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# OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF June 14, 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, Chairperson

Clara Osterhage, Vice Chairman

Luke Hanks

Tasha Sheipline

Valerie Benfer

Dr. Shalini Gupta

#### **Staff in attendance:**

Christopher H. Logsdon, Executive Director

Lori Pearson, Deputy Director

Lori Flanery, Program Administrator 1

#### **Assistant Attorney General in attendance:**

Daniel Murry, Assistant Attorney General

#### **Others in Attendance:**

Liz Spencer, Moler Beauty Academy

Jeff Geisinger, Lucaseide

Ivan Williams, Professional School of Cosmetology

Angela Hodges, The Hornsby Group

Tim Hornsby, The Hornsby Group

Elizabeth Murch, Ohio Salon Association

William Molder, Aveda Columbus

Ed Stange, Aveda Columbus

Lauren Moffatt, Aveda Columbus

Verva Hogan Pruitt, Professional School of Cosmetology

Geraldine Laster, Professional Schools

Bunny Neal, CDHS

Gwendolyn Holland, Sport Clips

Emily Harrison, Kenneth's

Debbie Moore, Paramount

Shiela Parker, Paramount

Robin Townsend, Faces by Robin

Don Yearwood

Katt Marriott

Jeannine Wright

Danette Shorter

**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 six members were present. Having noted a majority of members were present, Mr. Taneff proceeded to conduct business. Steven Thompson and Charles Penzone were not present for the meeting. Dr. Gupta arrived at 1:01 p.m.

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 12, 2016 Board meeting. Mr. Hanks 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 and E)

Motion #2: Ms. Osterhage moved to approve the June 14, 2016 and June 23, 2016 meeting minutes. Ms. Benfer 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 F)

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

Mr. Logsdon reported that the agency just began a new fiscal year and that disbursements were unremarkable. He stated that budget allocation amounts were provided in his written report.

Next, Mr. Logsdon reported that Sub. S.B. 213 implementation was proceeding and that he was moving forward with the agency's approved implementation plan. Mr. Logsdon stated that staff has identified 52 rules that will require amendment and two new rules to implement provisions of the new act.

Next, Mr. Logsdon reported on progress with the new Elicense 3.0 system, stating the system will now be delayed until at least March 2017. Mr. Logsdon stated both the CAVU and the new E-license 3.0 systems were being modified to address Sub. S.B. 213 requirements.

Mr. Logsdon introduced Charley Yaniko, Staff in-house counsel and Administrative Action Team Manager.

Last, Mr. Logsdon provided a brief review of the recent all-hands staff meeting. Mr. Logsdon announced that Sub. S.B. 213 was presented in detail and service impacts were discussed. Mr. Logsdon stated that the employees of the year chosen were Kijuana Taylor and Shawna Davis and Shelly Pfeifer and Samantha Calkins were chosen as customer service employees of the year.

Motion #3: Mr. Hanks moved to approve the Executive Director's Report. Ms. Shepline seconded the motion. Discussion: Mr. Hanks inquired if employees of the year or customer service employees of the year had attendance at the Board meeting. Mr. Logsdon reported that they were not as they were hard at work. No further discussion. 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 Review Committee (ARC) report. Mr. Logsdon reported that the ARC met on July 6, 2016. Mr. Logsdon then reviewed each case listed in the ARC report. Discussion: None.

*\*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. Ms. Benfer seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 6 - Yes.

##### Agenda item 4b: Rules Committee Report - Clara Osterhage (Exhibit G)

Ms. Osterhage filed a written report. She provided the following verbal review of her report:

Ms. Osterhage stated the Rules Committee met prior to the regular business meeting. She reported that she, Mr. Hanks, Mr. Logsdon, Ms. Pearson, Ms. Flanery, and Mr. Yaniko were present. Ms. Osterhage stated the committee spent a great deal of time on reviewing draft rules. The committee made a number of recommendations. Some of the rules, Ms. Osterhage reported, were designated by staff as appropriate for an emergency rules filing. Additionally, Ms. Osterhage reported that some rules were being held for legal review. For the most part, Ms. Osterhage continued, the board staff drafted the rules to include verbiage to address Sub. S.B. 213 changes. Some amendments took advantage of the opportunity to amend a rule and changed rule structure or reworded existing language, she reported. Ms. Osterhage recognized staff for their hard work.

Mr. Taneff thanked the participating members for their work on this time-consuming process.

Motion #5: Ms. Shepline moved to approve the Rules Committee and Curriculum Committee report. Ms. Benfer seconded the motion. Discussion: Mr. Hanks stated the motion should only be for the Rules Committee report. No vote taken.

Motion #6: Ms. Osterhage moved to approve the Rules Committee report, hereto attached to the minutes of the Board. Ms. Shepline seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 6 - Yes.

Agenda item 4c: Curriculum Committee Report – Tasha Sheipline

Ms. Sheipline stated the Rules Committee met before the regular business meeting. She reported that the committee discussed internships and how the Board can align curriculums with the new senate bill. Ms. Sheipline implied the new act was silent on the matter and reported that Ms. Pearson was preparing a draft, which will be presented to the Board upon completion.

Motion #7: Mr. Hanks moved to approve the Curriculum Committee report. Dr. Gupta seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 6 – Yes.

**Agenda item #5: PUBLIC TESTIMONY**

None.

**Agenda item #6 UNFINISHED BUSINESS**

None.

**Agenda item #7: OLD BUSINESS**

None.

**Agenda item #8: NEW BUSINESS**

Agenda item 8a: Geraldine Laster – Professional School of Cosmetology (Exhibit H)

Ms. Laster identified herself and provided her address for the record. Ms. Laster stated she was appearing concerning her third attempt to address the Board about allegations that were brought against the Professional School of Cosmetology. Ms. Laster explained that a dismissed employee wrote a letter to the board stating allegations.

Mr. Murry, Assistant Attorney General interjected stating the matter had been appealed to a court and a decision had been rendered. Mr. Murry stated there is a specific procedure that must be followed for persons that have violations issued against them, so that those violations and their arguments can be heard. Mr. Murry stated that it would be an inappropriate forum for the Board to discuss the issue, now removed since the court has already rendered a decision.

Mr. Taneff thanked the Board's counsel, but stated Ms. Laster has the right to address the Board.

Ms. Laster continued her testimony, stating Count 1, alleged she aided and abetted a person at the school by shampooing a client. Ms. Laster stated the client had been at the school for more than two hours waiting for a student to style her hair. A student was called, she stated, and agreed to come and style the client's hair. When the student arrived, Ms. Laster stated she was blow-drying the client's hair. Ms. Laster stated that no one else was at the school except for her and the client. Ms. Laster stated that she showed the student a crochet style technique and she showed the student how to cut the crochet style; and the student observed. Ms. Laster stated she was performing a demonstration. Ms. Laster stated that she has instructed her staff for over 39 years to be courteous and friendly, in a professional manner. Ms. Laster stated it was

her practice to be helpful and find a solution. Ms. Laster then explained that the client had left her hair at the school and then the client called the Board. Ms. Laster stated that she had proof she had tried to return the clients hair.

Ms. Laster then addressed Count 2 of the allegations. Ms. Laster stated that the allegation was about a student that was given time. Ms. Laster stated that the student had been discontinued, but that she did not know anything about it. Ms. Laster stated the student came to the school, because she needed tutoring for a course.

Count 3 of the allegation, Ms. Laster stated, alleged falsification. Ms. Laster stated that there was no falsification. Ms. Laster stated the student was in school on the 29<sup>th</sup> of July, but did not clock out and the school could not give her the time.

Mr. Taneff thanked Ms. Laster for her testimony.

Next, Ms. Verva Pruitt appeared, identified herself, and gave her address for the record. Ms. Pruitt stated that the Board inspector, in the matter, came back from the previous inspection with information that the school was not aware of, which the inspector stated to students and clients on the floor. Ms. Pruitt inquired how a person should handle things in an appropriate way when dealing with businesses.

Mr. Taneff thanked Ms. Pruitt for her testimony.

Next, Mr. Ivan Williams appeared, identified himself, and gave his address for the record. Mr. Williams stated he was appearing before the Board to address the issue under discussion. Mr. Williams provided the members with a written statement. Mr. Williams stated that the Board is required to annually report to the Governor and others. Mr. Williams stated that the Republican's, at their convention in Cleveland, will be talking about reduction of taxes and jobs and businesses. Mr. Williams stated that Ms. Laster trains people for jobs and businesses. Mr. Williams stated that the Board not only exists to render discipline, but also to provide direction and support. Mr. Williams stated that the Board could issue warnings to maintain discipline. Mr. Williams stated that the Board, through its annual report, does not want to be a hindrance to business, but an asset to guide and correct, when necessary. Mr. Williams gave some background on how he became a cosmetologist through a military transition program. Mr. Williams concluded by stating that he would like the Board to consider how it can assist businesses. Mr. Williams stated that it is easy to penalize someone, but he urged the Board to see how they can assist.

Mr. Taneff thanked Mr. Williams for his service, but stated that the Board must take counsel from its legal staff. Mr. Taneff expressed that he has consistently expressed his philosophy that the Board should get out of the way of business and let people make a living and do their jobs. Mr. Taneff stated, in this matter, that once the appeal process is exhausted, the respondent could have taken the court's decision to the 10<sup>th</sup> Appellate District Court, but, in this case, the respondent did not do so. Mr. Taneff stated that by not doing so the respondent decided to respect and recognize the court's decision. Mr. Taneff explained that the Board couldn't do anything to reverse the Common Pleas Court's decision. Mr. Taneff stated that if the respondent believes something he said was not correct, then the respondent should consult with an attorney.

Mr. Williams expressed concern over the appeal process and the directions provided. Mr. Williams continued stating that he would continue to work to build up the industry and its reputation. Mr. Williams stated that their cosmetology programs is a "bridge over troubled water," where students graduate with a diploma in one hand and a license in the other and they go to work. Mr. Williams stated that he would determine how to address the sanction in the matter. Mr. Williams thanked the Board for their time.

No action taken.

Agenda item 8b: FAQ Review (I)

Mr. Logsdon introduced the item. Mr. Logsdon stated that the frequently asked questions document addresses Sub. S.B. 213. Mr. Logsdon stated the version being presented was simplified from the prior version. The version, he stated, is being presented for reconsideration.

Ms. Osterhage stated that answers to the following questions should begin as follows: number one, yes; two, with yes; three, with yes. Next, Ms. Osterhage questioned and then recommended that the word “managers” be changed to “manager’s.” Next, Ms. Osterhage inquired if the Board would continue to request photographs. Ms. Pearson responded stating the thought process was to continue requesting photographs for initial applications and then scanning the photograph into the licensing system. Ms. Osterhage interjected, asking if a driver’s license could be scanned. Ms. Osterhage stated that she thought the idea was to eliminate the need to approve pictures. Ms. Osterhage strongly recommended using a photograph that is on a state-issued identification. Next, Ms. Osterhage recommended adding some questions and answers about inspecting boutique salons.

Mr. Taneff asked if the FAQ was a work in progress.

Motion #8: Ms. Osterhage moved to approve the frequently asked questions document submitted with the understanding that there will be additions with the changes and the understanding that there will be additions over time based on the experience of inquiries made to Board staff. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Agenda item 8c: Salon and School Letter Approval (Exhibits J and K)

Mr. Logsdon presented two draft communications addressing Sub. S.B. 213. Mr. Logsdon stated he was seeking approval of the letter for distribution. Ms. Osterhage inquired if the communications would be posted on the Board’s Facebook page. Mr. Logsdon stated that he would be posting the document on the Board’s website.

Motion #9: Ms. Benfer moved to approve the salon and school letter, to be attached to the Boards journal. Ms. Osterhage seconded the motion. Discussion: Ms. Sheipline noted several capitalization errors and adding the apostrophe to the word, “manager’s.” No further discussion. Roll call vote taken. Motion carried: 6 – Yes.

Agenda item 8d: Eyelash Extensions

Mr. Logsdon stated the Board is currently receiving a number of inquiries concerning how the new law will affect stand-alone eyelash services. Mr. Logsdon requested Board approval to request an informal opinion from the Ohio Attorney General’s office concerning the new language, especially in light of recent Supreme Court decisions.

Motion #10: Ms. Osterhage moved to approve a directive to have the Executive Director request an informal opinion concerning the Board’s authority to enforce provisions of Sub. S.B. 213 concerning the inclusion of eyelash extension services under the defined scope of practice of esthetics. Ms. Benfer seconded the motion. Discussion: Mr. Hanks inquired if the inquiries were from retail establishments and if services were being provided. Mr. Logsdon clarified that services were being provided. No further discussion. Roll call vote taken. Motion carried: 6 – Yes.

Agenda item 8e: Renewal Notices Review (Exhibit L collective)

Mr. Logsdon stated that a number of applications had been revised in preparation for the upcoming renewal process.

Motion #11: Ms. Sheipline moved to approve the following seven proposed forms for renewal ...

Discussion was held concerning the number of forms being approved. Following, Ms. Benfer withdrew her motion and entered a second motion.

Motion #12: Ms. Benfer moved to approve the following eight proposed forms for renewal:

Advanced (Manager) Practicing License COS031, Basic Practicing License COS032, Instructor License COS033, Salon License COS034, Tanning Facility COS035, Inactive (Escrow) License COS036, School License COS037, and Independent Contractor COS038; attached hereto by reference as an Exhibit to the Board's journal.

Mr. Hanks seconded the motion. No further discussion. Roll call vote taken. Motion carried: 6 – Yes.

Agenda item 8f: Rule Review (Exhibit M collective)

Mr. Logsdon explained that the Board's notebooks contained a worksheet that lists all of the rules being reviewed for compliance with Sub. S.B. 213. Mr. Logsdon explained that the worksheet was color-coded and what the colors indicated. Mr. Logsdon stated that every draft rule reviewed by the Rules Committee prior to the meeting had been amended and was contained in the member's notebooks. Mr. Logsdon stated that the rule marked in orange were the rules being presented for recommended filing with the Office of Common Sense Initiative (CSI), followed by the Joint Committee on Agency Rules Review (JCARR), pending a recommendation to file from CSI. Mr. Logsdon noted that a number of the rules being presented were already filed with JCARR and they require amendments due to Sub. S.B. 213. Mr. Logsdon stated that he was requesting refiling for those so designated.

Mr. Logsdon reviewed the worksheet status for rules listed and the changes identified.

Ms. Osterhage inquired if rule 4713-6-02 will be drafted and filed at the next board meeting. Mr. Logsdon affirmed rules 4713-6-02, 4713-7-09, and 4713-8-08 would not be considered for filing at the current meeting.

Motion #13: Ms. Osterhage moved to approve the following draft rules:

- 4713-1-01 Definition of board of cosmetology
- 4713-3-01 Opening school package
- 4713-3-12 School catalogue and handbook requirements
- 4713-5-02 Program requirements
- 4713-5-03 Required course curriculum
- 4713-5-06 Hours awarded
- 4713-5-10 Records and reports
- 4713-5-24 Expiration of hours
- 4713-7-08 Applications to practice branches of cosmetology from active duty military members, spouses of a active duty military members, or veterans
- 4713-7-13 Eligibility of graduates of managing programs for advanced practice examination
- 4713-8-01 General information
- 4713-8-02 Board consideration of a violation of a standard of cosmetology practice
- 4713-8-03 Standards relating to competent practice as a cosmetologist
- 4713-8-04 Standards relating to competent practice as an esthetician
- 4713-8-05 Standards relating to competent practice as a hair designer

- 4713-8-06 Standards relating to competent practice as a natural hair stylist
- 4713-8-07 Standards relating to competent practice as a manicurist
- 4713-8-09 Offering advanced practice, advanced techniques or unregulated services
- 4713-13-02 Independent contractor
- 4713-21-03 Continuing education requirements
- 4713-21-04 Licensure renewal procedures
- 4713-21-06 Applying for inactive licensure status and temporary work permit
- 4713-21-09 Criteria for continuing education: courses, course instructors and eligible offering entities to be: approved, denied approval, withdrawn, revoked or suspended

Moreover, to file the proposed rule with the office of Common Sense Initiative after obtaining stakeholder comments, followed by JCARR pending an affirmative CSI recommendation, including refile of rules as may be necessary.  
Ms. Sheipline seconded the motion. No further discussion. Roll call vote taken. Motion carried: 6 – Yes.

Agenda item 8g: Hearing Officer Report and Recommendation

None.

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

None.

Agenda item 8i: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 - #6) – (Exhibit N collective)

Motion #14: Ms. Osterhage moved to approve Orders of the Board as listed on “COS – Issue Report NOV Business + Credential” dated 6/28/2015 to 6/28/2016 as items #1 through item #6 and the Orders to be journalized and attached hereto as an exhibit entered upon the Board’s journal. Mr. Hanks 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 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 #7- #27) (Exhibit O 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 6/28/2015 to 6/28/2016 as items #7 through item #27 and the Orders to be attached

hereto as an exhibit entered upon the Board's journal as Orders of the Board. Mr. Hanks 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 #9 EXECUTIVE SESSION

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

Thomas Taneff - Yes

Luke Hanks - Yes

Valerie Benfer - Yes

Shalini Gupta, M.D. - Yes

Tasha Sheipline - Yes

Clara Osterhage - Yes

**Motion carried.** Visitors were excused. All members of the Board were present during Executive Session. Mr. Logsdon and Mr. Murry were asked to remain in the room for Executive Session. The Board entered Executive Session at 2:06 p.m. At 2:10 p.m. Mr. Logsdon was excused from Executive Session. The Board returned to public session at 2:15 p.m.

Motion #16: Ms. Osterhage moved to approve a 2.5% pay increase for the Executive Director and Deputy Director Positions. Mr. Hanks seconded the motion. Discussion: Ms. Osterhage thanked Mr. Logsdon and Ms. Pearson for their hard work on behalf of the Board. Mr. Hanks stated the Board was fortunate. Mr. Taneff stated the Board was fortunate to have the Deputy Director. No further discussion. Motion carried: 6 – 0.

## Agenda item #10 ADJOURNMENT

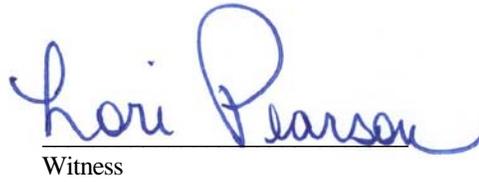
Motion #17: Ms. Osterhage moved to adjourn. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes.

The meeting adjourned at 2:17 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 9, 2016.



Christopher H. Logsdon, Executive Director



Witness