....  | 6 |
| Agenda item 8d:                        | Request to Waive ID Card Non-Issuance for License Classified as<br>Inactive – Sandra Hillard (Exhibit J)..... | 7 |
| Agenda item 8e:                        | Hearing Officer Report and Recommendation.....  | 7 |
| Agenda item 8f:                        | Correction to Previously Approved Orders of the Board .....   | 8 |
|  | <b>CORR - 1</b> .....   | 8 |
|  | <b>CORR - 2</b> .....   | 8 |
| Agenda item 8g:                        | Board Orders to Enforce Notices of Opportunity for Hearing (Items<br>#1 - #19) – (Exhibit K collective).....  | 8 |

|                        |   |   |
|------------------------|---|---|
| Agenda item 8h:        | Board Orders to Approve Settlement Agreements (Items #20– #29)<br>(Exhibit L collective)..... | 8 |
| <b>Agenda item #9</b>  | <b>EXECUTIVE SESSION</b> .....  | 9 |
| <b>Agenda item #10</b> | <b>EXECUTIVE SESSION</b> .....  | 9 |

OFFICIAL BOARD MEETING MINUTES OF January 10, 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):**

- Thomas Taneff, Chairperson
- Clara Osterhage, Vice Chairperson
- Rowena Yeager
- NeCole Cumberlander
- Luke Hanks
- Tasha Sheipline
- Dr. Shalini Gupta

**Staff in attendance:**

- Christopher H. Logsdon, Executive 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:**

Angela Hodges, The Hornsby Group

Tim Hornsby, The Hornsby Group

Gwen Holland, Sports Clips

Emily Harrison, Kenneth's

Michael Schuh, Michaels Salon

Bernadine Neal, COHS

Deborah Moore

Jill Wells

Pat Dinh, Ohio Cosmo

Elizabeth Murch, Ohio Salon Association

**Agenda item #1: CALL MEETING TO ORDER**

Mr. Taneff called the meeting to order at 1:04 p.m.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and six members were present. Having noted a majority of members were present, Mr. Taneff proceeded to conduct business. Dr. Gupta later arrived at 1:11 p.m, bringing the total membership to seven members present.

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.

Before considering the agenda for the meeting, Mr. Taneff welcomed two new board members: NeCole Cumberlander and Rowena Yeager. Mr. Taneff took a moment to introduce both members and reviewed their backgrounds.

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

Motion #1: Ms. Osterhage moved to approve the meeting agenda for January 10, 2017. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - carried: 6 – 0.

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

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

Mr. Taneff inquired of counsel if new members could vote on a motion approving prior meeting minutes. Based on advice provided, Mr. Taneff proceeded with consideration of the previous meeting minutes.

Motion #2: Ms. Shepline moved to approve the meeting minutes of December 13, 2016. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6- 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 verbal review of his report.

Mr. Logsdon reported that the Board had entered its final month of licensing renewal and provided an estimate on the daily call volume. Additionally Mr. Logsdon provided the Board with current renewal statistics.

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

Next, Mr. Logsdon reviewed 4713-8-11 stating the rule was an emergency rule that was scheduled to expire on January 10, 2017. Mr. Logsdon reported that the permanent rule would not go into effect until approximately February 16, 2017. To maintain the current policy on issuance of temporary event salon licenses, Mr. Logsdon recommended that the Board authorize the continuance of processing temporary event salon applications at a reduced fee of \$10.00 until the permanent rule takes effect.

Next, Mr. Logsdon stated that a one-hour course on laws and rules updates was being created. Mr. Logsdon reported that the course would be similar to the Board's online human trafficking course. Mr. Logsdon stated that the completed program would be submitted to the Board at the February 2017 meeting.

Last, Mr. Logsdon reviewed the Board's three-year strategic plan and provide the members with a status report on each action item.

Discussion: Ms. Osterhage inquired if the Board would be back to completing a five-year review on its rules. Mr. Logsdon explained that the Board's pre-Am.Sub. S.B. 213 plan was to go through every chapter of the rules. Mr. Logsdon stated that rules amended relative to Am. Sub. S.B. 213 included five year updating, but at the completion the Board would begin scheduling the rules according to the plan. Ms. Osterhage inquired if the Ohio Revised Code requires rules to be reviewed every five years. Mr. Logsdon affirmed that it did. Mr. Logsdon stated that Ohio law requires a review whether or not the rule is amended. Mr. Logsdon stated that reviewed rules would be given a new five-year review date.

Motion #3: Ms. Shepline moved to approve the Executive Director's Report. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7- Yes.

Motion #4: Ms. Osterhage moved to approve continued processing of temporary event salon license application at a reduced fee of \$10.00 until the permanent rule takes effect. Mr. Hanks seconded the motion. Discussion: None. 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 ARC met on January 3, 2017. Mr. Logsdon then reviewed the ARC's recommendation for each case listed in the ARC report. Mr. Logsdon provided additional detail on recommendations associated with rule 4713-1-07 of the Ohio Administrative Code, specifically case 2016-636. Discussion: Ms. Osterhage inquired about case #2009-1256 and its age. Mr. Logsdon responded stating the staff determined while addressing a question from the licensee in this matter that the documentation for service on the Board Order and Notice of Opportunity for Hearing did not indicate each was valid. Ms. Osterhage inquired if the staff missed something in this case. Mr. Logsdon stated that he could not characterize the issue as "missing something." Instead, Mr. Logsdon stated that documentation did not exist to support the prescriptive service required by 119.07 of the Revised Code.

Mr. Taneff took a moment to explain the Administrative Review Committee to new members.

*\*Names and identifying information was redacted from the Administrative Review Report. For the purpose 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: Mr. Hanks moved to confirm the Administrative Review Committee (ARC) report, as referenced hereto by attachment to the minutes of the Board. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 - Yes.

#### **Agenda item #5: PUBLIC TESTIMONY**

- Pat Dihn, Ohio Cosmo School

Mr. Dihn provided his name and address for the record. Mr. Dihn stated that he addressed the Board at the last meeting concerning the influx of licensees from Florida. Mr. Dihn stated that he obtained a bachelor degree, a master's degree, and became an expert in acrylic and artificial nails, but when he learned that licensees were buying licenses from Florida for \$500 he did not think it was fair. Mr. Dihn stated that he really wants the Board Director and the Board to consider the issue, stating that he continues to speak to the Board for three minutes each meeting, but if nothing is done about the issue, it could be permanent and have a negative impact on schools. Mr. Dihn described these individuals as presenting competition for business. Mr. Dihn pressed the Board to consider the matter.

Motion #6: Ms. Osterhage moved to approve the following resolution:

**WHEREAS**, pursuant to Section 4713.06 of the Ohio Revised Code, the Ohio State Board of Cosmetology (hereafter "the Board") shall annually appoint an Executive Director,

**BE IT RESOLVED** that:

The Board hereby appoints Christopher H. Logsdon as the Board's Executive Director.

Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

**Agenda item #6: UNFINISHED BUSINESS**

None.

**Agenda item #7: OLD BUSINESS**

None.

**Agenda item #8: NEW BUSINESS**

Agenda item 8a: Appointment of Executive Director (Exhibit G)

Mr. Taneff noted that the Board already moved on the appointment of the Executive Director.

Agenda item 8b: Proposed Rule Rescission (Exhibit H)

Mr. Logsdon provided the membership with a copy of proposed rule 4713-3-10. Mr. Logsdon explained that the proposed rule was presented as part of the rule changes made related to Am. Sub. S.B. 213, but was missed in the earlier filings. Mr. Logsdon reported that the staff is double checking each rule identified. Mr. Logsdon stated that rule 4713-3-10 is no longer necessary.

Motion #7: Mr. Hanks moved to propose rescinding rule 4713-3-10 and to file the proposed rule with the Office of Common Sense Initiative after obtaining stakeholder comments, followed by filing with JCARR pending an affirmative CSI recommendation, including refiling the rule as may be necessary. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

Agenda item 8c: Tanning Certified Operator Training Course Packet (Exhibit I)

Mr. Logsdon stated that the packet represented a training course update for tanning certification and it was being presented for review and approval. Mr. Logsdon asked Mr. Yaniko to explain the primary changes. Mr. Yaniko stated the Board used to grant continuing education credit to licensees for completing tanning training, but due to Am. Sub. S.B. 213 the Board is no longer able to provide credit for the course. Mr. Yaniko stated that it was because new law requires five of the eight hours of continuing education be directly related to the scope of the license held. In addition, Mr. Yaniko explained that the old approval process required a fee, which was permitted since it was under the continuing education requirements; however, based on Am. Sub. S.B. 213, the Board no longer has the authority to charge a fee for this type of training.

Discussion: Ms. Osterhage asked if the Board charges a fee. Mr. Yaniko responded that the Board did require a fee, but only for courses the Board can approve for continuing education credit. Mr. Logsdon reiterated Mr. Yaniko's conclusions. Ms. Sheipline noted that the application before the Board still uses the phrase "CE hours." Ms. Sheipline asked if that phrase should be changed. Mr. Logsdon inquired if member Sheipline was recommending replacing the phrase with, for example, "education provider." Ms. Sheipline affirmed Mr. Logsdon's suggestion. Mr. Logsdon recommended approving the form with the change that any reference to CE hours would be changed to use the word "course."

Motion #8: Ms. Sheipline moved to approve the Certified Tanning Operator Training Course, form #COS012, revised 1-10-2017 with changes recommended. Ms. Yeager seconded the motion. Discussion: Mr. Hanks asked if tanning operators were even required to complete continuing education. Mr. Yaniko responded that a tanning operator is required to complete a certified training course for certified operators. Ms. Sheipline stated that the training must be repeated every four years. Mr. Hanks referenced the last page of the form, which led him to believe two separate issues were being discussed. Mr. Logsdon indicated the last page of the form would be updated to replace the use of the term "CE" with the word "Course." Mr. Hanks inquired if there was another form to address the four-year requirement. Ms. Sheipline stated that the form under consideration would be for training providers and attendees of the course would receive a certificate of completion as proof they have taken the training. Ms. Osterhage recommended that the staff remove the specific email address on page 2 and provide a general email address. No further discussion. Roll call vote taken - Motion carried: 7 – Yes

Agenda item 8d: Request to Waive ID Card Non-Issuance for License Classified as Inactive – Sandra Hillard (Exhibit J)

Mr. Taneff asked Mr. Logsdon to introduce the matter. Mr. Logsdon stated item 8d is a request filed by an individual who is asking the Board to issue an ID card to her for her inactive license. Mr. Logsdon stated he provided the Board with a written background on why the policy on issuance of an ID card changed. Mr. Logsdon stated that current law, particularly once Sub. S.B. 213 was enacted, permits the Board to issue an ID card or electronic license to persons with a practicing license, instructor license, independent contractor license, or boutique registration. The definition of each of these terms, he explained, allows persons holding these licenses to practice in a licensed facility. An "Inactive" license, Mr. Logsdon explained, is not an active practicing license and does not allow a person to practice in a licensed facility. The "Inactive" license, Mr. Logsdon stated, is for someone who may want to practice in the future, but it is not what he considers to be a "practicing license." Mr. Logsdon stated that the Board can consider the reason why the I.D. card issuance policy was changed and the licensee's request. Mr. Logsdon stated the matter was entirely a discretionary issue for the Board.

Discussion: Ms. Sheipline inquired about the advantage of placing a license in an "Inactive" classification. Ms. Sheipline stated that the license would continue to be renewed every two years and a fee of \$45.00 paid, but the licensee would not need to complete the eight hours of continuing education, because they are not practicing. Mr. Logsdon affirmed Ms. Sheipline's understanding. Also, Mr. Logsdon added, there is a cap on the number of hours that would need to be completed after so many years of being classified as "Inactive." Ms. Sheipline asked if a licensee in another state could complete their continuing education in another state in order to reinstate the license to a practicing license. Mr. Logsdon affirmed Ms. Sheipline's understanding. Mr. Logsdon pointed out that a practicing license, from the State's perspective, has to do with the ability to practice in the State of Ohio in a licensed facility and provide services that are defined under statute. Mr. Logsdon stated that the reasons for needing a license, in this case, are about something the Board has no jurisdiction over. Ms. Sheipline, directing her comments to the Chair, stated that she would not want to issue an inactive license and hang it on a wall, giving a customer the assumption it is an active license, so she understands why the Board did what it did. Ms. Sheipline stated that she just wanted to make sure that a person who is classified as inactive and living in another state could obtain an active license without a huge obstacle. Mr. Hanks added that he would not support changing the policy. Mr. Hanks inquired if a motion was necessary. Mr. Taneff stated as a question to Mr. Logsdon, "if we don't make a Motion, then the item dies?" Mr. Logsdon affirmed.

Agenda item 8e: Hearing Officer Report and Recommendation

None.

Agenda item 8f: Correction to Previously Approved Orders of the Board

**CORR - 1**

Motion #9: Mr. Hanks moved to approve an Order to vacate the Order of the Board listed as item #9 on the December 13, 2016 on the December 2, 2015 to December 2, 2016 report. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

**CORR - 2**

After discussion on the motion needed, Mr. Logsdon read the motion. Mr. Hanks moved the motion as read

Motion #10: Mr. Hanks moved to approve an Order to Vacate the Order of the Board in the matter listed on “COS – Issue Report NOV Business + Credential” dated 12/02/2015 to 12/02/2016 report as item #13, December 13, 2016 and approve CORR-2, case 2016-549, Order of the Board with corrected violation of OAC 4713-15-15 (B) and fine \$250 fine. The Board Order will be journalized and attached hereto as an exhibit Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

Agenda item 8g: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 - #19) – (Exhibit K collective)

Motion #11: Ms. Osterhage moved to approve Orders of the Board as listed on “COS – Issue Report NOV Business + Credential” dated 1/04/2015 – 1/04/2017 as items #1 through item #19 and the Orders to be journalized and attached hereto as exhibits entered upon the Board’s journal. 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 8h: Board Orders to Approve Settlement Agreements (Items #20- #29) (Exhibit L collective)

Motion #12: Ms. Cumberlander moved to approve the Consent Agreements as listed on “COS – Issue Report NOV Business + Credential” dated 1/04/2015 – 1/04/2017 as items #20 through item #29 and the entered upon the Board’s journal as Orders of the Board and attached hereto as exhibits entered upon the Board’s journal. Ms. Osterhage 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 #9 EXECUTIVE SESSION**


None.

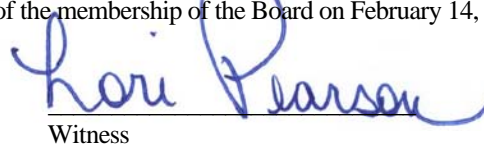
**Agenda item #10 EXECUTIVE SESSION**

Motion #13: Ms. Osterhage moved to adjourn. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7- Yes.

The meeting adjourned at 2:00 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 February 14, 2017.

  
\_\_\_\_\_  
Christopher H. Logsdon, Executive Director

  
\_\_\_\_\_  
Witness