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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 August 9, 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):**

Clara Osterhage, Vice Chairman

Charles Penzone

Steve Thompson

Luke Hanks

Tasha Shepline

Dr. Shalini Gupta (arrived at 1:11 PM)

**Staff in attendance:**

Christopher H. Logsdon, Executive Director

Lori Pearson, Deputy Director

Lori Flanery, Program Administrator 1

Charley Yaniko, Board in-house counsel

**Assistant Attorney General in attendance:**

Daniel Murry, Assistant Attorney General

**Others in Attendance:**

Allison Cotton

Michael Schul, Michael Schul Salon

John Haigwood

Jessica Riscili, PMTS

David Spellman, PMTS

Liz Spencer, Moler Beauty Academy

Gwendolyn Holland, Sport Clip

Pay Dinh, Ohio Cosmetology

Katt Marriott

Jeff Geisinger, Lucaseide

Matt Wells, ODE

William Molden, Aveda Columbus

Ed Stange, Aveda Columbus

Emily Harrison, Kenneth's

Amy Young, AEA

August Rose

Elizabeth Murch, Ohio Salon Association

Don Yearwood, OACS

Debbie Moore, Paramount

Miranda Lute, Paramount

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

Ms. Osterhage called the meeting to order at 1:04 p.m.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and five members were present. Having noted a majority of members were present, Ms. Osterhage proceeded to conduct business. Valerie Benfer and Thomas Taneff were not present for the meeting. Dr. Gupta arrived at 1:11 p.m. bring the total members present to six.

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

Following the roll call, Ms. Osterhage 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: Mr. Penzone moved to approve the meeting agenda for the August 9, 2016 Board meeting. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - carried: 5 – 0.

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

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

Motion #2: Mr. Penzone moved to approve the July 12, 2016 meeting minutes. Ms. Sheipline 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: Vice-chairperson's Report

Ms. Osterhage 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 that the agency had received its FY 2018/2019 biennial budget guidance. Mr. Logsdon stated that non-GRF agencies are permitted to request up to 100 percent of their FY 2017 appropriation and any extended (additional) funding

could be requested, but not guaranteed. The due date, he stated, is September 16, 2016. Mr. Logsdon recommended that the Board assign a member to act as a budget liaison.

Next, Mr. Logsdon reported that the implementation plan for Sub. S.B. 213 continued to advance. Mr. Logsdon reported that rule drafts approved by the Board on July 12, 2016 were made available to stakeholders. Mr. Logsdon provided a status report of those rules due to Am. Sub. S.B. 213 amendments. Mr. Logsdon reported that an additional 30 rules were completed, reviewed by the Board's Rules Committee and some were amended. Mr. Logsdon stated the full set of rules was being presented for Board review.

Next, Mr. Logsdon reported on progress with the new Elicense 3.0 system.

Mr. Logsdon reported that inspection and administrative action processes had been reviewed based upon the requirements of Am. Sub. S.B. 213 and new forms, procedures, and guidelines would be presented to the Board.

Last, Mr. Logsdon announced that interviews for the open school inspector position were held and an offer was extended to Mr. Moore.

Mr. Logsdon also noted that the Board's annual report had been complete and could be considered for approval subject to the discretion and modification of the board.

Motion #3: Mr. Thompson moved to approve the Executive Director's Report. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 5- Yes.

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

Motion #4: Mr. Hanks moved to approve the Annual Report. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6- Yes.

Ms. Osterhage inquired if any member would be interested in reviewing the budget with Mr. Logsdon. Mr. Hanks volunteered.

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

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

Ms. Osterhage asked Mr. Logsdon to present the Administrative Review Committee (ARC) report. Mr. Logsdon reported that the ARC met on July 28, 2016. Mr. Logsdon then reviewed the ARC's recommendation for 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 #5: Ms. Sheipline moved to confirm the Administrative Review Committee (ARC) report, as referenced hereto by attachment to the minutes of the Board. Dr. Gupta 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)

Mr. Hanks filed a written report. H provided the following verbal review of his report:

Mr. Hanks stated the Rules Committee met on August 8, 2016 and discussed many rules. Mr. Hanks reported the he, member Osterhage, Mr. Logsdon, Ms. Pearson, Ms. Flanery, and Mr. Yaniko were present. Mr. Hanks stated that the staff placed some rules on the Board's website for comment that were approved by the Board in July and the staff also placed new rules on the website to expedite changes under S.B. 213. A notice, Mr. Hanks stated, was sent to all licensees, interested parties, and industry associations, which provided a seven-day comment period. The Board, he said, received seventeen comments, twelve of which were not jurisdictional to the Board's authority and were general commentary on the changes. Mr. Logsdon, he stated, responded to each of those persons. A review, he stated, was conducted and the Committee recommended amending, adopting, or rescinding 4713-1-01, 4713-1-10, 4713-1-15, 4713-8-09, 4713-13-07, 4713-15-12, and 4713-15-15.

Mr. Hanks voiced his appreciation for the member's comments, and others on the committee. Mr. Hanks stated the changes were good and the committee recommended moving to approve the rules presented.

Motion #6: Mr. Penzone moved to approve the Rules Committee report. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes.

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

### **Agenda item 5a: Amy Young**

Ms. Young gave her address for the record. Ms. Young thanked the Board for having an open session where she could speak. Ms. Young stated that she owns an eyelash extension business in Cincinnati, Ohio. Ms. Young stated that she trains persons, she is on the editorial board of Eyelash Magazine, and she is internationally accredited as a lash extension trainer. Ms. Young stated that she was a former high school teacher who learned lashes about seven years ago and she is very passionate about training and education to make sure students are successful.

Ms. Young stated that she is a representative for the American Eyelash Association and there is an Ohio Committee. She stated the group consists of eyelash extensionists who get together to discuss issues. Ms. Young stated that her organization works with lobbyists in different states to figure out what can be done to make services safer. She stated that she and others got into this business and it changed lives, and paid bills.

Ms. Young stated that currently she has four employees that would lose their jobs if the business were shut down. She stated that she could find other employment, but some of her employees will struggle. Ms. Young stated that people in the business have extensive training and they have to take human disease and an eyelash safety test. She stated her business performs individual lash extensions and Russian volume lashes.

Ms. Young stated groups of Ohio lash artists are now possibly going into hiding, because they do not know if they are going to lose their jobs. Ms. Young stated that they have heard there is no grandfather clause. Ms. Young encouraged the Board, as her group is contacting their state Representatives, to think about how the Board will enforce the law and what it means for business and people's lives.

### **Agenda item 5b: Michael Schuh**

Mr. Schuh gave his address for the record. Mr. Schuh stated that he wanted to address major changes in the industry that is affecting commission-based salons. Mr. Schuh described his business in Cincinnati as being a high-end commission-based salon with 80 employees. Mr. Schuh stated that he is involved with bring awareness to career paths.

Mr. Schuh provided a summary of his career and educational experience. Mr. Schuh stated he wanted to speak about the internship rules. Mr. Schuh stated he set up an internship program approximately 20 years ago, but explained that now he does not know how it works and schools he has spoken with do not know where to find the information.

Ms. Osterhage asked Ms. Pearson to give him the need information. Mr. Schuh stated that he just needed “a clear cut picture.”

Ms. Osterhage asked if he needed to address anything else.

Mr. Schuh state that he was trying to get articles written by the major media and an article titled, Commission-Based Salons – a Career Path for Success” was in the Ohio Stylist magazine. Mr. Schuh then discussed his concern with local colleges offering scholarship after the education system expends money on vocational school training.

Ms. Osterhage stated that Dr. Gupta would need to leave shortly and she would like to jump to New Business.

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

Agenda item 8a: Advanced Examination Outline (Exhibit H)

Before considering the matter Mr. Hanks inquired about the form development, which Ms. Pearson addressed.

Motion #7: Ms. Shepline moved to approve the Advanced Examination Outline (attached hereto as an exhibit H to the minutes). Dr. Gupta seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes.

Agenda item 8b: Resolution to Adopt Policy on Scope of Boutique Service Registration (Exhibit I)

Mr. Logsdon introduced the item. Mr. Logsdon stated that the summary of the issue provides the Board with two options. The option recommended by staff is that the Board establishes a policy where a boutique service registration is limited to the area of training provided by the applicant.

Motion #8: Mr. Hanks moved to approve resolution #8, marked as 8-b for reference, which states:

**WHEREAS**, the Ohio State Board of Cosmetology (hereafter “the Board”) regulates the practice of Cosmetology, branches of Cosmetology, and Tanning facilities; and

**WHEREAS**, Am. Sub. S.B. 213 has created a new boutique services registration for individuals who perform only braiding, threading, or shampooing services;

**WHEREAS**, Am. Sub. S.B. 213 has tasked the Board with regulating these services and processing boutique services registrations;

**WHEREAS**, Am. Sub. S.B. 213 has set forth requirements for individuals seeking boutique services registrations, including a requirement that an individual provide proof of training or an apprenticeship in a boutique service; and

**WHEREAS**, the Board must formulate policies on the scope and processing of boutique services registrations in accordance with the statutory requirements.

**BE IT RESOLVED** that:

The Board hereby adopts a policy establishing that a boutique services registration shall be limited to only the area where an individual provides proof of formal training or apprenticeship, although an individual may obtain separate boutique services registrations for each service for which they have apprenticed or trained.

Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

#### Agenda item 8c: Resolutions on Violation Guidance Matrix Amendments (Exhibits J)

Mr. Logsdon presented the matter. Mr. Logsdon explained that new provision in Chapter 4713 because of Am. Sub. S.B. 213 bases fine amounts on occurrence, beginning with a \$250.00 fine and up. The language, he stated, says the Board can impose “up to” the amounts provided. Mr. Logsdon explained that the Board could consider variable amounts for each offense, which he stated would become complex. Mr. Logsdon stated that two separate resolutions had been prepared. Mr. Logsdon then explained the two options, but recommended option #1.

Motion #9: Mr. Thompson moved to approve resolution #8, marked as 8-c for reference, which states.

**WHEREAS**, the Ohio State Board of Cosmetology (hereafter “the Board”) regulates the practice of Cosmetology, branches of Cosmetology, and Tanning facilities; and

**WHEREAS**, the Board regularly inspects salons, schools, and Tanning facilities to monitor and verify compliance with the laws and rules regulating the practice of Cosmetology, branches of Cosmetology, and Tanning facilities and investigates complaints filed against licensees of the Board;

**WHEREAS**, inspections and investigations may lead to the issuance of notices of opportunity for hearing in compliance with Chapter 119 of the Revised Code;

**WHEREAS**, the Board previously created a Violation Grid Workgroup and produced a Violation Guidance Matrix to assist inspectors and agency staff in issuing violations and subsequent fines, which was approved and adopted by the Board on July 14, 2015;

**WHEREAS**, Am. Sub. S.B. 213 amended section 4713.64 of the Ohio Revised Code and established maximum fine amounts for violations of R.C. 4713.64(A) without establishing any minimum fine amounts; and

**WHEREAS**, the new maximum fine amounts are in conflict with the fine amounts in the current Violation Guidance Matrix.

**BE IT RESOLVED** that:

The Board hereby adopts a policy creating a set fine schedule in accordance with R.C. 4713.64, approves, and adopts the revised Violation Guidance Matrix, revision date 8-9-2016.

Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

#### Agenda item 8d: Resolution on Due Dates for Fines (Exhibits K)

Mr. Logsdon presented the matter. Mr. Logsdon explained that agenda item 8d addresses the Board’s fine collection authority. Under the new law, Mr. Logsdon stated, the Board can establish a fine due deadline of up to 45 days after an order is issued. Mr. Logsdon stated that the Board is recommending a very specific period for consistency. Ms. Osterhage inquired if it was 44 or 45 days. Mr. Logsdon corrected and stated 44 days.

Motion #10: Ms. Sheipline moved to approve resolution #8, marked as 8-d for reference, which states.

**WHEREAS**, the Ohio State Board of Cosmetology (hereafter “the Board”) regulates the practice of Cosmetology, branches of Cosmetology, and Tanning facilities; and

**WHEREAS**, the Board regularly inspects salons, schools, and Tanning facilities to monitor and verify compliance with the laws and rules regulating the practice of Cosmetology, branches of Cosmetology, and Tanning facilities and investigates complaints filed against licensees of the Board;

**WHEREAS**, inspections and investigations may lead to the issuance of notices of opportunity for hearing in compliance with Chapter 119 of the Revised Code and the imposition of fines for violations;

**WHEREAS**, Am. Sub. S.B. 213 amended section 4713.64 of the Ohio Revised Code and established a maximum period of forty-five days for payment of fines imposed by Board Order; and

**WHEREAS**, the new maximum payment period is in conflict with current Board policy.

**BE IT RESOLVED** that:

The Board hereby adopts a policy establishing a period of forty-four days for payment of all fines imposed by Board Order.

Dr. Gupta seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Agenda item 8e: Administrative Action Form Templates (Exhibit L collective)

Mr. Logsdon was asked to explain the forms. Mr. Logsdon stated that the new law permits individuals to request extensions beyond the 44<sup>th</sup> day due date, if the request is filed within ten days of the order issuance date. Additionally, Mr. Logsdon explained that the Board could implement late penalties of ten percent and an interest penalty after the 91<sup>st</sup> day. The new forms, he explained, alert licensees to these new provisions. Mr. Logsdon stated that the Board has an affirmative responsibility to alert licensees of the new provisions in the Notice of Opportunity for Hearing.

Motion #11: Ms. Sheipline moved to approve the Administrative Action form templates for (1) Notice of Opportunity for Hearing for Licensed Businesses, and (2) Notice of Opportunity for Hearing for Licensed Individuals. Mr. Penzone seconded the motion. Discussion: Mr. Hanks stated that the unusual hardship notification of ten days in the form seemed too tight. Mr. Logsdon explained the period was statutory. Mr. Logsdon also explained that the Board is trying to promulgate rules that define unusual hardship. Mr. Logsdon also defined service delivery requirements. No further discussion. Roll call vote taken. Motion carried: 6 – Yes.

Agenda item 8f: Form Approval (Exhibit M collective)

Ms. Osterhage inquired if members had reviewed the proposed forms. Mr. Penzone asked if the committee had reviewed the forms. Ms. Osterhage stated that the committee did not review the forms. Discussion ensued concern which forms would be approved.

Motion #12: Mr. Penzone moved to approve the discontinuance forms marked as number COS039 – COS048. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes

Forms approved:

**Discontinuance Forms**

- COS039 DT – 1500 Cosmetology
- COS040 DT – 1200 Hair Design
- COS041 DT – 200 Manicure
- COS042 DT – 600 Esthetics
- COS043 DT – 450 Natural Hair Styling
- COS044 DT – 300 Advanced Cosmetology
- COS045 DT – 240 Advanced Hair Design
- COS046 DT – 150 Advanced Esthetics
- COS047 DT – 100 Advanced Manicure
- COS048 DT – 150 Advanced Natural Hair Styling

Next, Ms. Osterhage pointed members to the examination forms for review. Ms. Sheipline inquired if she had already addressed the forms. Ms. Pearson confirmed that the Board did address the letter grade for each specific subject area. These forms, Ms. Pearson explained were slightly different, because they addressed career technical programs that do not have academic courses. Ms. Sheipline expressed that she had thought the Board did discuss the breakdown of hours. Ms. Pearson asked Ms. Sheipline to clarify which forms were to be addressed and stated that nothing had changed except the grade. Mr. Logsdon stated the forms presented were to conform to the requirements of Am. Sub. S.B. 213.

Motion #13: Mr. Penzone moved to approve the discontinuance forms marked as number COS001 – COS049. Dr. Gupta seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes

Forms approved:

#### **Examination Application Forms**

- COS001 MANA 100 Hour Examination Application
- COS002 ESTMA 150 Hour Examination Application
- COS003 NHA 150 Hour Examination Application
- COS004 MAN 200 Hour Examination Application
- COS005 HDA 240 Hour Examination Application
- COS006 COSA 300 Hour Examination Application
- COS007 NH 450 Hour Examination Application
- COS008 EST – 600 Hour Examination Application
- COS009 HD – 1200 Hour Examination Application
- COS010 COS – 1500 Hour Examination Application
- COS049 Career Technical Examination Application

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

Ms. Osterhage explained that the rules being considered were summarized and color-coded on the spreadsheet in the binder. Ms. Osterhage summarized the status of the rules by group, some already at JCARR, etc. Mr. Logsdon asked members to refer to the proposed motion when moving to approve.

Motion #14: Ms. Sheipline move to approve the following rules:

Rule No.	Description
4713-1-01	Definition of board of cosmetology. (Amend - refile JCARR)
4713-1-03	Application of rules. (Amend)
4713-1-08	Chemicals, equipment and service approval. (Amend)
4713-1-09	Animals forbidden in salons, tanning facilities, schools and in the board. (Amend)
4713-1-10	Inspection and Investigation. (Amend)
4713-1-11	Notice of change of status. (Amend)

- 4713-1-13 Board of cosmetology policy concerning access to confidential personal information. (Amend)
- 4713-1-14 Trafficking education. (Amend)
- 4713-1-15 Fines, requests for extension of payment, penalties, and interest. (New)
- 4713-3-12 School catalogue and handbook requirements. (Amend - refile JCARR)
- 4713-6-01 Internship program definitions. (Amend)
- 4713-6-02 Eligible participants. (Amend)
- 4713-6-04 School-salon internship agreement. (Amend)
- 4713-6-05 Student identification. (Amend)
- 4713-6-06 Internship course outline for cosmetology/hair design students. (Rescind)
- 4713-6-07 Internship course outline for skin care students. (Rescind)
- 4713-6-08 Internship course outline for manicure students. (Rescind)
- 4713-6-09 Internship course outline for natural hair stylist students. (Rescind)
- 4713-8-08 Services rendered in an unlicensed facility; temporary special event permits. (Rescind)
- 4713-8-09 Offering advanced practice, advanced techniques or unregulated services. (Rescind)
- 4713-8-09 Temporary Event Salon License. (New & Emer.)
- 4713-8-10 Corrective Action Courses. (Amend)
- 4713-8-11 Standards relating to competent practice boutiques services registrant. (New)
- 4713-13-07 Employee/employer infection control responsibility. (Amend)
- 4713-15-01 General sanitation. (Amend)
- 4713-15-05 Proper protection of neck. (Amend)
- 4713-15-12 Personal hygiene. (Rescind)
- 4713-15-13 Contagious/communicable diseases. (Amend)
- 4713-15-15 Equipment sanitation. (Amend)
- 4713-21-02 Definitions. (Amend)
- 4713-21-05 Continuing education extension program. (Amend)
- 4713-21-07 Continuing education requirement notification procedures. (Amend)
- 4713-21-08 Application criteria and procedures for continuing education course approval. (Amend)

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

#### Agenda item 8g: Emergency Rule Review (Exhibit N collective)

Ms. Osterhage explained that member packets contained four rules that need to be filed as emergency rules. Ms. Osterhage asked Mr. Logsdon to review the rules. Mr. Logsdon explained that the Board had review three of the four rules at the last Board meeting, the language was incorporated in other rules. Mr. Logsdon explained that the language for an emergency rule needs to be isolated and only the emergency language can be considered.

Motion #15: Mr. Hanks moved to approve filing the following rules for emergency:

- 4713-5-03 – Required course outlines.
- 4713-5-24 – Students who fail to finish studies.
- 4713-7-13 – Eligibility of graduates of managing programs for advanced practice examination.
- 4713-8-09 – Temporary event salon license.

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

#### Agenda item 8h: Hearing Officer Report and Recommendation

None.

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

None.

Agenda item 8j: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1, #2, #4 - #6) – (Exhibit N collective)

Motion #16: Mr. Penzone moved to approve Orders of the Board as listed on “COS – Issue Report NOV Business + Credential” dated 7/25/2015 to 7/25/2016 as items #1 , and items #3 through item #6, the Orders to be journalized and attached hereto as an exhibit entered upon the Board’s journal. Dr. Gupta 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.

Motion #17: Mr. Thompson moved to enter private session for quasi-judicial deliberation in the matter of Case 2016-289, Michelle Grubaugh, COSM.038123. Mr. Penzone seconded the motion. Discussion: None. Roll call vote:

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

The Board entered private session at 2:06 PM. Mr. Logsdon, Mr. Murry, and Mr. Yaniko were asked to remain. All other persons, other than members, were excused.

The Board returned to public session at 2:18 PM

Motion #18: Mr. Penzone moved to enter an Order upon the Board’s journal in the matter of Case 2016-289, Michelle Grubaugh, COSM.038123, attached hereto, and incorporated herein as an Exhibit. The Order to impose a fine of \$500.00. Dr. Gupta seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 - Yes

Agenda item 8k: Board Orders to Approve Settlement Agreements (Items #7- #35) (Exhibit O collective)

Motion #19: Ms. Sheipline moved to approve the Settlement Agreement Orders of the Board as listed on the “COS – Issue Report NOV Business + Credential” dated 7/25/2015 to 7/25/2016 as items #7 through item #35 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 8l:      Petition to Stay Order Suspending License – Pat Dinh (Exhibit P)

Ms. Osterhage stated that the Board had read Mr. Dinh's letter, but asked him if he wished to speak to the Board. Mr. Dinh declined. Mr. Logsdon was asked to present his recommendation. Mr. Logsdon stated the matter was based on a settlement agreement wherein the conditions of the settlement agreement were not completed. Mr. Logsdon stated the program closed without providing evidence of meeting any of the requirements of the agreement and later the program reopened. The Board then issued an order to first issue the license and then suspended the license pending the completion of the requirements originally contained in the settlement agreement. Mr. Logsdon stated it is his opinion that some of those requirements cannot be monitored and validated without some degree of latitude in terms of the opening of the school. Mr. Logsdon stated that it is his recommendation that the Board temporarily stay the suspension for three months and on the second month conduct an inspection to determine if all the requirements imposed by the order had been met. If the requirements are not met, Mr. Logsdon stated he would recommend that the temporary stay be cancelled.

Motion #20:      Mr. Penzone moved to accept the recommendation of the Executive Director and stay the Order to suspend the license in the matter of Ohio Cosmo Beauty Academy for a period of three months and then re-inspect the program based on the conditions listed in the Board's Order. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 - Yes.

**Agenda item #5 Cont'd:      PUBLIC TESTIMONY**

Agenda item 5c:      John Haigwood

Mr. Haigwood provided his name and address for the record.

Mr. Haigwood stated that he was owner of Salon Concepts in Cincinnati, Ohio. Mr. Haigwood stated that his concern was the timeframe in which Am. Sub. S.B. 213 would become effective. Mr. Haigwood stated that the Board has booked all the examination seats for the Manager's examination during the 90-day grace period. Mr. Haigwood requests that the Board allow licensees to get their Independent Contractor license without a Manager's license in the interim. Mr. Haigwood stated there are hundreds of stylists who cannot take the exam, they are out of work, and they cannot move forward.

Mr. Penzone inquired how many stylists being referenced. Mr. Haigwood stated he had approximately 100 at his salon and his competitors across the state would have more. Ms. Shepline stated that she understood, but did not believe there was anything that could be done since the current law requires a Manager's license. Mr. Murry stated the Board does not have the authority to stay implementation of new legislation. Mr. Haigwood inquired if there was another solution. Ms. Osterhage inquired of Ms. Pearson if the scheduling issue for the manager's examination was new or related to a rush because of the new law. Ms. Pearson responded that it was not new. She stated the office schedules out four to six weeks and they get applications daily. Ms. Pearson stated that staff is now scheduling exams beyond the September 13, 2016 date. Mr. Logsdon stated the staff continues to schedule examination as they have always done and scheduling into September would be occurring whether Am. Sub. S.B. 213 happened or not.

Mr. Haigwood stated his concern regarding the inability to take a manager's examination. Mr. Logsdon inquired if getting an Independent Contractor license was the problem. Mr. Haigwood affirmed that this was his concern. Mr. Logsdon inquired if Mr. Haigwood was aware that the new law would not require a manager's license as a prerequisite to Independent Contractor licensure. Mr. Haigwood stated that he understood, but was concerned that it was a month away. Ms. Osterhage stated that nothing has changed, stating the board is existing under current law until new law goes into effect. Mr. Haigwood and the Board

continued to discuss the concerns, but states counsel stated the board works under current law until the new law goes into effect and there is not room to maneuver.

Dr. Gupta departed at 2:40 p.m.

Agenda item 5d: Jeff Geisinger

Mr. Geisinger provided his name and address for the record. Mr. Geisinger stated that he represents an Ohio-based disinfectant company in Toledo. Mr. Geisinger stated that an issue came to his attention concerning recent rules and he worked with Mr. Yaniko to address the issue. Mr. Logsdon interjected and stated that the changes being proposed by Mr. Geisinger are not in the current rules packet, but he is continuing to explore what the language absolutely needs to say to reflect the EPA requirements. Mr. Logsdon stated that once the language is properly understood, it might require pulling and refiling the rule.

**Agenda item #6 UNFINISHED BUSINESS**

None.

**Agenda item #7: OLD BUSINESS**

None.

**Agenda item #9 EXECUTIVE SESSION**

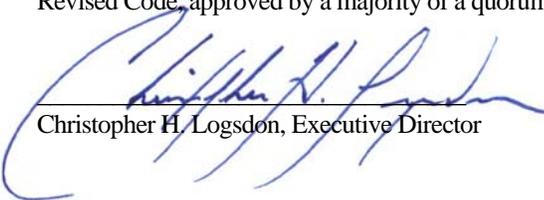
None.

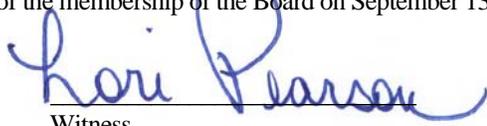
**Agenda item #10 ADJOURNMENT**

Motion #21: Mr. Penzone moved to adjourn. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 5- Yes.

The meeting adjourned at 2:44 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 September 13, 2016.

  
Christopher H. Logsdon, Executive Director

  
Witness