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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 APRIL 11, 2017

REGULAR BUSINESS MEETING

**TRANSCRIPTION NOTE (Exhibit A):**

Anderson Reporting Service, 3242 West Henderson Road, Suite A, Columbus, OH 43220 was the transcription service for this meeting. Transcript is attached as Exhibit A.

**ATTENDANCE (Exhibit B):**

Thomas Taneff, Chairperson

Clara Osterhage, Vice Chairperson

Rowena Yeager

Charles Penzone

Luke Hanks

Tasha Sheipline

NeCole Cumberlander

**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:**

Cindy Bowsher, Apollo

Deborah Moore, Paramount

Tim Hornsby, Hornsby Group

Jill Wells, Jillians

Liz Spencer, Moler Beauty Academy

Elizabeth Murch, Ohio Salon Association

Michael Schuh, Michael's Salon

Gwen Holland, Sportsclips

Mike Barchelor, Mitchell's

Bunny Neal, COHS

Emily Harrison, Kenneth's

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

Mr. Taneff called the meeting to order at 1:08 p.m.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and seven members were present. Dr. Gupta was not present. Having noted a majority of members were present, Mr. Taneff proceeded to conduct business.

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 April 11, 2017. Ms. Cumberlander seconded the motion. Discussion: None. 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. Sheipline moved to approve the meeting minutes of March 14, 2017. Ms. Osterhage 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 brief verbal review of his report.

Mr. Logsdon stated that the Board was currently under budget and the funds were transferred from Account 500 to Account 530 for the purchase of equipment approved by the Board at its last business meeting.

Next, Mr. Logsdon stated that H.B. 49 had not yet passed from the Ohio House of Representatives, but should within the next few days or weeks. Mr. Logsdon stated that the Ohio Senate had not scheduled the Board for a hearing.

Next, Mr. Logsdon stated that the manicuring examination had been updated and that the examination was prepared for implementation on or after April 11, 2017. Mr. Logsdon stated that a draft resolution had been prepared for consideration, which would delegate examination development and administration to him pursuant to Section 4713.24 of the Revised Code. Mr. Logsdon stated that the motion was new business.

Next, Mr. Logsdon provided members with a 2017 Renewal Report. Mr. Logsdon stated that the Board did not need to consider recommended changes at this time, but the recommendations provided would be presented again.

Next, Mr. Logsdon gave an update on recent IT upgrades implemented. Mr. Logsdon reported that the office has moved internal data storage to the Ohio Information Technology Center and desktop systems have been upgraded to Microsoft Office 365. Mr. Logsdon stated that the change addresses, in part, IT solution requirements addressed in the Board's three-year strategic plan.

Next, Mr. Logsdon noted meetings and travel incurred since the last Board meeting.

Next Mr. Logsdon provided a brief update on rules that were heard before the Joint Committee on Agency Rule Review.

Next, Mr. Logsdon reminded members of the 2016 financial disclosure deadline and to send him notice of filing.

Next, Mr. Logsdon introduced the agency's back office customer service staff to the public and the Board and recognized them for their service. Mr. Logsdon also informed members that Ms. Phyllis Jones would be retiring in May. Discussion: Mr. Taneff noted that the Board is a very smooth running organization, which is not possible without the staff.

Last, Mr. Logsdon provided the Board with an enforcement report.

Motion #3: Mr. Hanks moved to approve the Executive Director's Report. Mr. Penzone seconded the motion. Discussion: Ms. Osterhage inquired about the enforcement report, asking if the number of violations were less than prior years. Mr. Logsdon stated the Board is issuing far fewer violations that were issued two – three years ago. Ms. Osterhage asked if he Executive Director was interested in feedback on the renewal report. Mr. Logsdon stated that he was interested in feedback, but he was not specifically recommending action be taken at this meeting. Ms. Osterhage encouraged Mr. Logsdon to reach out to beauty supply houses to determine if they have access to the licensure database. Mr. Logsdon stated that the license lookup is publicly available. Ms. Osterhage encouraged Mr. Logsdon to communicate with the supply houses. Mr. Penzone asked if 37-40 violation per month were average. Mr. Hanks reminded member Penzone that Mr. Logsdon's report only presents the top ten violations. No further discussion. Roll call vote taken - motion carried: 7– Yes.

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

### Agenda item 4a: Rules Committee Report (Exhibit F)

Mr. Hanks filed a written committee report that occurred on March 10, 2017. Mr. Hanks stated that the committee's next business would be tanning rules and he recommended that the Board consider asking to have medical representation on the committee for discussion on those rules. Mr. Taneff asked if Mr. Hanks had a recommendation. Mr. Hanks recommended Dr. Gupta. Mr. Taneff asked if the committee needed anything else. Mr. Hanks stated that the committee is doing some positive work and he appreciates the Board's support.

Motion #4: Ms. Shepline moved approve the Rules Committee report filed by Mr. Hanks. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7- Yes.

Ms. Shepline discussed the need to hold a curriculum committee meeting. It was decided that the next meeting would be May 9, 2017 at 11:00 a.m.

## **Agenda item #5: PUBLIC TESTIMONY (Exhibit G)**

### - Amy Streicher

Ms. Streicher was not present and only presented written testimony. Ms. Osterhage asked to discuss the letter. Ms. Osterhage stated that Ms. Streicher presented concerns that she expended funds to be trained in eyelash extension services and now the new law requires her to obtain either a cosmetology license or an esthetics license. Ms. Osterhage stated that Ms. Streicher expressed concern over other licensed individuals who are less trained than she is. Ms. Osterhage stated that she just wanted member to be cognizant of what Ms. Streicher is speaking of in terms of higher education. Ms. Osterhage asked education members to speak to the issue, because if there are schools that are not teaching the service, but vendors who will do the education, the Board should be concerned too. Ms. Pearson stated that eyelash extensions are part of the cosmetology curriculum, and each school may decide what they must do with the requirement. Ms. Osterhage responded, "So, it's covered, but to what detail..." Ms. Pearson affirmed. Ms. Shepline responded that eyelash extensions are briefly covered and it would be up to the school's discretion as to how much hands-on experience is required. Ms. Osterhage stated that Ms. Streicher appears to want to do the right thing, but the statute is in her way. Ms. Cumberlander stated that her school provides a great education, but not as specialized as Ms. Streicher is suggesting. Ms. Yeager stated that Ms. Streicher's point is exactly the same. Mr. Penzone stated that he is unsure there is an argument in this case. Ms. Osterhage stated that eyelash extensions were recently added to statute and prior to that the service could be performed. Ms. Pearson stated that eyelash extensions were always part of the cosmetology curriculum, but Board policy on enforcement has changed. Mr. Logsdon clarified the agency's enforcement policy has changed based on recent court decisions in 2015. Mr. Murray stated that his office distributed a confidential memo on the decision. Mr. Logsdon stated he forward it to Ms. Cumberlander. Mr. Taneff stated that he is all for getting out of the way, but that Mr. Penzone has a point concerning the need for a license. Mr. Penzone stated the Board cannot expect her to practice without the proper license. Ms. Osterhage stated that she just want to raise the issue that this [eyelash extension training] is not being promoted. Mr. Hanks stated that the Board does not oversee these special training programs and it [the Board] has no idea what is being taught. Mr. Taneff stated that the issue is a 'Revised Code issue.' Mr. Penzone stated that the matter is legislative and not in the Board's purview. Mr. Penzone stated that Ms. Streicher states she called that Board and was told she could practice. Mr. Logsdon reminded the Board that its policy on the matter has changed due to court decisions and Am. Sub. S.B. 213. The matter was delegated to the Curriculum Review Committee.

**Agenda item #6: UNFINISHED BUSINESS**

None.

**Agenda item #7: OLD BUSINESS**

None.

**Agenda item #8: NEW BUSINESS**

Agenda item 8a: Review and Approval of Revised and New Policies

**Policy #2.23: Salon Application Processing (Exhibit H)**

Mr. Logsdon was asked to present the matter. Mr. Logsdon stated that policy 2.23 was being presented as an amendment to the prior approved policy.

Motion #5: Ms. Osterhage moved to approve amended policy #2.23. Mr. Hanks seconded the motion. Discussion: Mr. Penzone inquired how much lead time is needed for an application to arrive. Mr. Logsdon stated that the Board must complete an opening inspection within 90 days after issuing a license, so from that perspective it would be 90 days before the Board would inspect. Mr. Yaniko clarified that the law stated “within 90 days of opening.” Mr. Penzone asked if an opening inspection is necessary before opening the doors. Mr. Logsdon stated that the Board expects everything is in place. Ms. Osterhage stated that the application filed indicates that everything required is ready. Mr. Logsdon suggested that applicants should file as soon as possible, but that the Board is currently issuing salon licenses on the day received, if complete. He stated that processing times can vary based on the number of applications received. Mr. Taneff inquired if the applicant can pay by credit card. Mr. Logsdon stated that the next elicensing system should address the limitation.

No further discussion.

Roll call vote taken - motion carried: 7– Yes.

**Policy #3.25: Unauthorized Weapons Policy (Exhibit I)**

Mr. Logsdon noted that the policy title should be “Unauthorized Weapons,” not “Active Aggressor.” Ms. Osterhage asked that another typo be corrected. Mr. Logsdon replied that the policy was based on DAS language and that he would not change the proposed text. Ms. Osterhage noted another correction, but staff had already caught the change. Ms. Osterhage inquired about the language that stated that only a Board employee who is required, as a condition of their work assignment, to possess a firearm, weapon, or other dangerous devices. Ms. Osterhage inquired who that person would be. Mr. Logsdon stated that the Board has no positions that would authorize that responsibility. Ms. Osterhage stated her interpretation that the Board Director could determine someone need to carry a weapon. Mr. Logsdon stated that it would not be permitted since he had no person, who as a condition of their work assignment, would require it. Mr. Logsdon stated that all position description would need to be reviewed by DAS and approved. Mr. Logsdon believed no such change would be authorized.

Motion #6: Ms. Osterhage moved to approve policy #3.25, “Unauthorized Weapons Policy.” Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6– Yes, 1 – No (Mr. Penzone).

Agenda item 8b: Manicuring Examination Update (Exhibit J)

Mr. Taneff asked if there was a motion to approve the draft resolution.

Mr. Hanks moved to approve resolution # [8b-4-11-2017]. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7– Yes.

Agenda item 8c: Salon Applications (Exhibit K collective)

Ms. Osterhage inquired if the notary requirement was removed. Ms. Pearson affirmed that the notary was replaced with an affirmation. Ms. Shepline stated that the school license application was confusing, because the ownership section would not apply to a public school. Mr. Yaniko stated that he would recommend adding a box that would permit the acknowledgement. Mr. Logsdon asked for a motion to approve the applications with the proposed amendment to COS-061.

Motion #7: Ms. Osterhage moved to approve the revised applications (COS-058, COS-061, COS-057, COS-028, and COS-052) and the mobile salon application COS-065. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7– Yes.

Motion #8: Ms. Osterhage moved to approve removing the notary requirement on the Temporary Event Salon Application and other Salon Applications. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes.

Agenda item 8d: Case Dismissal

Mr. Yaniko presented case #2016-482: Polly Chaffin. Mr. Yaniko explained that the case was based on no-compliance with a CE audit. The respondent requested a hearing, but in the interim was able to communicate with the CE provider and obtain documentation of completion.

Discussion: Ms. Osterhage inquired if this scenario happens often. Mr. Logsdon stated that it is a routine occurrence that individuals do not comply with audits and receive notices of opportunity for hearing. Later, Mr. Logsdon stated, licensee do respond or find their documentation. Ms. Pearson responded that the issue is only found within the context of an audit. Mr. Yaniko stated that sometimes the license number is incorrectly recorded on the CE certificates. And someone else gets credit. Ms. Yeager inquired how long it takes to do an audit. Ms. Pearson stated approximately six weeks. Ms. Yeager asked if the audit had started and Ms. Pearson affirmed it had. Ms. Yeager asked how long certificates needed to be retained. Ms. Pearson stated four years.

Motion #9: Mr. Penzone moved to dismiss case #2016-482. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7– Yes.

Next, cases 2017-199 and #2017-200.

Motion #10: Mr. Penzone moved to dismiss case #2017-199 and case #2017-200. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7– Yes.

Agenda item 8e: NIC Executive Director's Meeting (Exhibit L)

Mr. Logsdon explained that he had been encouraged to attend the NIC Meetings. Mr. Logsdon explained that the meeting is on April 18 and 19, 2017.

Motion #11: Ms. Osterhage moved to approve attendance of the Executive Director at the regional NIC Executive Director's meeting on April 18 and 19, 2017. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 – Yes.

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

None.

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

Motion #12: Ms. Osterhage moved to approve Orders of the Board as listed as items #1 through item #8 on the Administrative Action Report dated 4-11-2017 and the Orders to be journalized and attached hereto as exhibits. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - Yes

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

SO ORDERED

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

Agenda item 8h: Board Orders to Approve Consent Agreements (Items #9- #31) (Exhibit N collective)

Motion #13: Ms. Osterhage moved to approve the Consent Agreements as items #9 through item #31 on the Administrative Action Report dated 4-11-2017 and enter them upon the Board's journal as an Order of the Board and attached hereto as exhibits. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - Yes.

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

SO ORDERED

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

## **Agenda item #9**

## **EXECUTIVE SESSION**

None.

## **Agenda item #10**

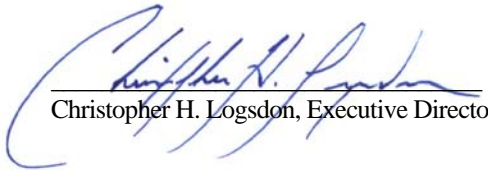
## **ADJOURNMENT**

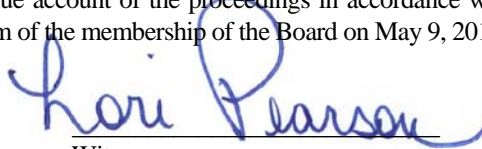
Motion #14: Mr. Penzone moved to adjourn. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7- Yes.

The meeting adjourned at 2:06 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 9, 2017.

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

  
\_\_\_\_\_  
Witness