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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 December 13, 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.

**ATTENDANCE (Exhibit B):**

Thomas Taneff, Chairperson

Clara Osterhage, Vice Chairperson

Steve Thompson

Charles Penzone

Luke Hanks

Tasha Sheipline

Dr. Shalini Gupta

**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:**

Peter Jamison, Assistant Attorney General

**Others in Attendance:**

Angela Hodges, The Hornsby Group

Tim Hornsby, The Hornsby Group

Jasmine Edens, Apollo

Jessica Stanley, Apollo

Gwen Holland, Sports Clips

Michael Schuh, Michaels Salon

Jeff Geisinger

Bernadine Neal, COHS

Jody Achatz, Kenneths

Debbie Moore, Paramount Beauty Academy

Sheila Parker, Paramount Beauty Academy

Matt Wells, ODE

Pat Dinh, Ohio Cosmo

Elizabeth Murch, Ohio Salon Association

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

Mr. Taneff called the meeting to order at 1:10 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. Valerie Benfer was not present and was excused from the meeting.

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 December 13, 2016. Ms. Sheipline seconded the motion. Discussion: Mr. Hanks asked to recuse himself from the proceedings in order to speak to the Board at the podium on a private interest. Mr. Hanks went to the podium. Mr. Hanks asked that Item C under New Business be withdrawn from the agenda (Item C was a letter to the Board from Mr. Hanks). Mr. Taneff, hearing no objection to the request, directed so. Mr. Hanks rejoined the Board at 1:11 PM. No further discussion. 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 meeting minutes of November 8, 2016. Mr. Thompson 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 filed a written report. Mr. Logsdon provided a verbal review of his report.

Mr. Logsdon reported that he provided the Board members with a summary of the agency's budget. Mr. Logsdon stated that expenditures were within budget projections, at the halfway point through the fiscal year. Mr. Logsdon stated that he would be getting quotes for security glass for the front office, which he would provide to the Board for review at a future meeting.

Mr. Logsdon noted his travel report and asked if members had any questions – no questions were asked.

Mr. Logsdon reported that the Executive budget is expected to be released sometime in January and that soon afterwards the Board would be scheduled for hearings before the Ohio House of Representatives and the Ohio Senate. Mr. Logsdon reported on recent economic indicators concerning state revenue.

Mr. Logsdon reported that approximately 18% of licensees had renewed their licenses through the online portal. Mr. Logsdon reported that the statistics were normal, because most licensees wait until late to renew their licenses. Mr. Logsdon reported that the renewal process is entirely online and the office has received a number of reported concerns. Most concerns reported are inability to complete the online renewal. Reasons include no computer access, lack of computer skills, unspecified objections to online financial transactions, and identity theft. Mr. Logsdon stated that the Board online renewal policy has been carried out without exception and that staff have been working with licensees to overcome obstacles. Mr. Logsdon reported that, in general, staff are surprised that nearly all issues have been resolved without objections.

Mr. Logsdon stated that the Board has four computers available in the front lobby, which can be used by any licensee and staff will assist. Staff, he reported, also talks people through the process, via home computers, other's, and library computer access. Staff, he stated, will also assist with smartphone access to the online portal.

The second issue reported by licensees is placing licenses in “Escrow” status, which Mr. Logsdon stated is actually called “Inactive” status by law. Licensees he stated have expressed concern over not receiving an ID card. To address this concern, Mr. Logsdon stated that a form letter is being sent to all persons in current “Inactive” status advising them on what “Inactive” status means and how to reinstate the license back to active.

Following the renewal cycle, management and staff will be looking at lessons learned and create any recommendations for the Board for the next renewal cycle. Mr. Logsdon did recommend that the Board review the “Inactive” license status rules to make sure the rules are doing exactly what the Board expects.

Mr. Logsdon gave a legislative update on H.B. 617 and S.B. 366, noting a summary was prepared and contained in his report.

Mr. Logsdon provided the members with a list of current license numbers for all credentials issued by the Board.

Motion #3: Ms. Osterhage moved to approve the Executive Director’s Report. Mr. Hanks seconded the motion. Discussion: Ms. Shepline inquired about the Elicense 3.0 project and its rollout. Mr. Logsdon reported that he is on the Elicense 3.0 Steering Committee and the project is listed as “green” and implementation is moving forward. Mr. Logsdon stated the Board was delayed due to complexity, size, and our upcoming renewal. Mr. Logsdon stated that he is anticipating September 2017 as the rollout for the Board. No further discussion. Roll call vote taken - motion carried: 7– 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 December 7, 2016. Mr. Logsdon then reviewed the ARC’s recommendation for each case listed in the ARC report. Mr. Logsdon provided additional detail on recommendations associated with rule 4713-1-07 of the Ohio Administrative Code, specifically cases 2016-597, 2016-598, 2016-599, and 2016-600. 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. Shepline moved to confirm the Administrative Review Committee (ARC) report, as referenced hereto by attachment to the minutes of the Board. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

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

##### - Pat Dihn, Ohio Cosmo School (Exhibit G)

Mr. Dihn provided his name and address for the record. Mr. Dihn stated that he became a licensed nail technician in 1995. Mr. Dihn reviewed his qualifications and personal recognitions in business, stating he owned two beauty schools, one in Springfield, Ohio and one in Reynoldsburg, Ohio. Mr. Dihn stated that when he opened the Springfield school in 2011, all persons seeking to practice in Ohio needed to enroll in an approved school. Mr. Dihn stated that current law does not require it and now he accepts transfers from other states, but particularly the state of Florida. Mr. Dihn stated that people are buying a license in the state of

Florida for \$500.00 and then coming to Ohio. Mr. Dihn stated that his school is only enrolling one or two students per month. Mr. Dihn stated that he believes many applicants have Ohio driver's licenses, but manicuring licenses from Florida. Mr. Dihn stated that he believes families are buying five or ten licenses in Florida and moving their family here to Ohio to open a salon and that he feels they are not properly trained. Mr. Dihn reviewed his training credential for the Board and stated that his students do very well.

Mr. Penzone inquired of Mr. Dihn what he would like the Board to do. Mr. Dihn proposed doing what North Carolina does, which he stated sanctioning licenses from Florida and requiring licensees to enroll in a 200-hour class. Mr. Dihn stated that Texas and California offer their examination in Vietnamese. Mr. Penzone clarified Mr. Dihn's response and inquired about how people get a Florida license. Mr. Dihn stated people pay \$500.00. Mr. Penzone asked if the Florida license was fake and Mr. Dihn answered by stating the licenses were black market, but then stated the Florida Board only requires 240 hours of training. Mr. Penzone inquired of Mr. Dihn if his schools were accredited. Mr. Dihn stated that they were not. Mr. Penzone clarified that Mr. Dihn wants the Board to follow the North Carolina form. Mr. Dihn affirmed. Mr. Dihn stated that he would like the 2011 policy reinstated. Mr. Penzone inquired of Mr. Logsdon about the possibility of pursuing the proposed course. Mr. Logsdon refused comment, because he had no time to study the issue or confirm that what is being stated is actually occurring or if such a proposal would conflict with existing law. Mr. Logsdon stated that he would try to put some information together.

- Elizabeth Murch, Ohio Salon Association

Ms. Murch stated that she did not wish to speak.

- Tim Hornsby, The Hornsby Group

Mr. Hornsby gave his address for the record. Mr. Hornsby clarified Mr. Dihn's point concerning fraudulent licensing, stating the matter is not without precedent. Mr. Hornsby stated that schools in other states have been found to be selling licenses, then coming to Ohio for licenses and taking them back to another state with a valid license without ever working in Ohio.

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

None.

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

Agenda item 7a: Proposed Revised Code Changes (Exhibit H)

Mr. Logsdon stated that the proposed Revised Code changes were scheduled for review and hopefully a vote.

Motion #5: Ms. Osterhage moved to authorize the Executive Director to support through the legislative process, as opportunity would allow, proposed changes attached hereto and referenced to the Board minutes. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

**Agenda item #8: NEW BUSINESS**

Agenda item 8a: Continuing Education Provider Packet (Exhibit I)

Ms. Pearson introduced the matter. Ms. Pearson stated that the renewal cycle for continuing education providers ends every biennium and a new provider packet is updated with new information so that applicants can submit courses for approval.

Discussion: Mr. Penzone inquired what had changed. Mr. Logsdon stated that the forms have been updated to comply with the current provisions of law. One example provided was the course breakdown for one hour of laws and rules training, two hours of training on safety and sanitation, and five hours of general standards training specific to the license held. Mr. Logsdon explained that the new packet explains that the laws and rules, and safety and sanitation hours can be applied to all credentials held and need not be repeated. Ms. Sheipline inquired about the necessity to have three separate courses. Ms. Pearson stated that the laws and rules would always need to be separate, because the Board was providing that education; the other two hours of safety and sanitation could be separate or combined with a seven-hour course. If combined; however, the licensee would need to repeat the hours for each credential held, because they cannot be applied to other credentials. Mr. Logsdon also clarified the issue.

Ms. Osterhage inquired if the Board would ever consider a safety and sanitation course. Mr. Logsdon stated that it could be considered, but is not exactly the agency's expertise as laws and rules would be.

Mr. Penzone stated that he wanted to address human trafficking. Mr. Penzone stated that he is all for doing as much as possible to eliminate human trafficking and that for the record his salon group was the first salon group to begin working with the Ohio Attorney General's office on introducing things to eliminate human trafficking. Mr. Penzone asked two questions: (1) how many other agencies' require their licensees to take human trafficking training, and (2) suggesting that all members of the Board take the online training.

Ms. Sheipline stated that she needs human trafficking training for her teaching license. Mr. Logsdon stated that most Boards recognize human trafficking training as continuing education, but that the Ohio Cosmetology Board chose to adopt a rule in 2014 that required the training for its licensees. Mr. Logsdon reminded members that it is a one-time requirement. Mr. Penzone asked if the Board was the only agency that actually required the training. Mr. Logsdon stated that he believes the Board is the only agency that requires the training.

Ms. Osterhage requested that the Executive Director review school websites, because she is still finding references to the Manager program.

Motion #6: Mr. Penzone moved to approve the continuing education provider packet. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

Agenda item 8b: Proposed Rule Review (Exhibit J)

Mr. Logsdon provided the membership with a summary of the proposed rules 4713-21-02 and 4713-21-08. Mr. Logsdon explained that the Board has already seen the proposed rules, but staff found additional language that duplicates or is inconsistent with changes made to the Revised Code by Am. Sub. S.B. 213.

Motion #7: Mr. Hanks moved to approve the following proposed rules, incorporated herein for refiling with the Joint Committee on Agency Rule Review:

4713-21-02	Definitions. (Amend)
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4713-21-08	Application criteria and procedures for continuing education course approval. (Amend)
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Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

Agenda item 8c: Request for Waiver of 60-day Notification of School Closing

Withdrawn.

Agenda item 8d: Hearing Officer Report and Recommendation

None.

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

None.

Agenda item 8f: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 - #30) – (Exhibit K collective)

Motion #8: Ms. Osterhage moved to approve Orders of the Board as listed on “COS – Issue Report NOV Business + Credential” dated 12/02/2015 to 12/02/2016 as items #1 through item #30, 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: 7 - Yes

The Orders of the Board shall become effective upon the date of mailing of the Orders.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

Agenda item 8g: Board Orders to Approve Settlement Agreements (Items #31- #55) (Exhibit L collective)

Motion #9: Mr. Penzone moved to approve the Settlement Agreement Orders of the Board as listed on “COS – Issue Report NOV Business + Credential” dated 12/02/2015 to 12/02/2016 as items #31 through item #55 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: 7 - Yes.

The Orders of the Board shall become effective upon the date of mailing of the Order.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

Agenda item 8h: Approval of Surrender Agreement – COSM.060851 (Exhibit M)

Ms. Osterhage moved to approve the proposed surrender agreement in the matter of COSM.060851. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - Yes.

**Agenda item #9**

**EXECUTIVE SESSION**

None.

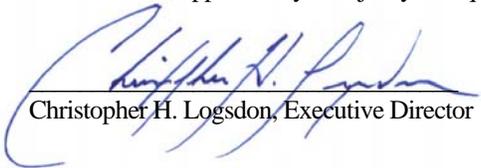
**Agenda item #10**

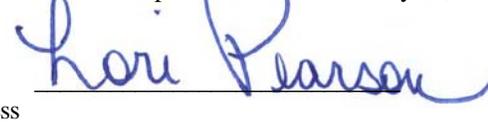
**EXECUTIVE SESSION**

Motion #10: Ms. Osterhage moved to adjourn. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7- Yes.

The meeting adjourned at 2:03 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 January 10, 2017.

  
Christopher H. Logsdon, Executive Director

  
Witness