

---

# OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

## Contents

<b>TRANSCRIPTION NOTE (Exhibit A):</b> .....	2
<b>MEMBERS IN ATTENDANCE (Exhibit B):</b> .....	2
<b>Agenda item #1: 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: APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit D)</b> .....	4
Agenda item 2a: Approval of Previous Meeting Minutes (Exhibit D) .....	4
<b>Agenda item #3: 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: COMMITTEE REPORTS</b> .....	5
Agenda item 4a: Administrative Action Committee Report (Exhibit F) .....	5
<b>Agenda item #5: PUBLIC TESTIMONY</b> .....	5
<b>Agenda item #6 UNFINISHED BUSINESS</b> .....	6
<b>Agenda item #7: OLD BUSINESS</b> .....	6
<b>Agenda item #8: NEW BUSINESS</b> .....	6
Agenda item 8a: Forms Approval (Exhibit G collective) .....	6
Agenda item 8b: Elicense 3.0 Policy Decision .....	7
Agenda item 8c: ORC 4713.32 – Violation Guidance Matrix Update .....	8
Agenda item 8d: Residential Salon Application (Exhibit H) .....	8
Agenda item 8e: Rule Amendments: proposed OAC 4713-21-06 (F) and 4713-21-09 (G) (Exhibit I collective) .....	9
Agenda item 8f: Executive Director’s Performance Review (Exhibit I collective) .....	9
Agenda item 8g: Hearing Examiner’s Report and Recommendation .....	10
<b>R&amp;R – 1: In the matter of Hot Nails Salon, MANS141402, Case #2015-620 (Exhibit J)</b> .....	10
Agenda item 8h: Correction to Previously Approved Orders of the Board .....	10
<b>CORR – 1: In the matter of Hair Razors, COSS.120575, Case #2015-365 (Exhibit K)</b> .....	10

Agenda item 8i:	Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 - #16) – (Exhibit L collective) .....	11
	<b>CORR – 1: In the matter of Ohio Cosmo Beauty Academy, SCHL.000634, Case #2015-365 (Exhibit M) .....</b>	<b>11</b>
	<b>Board Orders to Enforce Notices of Opportunity for Hearing (Exhibit L collective) .....</b>	<b>12</b>
Agenda item 8j:	Board Orders to Approve Settlement Agreements (Items #17– #53) (Exhibit N collective) .....	12
<b>Agenda item #9</b>	<b>EXECUTIVE SESSION .....</b>	<b>12</b>
<b>Agenda item #10</b>	<b>ADJOURNMENT .....</b>	<b>12</b>

Official BOARD MEETING MINUTES OF April 12, 2016

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

Clara Osterhage, Vice Chairman

Steven Thompson

Luke Hanks

Charles Penzone

Tasha Sheipline

Valerie Benfer

Dr. Shalini Gupta (arrived at 1:06 pm)

**Staff in attendance:**

Christopher H. Logsdon, Executive Director

Lori Pearson, Deputy Director

Lori Flanery, Program Administrator 1

**Assistant Attorney General in attendance:**

Federico G. Barrera, III, Assistant Attorney General

**Others in Attendance:**

Susan Eiselstein, Cosmetology Manager

Tim Hornsby, The Hornsby Group

Angela Hodges, The Hornsby Group

Tracy Graf, Penta COS Teacher

Alissa Good, Ohio State Beauty Academy

Courtney Wesselman, SportsClips

Liz Spencer, Moler Beauty Academy

Emily Harrison, Kenneth's

Bunny Neal, CDHS

**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 conduct business. Dr. Gupta was not in attendance.

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)

Mr. Taneff inquired if members had reviewed the agenda. Members affirmed. Mr. Taneff inquired if there were any modifications to the agenda. Mr. Logsdon stated one additional form had been placed under item 8 (a) for consideration. Noted.

Motion #1: Ms. Osterhage moved to approve the meeting agenda for the April 12, 2016 Board meeting. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - carried: 7 – 0.

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

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

Motion #2: Ms. Osterhage moved to approve the March 8, 2016 meeting minutes. Mr. Penzone 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 began his report, but then the Chairperson interjected that Dr. Gupta had joined the meeting at 1:06 p.m. Mr. Logsdon then continued. Mr. Logsdon submitted a written report. He verbally reviewed the following issues:

1. Mr. Logsdon reviewed the Board's FY 2016 financial activity for the dates 7-1-2015 through 4-4-2016. Mr. Logsdon reported that the agency completed three quarters of the current fiscal year and that he anticipates the agency will complete the fiscal year within budget. Mr. Logsdon reported that he conducted a review of the current funding to determine if the agency had funding for unplanned expenditures. Mr. Logsdon listed the following: unbudgeted rent costs of \$18,000, computer upgrades to move to the office 365 platform and for computer obsolescence. Mr. Logsdon reminded members that capital expenditures over \$1000 must be approved by the Board.

Ms. Osterhage inquired if the agency was PCI compliant. Mr. Logsdon affirmed.

2. Mr. Logsdon informed members that he met with the Office of Common Sense Initiative on March 22, 2016 to review rules filed. CSI provided no specific timeline for completing a recommendation, but indicated they would be diligently moving toward a recommendation. Mr. Logsdon stated he would be seeking a modification to rule 4713-21-06 under New Business. Additionally, Mr. Logsdon reported he and staff were working on addition rules.

Dr. Gupta arrived at 1:06 p.m.

3. Next, Mr. Logsdon reported on the status of H.B. 227 and S.B. 213.
4. Mr. Logsdon provided members with an update on the E-license 3.0 project. First, Mr. Logsdon reported on a mailer the Board recently sent out to targeted licensees and all active and "Active in Renewal" Salons requesting specific data, including personal information. Mr. Logsdon explained the rationale behind collecting these data. Mr. Logsdon stated the system build was still ongoing and user acceptance testing was currently scheduled to begin on May 22, 2016 and system cutover would be on June 26, 2016 with a three day blackout on new data entry. Mr. Logsdon advised the Board that the transition to the new system will be difficult for staff and licensees and that the Board should expect some level of dissatisfaction during the transition.
5. Mr. Logsdon reminded members that 2015 Financial Disclosures needed to be filed by April 15, 2016.
6. Mr. Logsdon reported that he and member Hanks attended the all-regions NIC conference in Nashville, TN on April 2 and 3. Mr. Logsdon gave a brief overview of the sessions held.

Mr. Taneff thanked member Hanks for attending the meeting and added he would like to see other members attend. Mr. Logsdon announced NIC would be having another meeting in the fall.

7. Next Mr. Logsdon discussed a request from the Ohio Perinatal Quality Collaborative to partner and disseminate informative material on preventative care for women with higher risks for pre-mature births.

Ms. Osterhage inquired about why the Collaborative was looking toward the Board. Mr. Logsdon stated it was likely due to the industries primary customer base being female. Mr. Logsdon recommended that the Board invite Dr. Iams to speak before the Board. Mr. Penzone expressed concern over involvement with another issue. Mr. Penzone stated the industry in Ohio engages in approximately 52 million exposures to service each year based on the state's population. As such, Mr. Penzone stated the industry will always be sought after for support. As a Salon Owner, Mr. Penzone stated he would not like dozens of posters for dozens of causes in his salon. Mr. Penzone cautioned the Board to be custodians of the industry and not ready to support every cause that comes along.

Mr. Taneff asked Mr. Logsdon to invite Dr. Iams to speak to the Board. Ms. Osterhage agreed. Ms. Osterhage also agreed with Mr. Penzone's perspective, stating the Salons are a logical place to reach women and address women's issues, but the Board must decide what to invest in.

8. Mr. Logsdon stated the agency has a position opening for an Attorney 4 position.

Motion #3: Mr. Thompson moved to approve the Executive Director's Report and the capital expenses. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8- Yes.

#### **Agenda item #4: COMMITTEE REPORTS**

##### Agenda item 4a: Administrative Action 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 March 30, 2016. Mr. Logsdon then reviewed each case listed in the ARC report. Discussion: Ms. Osterhage inquired about case #2016-169. Mr. Logsdon addressed the specific inquiry.

*\*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 #4: Ms. Osterhage moved to confirm the Administrative Review 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. Penzone seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 8 - Yes.

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

**Susan Eiselstein – 4936 Davidson Run Dr., Hilliard, OH 43206**

Ms. Eiselstein stated she was appearing on her own behalf to ensure that a waiver the Board approved a number of years ago was still valid. Ms. Eiselstein stated she has been a managing cosmetologist since 1979 and that approximately ten years earlier, the Board granted her a waiver to provide chemical services in the home setting. Ms. Eiselstein stated that she was aware the Board was moving toward amending the current rule that restricts chemical services to homebound clients, but that since the rule had not

yet been amended, she was advised to come before the Board since she was seeking to resume providing services to homebound clients.

Members inquired about the past waiver provided. Mr. Taneff inquired if Ms. Eiselstein appeared before the Board under a different name. Ms. Eiselstein stated the original waiver she had been provided was for doing perms. Ms. Osterhage inquired about the timing between Ms. Eiselstein's request and the Board's proposal to amend the rule. Mr. Logsdon gave an update on the current status of the rule. Mr. Logsdon confirmed the rule had not yet been promulgated or adopted. Mr. Penzone inquired if the Board could issue a waiver. Mr. Barrera advised the Board's rules do not provide the Board with an allowance to vote on waivers to the requirements. Ms. Eiselstein stated that the Board had previously waived the rule for her. Ms. Eiselstein summarized her education and professional experience. Mr. Thompson stated that he was aware of persons that had similar waivers. Mr. Hanks recalled a recent issue that came up and Mr. Logsdon stated affirmed, but stated there were factual differences. Mr. Thompson requested clarification from Board counsel. Mr. Logsdon interjected that counsel's earlier advice was consistent with the advice he had received throughout his career. Mr. Logsdon stated that the advice is sound and a rule is a rule; however, how the Board enforces the rule is the Board's decision. Ms. Eiselstein interjected and stated that she did not want to violate any rule and was appearing before the Board for a waiver of the rule. Mr. Taneff informed Ms. Eiselstein that the Board may not be able to waive the rule. Ms. Osterhage stated the current Board is a different Board. Mr. Taneff attempted to determine if Ms. Eiselstein had anything in writing to confirm the original waiver, but Ms. Eiselstein was not able to provide any documentation. The matter concluded with no action rendered.

Members continued to inquire of the Board's counsel on the effect of the current rule and the Board's authority to waive the rule. Mr. Barrera advised the Board that the rule would need to have permissive language allowing the Board to waive the rule, and absent such a provision, the Board does not have the authority to waive the rule.

#### **Agenda item #6 UNFINISHED BUSINESS**

None.

#### **Agenda item #7: OLD BUSINESS**

None.

#### **Agenda item #8: NEW BUSINESS**

Agenda item 8a: Forms Approval (Exhibit G collective)

Mr. Taneff asked staff to present the forms for approval. Ms. Pearson presented form COS026, stating the form had been amended to include additional agencies or boards that may need hours transferred to and the truncation of the social security number field to the last four digits.

Members inquired if the forms should be approved together or singly. Mr. Logsdon recommended collectively.

Next, Ms. Pearson presented form COS027, stating the proposed change adds notification of collection of personal confidential information and the truncation of the social security number field to the last four digits.

Last, Ms. Pearson presented forms COS029 and COS030, stating the forms represent the proposed changes to the license template for the new Elicense 3.0 system. The proposed form change, she stated would create a license wall certificate and a wallet size

license card. Mr. Logsdon interjected that the form would need to be electronically loaded into the new licensing system. Ms. Pearson reviewed the sample documents for the membership. Several questions from the membership were addressed.

Motion #5: Ms. Osterhage moved to approve form amendments for forms COS026, COS027, COS029, and COS030. Mr. Hanks seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 8 – Yes.

Agenda item 8b: Elicense 3.0 Policy Decision

Mr. Logsdon was asked to review the matter. Mr. Logsdon explained that the new Elicense 3.0 is an enterprise system and the agency needs to consider its business rules to be efficient. Mr. Logsdon explained that the decision grid presented considers specific decisions. Mr. Logsdon suggested that the Board consider each decision point independently and obtain consensus on the policy before approving the decisions by motion. Mr. Logsdon then proceeded to explain each policy decision. Mr. Logsdon reviewed the following issues:

1. Orders of the Board being visible to the public on the license look-up. Ms. Osterhage inquired if Mr. Logsdon meant the actual order of the Board. Mr. Logsdon confirmed, indicated many boards already do so. Mr. Logsdon stated the Board could simply show an administrative action flag as the current system does or display the associated order.
2. Electronic signatures for inspection report filing. Mr. Logsdon explained this policy would permit field staff to accept an electronic stylus signature and then email the report to the address of record.
3. Mandatory online renewal. Mr. Logsdon stated that the system is designed to eliminate paper applications. However, he stated, the Board may, with in discretion, permit back-office applications. Mr. Logsdon recommended specific/limited criteria should the Board permit paper applications.
4. Grace period for renewals. Mr. Logsdon stated the new system can be configured to change a person's license status from active to expired on a certain date. Mr. Logsdon recommended building in a four day grace period to allow for fee processing in the system.
5. 120 day waiver period. Mr. Logsdon explained the system can be configured to waive specific conditions and that he recommended waiving license renewal for any initial license issued within 120 days of the next renewal date. Mr. Logsdon indicated that the recommendation follows current practice, but there is no rule.

Mr. Taneff requested the Board consider all of the recommendations in a single motion. Mr. Hanks had a question concerning the timeframe defined.

Motion #6: Ms. Osterhage moved to approve policy decisions listed:

<p><b>1. Public display of Board Orders on licensing portal</b></p> <p>This feature would make Orders approved by the Board visible upon licensure look-up.</p>
<p><b>2. Electronic signature for inspection filing.</b></p> <p>This feature is a likely enhancement in later releases that would permit inspection reports issued in the field to be signed and filed electronically and a copy emailed to the email address of record.</p>
<p><b>3. Mandatory online renewal.</b></p> <p>The Elicense 3.0 system will be designed to decrease paper application filing, offering online electronic renewal as the preferred method of filing. Acceptance of paper applications is a policy decision (if approved, recommend specified criteria).</p>
<p><b>4. Grace period for renewals.</b></p>

System configuration permits status automation based on date triggers. Pursuant to the ORC, a license expires on the thirty-first of January of every odd numbered year, if not renewed. The system date could be configured to trigger a status change on the expiration date, which would list an “Active” license as “Inactive – expired.” Due to fee processing for last day applications, a grace period of four days is being recommended before triggering the status change.

**5. 120 day waiver period.**

The system can be configured to waive renewal for specific conditions. A proposed change to the Board’s license issuance policy is to waive license renewal for any license issued within 120 days of the expiration date. This policy coincides with OAC 4713-21-03 (A), which does not require continuing education until the following expiration date.

Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 – Yes.

Agenda item 8c: ORC 4713.32 – Violation Guidance Matrix Update

Ms. Pearson was asked to review the matter. Ms. Pearson stated that the Ohio Revised Code does not permit the Board to take into account more than ten hours of instruction per day and that currently this provision is not in the Board’s Violation Guidance Matrix. Ms. Osterhage inquired about the conflicts with current law. Ms. Pearson stated that adding the section to the current Violation Guidance Matrix would permit inspectors to pull the language into their inspections reports. Ms. Sheipline presented an example involving her recording of hours at her school. Ms. Pearson stated the issue would be related to auditing student records that are clocked in for 11 or 12 hours in a day. Ms. Osterhage inquired about the prevalence of large sums of hours. Ms. Pearson stated that it does not happen often, but it does happen.

Motion #7: Mr. Penzone moved to approve an amendment to the Board’s Violation Guidance Matrix by adding the following:

**Add to Violation Matrix (Schools)**

**ORC 4713.32**

When determining the total hours of instruction received by an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, the state board of cosmetology shall not take into account more than **ten hours of instruction per day**. The board shall take into account instruction received more than five years prior to the date of application for the license in accordance with rules adopted under section 4713.08 of the Revised Code.

<b>Risk Level</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
High	500/250	1000/500	1500	S/R

Mr. Thompson seconded the motion. Discussion: Mr. Barrera advised the Board that they have the discretion to interpret current statutes and how to enforce them. Mr. Barrera provided a counterpoint to Ms. Pearson’s request, stating ORC 4713.32 is written in the negative, meaning the Board cannot consider more than 10 hours submitted. Mr. Barrera stated the law does not say, “no school shall teach more than 10 hours in a day.” Mr. Hanks stated that there may be times when a student is engaged for more than ten hours because a service is not finished. Mr. Hanks inquired if that should be a violation, given the understanding that the Board could not accept more than ten hours. Mr. Logsdon stated that he agreed with Mr. Barrera’s interpretation of the statute. Mr. Taneff called the question. Roll call vote taken - motion carried: 8 – Yes.

Agenda item 8d: Residential Salon Application (Exhibit H)

Mr. Logsdon presented the issue. Mr. Logsdon stated that there are salons that are located in homes and they are licensed in the same manner as all other salons. Mr. Logsdon stated that the Board eliminated requiring a salon to submit a floor plan as part of

the application process. For retail salons, Mr. Logsdon stated the elimination of the plan has not been an issue; however, for in-home salons, it has proved to be a concern, because sometimes people go through great expense to build a salon space, but then find out it doesn't meet the specifications required. Mr. Logsdon stated he is asking the Board to approve a form specifically for home based salons.

Motion #8: Ms. Osterhage moved to approve requiring Residential Salon applicants to file a floor plan demonstrating the requirements of OAC 4713-11-08 (A)(1) and (2) and all other rules under OAC 4713-11 applicable to the physical requirements of a residential salon by approving form COS028. Ms. Shepline seconded the motion. Discussion: Ms. Osterhage inquired how many home based salons were licensed by the Board. Mr. Penzone inquired how the Board would identify home salons. Mr. Logsdon stated that inspectors receive a roster based upon address that are due for inspection and the report would not denote whether the salon was retail or a home. Mr. Penzone expressed concern with why the Board continues to allow home based salons. Ms. Osterhage reasoned that there is a need for a floor plan due to the requirements of the laws and rules. Ms. Pearson stated that bathroom location is the primary reason. Ms. Osterhage asked if listing the requirements would suffice as opposed to requiring a floor plan. Ms. Pearson responded that the current application includes all of the requirements, but the problem is the interpretation of the requirement. Ms. Pearson stated problems are found when the inspector does the first inspection a few months after the salon had been open. Ms. Pearson argued that the floor plan requirement would eliminate the problem by allowing board staff to direct the owners. Ms. Osterhage stated she would support it. Mr. Taneff called the question. Roll call vote taken - motion carried: 8 – Yes.

Agenda item 8e: Rule Amendments: proposed OAC 4713-21-06 (F) and 4713-21-09 (G) (Exhibit I collective)

Mr. Logsdon presented the issue. Mr. Logsdon stated that the Board had previously reviewed rule 4713-21-09 and afterwards the Board collected stakeholder input. Based on the input, the staff is recommending that paragraph (G) be amended to allow for a ten day response time.

Motion #9: Ms. Osterhage moved to approve proposed rule 4713-21-09, incorporated herein, and to file the proposed rule with the office of Common Sense Initiative followed by JCARR pending an affirmative CSI recommendation. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 – Yes.

Mr. Logsdon presented the issue. Mr. Logsdon stated that the Board had previously reviewed rule 4713-21-06 and afterwards the Board collected stakeholder input. Based on the input, the staff is recommending that paragraph (F) be added to close a loop hole in practicing under a temporary permit while the license is in escrow.

Motion #10: Ms. Osterhage moved to approve proposed rule 4713-21-06, incorporated herein, and to file the proposed rule with the office of Common Sense Initiative followed by JCARR pending an affirmative CSI recommendation. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 – Yes.

Agenda item 8f: Executive Director's Performance Review (Exhibit I collective)

Mr. Taneff thanked the members of the Board for participating in the evaluation. Mr. Taneff directed his comments to Mr. Logsdon informing him he received high marks. Mr. Hanks stated that he felt strongly about the review and he was happy to have Mr. Logsdon. Mr. Taneff advised Mr. Logsdon to keep doing what he was doing.

Motion #11: Ms. Osterhage moved to approve the Executive Director's performance evaluation. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 – Yes.

Agenda item 8g: Hearing Examiner's Report and Recommendation

**R&R – 1: In the matter of Hot Nails Salon, MANS141402, Case #2015-620 (Exhibit J)**

Motion #12: Ms. Osterhage moved to enter private session for quasi-judicial deliberation in the matter of R&R – 1, Case 2015-620, listed on the "COS-Issue Report NOV Business + Credential" dated 3/18/2015 – 3/18/2016. Mr. Penzone seconded the motion. Discussion: None. Roll call vote:

Ms. Benfer –	Yes	Mr. Taneff –	Yes
Mr. Thompson -	Yes	Mr. Penzone –	Yes
Ms. Sheipline -	Yes	Mr. Hanks -	Yes
Ms. Osterhage -	Yes	Dr. Gupta -	Yes

The Board entered private session at 2:38 PM. Mr. Logsdon was asked to remain. All other persons, other than members, were excused.

The Board returned to public session at 2:48 PM

Motion #13: Ms. Osterhage moved to approve the hearing examiner's findings of fact in the matter of Hot Nails Salon, MANS141402, Case #2015-620. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

Motion #14: Ms. Osterhage moved to approve the hearing examiner's conclusions of law in the matter of Hot Nails Salon, MANS141402, Case #2015-620. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

Motion #15: Ms. Osterhage moved to approve the hearing examiner's recommended Order of the Board in the matter of Hot Nails Salon, MANS141402, Case #2015-620 to impose a \$750.00 fine. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

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

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: Correction to Previously Approved Orders of the Board

**CORR – 1: In the matter of Hair Razors, COSS.120575, Case #2015-365 (Exhibit K)**

Motion #16: Ms. Osterhage moved to **approve** an Order to Vacate the Order of the Board in the matter listed on "COS – Issue Report NOV Business + Credential" dated 10/29/2014 to 10/29/2015 report as item 15, November 10, 2015 and approve CORR-1, case 2015-681, listed on "COS – Issue Report NOV Business + Credential" dated 3/18/2015 to 3/18/2016 report as item CORR-1 settlement agreement with the following agreed terms of \$3,000 fine with \$1,500 stayed pending no repeat violations within twelve months of the issue date of the Order. The agreement will be journalized and attached hereto. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

Agenda item 8i: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 - #16) – (Exhibit L collective)

**CORR – 1: In the matter of Ohio Cosmo Beauty Academy, SCHL.000634, Case #2015-365 (Exhibit M)**

Motion #17: Ms. Osterhage moved to enter private session for quasi-judicial deliberation in the matter of Case 2016-069, Ohio Cosmo Beauty Academy, SCHL.000634. Mr. Penzone seconded the motion. Discussion: None. Roll call vote:

Ms. Benfer –	Yes	Mr. Taneff –	Yes
Mr. Thompson -	Yes	Mr. Penzone –	Yes
Ms. Sheipline -	Yes	Mr. Hanks -	Yes
Ms. Osterhage -	Yes	Dr. Gupta -	Yes

The Board entered private session at 2:51PM. Mr. Logsdon was asked to remain. All other persons, other than members, were excused.

The Board returned to public session at 3:00 PM

Motion #18: Ms. Osterhage moved to enter an Order upon the Board’s journal in the matter of Case 2016-069, Ohio Cosmo Beauty Academy, SCHL.000634, attached hereto, and incorporated herein as an Exhibit. The Order to read as follows:

Pursuant to Section 4713.45 of the Ohio Revised Code, ISSUE a School of Cosmetology license to Ohio Cosmo Beauty Academy, LLC, located at 1113 Upper Valley Pike, Springfield, OH 45504. Upon issuance of the license, the Board shall immediately INDEFINITELY SUSPEND the School of Cosmetology license to Ohio Cosmo Beauty Academy, LLC, located at 1113 Upper Valley Pike, Springfield, OH 45504 subject to meeting all pertinent conditions stated under paragraph (6)(b) of the November 10, 2015 Settlement Agreement, to wit:

The Ohio Cosmo Beauty Academy, LLC, located at 1113 Upper Valley Pike, Springfield, OH 45504 shall be scheduled for an inspection by an authorized agent of the Board. If the Respondent passes the inspection, the Ohio Cosmo Beauty Academy, LLC, may petition to the Board for stay of the remainder of the suspension.

The following standards shall be met to be eligible for stay of the suspension:

- a. The Ohio Cosmo Beauty Academy, LLC shall demonstrate compliance with all applicable provisions of rule 4713-5-02 of the Ohio Administrative Code.
- b. The Ohio Cosmo Beauty Academy, LLC shall provide the Board with an approved course outline, demonstrating the total number of hours sufficient to meet the requirement of Section 4713.28 of the Ohio Revised Code, including course outlines for Cosmetologist training, Esthetics training, and Manicurist training.
- c. The Ohio Cosmo Beauty Academy, LLC shall have its school rules filed with the Board. Any handbook and/or catalogue produced by the school shall include the full text of its school rules.
- d. The Ohio Cosmo Beauty Academy, LLC shall demonstrate it complies with the requirements of rule 4713-5-9 of the Ohio Administrative Code
- e. The Ohio Cosmo Beauty Academy, LLC shall demonstrate compliance with all provisions of rule 4713-5-10 of the Ohio Administrative Code concerning daily and monthly records maintained by the school.
- f. The Ohio Cosmo Beauty Academy, LLC shall demonstrate that it prepared and maintains final training records and/or transcripts for each student in compliance with rule 4713-5-11 of the Ohio Administrative Code.
- g. The Ohio Cosmo Beauty Academy, LLC shall provide documentation to sufficiently demonstrate it meets and maintains records in compliance with rules 4713-5-13 and 4713-5-15 of the Ohio Administrative Code.
- h. The Ohio Cosmo Beauty Academy, LLC shall demonstrate that it meets the requirements of rule 4713-5-17 of the Ohio Administrative Code, eff. March 26, 2015.
- i. The Ohio Cosmo Beauty Academy, LLC shall demonstrate it meets all sanitation requirements set forth under Chapter

4713-15 of the Ohio Administrative Code.

Mr. Thompson seconded the motion. 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 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.

**Board Orders to Enforce Notices of Opportunity for Hearing (Exhibit L collective)**

Motion #19: Mr. Penzone moved to approve Orders of the Board, listed on the "COS – Issue Report NOV Business + Credential" report dated 3/18/2015 to 3/18/2016 as items #1 through item #16, attached hereto and incorporated herein as Exhibits entered upon the Board's journal. Ms. Osterhage seconded the motion. 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 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 8j: Board Orders to Approve Settlement Agreements (Items #17- #53)  
(Exhibit N collective)

Motion #20: Ms. Osterhage moved to approve the Settlement Agreements listed on the "COS – Issue Report NOV Business + Credential" report dated 3/18/2015 to 3/18/2016 as items #17 through item #53,, attached hereto and incorporated herein as Exhibits entered upon the Board's journal as Orders of the Board. Ms. Shepline seconded the motion. 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**

None.

**Agenda item #10**

**ADJOURNMENT**

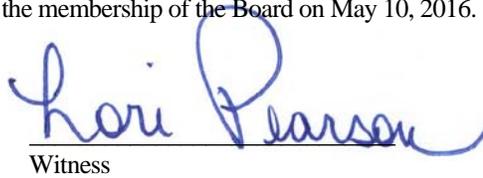
Motion #21: Ms. Osterhage moved to adjourn. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8- Yes.

The meeting adjourned at 3:04 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 May 10, 2016.



Christopher H. Logsdon, Executive Director



Witness