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BEFORE THE OHIO STATE BOARD OF COSMETOLOGY

- - -

IN THE MATTER OF:

BOARD MEETING

- - -

TRANSCRIPT OF PROCEEDINGS

- - -

THOMAS TANEFF,
Chairman, Presiding

- - -

Tuesday, January 14, 2014
1:02 o'clock p.m.
Ohio State Board of
Cosmetology
1929 Gateway Circle
Grove City, Ohio 43123

- - -

JILLIAN VOGEL,
Professional Court Reporter

- - -

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On behalf of The Ohio State Board of
Cosmetology.

BOARD MEMBERS PRESENT:

Lori Pearson, Acting Executive Director
Thomas Taneff, Chairman
Steve Thompson
Valerie Benfer
Clara Osterhage
Luke Hanks
Tasha Sheipline
Dr. Shalini Gupta

ALSO PRESENT:

Lori Flanery, Administrative Assistant.

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I N D E X

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EXHIBITS	MARKED	ADMITTED
Cosmetology Exhibit A (Letter from Mr. Schindler)	19	19
Cosmetology Exhibit B (Memo from Cheryl Grossman)	21	21
Cosmetology Exhibit C (Report Parameters)	100	100
Cosmetology Exhibit D (Proposed changes to 4713-5-02)	100	100
Cosmetology Exhibit E (Rule 4713-13-07)	100	100
Cosmetology Exhibit F (Proposed Changes)	100	100

- - -

1 TUESDAY AFTERNOON SESSION
2 January 14, 2014
3 1:02 o'clock p.m.

4 - - -

5 P R O C E E D I N G S

6 - - -

7 BE IT REMEMBERED THAT, on the 14th day of
8 January, 2014, this cause came on for hearing before
9 Chairman Thomas Taneff. And, the parties appearing
10 in person and/or by counsel, as hereinafter set
11 forth, the following proceedings were had:

12 - - -

13 CHAIRMAN TANEFF: I call the meeting to order.
14 Happy New Year everyone.

15 Steve, would you rise, and everyone rise, and
16 join me in the Pledge of Allegiance, please.

17 (Pledge of Allegiance recited.)

18 CHAIRMAN TANEFF: We have the minutes of the
19 December board meeting. Has the Board had an
20 opportunity to review these? Are there any comments
21 or discussion? Do we have a motion to approve the
22 minutes of the December meeting?

23 MR. HANKS: Motion to approve.

24 CHAIRMAN TANEFF: Mr. Hanks made a motion to
25 approve; do we have a second?

MS. OSTERHAGE: Second.

1 CHAIRMAN TANEFF: Any board member comments or
2 discussion? Closed.

3 Roll call, please.

4 MS. FLANERY: Mr. Thompson?

5 MR. THOMPSON: Yes.

6 MS. FLANERY: Mr. Hanks?

7 MR. HANKS: Yes.

8 MS. FLANERY: Mr. Taneff?

9 CHAIRMAN TANEFF: Yes.

10 MS. FLANERY: Ms. Osterhage?

11 MS. OSTERHAGE: Yes.

12 MS. FLANERY: Ms. Sheipline?

13 MS. SHEIPLINE: Yes.

14 MS. FLANERY: Dr. Gupta?

15 DR. GUPTA: Yes.

16 CHAIRMAN TANEFF: Next, the Executive
17 Director's report.

18 MS. PEARSON: Chairman Taneff, members of the
19 board, as you may have noticed, our new carpet was
20 installed last month along with the new desks in the
21 back half of our office. So if you have a chance
22 to, take a look. Everything looks really nice.

23 Last week we completed 11 interviews for the
24 Northeast Ohio inspector's position. We are in the
25 process of completing the second round of interviews

1 this week, and a candidate will be selected by the
2 end of the week.

3 With the revisions to our rules, we also needed
4 to update our salon sanitary standards. Those are
5 required to be posted in all of our facilities and
6 salons. Therefore, we are waiting on a quote from
7 Central Printing and hope to have all of that back
8 and everything in the mail to all of our licensed
9 facilities in February.

10 We decided to do an actual mailing out to all
11 of the facilities so we are sure that everybody does
12 receive a copy for the first round. Inspectors, you
13 know it takes at least, sometimes, a year to get
14 around to all of their locations. So we want to
15 make sure everybody has the new sanitary standards
16 ready for posting.

17 Governor Kasich has designated January as
18 human-trafficking-awareness month. At the request
19 of the Governor's office, we have to design an
20 action plan of how we, our agency, would actually
21 get the word out about the awareness of human
22 trafficking to our licensees. So this month an
23 article will appear in the Ohio Stylist. We have
24 ordered campaign posters through the Governor's
25 office that they supply; and as soon as we receive

1 those supplies, we will be distributing the posters
2 to all our facilities and salons.

3 We will be sending out a mass email to all of
4 our licensees. We will also post -- these posters
5 will go up in our lobby and our exam areas just to
6 make sure we are helping to get the word out about
7 the human trafficking.

8 As you are, I'm sure, aware, one of the new
9 rules does require that all licensees attain one
10 hour of human-trafficking training in their
11 continuing-education courses; and, also, that salons
12 and facilities post something regarding human
13 trafficking in those salons. That's where those
14 posters that were ordered will come into play. And
15 that's my report.

16 CHAIRMAN TANEFF: Next --

17 MS. BENFER: I have a question. The
18 human-trafficking, one-hour requirement, will that
19 be in effect for the 2015 renewal?

20 MS. PEARSON: Correct. When we send the
21 renewal application information out, this time it
22 will have the requirement on there. So the next
23 renewal period is when that will go into effect.

24 MS. BENFER: So it won't be due this next
25 January when we renew?

1 MS. PEARSON: It will not.

2 CHAIRMAN TANEFF: Public testimony. Do we have
3 anybody from the public that would like to testify
4 on anything today? Anyone in the audience?

5 Tony, you're on the agenda at a different
6 moment here, so -- Ma'am, did you want to say
7 something?

8 MS. LOTT: I do.

9 CHAIRMAN TANEFF: Is Marty Gallagher here?
10 You're going to speak on the Sun is Life, right? We
11 have a category called unfinished business, if you
12 want to wait --

13 MR. GALLAGHER: I'll wait.

14 CHAIRMAN TANEFF: -- but you're allowed to have
15 two bites of the apple, if you want.

16 MR. GALLAGHER: I'm fine with one.

17 CHAIRMAN TANEFF: Then, it looks like from our
18 agenda that we have a lady -- come on up here, and
19 tell everybody who you are and introduce yourself.

20 MS. LOTT: Okay. I'm Bobby Lott. I'm with
21 Salon Schools Group here in Columbus, and I just
22 would like to make a couple of comments. I would
23 like a double bite of the apple. So if I can come
24 back later, I want to talk about something else.

25 CHAIRMAN TANEFF: You can eat the whole apple.

1 MS. LOTT: Okay. First, before I get started
2 on what I wanted to make the comment on originally,
3 I will speak as a representative of the National
4 Accreditation Commission.

5 Each year the Accreditation Commission hosts
6 what is called a community call for comment, and
7 individuals from the public are invited and
8 encouraged to come and give their opinion. I
9 received an email yesterday from the executive
10 director that they are looking for two more spots --
11 individuals, one being a representative from a state
12 association and one being an employer of someone who
13 is -- who employs a graduate of an accredited
14 school. It could be any accredited school, wouldn't
15 have to be an accredited school in Ohio.

16 So if any one of you are interested in that
17 information, I have brought with me all the parts to
18 it. I can give those to Lori, and she can pass
19 those out.

20 Some of the topics that the community call for
21 comment will be asking are, should the Accrediting
22 Commission increase its percentage for completion
23 rates, employment rates and so forth; and asking for
24 information on what is the prime role of the
25 Accrediting Commission and what they should do.

1 There is a list of, I think, eight topics that will
2 be discussed. It's all outlined in here, and I will
3 give that to Lori. So, that was bite number one.

4 Bite number two is a comment on the proposed
5 rule change for 4713-05-02. First of all, in
6 reading this, I was a little confused because it
7 says that the -- at least 50 percent of the clinic
8 work -- All schools shall ensure the program is
9 comprised of at least 50 percent clinic work. Then
10 it says, at least 25 percent of all clinic work must
11 be competently performed on live persons, which may
12 include patrons or students. So is that 25 percent
13 25 percent of 750, or is it 50 percent of 750, you
14 know? That's where I -- because then it goes on to
15 say, the remaining 25 percent can be completed on
16 mannequins or live persons. So is that -- what
17 happens to the other 50 percent of the 50 percent?
18 So that's where I was really confused on what
19 exactly the Board was going to propose, or what was
20 going to be proposed.

21 Then, just to discuss how I think this would be
22 a strong imposition on schools, I guess I'm not
23 clear. Does the Board have a form that they're
24 going to expect schools to complete showing that the
25 student completed the service on a client or they

1 completed it on a mannequin? If so, could the
2 schools see that form before this would be passed?

3 I guess this was just very confusing, and I
4 just really didn't understand it. I would like a
5 stronger, better clarification of exactly what it
6 is. So I guess my request to this board would be,
7 until there could be a better clarification and a
8 better understanding by the individuals involved,
9 all schools, including technical career centers and
10 so forth, could the Board hold off on making any
11 action on this. So those are my two bites.

12 CHAIRMAN TANEFF: Board member comments?

13 MS. LOTT: Oh. I came back. Okay.

14 CHAIRMAN TANEFF: Any comments?

15 MS. SHEIPLINE: Do we want to discuss this
16 issue now, because it's also further down in the
17 agenda.

18 CHAIRMAN TANEFF: Is that okay if we wait until
19 later?

20 MS. LOTT: Yeah. If you want to come back and
21 ask me questions, that would be fine.

22 CHAIRMAN TANEFF: Next, I think we had -- Don
23 Yearwood wanted to say a few words.

24 MR. YEARWOOD: Director Pearson, Chairman
25 Taneff, and members of the board, for those in the

1 audience that don't know me, my name is Don
2 Yearwood. I'm a school owner for many years,
3 President of the Ohio Association of Cosmetology and
4 recently elected President of the American
5 Association of Cosmetology Schools, the national
6 schools association.

7 I'm here to speak in opposition to the proposed
8 change to 4713-05-02, which was introduced without
9 the input of the community constituents served by
10 this board.

11 Whenever I'm in a national setting discussing
12 operational and administrative aspects of this
13 board, I'm proud to say that I praise the fair and
14 inclusive style of The Ohio State Board of
15 Cosmetology compared to the rest of the country. We
16 often say that Ohio sets the gold standard for the
17 cosmetology board.

18 The proposed rule change, which would require
19 micro-tracking of work by students on live models
20 verses mannequins, is confusing, ambiguous in
21 terminology, inaccurate in mathematical concept and
22 will add an additional administrative burden to
23 schools.

24 The association believes the current rule,
25 which includes a certification process for tasks

1 performed by students in the clinic area, is working
2 fine and that no substantial reasoning has been
3 provided for the change.

4 Unless there is information that the Board has
5 that they are not sharing, there should be no reason
6 why the current rule couldn't remain as it presently
7 exists. Again, I'm asking the Board to withhold any
8 action approving the proposed change to 4713-05-02
9 and to maintain the existing rule as written.

10 Thank you very much. I'll be happy to answer
11 any questions, if you have any.

12 MR. HANKS: Chairman Taneff, I would like to
13 take a second to congratulate Mr. Yearwood for being
14 elected President of the National Association of
15 Cosmetology Schools. That's a huge honor, and I'm
16 proud to have you representing us on that board.

17 MR. YEARWOOD: Thank you. I am humbled, sir.

18 CHAIRMAN TANEFF: I think that Jack Langstaff
19 would like to speak.

20 Jack, if you could please state your name and
21 address and who you're here for.

22 MR. LANGSTAFF: Jack langstaff. My wife and I
23 are co-owners of the Artisan College of Cosmetology
24 in Findley, Ohio. We came in response to the
25 proposed rule change 4713-05-02.

1 I have to echo Mr. Yearwood's comments and
2 sentiments. At this point, I see no reason for the
3 rule change. Second of all, on a person level, this
4 is going to impact us financially. Because given
5 the way it's worded and given the requirements for
6 properly documenting clinic hours, the permutations
7 of this thing are incredible. I mean, we will have
8 to bring on additional people to make sure that this
9 is done in the way that it should be done.

10 We don't want to do this just to be doing it
11 and shove it off to one side. If it is a
12 regulation, we take it very seriously. As most of
13 you know, we have tried our best over the years to
14 do this.

15 This is -- it's a very difficult one, and if
16 you look over this, the -- I hate to take up your
17 valuable time, but just to look at this, 50 percent
18 clinic work -- I don't think anyone has a problem
19 with this, but it says, at least 50 percent. At
20 least 25 percent of all clinic work must be
21 competently performed. I have no idea what that
22 means. I don't think I could even begin to describe
23 it. I would probably know it if I see it, but I
24 just don't see any benchmarks or anything else.
25 Also, these benchmarks would change depending on the

1 experience of the students.

2 So now you begin to see how many levels and
3 tiers we're getting into. In addition to that 25
4 percent of all clinic work, if -- let's say 750
5 hours, that's pretty easy to calculate, but let's
6 say the student does 785? We have to calculate 25
7 percent of that. What happens if the student does
8 850, and each individual student from thereon has to
9 be looked at individually. We don't have the
10 manpower to do this right now.

11 Anyway, I would ask that the Board look at this
12 very seriously and, perhaps, put this one on hold
13 and go with what we have for now. Thank you very
14 much for listening.

15 CHAIRMAN TANEFF: Thank you, Mr. Langstaff.

16 Anyone else here from the public that wishes to
17 speak on whatever is on your mind?

18 Yes, sir. If you could approach the podium,
19 and please state your name and address and who
20 you're here on behalf of.

21 MR. CLAWSON: My name is Brian Clawson, I am
22 the general manager at Creative Images in Dayton,
23 Ohio. I represent Nicholas Schindler, the owner. I
24 have a statement that I'd like to introduce to you.
25 I don't want to take your time and formally read the

1 whole thing. My address is 7535 Poe Avenue, Dayton,
2 Ohio 45414.

3 I would like to commend the Board, for an
4 aspect -- at least this is what I'm believing you
5 guys are doing -- is that you want to create better
6 students that come out of our schools that will be
7 more likely to survive in the marketplace and be
8 better equipped to do so. So I want to commend you
9 guys, if that is indeed the goal of the Board.

10 However, the regulation as we talked to the --
11 for the other people that were here speaking before
12 me -- is it would be very burdensome to the schools.
13 I would like the take the approach of perhaps a
14 service requirement, a number of services needed to
15 graduate, rather than a block of hours. It would be
16 much easier for us to track that.

17 At Creative Images, we have probably one of the
18 best software systems on the marketplace,
19 Millennium; it does not track time. So if a client
20 arrived at 1:00 and left at 1:45, that 45 minutes
21 would have to be manually calculated. Extra staff
22 would have to be brought in, the staff members would
23 have a cost, perhaps increase the cost of tuition at
24 those schools that want to comply 100 percent.

25 What you would then do is have the better

1 schools have an increased tuition forcing students
2 or prospects to go to other schools that perhaps are
3 making it up as they go along or not in compliance
4 totally with the regulation.

5 I would like to point out that The Department
6 of Education over the last few years has done
7 enormous regulations on our industry. In fact,
8 Creative Images, 10 to 12 years ago, we had one
9 part-time financial-aid administrator. With all of
10 these rules, we now have two full-time, one
11 part-time and one bursar to do the duties that were
12 there before all these regulations were put in
13 place.

14 As it costs, it's about five-thousand dollars
15 per student to add all of that compliance and
16 regulation. Now, are we passing out financial aid
17 any better than what we were before? No, it's the
18 same thing. It's this whole regulation and
19 compliance.

20 I would like to think that the State of Ohio,
21 with the governor and certain people that are
22 empowered there, that their mindset has been a
23 deregulation to allow that person to do more, to do
24 better without being held back by restraints. And I
25 thought that that mindset was being complied and

1 empowered by the Board, and I think that the rules
2 that they're looking at to apply or implementing are
3 beyond the reasonable tracking for that.

4 The school is always trying to make our
5 students better -- doing a number of services
6 that -- In order to graduate, they have to have
7 1,500 hours. They would have to do so many sculpts,
8 so many pedicures, so many manicures, so many perms,
9 so many of the other services that they offer, I
10 think that would be a better way to go; and it would
11 be much easier for the schools to track. The end
12 result would be attaining that goal of producing
13 better students that can go through the system and
14 be able to survive in the marketplace.

15 You know, the state's board haircut that they
16 do to get their license is a great beginning; but
17 you and I well know that that is not going to make
18 them successful. So if our licensure rate, -- I
19 believe, in 2012 was 95 percent, -- we still have
20 students that don't make it in the marketplace. By
21 providing more services outside of the state board
22 haircutting licensing requirements, I think that you
23 would find a much more survivable student in the
24 marketplace. And I would like to enter Nick's
25 statement, if I can.

1 CHAIRMAN TANEFF: Sure. Thank you.

2 - - -

3 And thereupon, Cosmetology Exhibit A was marked
4 and identified for purposes of identification.

5 - - -

6 MR. CLAWSON: Do you have any questions I'm
7 likely to answer?

8 CHAIRMAN TANEFF: Thank you for coming.

9 MR. CLAWSON: Thank you very much.

10 CHAIRMAN TANEFF: Anybody else from the public
11 wish to testify about anything? Going once, twice,
12 three times. Okay.

13 All right. Committee reports. I don't think
14 we have any, or do we?

15 MS. PEARSON: Chairman Taneff, members of the
16 board, we did have an organizational meeting prior
17 to this board meeting; to discuss the curriculum
18 review committee and the reciprocity review we
19 discussed at the last meeting.

20 Member Sheipline will be heading the curriculum
21 review committee and Member Osterhage will be
22 heading the reciprocity committee. If they would
23 like the get the information, at least that's on the
24 dates and --

25 MS. OSTERHAGE: Do you want us to share that?

1 The reciprocity committee, Chairman Taneff,
2 will be meeting at 11:30 a.m. on the day of our next
3 board meeting; and we would like to extend an
4 invitation to Steve Thompson and, also, to Dr. Gupta
5 to participate with us and work on reciprocity.

6 MS. SHEIPLINE: And the curriculum review
7 committee tentatively is looking at February 10th at
8 10:00 to meet, and I believe that we also volunteer
9 Steve for that. If you're available on that date,
10 we'd like to extend an invitation to you as well.

11 CHAIRMAN TANEFF: Anything else?

12 All right. Legislative update.

13 MS. PEARSON: Chairman Taneff, members of the
14 board, there was a JCARR hearing held last week
15 downtown for Chapters 3, 6, and 7. No questions or
16 concerns were raised or addressed during that
17 hearing. These Chapters should be inactive late
18 this month, in January. The JCARR hearing for
19 Chapter 5 is scheduled for January 21 at 1:30 p.m.,
20 and we do have some rules that may require
21 discussion and vote down for -- under new business.

22 CHAIRMAN TANEFF: Thank you, Ms. Pearson.

23 Next item on the agenda is --

24 MS. OSTERHAGE: -- I'm sorry for interrupting.
25 I have one more legislative update I'd like to

1 provide, if you don't mind.

2 It was brought to my attention yesterday that
3 there was a memo that went from Representative
4 Cheryl Grossman to the House of Representatives
5 dated December 12, 2013; and I provided that letter
6 to Ms. Pearson and I would -- if you would be so
7 kind, Lori, to distribute that.

8 - - -

9 And thereupon, Cosmetology Exhibit B was marked
10 and identified for purposes of identification.

11 - - -

12 MS. OSTERHAGE: I'm going to just take a minute
13 to sort of refresh the Board's perspective on, I
14 guess, events, if you will, over the course of --
15 probably since June of last year, I believe, when
16 the activity post-House Bill 453 sort of went into
17 action.

18 If you recall, we were provided -- I believe it
19 was at the June meeting -- we were provided by Mr.
20 Trakas, former Director Mr. Trakas, we were provided
21 some information about legislation that
22 Representative Grossman wanted to provide to the
23 House and the Senate to this general assembly. If
24 you recall, I believe we voted -- and I don't
25 remember the board vote. I want to say it was five

1 to three, I believe it was, or seven to two, I think
2 it was -- we agreed with the portion of the
3 legislation that had to do with human trafficking.
4 If you recall, we rejected the rest of that
5 information -- the rest of what she had -- and I
6 believe we asked Director Trakas to take that
7 message back to Representative Grossman with a
8 followup that we were willing to certainly work with
9 her on the legislation.

10 I believe it was the next meeting, if I
11 remember correctly -- and I apologize, I haven't
12 verified all of this -- but I believe it was in July
13 when Mr. Trakas brought to us the two sets of
14 legislation. There was the very thick legislation
15 that included -- it was the full thing that included
16 the manager's license information and, then, there
17 was a separate piece of legislation that
18 essentially -- I think in the minutes you referenced
19 it as the elephant in the room, and so it was a
20 smaller piece that just addressed the manager's
21 license. It was at that time this board voted to --
22 I think we said that we did not want to, and I don't
23 want to put words in anybody's mouth; but we very
24 clearly said that our preference was to create one
25 bill that we would then present to the legislature

1 and we asked for clarification.

2 We asked for summary information particularly
3 because we had a couple of new board members. So we
4 had that summary information at the next board
5 meeting, I believe that was August; and that was at
6 the point Mr. Penzone and I had presented some
7 legislation that we also reviewed. If you recall,
8 it was a very long meeting; and we reviewed all of
9 that information and weighed in on the pieces and
10 parts of that.

11 The letter that you have -- the memo that you
12 have in front of you, I have great concerns. I'm
13 not sure where the disconnect is, but Representative
14 Grossman very clearly is stating that she's going to
15 be introducing legislation that will be a statutory
16 overhaul of Ohio Revised Code Section 4713, Ohio's
17 cosmetology laws; and she states and I quote: "In
18 collaboration with The Ohio State Board of
19 Cosmetology." I feel as though we have worked to
20 open the door. I called Ms. Pearson and asked her,
21 if, in fact, what we approved in the August board
22 meeting, which was a lot of legislative pieces and
23 parts, whether or not that had been provided to
24 Representative Grossman.

25 I acutally met with Representative Grossman to

1 talk about how we could work together on legislative
2 activities. At that time she shared with me that
3 she had not received what we approved at the August
4 meeting; but Ms. Pearson has shared with me that
5 they did, in fact, get that to her office.

6 I also -- she made it clear to me that they
7 were working on the old House Bill 453 and making
8 quote-on-quote significant changes to that that she
9 would be introducing to the legislature. I
10 requested that we be involved, and that we have that
11 to look at and she respectfully declined.

12 So my concern is that I think this is a
13 misrepresentation of where the Board is with any
14 legislation for the cosmetology industry. I would
15 love to hear others' thoughts, but this is
16 essentially the way. This is my perception at this
17 point in time. I don't recall collaborating and
18 creating legislation that would be submitted.

19 CHAIRMAN TANEFF: Any board member comments?

20 MS. SHEIPLINE: Can I just ask a question. So
21 we have no idea what has been introduced, whether --
22 we have no idea what's being introduced; is that the
23 case? We don't have a copy of any of this?

24 CHAIRMAN TANEFF: No.

25 MS. SHEIPLINE: Okay. So we don't know if it

1 fell in line with the changes that we proposed, or
2 it's something completely different?

3 CHAIRMAN TANEFF: No idea, but for whatever
4 it's worth, any state legislature certainly has the
5 privilege of introducing any legislation that they
6 care to introduce. It's their prerogative of
7 whether or not they want to involve different
8 components of the community on something they're
9 doing. That's her prerogative, and that's her
10 right.

11 For the record, I did call Representative
12 Grossman last night about 10:00 and left a voice
13 mail on her machine at work inviting her to show up
14 today, or if she was unavailable, to send someone in
15 her place. Because I think if we're going to
16 question somebody on something, that they certainly
17 should have at least an option to be here and
18 represent themselves.

19 I wasn't, obviously, able to get ahold of her
20 last night, but we did finally make contact with
21 each other this morning. I shared with her some of
22 the concerns and the comments that you have shared
23 with me and the letters and emails from the board
24 members; and I said, "Show up today if you can or
25 send somebody in your place." She said, "I'm sorry,

1 I'm in a meeting." So she couldn't make it.

2 The other item that I wanted to share with you
3 was if this board and the members in attendance
4 today will recall that this Board, by seven-to-two
5 vote, unanimously struck down her bill last year. I
6 think it was 453, was that it? Yeah, Substitute
7 House Bill 453. We -- seven-to-two vote we struck
8 down everything except for the comment about the
9 human trafficking. So this is her opportunity to
10 resurrect this thing and to move forward. Any other
11 comments on how you guys want to handle this?

12 You each also have an individual right to send
13 a letter to the Ohio Legislature. You have a right
14 as a individual board member to do that. We also
15 have the option of voting on an issue like this and
16 sending a letter to the Ohio House based on what
17 this board passes today, if that's your prerogative.

18 MS. OSTERHAGE: Chairman Taneff, my big concern
19 is the fact that I think this board has finally
20 grown and organized to a point where -- that I would
21 like to think that we can begin having good
22 discussions about where we need to move forward to.
23 My sense is that -- particularly given the fact that
24 most of us sitting in this room draw a paycheck
25 somehow affiliated or associated, obviously, with

1 the cosmetology industry. She describes this as a
2 statutory overhaul. That's very concerning to me,
3 not just for my business's interest but, also, the
4 seat that I hold on this board and for all of the
5 licensed people in the state of Ohio because we
6 don't know what it is. I truly believe that we need
7 to go on record with the members of the House of
8 Representatives to let them know that we don't know.

9 I mean, we will potentially agree with what
10 she's included; but, I guess, for a board that I
11 think is willing to work together towards a common
12 document or common legislation, it just bothers me
13 immensely that she feels the need to move forward
14 and not at least consult with this board or
15 understand the Board's position.

16 CHAIRMAN TANEFF: Again, that's her
17 prerogative. If that's what she wants to do, she's
18 free to do that. For those of you who may or may
19 not have seen the letter that Mr. Penzone sent out
20 yesterday evening, I'm going to read it to you. It
21 says: Chairman Taneff: "This evening, January 13,
22 2013, I received the attached letter reply by
23 Representative Cheryl Grossman, members of the Ohio
24 Legislature, soliciting co-sponsorship for a bill
25 she claims she will introduce in collaboration with

1 The Ohio State Board of Cosmetology. If you recall,
2 the Board voted against everything in her bill but
3 for the human trafficking sections.

4 Chuck Penzone goes on to state that he made the
5 motion to recall, and it was passed by a
6 seven-to-two vote. As well, Representative Grossman
7 has not discussed this bill with the Board, nor has
8 she accepted an invitation to present her changes to
9 the Board.

10 I'm shocked she would claim she has been
11 working with us. Unfortunately, I will be out of
12 town for the meeting tomorrow. I hope you will not
13 let this misrepresentation go unchallenged; and you,
14 along with the rest of the Board, will notify the
15 members of the Ohio Legislature about this issue
16 misrepresented by Representative Grossman.

17 Those are Mr. Penzone's words. Those are not
18 mine; but, nevertheless, I think on an issue like
19 this, it is very critical and important to almost
20 everybody that's in this industry. I thought you
21 should know Mr. Penzone's thoughts and comments.

22 MS. PEARSON: Chairman Taneff, members of the
23 board, I just wanted to say that on August 23 I did
24 forward an email to Representative Grossman's
25 legislative aid with the motions made during the

1 August 12th meeting and with the proposed changes.
2 And I did receive a response back from her aide,
3 Alisa, stating, thank you for sending the documents.
4 She will pass those along to the representative.

5 So I did follow the direction given by the
6 Board in the email with the attachments and
7 forwarding the information that I was asked to
8 forward to her back on August 23rd. That is prior
9 to Member Osterhage's meeting with Representative
10 Grossman, where the representative did indicate that
11 she had not received documents; but I do have the
12 documentation that those were sent to her as
13 requested by the Board.

14 CHAIRMAN TANEFF: So how does this board want
15 to handle a response, if any? We don't have to
16 respond to her letter.

17 MR. HANKS: Chairman, I'd like to weigh in on
18 this.

19 I will thank you for clarifying that that was
20 sent. I'm glad that that happened the way it was
21 alleged to have happened.

22 I'll go back to what I stated in the August
23 meeting, that there is nothing in our revised code
24 that gives this board any statutory authority as it
25 pertains to legislation. As you said, it is

1 Representative Grossman's prerogative.

2 All due respect, Clara, for you to talk about
3 this board needing to align and move forward, when
4 an association that you're very closely involved
5 with issued a rule that we're going to discuss -- a
6 proposed rule -- that horribly affects the schools
7 in this state, without reaching out, to my
8 knowledge, to anybody, let alone me sitting on this
9 board --

10 MS. OSTERHAGE: If I can just -- I need to
11 interject this. It's very important, and I know
12 it's on the agenda later; but I need to say this.

13 There was a hearing on December 30th, here at
14 the board offices, and those rules were discussed
15 during this hearing -- that were presented and
16 discussed -- based on information that was shared
17 with this board and, I think, by Steven. It was
18 very valid. He talked about how he has employed
19 someone who never put their hands on a live person;
20 and if that, in fact, can be true for the industry,
21 that was the sole intention.

22 Had you been at the hearing, and I would assume
23 that there would have been a lot more people
24 there -- I think the OSA was the only one in
25 attendance, which is neither here nor there -- what

1 matters is that there was, again, students who
2 graduated from a school, whether it's a public
3 school or a private school, and never have touched a
4 human before. That's all that was.

5 Did we collaborate? No, there was no
6 collaboration because it was a hearing, and that was
7 an opinion. That has nothing to do -- I mean, we're
8 discussing it today. It is proposed language as a
9 result of a hearing. I think that's why those
10 hearings take place, so that there can be
11 discussions.

12 So it was one opinion. There were no other
13 opinions in the room. That's why we're discussing
14 it today. I don't know that anybody is looking for
15 it to be accepted, but it was an issue, a very valid
16 issue that Steve -- Member Thompson -- brought to
17 our attention that certainly deserves followup.

18 I don't think that anybody should graduate from
19 a school in the State of Ohio having never touched a
20 client. That's just -- that doesn't make sense. So
21 that's all that was.

22 I'm excited that people are here giving
23 testimony and talking about it, because that means
24 it's relevant. And I hear the passion, and I give
25 100 percent respect to those who are here talking

1 about it.

2 It's not -- sometimes actions -- sometimes
3 these things should not be perceived as a lack of
4 willingness to collaborate. It was a hearing, and
5 we participated. We read the rules, and we attend
6 the hearings. So please don't construe it as some
7 master-minded attempt to cause a school a problem
8 because that is not the case. In my mind, that is
9 completely separate from this issue, which is a
10 misrepresentation of all of the time that we've
11 spent on potential legislation for this industry and
12 this board.

13 So I apologize, but I had to share that because
14 that's the source of that, and there's no problem at
15 all. If that falls completely away, at least we're
16 forced to talk about whether or not students in
17 school, private or public, that they are required,
18 mandated at some point, to some level -- whether
19 it's number of patrons or whatever it is -- that we
20 have to ensure as a board that they're touching a
21 human before they graduate. That's all.

22 So my apologies to everybody. If there is some
23 misunderstanding, that was purely the result of
24 attending the hearing and reading the rules and
25 participating, which I think is what we're supposed

1 to do. So my apologies. Please, don't confuse that
2 with this.

3 MR. HANKS: I appreciate that.

4 Regarding this proposed legislation, I have
5 been -- and I've said it before as well, and I know
6 if Member Penzone were here, he'd look at me and
7 roll his eyes -- but I think that the more we as a
8 board, without statutory authorization, attempt to
9 affect the thinking of Representative Grossman, the
10 more it's going to work negatively against us as a
11 board. So I, personally, would be very opposed to
12 sending any type of response to Representative
13 Grossman.

14 CHAIRMAN TANEFF: Valerie.

15 MS. BENFER: Well, I'm not fluent with what her
16 position is, but I do realize that she does have a
17 right to say what her opinion is and make
18 legislation up. It confuses me a little bit that
19 she said we're on board with what it is that she's
20 speaking about. Has anyone had any conversations
21 with her to say that she's clear, that she even
22 knows what we discussed?

23 CHAIRMAN TANEFF: No.

24 MS. BENFER: I don't think it really matters
25 though, does it? If she has the right to say what

1 she does, I don't think we can say much.

2 CHAIRMAN TANEFF: Do you want to add anything
3 to this?

4 DR. GUPTA: I'm fairly new to this, so I don't
5 know what the history of Representative Grossman and
6 the Board has been; but it sounds to me that she is
7 wanting to move forward with some changes she, in
8 her mind, feels are important that the Board has not
9 been able to agree with her in the past. So she's
10 just moving forward because she can, and so --
11 right?

12 I mean, ultimately, I think going forward it
13 would be nice if the Board can collaborate a little
14 bit better in understanding issues and working with
15 the representatives. I suppose that would be my
16 only thought.

17 CHAIRMAN TANEFF: It's very well said. There's
18 nothing that says she has to sit in neutral and wait
19 on us to come to agreement. It's her prerogative;
20 and if she wants to misconstrue or mischaracterize
21 something, that's her prerogative. It's also our
22 prerogative on whether or not we want to respond to
23 it individually, personally or as a board.

24 MR. THOMPSON: I think that's your question
25 about all this, how we would respond to her.

1 CHAIRMAN TANEFF: How do you feel?

2 MR. THOMPSON: I think the thing is, if we
3 respond to her as a group, there's going to be one
4 element there's going to be a disagreement on. We
5 come to a vote, and -- like the seven-to-two vote or
6 whatever the vote was -- then there are winners and
7 then there are losers with this.

8 Basically, I would rather let them handle it
9 downtown than break this board up. There's been
10 tension amongst this board, and I've never seen this
11 board -- I've been on this board ten-plus years, and
12 I've never seen so much tension just with this board
13 and its members.

14 It has all come down to that one subject. I
15 think this board has become less effective because
16 that one issue is hanging over everybody's head and
17 nothing gets done and everything is a stalemate, and
18 I would like to take -- if you guys want to give
19 this board an answer -- or give Representative
20 Grossman an answer, I say we leave the element of
21 the necessity of a manager off of the table.

22 You guys are paying these lobbyists out there
23 thousands of dollars a month. Let them figure it
24 out. I would hate to see this board jeopardized. I
25 think this board is in a healing state right now,

1 and to start that whole thing over again --

2 CHAIRMAN TANEFF: I think what we're simply
3 talking about here is not the legislative process.
4 It's whether or not this specifically, this letter
5 should be responded to at all.

6 MR. THOMPSON: We don't have to. I don't think
7 we have to. You ask me yes or no? No.

8 MS. OSTERHAGE: Chairman Taneff, I feel like we
9 should respond to it. The goal is not to be
10 disrespectful or to be negative. I just think that
11 this is a misrepresentation and that bothers me.

12 CHAIRMAN TANEFF: Okay.

13 MS. OSTERHAGE: We have been -- to Member
14 Thompson's point, to Member Hank's point -- we've
15 been on this road for a while. I think we have the
16 ability -- maybe I'm too much of an optimist -- I
17 think we have the ability to work through it. It's
18 not just the manager's license. There's a whole lot
19 of other elements, and who knows what's in her
20 legislation.

21 I think to make a broad statement that she
22 collaborated with us is a misrepresentation. That
23 is not accurate. We did not collaborate. That's
24 the only point that I would like the members of the
25 House of Representatives to understand. Whatever it

1 is that she's doing, which she has full right to do,
2 it's just to make a statement that it was done in
3 collaboration with the Board --

4 MR. HANKS: She was at meetings. It doesn't
5 say in agreement, it says in collaboration. She has
6 collaborated. I don't see anything wrong with that
7 statement.

8 MS. OSTERHAGE: Member Hanks, it says she will
9 soon be introducing legislation that she created in
10 collaboration with -- whatever it is that she has is
11 not -- I mean, when you collaborate --

12 CHAIRMAN TANEFF: Her concern is using the word
13 "with". She's making a general statement that she
14 collaborated --

15 MR. HANKS: -- then define collaborate. Maybe
16 that's where we are confused, because to me,
17 collaborate means work with.

18 MS. OSTERHAGE: Don't you think it's
19 misleading? It sounds as though --

20 MR. HANKS: I agree that --

21 MS. OSTERHAGE: -- sorry.

22 MR. HANKS: -- it could be received that way,
23 yes.

24 MS. OSTERHAGE: Correct. We haven't seen it.
25 Why would any one of us want to go on record as

1 supporting or being a part of this when we haven't
2 even seen it? I don't know what's in it.

3 CHAIRMAN TANEFF: All right.

4 MS. OSTERHAGE: And her words were,
5 "significant changes to 453".

6 CHAIRMAN TANEFF: Ms. Sheipline, do you have
7 any thoughts or comments you'd like to share?

8 MS. SHEIPLINE: Just quickly, I think the one
9 thing that troubles me more than anything is that I
10 could absolutely love what is in this bill, I could
11 absolutely hate it. I don't speak just as a board
12 member, I speak as a cosmetologist. This is my
13 bread and butter and how I support my family.

14 I'm concerned when someone, who is not what I
15 consider to be an expert, somebody who is not what I
16 would consider to be versed or have anything to do
17 with my career path makes choices for me. So more
18 than anything, I guess, I would like to just respond
19 and say, we, as a board, would like to see what is
20 in the bill.

21 I don't even want to speak negatively about it
22 because I don't know if I should. I'm more troubled
23 that there are changes that could impact me as a
24 person, not just as a board member, that I'm
25 absolutely unaware of.

1 CHAIRMAN TANEFF: And I agree with you; but,
2 again, as a state legislator, she is entitled.
3 Whether she knows anything about this industry
4 whatsoever, she's been elected by her constituents.
5 She has citizens that she represents. If she feels
6 that she wants to introduce something about nuclear
7 vision, that's her prerogative, and she can do that.
8 Whether or not we, as an interested party, are able
9 to participate, that will be up to us later.

10 But, I think -- again, getting everybody back
11 to what the question is: Do you want to send a
12 formal response by instructing our Executive
13 Director to send a letter to the House of
14 Representatives? Maybe what we say is that we are
15 concerned, we are interested, that we have not but
16 look forward to working with her.

17 MS. OSTERHAGE: That would be perfect.

18 DR. GUPTA: That would be fine. It sounds like
19 we alienated ourselves, so we don't want to further
20 alienate ourselves.

21 CHAIRMAN TANEFF: So would you like to make a
22 motion?

23 MS. OSTERHAGE: If you can give me the words
24 that you just used.

25 MR. HANKS: Before that, can I make another

1 comment? Member Sheipline, you probably know this,
2 and I hate to state the obvious, but a bill being
3 introduced is just that. You know, until it's
4 passed by both the House and the Senate and approved
5 and becomes law, it's just an introduced bill. We
6 will have the opportunity to see it. We will have
7 the opportunity to collaborate with each other,
8 collaborate with Representative Grossman or any
9 other member of the House or Senate.

10 I worry the way you worded that, Chairman
11 Taneff. Worrisome to me is that we're saying she
12 has not worked with us, when, in fact, she has.
13 Maybe not to the degree that we would like, but she
14 has worked with this board. We are just not in
15 agreement at this point.

16 MR. THOMPSON: We're all upset. It's no
17 secret.

18 CHAIRMAN TANEFF: We can put together a motion
19 that a letter be sent to the Ohio Legislature and
20 the motion can either be made, seconded or it dies.
21 Then, if it comes up for vote, each member of this
22 board is free to vote however they wish.

23 I think this is purely an academics' exercise.
24 What about this, what about -- would we have a
25 motion instructing our Acting Executive Director to

1 sending a memo to the House of Representatives
2 clarifying that there are board members who feel
3 they have not participated in any collaborative
4 effort with Representative Grossman to overhaul Ohio
5 Revised Code 4713 but look forward to working with
6 her.

7 MS. OSTERHAGE: I think that that is honest and
8 factual. As an alternative, perhaps we could craft
9 a letter to Representative Grossman stating that
10 we're aware and we would like the opportunity to
11 participate.

12 CHAIRMAN TANEFF: If we craft this letter, it's
13 going to go to her because her letter was to the
14 House seat. So not to get technical; but if we send
15 a letter to the House, she's a part of the House.
16 She's going to get a copy; but if you want to get
17 technical and start splitting hairs, we can send a
18 letter to her only and not to the House.

19 MR. THOMPSON: It's not going to matter.

20 MR. HANKS: I think it goes without saying
21 we're all looking forward to working with her. I
22 don't think we have to put it in a letter. I think
23 every person on this board is looking forward to, if
24 something is introduced, making sure that it ends up
25 being something that helps our industry; that goes

1 without staying.

2 CHAIRMAN TANEFF: You're absolutely right. The
3 only issue here, again, for the majority of the
4 board members, is to clarify the record because
5 there are board members here that feel the
6 representation that Representative Grossman made to
7 the House was not 100 percent accurate.

8 MR. THOMPSON: I'll make that motion.

9 CHAIRMAN TANEFF: Okay. Do we have a second?

10 MS. OSTERHAGE: I would second it.

11 CHAIRMAN TANEFF: Any board member comments or
12 discussion? Okay.

13 Roll call, please.

14 MS. FLANERY: Mr. Thompson?

15 MR. THOMPSON: Yes.

16 MS. FLANERY: Mr. Hanks?

17 MR. HANKS: No.

18 MS. FLANERY: Mr. Taneff?

19 CHAIRMAN TANEFF: Yes.

20 MS. FLANERY: Ms. Osterhage?

21 MS. OSTERHAGE: Yes.

22 MS. FLANERY: Ms. Benfer?

23 MS. BENFER: No.

24 MS. FLANERY: Ms. Sheipline?

25 MS. SHEIPLINE: Yes.

1 MS. FLANERY: Dr. Gupta?

2 DR. GUPTA: No.

3 MS. FLANERY: Pass four-to-three.

4 CHAIRMAN TANEFF: All right, without further
5 adieu --

6 MR. HANKS: Are we going to see a copy of that
7 before it goes? How is this going to work?

8 CHAIRMAN TANEFF: Well, I think the motion was
9 read into the record, and I think the motion can be
10 read back. I don't know that it was real long, and
11 it's already been voted upon.

12 MR. HANKS: Well, sure.

13 CHAIRMAN TANEFF: You can see it since it's a
14 matter of record with the Board, so -- unless you
15 then, subsequently, at the next board meeting, bring
16 up a motion to amend the approved, drafted motion.

17 MR. HANKS: Well, the motion was pretty vague.
18 So there's a lot of room for interpretation when
19 writing that letter. Can you read it?

20 (Motion read back.)

21 CHAIRMAN TANEFF: Finally, without further
22 adieu, unfinished business.

23 Mr. Tony Brown, Sun is Life. Let me apologize
24 to you, first, on behalf of myself and the Board. I
25 know how long you have been trying to get your issue

1 put through this board; and, unfortunately, you kind
2 of have been trampled over by the departure of our
3 previous Executive Director. Then, things were kind
4 of in limbo with the dust settling and getting
5 another Director put in place and just kind of
6 juggling and putting fires out. Let us see if we
7 can't hear from you and, finally, get your issue
8 resolved.

9 MR. BROWN: Thank you, Mr. Chair and members,
10 for allowing me back in here. I'm happy to be here
11 today, and maybe we can find a resolution to this.

12 Just so you know, I am the Director of Sun is
13 Life. We are now a licensed trade school in the
14 state of Michigan. We are the only licensed trade
15 school in the tanning industry. That being said, in
16 the state of Ohio -- just to bring you up to date --
17 the rules state that you can have online training in
18 the state of Ohio; but in order to get certified in
19 the state of Ohio, you have to proctor an
20 examination in front of an individual. Keep in mind
21 of all the regulated states out there, there are
22 only three that don't allow the online training and
23 testing. Even the state of North Carolina, which is
24 the most difficult state to get certified in as a
25 tanning bed operator, has allowed for online

1 training and testing.

2 We at Sun is Life have been at this for almost
3 a year now with this board. I think we've come to
4 some resolution as far as some agreement amongst
5 ourselves and everybody being okay with maybe
6 pushing it forward and then allowing for online
7 testing as a form to this as well.

8 I know some of the problems before were about
9 plagiarism and cheating. First off, as far as --
10 it's a two-folded question. The cheating has taken
11 place here in the state of Ohio where a person that
12 is the proctor would issue the certificate without
13 giving an examination. I believe there is one or
14 two instances where -- I know Kathy Franklin can
15 bring us up to date on that -- when that's happened.
16 With Sun is Life, that's impossible. So we take the
17 element out of it, completely out of it.

18 Secondly, the other question is how students
19 would cheat on the examination. Well, in the
20 history of education, students have always figured
21 out a way to cheat the system. They're going to
22 continue to figure out a way to cheat the system
23 despite rules and regulations.

24 So with that being said, what I'm asking for
25 today -- and what I've been pushing for -- is that

1 in conjunction with the ability to train online, or
2 to train in person and give a proper exam in person,
3 that we also allow the opportunity to do it online.

4 We will fulfill whatever state requirements you
5 have, even a state test. If you want a very
6 specific state test -- much of what we did in North
7 Carolina, to add to it -- we are more than happy to
8 add that to our program. Are there any questions
9 for me?

10 MS. BENFER: I have one question. I just need
11 more information. Say I wanted to work for a
12 tanning salon and I did the training online, and I
13 was going to take the test and didn't know if I
14 could pass. There was another girl that had already
15 taken it, and she sat down and took it for me. How
16 do you avoid that?

17 MR. BROWN: Let me state this, that even in a
18 proctor setting, there are no rules in the state of
19 Ohio that prohibit plagiarism from the person next
20 to you. There are no rules about plagiarism in the
21 state of Ohio. It's unfair as an online-training
22 program to have rules established on my behalf, on
23 my company's behalf or on my trade school's behalf
24 that aren't enforced in the industry itself as it's
25 currently read.

1 So what's going stop it? I don't know. What
2 if the person has a learning disadvantage?

3 MS. BENFER: What if I had it, and she took it
4 for me?

5 MR. BROWN: She helped you with the
6 examination?

7 MS. BENFER: Well, if I had to go to a site;
8 they would see that?

9 MR. BROWN: It's a two-hour examination. It's
10 really hard to get someone to sit that long. If you
11 get someone to sit down with that -- it would be
12 difficult to have that happen. Once you start the
13 examination, you can't undo it. It is what it is.

14 MR. HANKS: Well, I don't know that I have any
15 concrete thoughts. I've spent some time -- it's been
16 a while -- but I have spent some time discussing
17 this, and I think the intent is good. I do still
18 have some questions about that subject, you know;
19 but I almost feel like let's give it a try, somehow.

20 Baby steps, maybe come up with a plan that
21 gives us a period of time to take a look at the
22 process and give it a whirl. See if we can't either
23 poke holes in it or decide that it's working.

24 I don't see how we're going to get past this
25 hurdle without seeing some results; and, maybe,

1 there's some information from North Carolina that
2 would help all of us get over some of those
3 questions.

4 MR. THOMPSON: How long ago did North Carolina
5 start their program?

6 MR. BROWN: It's been just over a year. Well,
7 they have been a regulated state for quite some
8 time.

9 MR. THOMPSON: And how many states do it?

10 MR. BROWN: Online testing? We can do it in
11 all but three states now. Ohio is one of them, Iowa
12 is another, Louisiana is another one. Then of the
13 regulated states, you have North Carolina, South
14 Carolina, Florida, Kansas, Massachusetts, Oregon,
15 Arizona, all throughout the country where we have to
16 get certified to perform the task of a tanning bed
17 operator.

18 CHAIRMAN TANEFF: Ms. Pearson?

19 MS. PEARSON: Back in July of 2012, we did hold
20 a meeting here at the board office with Mr. Brown
21 and some other members of the tanning associations,
22 lobbyists for tanning, tanning-salon owners and some
23 staff members, as well as Ms. Franklin, who approves
24 our continuing-education programs; and that does
25 include the tanning certification program. I've

1 kind of had to look back because it's been back in
2 July. Reviewing those notes, I feel like at the end
3 of that meeting what -- we really were not at any
4 type of a spot where any decision had been made or
5 really even had majority -- it wasn't even a
6 majority that we should go forward with online
7 testing.

8 There were still the things that were thrown up
9 there about the cheating, identification, barriers
10 and things of that nature online. So there were
11 still a lot of questions hanging in the air about if
12 providing this online certification process would be
13 the way that Ohio would want to go.

14 We recently revised our actual continuing
15 education program for online providers. We have put
16 many steps in place for online C.E. programs and
17 some hurdles that the providers had to overcome.
18 Some of them were timing devices, the way that they
19 had to rotate the sections or the segments of their
20 program in and out. Ms. Franklin can speak a little
21 more eloquently on that because she deals with that
22 every day, but we did put some pretty stringent
23 requirements in place for online continuing
24 education.

25 So I think that we would need to definitely

1 look for -- into this information. There's still a
2 lot of unanswered questions I feel surrounding that.
3 I do apologize. You did get kind of left in that
4 sweep-up of some changeover and some different
5 things happening, but I kind of feel like it was
6 left hanging.

7 After that July meeting, I went back and did
8 some research. It had kind of been dropped. I had
9 not received any further correspondence from former
10 Director Trakas to move forward in any fashion. At
11 that time, I was a supervisor over that section for
12 continuing education in tanning -- as well as
13 Ms. Franklin had not received any further direction.
14 Then as we know, at that August meeting, things
15 drastically changed. So I do feel that we would
16 need some information before we would move forward.

17 CHAIRMAN TANEFF: Okay, but I think Mr. Hanks
18 makes a great recommendation on his side. So is it
19 your motion then --

20 MR. HANKS: Well, I'd like some discussion
21 about it. How does everybody else feel?

22 CHAIRMAN TANEFF: Would you be interested in
23 making a motion that we implement an
24 online-examination program?

25 MR. HANKS: I would lean toward making that

1 motion right now.

2 CHAIRMAN TANEFF: Do we have a second?

3 MR. HANKS: Well, no. I would like some more
4 discussion. I think there are a lot of unanswered
5 questions, and I think, you know, I think we can
6 help ourselves overcome some of those questions by
7 moving forward. I think it would have to be very
8 careful. I think it would have to be based on some
9 statistics that we can glean from North Carolina or
10 other states that would help us do it the best way
11 possible.

12 CHAIRMAN TANEFF: See, I thought you were going
13 to make a motion that we implement this examination
14 program. Then, if motion passed, then I thought
15 that that would initiate this sausage-making
16 process.

17 MS. PEARSON: Chairman Taneff, members of the
18 board, I do know that Mark Gallagher, who is with
19 the tanning association, has had a lot of review in
20 this. I've had some conversations with him
21 surrounding that. I do -- he is here today -- and I
22 do think he does want to speak on that, being in
23 Ohio tanning for many years and helping with a lot
24 of our laws and rules.

25 CHAIRMAN TANEFF: Marty.

1 MR. GALLAGHER: Director Pearson, Chairman
2 Taneff and members of the board, giving a little bit
3 of history, I have been in the industry for 30
4 years. I have been working with the Board of
5 Cosmetology since 1991. I have been on committees
6 that change rules and regulations to protect the
7 consumers but also protect our industry. I am here
8 to protect the industry right now.

9 Our industry for the past eight years has gone
10 through many legislative changes, bills trying to
11 restrict our industry -- and sitting in those
12 committee-hearing meetings about how the Board of
13 Cosmetology doesn't do their job, rampant use of
14 cheating and improper inspections and all that.
15 Well, the Board of Cosmetology has 11 inspectors.
16 North Carolina does not have 11 inspectors. We
17 watch out -- the inspectors watch out -- and I
18 communicate with inspectors on a regular basis. I
19 get phone calls with questions because I have been
20 part of those meetings.

21 My concern is -- I'm all for advancement of
22 technology -- but I think that this process has been
23 proven to work, that it isn't going to weaken our
24 current system. Proctoring is designed for a person
25 to come into the salon or a proctored site that says

1 that that's the person, and they're taking the test.
2 There's room for cheating, but is there more room
3 for cheating with an online program? That's the
4 question. I think there is. I think that we have
5 to come up with a better plan to make sure that this
6 is done so that when we're in the front of the
7 legislature, we don't have them saying that the
8 Board of Cosmetology is weak.

9 Unfortunately, I mean, I would love to see a
10 program like this work. I think it's premature.
11 They have to come up with a program that's going to
12 work, that's going to ensure that there is no
13 cheating.

14 Some opinion is that it should be reviewed at a
15 later time. We had a meeting back in the summertime
16 to watch out or to come up with opposition, and, you
17 know, proposing different options for it.
18 Unfortunately, it did get tabled. We were scheduled
19 to do another meeting to iron it out. That meeting
20 never happened. We should continue with those
21 meetings before the Board can vote on this. Thank
22 you.

23 If you have any questions, I'd be happy to
24 answer them.

25 MR. HANKS: Mr. Gallagher, so you do feel like

1 it has been unsuccessful in North Carolina or any of
2 the other states?

3 MR. GALLAGHER: North Carolina doesn't have an
4 inspection board. You guys have inspectors that go
5 around and inspect our industry. We are the model
6 for the entire country in Ohio. There are 17 states
7 that almost emulate your rules exactly. Right now,
8 if you look at them, there are rules in there that
9 aren't in the other states.

10 I have been all over the United States because
11 I do sit on the Indoor Tanning Association Board,
12 and I was part of the legislative team that went out
13 and defended our industry. I've seen it. I
14 recognize the rules. I was a part of those meetings
15 when these rules came out; and I was like, oh, my
16 gosh, there are rules that are in there that I don't
17 like; and I voiced my opinion on it. But because
18 they've implemented to remove them, is it such a
19 critical thing? I see them in other states where
20 I'm, like, they copied Ohio here.

21 You know, you guys started the regulatory
22 process for tanning in the late 80's -- I think it
23 was '88 -- so you guys have evolved. There's no
24 other state that has what you have. You have 11
25 inspectors and 37 employees in this office that

1 monitor our industry. North Carolina, South
2 Carolina and the other states he mentioned might
3 have three people. So you guys have a better system
4 in place.

5 CHAIRMAN TANEFF: Maybe we don't.

6 MR. GALLAGHER: I've been working with it, and
7 I'm comfortable with it.

8 CHAIRMAN TANEFF: Mr. Gallagher, here's my
9 concern: you can apply to medical school, take the
10 MCAT through an online examination. You can apply
11 to become an architect through an online
12 examination. The dental application to get into
13 dental school is online. Series 7 Accounting is
14 online. God knows how many other online-examination
15 processes; and we're concerned about the cosmetology
16 industry still not being able to come up with a
17 program, when all these other industries -- with all
18 due respect, I think the medical application process
19 is probably a little more diligent in making sure
20 there isn't cheating going on. How hard would it be
21 to emulate those programs?

22 MR. GALLAGHER: If those programs are stronger
23 than our current system, I'm okay with it. I don't
24 see it.

25 DR. GUPTA: The MCAT is online?

1 CHAIRMAN TANEFF: Yeah, it is. My son just
2 took it.

3 MR. GALLAGHER: I think that the process is
4 potentially there, just like having electronic
5 versions of owners' manuals, and all that, that you
6 guys voted on in the Fall. I was part of that
7 process to make sure that there wasn't a way to
8 screw it up, where we would regret our
9 decision-making process.

10 I think that if we just go out there and say
11 online is okay, and we don't have any system in
12 place to monitor it, I think it's going to damage
13 our industry. I don't want that.

14 CHAIRMAN TANEFF: Mr. Brown.

15 MR. BROWN: Let me say this. I kind of knew
16 that this argument was going to come forward, but I
17 want you to know that Sun is Life became the only
18 licensed trade school in the tanning industry just
19 so we can start developing that respect and
20 professionalizing the industry as a whole. Our
21 industry has professionalism. That's why we formed
22 the trade school program.

23 With that, we are inviting more regulatory
24 oversight over the trade school program, what it
25 consists of, all the information that's related to

1 students. In the classroom setting, you don't have
2 that same control. Online you can dictate what you
3 want taught and ensure it's actually being taught.
4 There lies the difference.

5 I appreciate this board's time. I appreciate
6 you for working with me on this and, Kathy, for
7 helping me out and allowing to hear me out from the
8 great state of Michigan.

9 CHAIRMAN TANEFF: All right.

10 MS. OSTERHAGE: May I ask, just as a followup,
11 so will the meetings -- will there be followup?
12 Where to now?

13 CHAIRMAN TANEFF: Back to you.

14 MS. OSTERHAGE: I mean, it sounds as though
15 from Mr. Gallagher, was it -- that there were things
16 that got tabled and didn't move forward. Is it
17 possible to resurrect that and maybe invite this
18 gentleman to participate?

19 MS. PEARSON: Chairman Taneff, and Member
20 Osterhage, yes. Like I stated, the July meeting
21 with tanning, it did end. As Mr. Gallagher stated,
22 there were things that were tabled and things that
23 were not really buttoned up. No decisions had
24 really been made. There was more research that they
25 had suggested be compiled and things of that nature.

1 So I would think that it would be in line to have
2 another meeting, bring the interested parties back
3 together and see where we are now in 2014. It's
4 been several months since that's been kind of left
5 off.

6 MR. BROWN: Well, I would encourage a trial, a
7 one-year trial, so we can work out the kinks. We'll
8 work with the state however you wish. There's no
9 issues with that. Again, this is a tanning
10 operators' certification, as Chairman Taneff said.

11 MS. PEARSON: Chairman Taneff, members of the
12 board, I appreciate that they have all these
13 criteria and different things in place, but we do
14 have many tanning providers, and many people do
15 offer the certification. So it would be bringing
16 all the providers into compliance and given the
17 opportunity to -- there are system changes and
18 things that they would need to have as well. Those
19 are some of the things that would definitely need to
20 be worked out.

21 MS. SHEIPLINE: Can I request to -- I do notice
22 that in our board orders that there are a lot of
23 fines and a lot of write-ups for certified tanning
24 operators. Can we get some -- perhaps, if he can
25 get some data on that. Are there this many fines

1 because this is something that's hard to obtain for
2 these businesses? Is our regulation creating a
3 problem for them?

4 I know, as a provider myself, that I get a lot
5 of calls; and I currently do not offer classes. So
6 I'm not somebody that can help these people. Where
7 are they going? Are they finding it difficult to
8 take a class and do the proper exam, or are they
9 just choosing not to be licensed? What's the deal?
10 So I'd like some data on that, if we could, before
11 we move forward.

12 CHAIRMAN TANEFF: Well, we'll do our best. Any
13 other comments? All right.

14 New business. The appointment of a chairman.

15 MR. HANKS: Chairman Taneff, I would like to
16 make the motion that Mr. Thompson, as vice-chair for
17 the last year, be appointed to the chair.

18 I'd also like to say I appreciate your guidance
19 over the last year. I think it's been a difficult
20 year, but it's been eye opening. Certainly, I think
21 you've been a fantastic chairman, and I believe last
22 year when this vote took place we talked about the
23 vice-chair being positioned to move into the chair.
24 I don't know that that would always be a slam dunk,
25 but I think with Member Thompson's leadership and

1 experience, I think he's a natural for the fit. So
2 I would make a motion that Mr. Thompson become
3 chair.

4 CHAIRMAN TANEFF: Do we have a second?

5 MS. BENFER: Second.

6 CHAIRMAN TANEFF: We have a second from Valerie
7 Benford. Do we have any board member comments or
8 discussion?

9 MS. OSTERHAGE: If I may comment, I have
10 respect for both of these gentlemen, for all the
11 board members. Personally, I would like to see
12 Chairman Taneff continue in that role, only because
13 I feel like we're headed down a path which he's, I
14 think, he's -- to your point, Member Hanks -- he's
15 led us well and just getting his feet wet.

16 I sit on other boards, and there's always
17 discussion on how much time you spend in a position
18 because it takes time to get yourself engaged in
19 that role. So I would advocate that we continue
20 with the structure that we have now with Chairman
21 Taneff as the Chairman and Steve as the vice-chair
22 until such time as maybe Chairman Taneff disappoints
23 us or moves into greener pastures. That would be my
24 only comment. I would hate to see disruption at
25 this point.

1 MR. HANKS: I understand; and as I said, I
2 think you've done a great job leading as the chair.
3 I think Steve being a past chair, as well, puts us
4 in a very good position moving forward. So it's
5 almost a no-loss situation.

6 CHAIRMAN TANEFF: Any further board member
7 comments or discussion? Closed.

8 Roll call, please.

9 MS. FLANERY: Mr. Thompson?

10 MR. THOMPSON: Yes.

11 MS. FLANERY: Mr. Hanks?

12 MR. HANKS: Yes.

13 MS. FLANERY: Mr. Taneff?

14 CHAIRMAN TANEFF: Yes.

15 MS. FLANERY: Ms. Osterhage?

16 MS. OSTERHAGE: If I can just clarify, I'm
17 supporting my comment that I would prefer that
18 Chairman Taneff stay in the position. So I say no.
19 Correct.

20 MS. FLANERY: Ms. Benford?

21 MS. BENFER: Yes.

22 MS. FLANERY: Ms. Sheipline?

23 MS. SHEIPLINE: Yes.

24 MS. FLANERY: Dr. Gupta?

25 DR. GUPTA: No. I agree with Clara.

1 MS. PEARSON: The motion passed five-to-two.

2 CHAIRMAN TANEFF: Congratulations,

3 Mr. Chairman.

4 MR. THOMPSON: At this time we'll move on to
5 the next new business. That would be appointing a
6 vice-chairman.

7 CHAIRMAN TANEFF: I make a motion that we
8 appoint Clara Osterhage as vice-chairman.

9 MR. THOMPSON: Motion for Clara Osterhage. Is
10 there a second?

11 MS. SHEIPLINE: I'll second.

12 MS. FLANERY: Mr. Thompson?

13 MR. THOMPSON: Yes.

14 MS. FLANERY: Mr. Hanks?

15 MR. HANKS: Yes.

16 MS. FLANERY: Mr. Taneff?

17 CHAIRMAN TANEFF: Yes.

18 MS. FLANERY: Ms. Benfer?

19 MS. BENFER: Yes.

20 MS. FLANERY: Ms. Sheipline?

21 MS. SHEIPLINE: Yes.

22 MS. FLANERY: Dr. Gupta?

23 DR. GUPTA: Yes.

24 MR. THOMPSON: Congratulations.

25 Okay. Next piece of business, new business,

1 would be proposed language change to 4713-05-02. We
2 heard some comments on this one already.

3 Director?

4 MS. PEARSON: Chairman Thompson, members of the
5 board, I would like to first say that this proposed
6 change to 4713-05-02 was presented as public
7 testimony and became part of the hearing on the
8 rules that was held on December 30th here at the
9 board office.

10 There seems to be maybe some confusion out
11 there, but the hearings are posted on our website
12 well in advance. Any time that there is a hearing
13 that's going to be held, it is open for public
14 testimony; and so that is why the Salon Association
15 did appear at the hearing. They were the only
16 interested party that did appear at the hearing that
17 day, besides a member of JCARR, and presented this
18 rule.

19 So I did send this information out to the
20 school members of the Board and, also, Mr. Yearwood
21 of the Ohio school association. This has been
22 placed on the agenda for discussion, not to be --
23 necessarily to have a vote today.

24 There was -- I had actually suggested that this
25 may become part of the curriculum review committee

1 because there's going to be significant look over
2 the curriculum. As it stands right now, and this
3 would affect the way schools report and it would
4 also affect the curriculum, that maybe the change
5 should be looked at by that committee as well for
6 comment.

7 Also, last year some of the board staff members
8 were directed by former Director Trakas to work on
9 some updates of the curriculum, and part of the
10 suggestion was to add some type of a minimum number
11 of services per subject area or something of that
12 nature. That is not something that went through.
13 It was just to show that it's just the mindset of
14 some monitoring because of some concern that has
15 been expressed to the Board that making sure that
16 the students that are in school are receiving
17 relative hands-on experience.

18 So I believe that that is where this proposal
19 is coming from. So my suggestion would be to have
20 the committee -- since we did have a lot of public
21 comment on this and there is some concern and it
22 would definitely need to have lots of documentation
23 and there would need to be a method behind it -- I
24 do think that an appropriate thing to do would be to
25 let the curriculum review committee look at this,

1 along with the review of the curriculum.

2 MR. THOMPSON: Would the Ohio Salon Association
3 like to comment on this?

4 MS. MURCH: I'd be happy to. Elizabeth Murch.
5 I'm the director of the Ohio Salon Association.
6 These hearings have been occurring for months
7 regarding all of the rules and regulations, and I've
8 attended them all because I've read all of the rules
9 and regulations.

10 One of the main reasons that I even spoke on
11 this particular issue was because of an issue that
12 was brought up actually, by you, Chairman Thompson.
13 We had heard at a meeting that there was a concern
14 that students were graduating without ever having
15 worked on a person.

16 For the salon community, that doesn't work well
17 for the employers that I represent. We seek to have
18 the most highly trained individuals, and that
19 training really is beneficial to be held on a
20 human -- on a live person. The way the rule
21 currently is stated, there leaves some wiggle room
22 in the last sentence saying that if a patron, other
23 student is not available, you can work on clock
24 hours, or you can use a mannequin. All we seek to
25 do is to ensure that there is a baseline, a minimum

1 that students have to work on a person before they
2 leave that school.

3 In general, it's not really the private schools
4 that I think were attacked in this particular
5 circumstance -- were brought up. I think it
6 actually had to do with the career tech. However, I
7 really don't know how we can argue against a minimum
8 requiring that at least a student work on a live
9 human. That's all we're looking for.

10 I encourage everyone to come to the rule
11 hearings. This board produces a ton of rules.
12 Sometimes you don't even know that they exist or
13 they affect you. I think that's how I became aware
14 of a lot of these issues. Originally, I intended
15 not to even go because it was the schools and school
16 issues. You know, generally, they don't affect me
17 or my businesses or the people I represent, but this
18 particular one did in that I need to ensure for my
19 members that when students come out of schools that
20 they have worked on a human being.

21 I'm not an expert. I don't know if they should
22 have 10 services, 50 services or every service
23 should be there; but I think we can all agree that a
24 student should work on a live person before they
25 graduate. That was the entire purpose of it, to

1 start discussion.

2 In no way did I expect to be the only person at
3 a hearing on school rules. I was the only person
4 sitting here. That really was outside what I
5 expected. I expected to see all the usual cast of
6 characters because it was a school rule.

7 So, again, it's a public hearing. I really,
8 really strongly believe the students should work on
9 people. How much should they work on people? I
10 don't know that I really care. I want them to work
11 on people before they come work in our salons. Are
12 there any questions?

13 MR. THOMPSON: Ms. Murch, thank you. Board
14 members, any questions or comments?

15 MS. SHEIPLINE: Just a couple of things. When
16 I first looked this over, I know what this intent
17 is, and I think the intent is good. I do want
18 people to work on live human beings, and I would
19 agree with that.

20 At my particular school, I feel like I turn
21 away kids left and right because I get every program
22 wanting a free hair cut, and they're constantly down
23 to my classroom, as well as we work on the public.
24 So 25 percent is not even an issue. It's not an
25 issue for most of the teachers that I have spoken

1 with in career tech.

2 I think it's the documentation we are so -- we
3 are so over the top with all of this documentation.
4 I think about when you work in a salon and -- just
5 as an example that keeps coming back to my mind, if
6 you have a stylist who produces one-thousand dollars
7 a week in services, and you promote that person to
8 manager, now, they're ordering and they're doing
9 inventory and they're doing scheduling and they're
10 doing all these other duties. They will no longer
11 produce one-thousand dollars a week in services
12 because they're taxed out with these other things.

13 It works the same with a teacher. If you add
14 more paperwork to me, I teach less; and we're really
15 defeating the purpose here. The other thing is when
16 I look at this, for some of these schools who are
17 saying, well, we're in a rural area, Then we as
18 schools what -- It doesn't matter if you're private
19 or a public if you don't have the client flow to
20 ensure this 25 percent. What happens is we have got
21 to develop marketing strategies to get people out of
22 salons and into our schools. And we are going to
23 hurt the local business, and that bothers me.

24 We try. I'm not saying we don't have a PR
25 person where I work at and we don't do some minimal

1 marketing and advertising, but we keep it very
2 minimal. We get what we need, and we focus on that.
3 We do not try to hurt the salon business. That's
4 just something --

5 I'm not sure I would like the curriculum review
6 committee to really look this over. Again, when you
7 say hours, they're going to work 200 hours on a live
8 person, please understand that what I can do in an
9 hour in a salon takes my students three hours. So,
10 again, I will agree with you, sir, when you say
11 maybe, you know, maybe the right way to approach it
12 is you have a progress chart, and you have to do ten
13 highlights within x-amount of time this semester,
14 and next semester, you have to do ten more. Maybe
15 it's quantity over hours because of the speed of the
16 kids. I don't know exactly what the answer is.

17 I just know that as an instructor, that all of
18 this documentation between certifications and
19 competency testing and hours and now adding this
20 into it, you know, it may not seem like a lot. To
21 write down that student A spent 23 minutes doing a
22 blow dry and then have to add that up on a weekly
23 basis and then have to add that up on a yearly basis
24 to put on an application or to have for
25 documentation is extremely time consuming when

1 you're talking about the quantity of students that
2 we're working with. It's very time consuming.

3 So I would just recommend to the Board that the
4 committee on curriculum review -- let's not put the
5 cart before the horse. Let's refine the quality of
6 the curriculum before we start allotting some of
7 these stipulations in there. That's all I would
8 ask.

9 MR. HANKS: If I can piggyback on that, there
10 are dangers with number of services verses hours.
11 If you take a service that generally takes two
12 hours, let's say a perm -- let's call it a perm --
13 the mentality of a student is, you mean I'm going to
14 get four hours for this if I can make it last four
15 hours. I mean for God's sake, we're creating less
16 salon-ready graduates and kind of the same thing
17 with the number of services.

18 I think, you know, you hit that tenth one; and
19 then it's, well, I don't need any more of those.
20 There are a lot of pitfalls with this that we have
21 to be very careful about, and I hope the committee
22 that we're starting will be able to get to the
23 bottom of all of those and address them.

24 MS. OSTERHAGE: I think the most important
25 thing of all, Chairman Thompson, is that we don't

1 have -- the last thing that we need is for people to
2 believe that you can graduate from a cosmetology
3 school and not perform services on a human being. I
4 can't image that they would, but I think all we're
5 looking to do is make sure that they are. That's
6 all. I mean, I think that's pretty easy.

7 MR. THOMPSON: Okay. Any more discussion on
8 4713-05-02?

9 MR. HANKS: In a round about way, I guess I'd
10 really like to see this -- I don't know if I need a
11 motion to do this or not. But, obviously, the
12 posting on the website didn't work in this case. So
13 I'm wondering for the types of meetings -- the rule
14 review or whatever these hearings -- could we send
15 notice out to the same list of people that get the
16 agenda for the board meetings and things like that,
17 so that it's more of a presence?

18 MS. OSTERHAGE: If I may, they mentioned it in
19 the last -- the only reason I had it on my
20 calendar -- I was unable to attend the meeting -- so
21 I had it on my calendar because she reminded us at
22 the board meeting. So it would have been in the
23 minutes, I would imagine.

24 The other thing is -- I've talked to
25 Ms. Pearson about this. There's an email list, I

1 think, that gets board information, minutes and
2 whatnot prior to the meeting, which I think is
3 awesome. I think that if we're sending it to a
4 group, we need to expand that and send it to anyone
5 that has an email address that we have record of.

6 I would want -- as a licensee in the State of
7 Ohio, I may or may not have an interest in attending
8 such things. I think Mr. Trakas had created what he
9 called interested party email address where he did
10 send those things. I think that if we're putting a
11 foot forward for some individuals, we should do that
12 for everybody that we have an email address for,
13 advising them of the board hearings, of whatever it
14 is that we're doing, if it's not too much of a burden
15 on the board staff.

16 MR. HANKS: Do you have any thoughts on that?

17 MS. PEARSON: Chairman Thompson, members of the
18 board, we do have an interested-party listing that
19 Ms. Flanery -- she actually deals with, and she does
20 send out the emails. If they're interested, they
21 contact Ms. Flanery and add their email address name
22 to the list; and that is who she updates with the
23 board information.

24 We would have to look into it a little bit
25 about -- I don't know that we would send every

1 document that we send out of -- if we would do a
2 mass email, but we could definitely look into that.

3 Hearings and things of that nature, like I
4 said, they are definitely posted on the website, and
5 they are sent to the interested parties, and the
6 interested parties do have representation of the
7 associations. Then, of course, they are mentioned
8 in the prior board meetings; and, then, I do remind
9 you in email updates directly to the board members
10 for the hearings. By law, it is posted on the doors
11 of our building, as well, when we have a hearing.

12 It is something that Ms. Flanery and myself
13 will need to talk with Lee, our IT person, about the
14 mast email; but we can gather some information on
15 how that would go.

16 MS. OSTERHAGE: It seems to me that you don't
17 know how many interested parties there are because
18 what's the definition. There could be a lot of
19 other people that would like to be involved in the
20 Board's activities, but we don't know that. So
21 that's a good point.

22 MR. HANKS: Do we still need a motion for that,
23 or is that just administrative?

24 MR. THOMPSON: I think it's administrative.

25 MR. HANKS: So do I need to move to table this

1 proposed rule?

2 MR. THOMPSON: I think we just leave it.

3 Next piece of business, 4713-13-07
4 employee/employer infection control responsibility.

5 MS. PEARSON: Chairman Thompson, members of the
6 board, this particular rule was -- it is new. It is
7 something that came out of meetings of last year --
8 last year's meetings and maybe the year before.
9 What we have been working on, and what this would do
10 is it allows for all licensees to be responsible --
11 along with the salon owners -- to be responsible for
12 their own infection-control issues or
13 sanitary-safety issues for the station or the area
14 in which they are assigned and that they work. This
15 particular rule, 13-07, was left out of the Chapter
16 13 filing that had taken place earlier.

17 We did discover this a few months ago, that it
18 had not been included. So we did take and add this
19 rule to the new filing. We did get -- what was sent
20 out to you is a suggestion for an expansion on this
21 rule. The original was just basically (A) and what
22 has been proposed is to add (B) and (B)1 and 2.
23 What this does is it expands on the responsibility
24 between the individual licensee and the salon owner
25 and speaks of the common areas and who would be

1 responsible for which areas. It mirrors a little
2 bit of the independent contracting language that we
3 already have, and it gives a little more
4 clarification for the inspectors to follow.

5 Currently, this rule is pending and will need
6 to be refiled once we are given direction from the
7 Board on the proposed language.

8 MR. THOMPSON: Any comments on this one?

9 MR. HANKS: Just briefly. I kind of worry that
10 this blurs the line of the employer/employee
11 relationship. If someone is working for you, but
12 they're responsible for the actual infection control
13 there, who's responsible for having the products in
14 the salon for that employee to be able to clean
15 their station or their area? You know, I think that

16 MS. OSTERHAGE: But I think, Mr. Hanks, that
17 becomes -- now, you're getting in the -- that starts
18 the discussion of how a person chooses to run their
19 business in the case of an employer/employee
20 relationship. So I may choose to not provide those
21 products and require my employees bring them to the
22 salon. I can do that. I have the right to do that.
23 It's my job to bring those laws and rules to make
24 sure that things are clean.

25 The way it's stated today, I'm responsible for

1 the entire salon and the employer/employee
2 relationship. I can also choose to provide the
3 products for them to complete the sanitations.
4 That's generally where there are issues relative to
5 rules of the state board.

6 So that's a business decision that does not in
7 any way, shape or form that -- the purpose of the
8 expansion on this -- and Ms. Pearson is right. I
9 was surprised it was left out of all of the work
10 that we did. There were a couple things that we
11 brought to the Board that were left out, and this
12 was one of them.

13 The expansion on this merely puts the risk
14 responsibility back on the licensee. Mr. Trakas,
15 Ms. Katz, Lori Pearson, we had lots of conversations
16 about what happens when a licensee and an
17 employer/employee relationship -- when they're in a
18 salon and they receive -- when there is a violation
19 that is issued for that particular salon and, let's
20 say, it's for sanitation, literally the salon owner
21 becomes responsible not only for that violation but
22 for the fine and, according to the paperwork, the
23 settlement agreement. You're agreeing to the fact
24 that you committed the issue.

25 The law also states that each licensee is

1 responsible for sanitation. That's part of what you
2 teach them in school; and then I, as a salon owner,
3 continue to enforce that. The issue is that this
4 puts the responsibility on the employees. So they
5 may take more care -- I mean, it should be their
6 responsibility. If they choose to not clean
7 something, then the burden should rest with them
8 from a violation standpoint. What we had talked
9 about -- we spent a lot of time talking about
10 this -- the common areas that would be my
11 responsibility, much like it is in an independent
12 contracting salon. If we don't -- if the employee
13 is not responsible -- if I discharge them from their
14 duties because of an on-going problem, let's say,
15 with sanitation, they're just going to go down the
16 road and get a job at another salon. There's no
17 record of them. There's no record of who or where
18 the violation was.

19 This, in my mind, will help all of us in the
20 employer/employee relationship. This will help us
21 to create more accountability for the employees,
22 which I think is very, very important for the
23 salons. So I'd like to make a motion we --

24 MR. THOMPSON: I've got to comment here.

25 MS. OSTERHAGE: -- sure.

1 MR. THOMPSON: In (B)2, licensees are
2 responsible for cleaning up their area. That to me
3 has left a little bit of a gray area. They can
4 leave messes in the dispensary and leave, you know,
5 the shampoo area.

6 MS. OSTERHAGE: It goes on to say right when
7 the inspection occurs.

8 MR. THOMPSON: Delivering the service --
9 deliver the service -- so to me the shampoo and all
10 that is part of the service.

11 MS. OSTERHAGE: Correct.

12 MR. THOMPSON: Where you're mixing the color
13 and all of that.

14 MS. OSTERHAGE: Right. Here and -- well,
15 mixing the color, how does that work for you now?
16 That's the common area, correct? So if there's a
17 violation in the dispensary; is that yours? Or does
18 that belong to the employee?

19 MR. THOMPSON: We would both get one, wouldn't
20 we?

21 Joan, you could probably answer this better
22 than anybody. If one of my girls had a sanitation
23 problem back in my color bar, would we both be
24 violated?

25 UNIDENTIFIED SPEAKER: You're not required to

1 have a dispensary anymore, so that kind of solves
2 that.

3 MR. THOMPSON: But in that area?

4 UNIDENTIFIED SPEAKER: If it was in their area,
5 they would get it. But if it was found elsewhere in
6 the store, then they both would get it.

7 MS. OSTERHAGE: They both would. What we have
8 proposed -- I'd be happy to change it -- what we
9 proposed is that if it's in the dispensary -- I
10 mean, I don't know how you do this, how you
11 determine who it was in -- let's not call it the
12 dispensary. Let's call it the common area.

13 UNIDENTIFIED SPEAKER: Okay.

14 MS. OSTERHAGE: So if there's an issue there,
15 currently -- I mean, you would have no way to
16 know -- how do you know which person caused the
17 sanitation issue?

18 UNIDENTIFIED SPEAKER: It's a matter of
19 question, to see if they would follow through with
20 an appropriate answer.

21 MS. OSTERHAGE: That's what you do now?

22 UNIDENTIFIED SPEAKER: Right.

23 MS. OSTERHAGE: Although we were not looking
24 for there to be a violation to the person in the
25 common areas, but we can certainly adjust this so

1 that both adhere to that.

2 MR. THOMPSON: Okay.

3 MS. OSTERHAGE: The important thing is that --
4 and I do think it's significant because these people
5 will not care until they're held accountable for the
6 course, whether it's sanitation or licensing or
7 whatever. All of the rules, I think it's important
8 that they bear responsibility.

9 MS. BENFER: Does it work with the license,
10 too? If their license lapsed, and one of my
11 employee's license had lapsed, would it be their
12 problem and not mine?

13 MS. OSTERHAGE: Now, I think the law states --

14 MR. THOMPSON: Aiding and abetting.

15 MS. OSTERHAGE: -- right.

16 MR. THOMPSON: You'd still be aiding and
17 abetting.

18 MS. BENFER: All right.

19 MS. OSTERHAGE: You still have a hand in that.

20 MS. BENFER: I thought so.

21 MS. OSTERHAGE: But the licensee, there are
22 penalties -- there's an issue with a licensee.
23 Obviously, that's a lot of what we deal with.
24 People work without licenses or expired licenses.

25 MS. BENFER: If they had a hair in their

1 hairbrush and they're a styler, it wouldn't go up in
2 my inspection log; is that where we're at?

3 MR. THOMPSON: Any other discussion?

4 Discussion can be motioned.

5 MS. OSTERHAGE: I would like to accept the
6 revision of the expansion of 4713-07.

7 CHAIRMAN TANEFF: Second.

8 MR. THOMPSON: Motion made by Member Osterhage,
9 second by Mr. Taneff.

10 Roll call, please.

11 MS. FLANERY: Mr. Thompson?

12 MR. THOMPSON: Yes.

13 MS. FLANERY: Mr. Hanks?

14 MR. HANKS: Yes.

15 MS. FLANERY: Mr. Taneff?

16 CHAIRMAN TANEFF: Yes.

17 MS. FLANERY: Ms. Osterhage?

18 MS. OSTERHAGE: Yes.

19 MS. FLANERY: Ms. Benfer?

20 MS. BENFER: Yes.

21 MS. FLANERY: Ms. Sheipline?

22 MS. SHEIPLINE: Yes.

23 MS. FLANERY: Dr. Gupta?

24 DR. GUPTA: Yes.

25 MR. THOMPSON: Next piece of new business is

1 4713-5-20, duties of instructors.

2 MS. PEARSON: Chairman Thompson, members of the
3 board, this rule change that is being proposed would
4 be to remove letter (C) from the duties of
5 instructors. This is something new that had been
6 added through some meetings of last year that states
7 that the school offers business or professional
8 courses that are related to the cosmetology
9 profession. The instructor teaching the course
10 shall have experience in or education in the subject
11 matter being taught.

12 So some of the questions being raised is how do
13 we determine -- how is that experience determined if
14 it's related to -- for example, the manager's
15 program part of that is business. So this states
16 that simply a cosmetology instructor, under this,
17 would not really have the experience -- or maybe not
18 have the education -- in that profession because
19 it's talking about a business and a professional
20 side to actually teach that course.

21 This is not something that was previously in
22 the rule. It was just something that we were
23 looking at possibly removing completely so that it
24 just would stay status quo, that people teaching
25 cosmetology -- instructors or instructors license

1 for that, so the practice could teach the program.

2 MR. THOMPSON: Comments?

3 MS. OSTERHAGE: I don't know how -- was this
4 part of the -- it doesn't matter. I'm sure I don't
5 remember being a part of this. I don't remember
6 being part of this in looking at all of these
7 things. It seems to me like the intent is probably
8 just to make sure that the people that were teaching
9 knew what they were teaching verses -- so from
10 Member Hank's and from Member Sheipline's
11 perspective, does that seem -- I mean, are we good
12 now?

13 MR. HANKS: I think it's redundant. I think
14 4713-5-17 says -- or I don't think that it says, I
15 know it says the instructors counting toward student
16 ratios, shall be qualified to teach those students
17 present. I mean, that's it in a nutshell. It's
18 already in our rules. I mean, I'm perfectly fine,
19 but you're just talking about removing (C) from
20 this?

21 MS. PEARSON: Just removing letter (C).

22 MR. HANKS: Then, I'm fine.

23 MS. OSTERHAGE: So just more than anything, I'm
24 curious. If you've got someone teaching some sort
25 of business something, I mean, how do you -- is it

1 just through experience, or how do you know that
2 they're qualified to teach that part of it? Is that
3 just something the school accepts responsibility
4 for?

5 MS. SHEIPLINE: For example, in the career
6 tech, if they're teaching a finances course, they
7 would be certified. I wouldn't expect -- I think
8 having something like this kind of opens a door to
9 when an inspector comes in, do they need to go in
10 and see the teaching credentials of every academic
11 teacher to make sure they are licensed by the State
12 of Ohio?

13 MS. OSTERHAGE: To teach whatever it is.

14 MS. SHEIPLINE: Yeah, I agree with you. It
15 repeats the same things.

16 I would like to draw your attention, Chairman,
17 to (A) of this. And just a concern, I would just
18 like to voice this and get your opinions. The very
19 last sentence, the instructor shall teach only in
20 those areas in which the instructor is licensed. I
21 know what the intent is here, but I just want to
22 look at the verbiage one more time because, for
23 instance, I teach an esthetics program. I do not
24 have an esthetics license, but under the scope of
25 the practice of cosmetology, I'm fully qualified to

1 teach that particular subject, as I would be for
2 natural hair or hair design or for, you know,
3 manicuring and nail technology. I just want to make
4 sure that that sentence is not a -- it can't be
5 misconstrued where someone says, well, you don't
6 have a nail technology license; so, therefore, you
7 can't teach.

8 I don't know if we just need to add, you know,
9 the instructor shall only teach in those areas or
10 scope of practice in which they're licensed. I
11 don't know if we need to add that. Do you feel -- I
12 mean, I just feel like that could really be
13 misconstrued, that particular sentence.

14 MS. PEARSON: Chairman Thompson, members of the
15 board, it does state in other places under our rules
16 that as a -- a cosmetologist does supersede all
17 other licensures. So holding a cosmetology license
18 you can do all of the other things, esthetics work,
19 nail work. Holding a cosmetology instructor's
20 license you can teach any of the service practices
21 that fall under that licensure, as opposed to
22 holding a manicuring instructor license would be
23 specific to manicuring.

24 So we do have that other places; but by all
25 means, if the Board feels that this needs further

1 clarification, we can definitely --

2 MS. OSTERHAGE: Could it be confused? I think
3 that's what Ms. Sheipline is saying, that you could
4 read that and --

5 MR. THOMPSON: What if we added if you're a
6 cosmetologist?

7 MS. OSTERHAGE: Where would you put
8 "cosmetologist"?

9 MR. THOMPSON: Instructors shall only teach in
10 those areas or have the cosmetologist license
11 because the cosmetologist is the blanket.

12 MS. SHEIPLINE: I'm satisfied as long as it's
13 somewhere else in the rules that would cover that.
14 I'm just saying that when we're all gone, is that
15 going to be an issue? All of us now understand the
16 way it's intended to be. I just want to make sure
17 that somebody coming in, reading that, doesn't have
18 that same confusion. So if it's within other areas
19 and we're covered --

20 MR. THOMPSON: I feel good.

21 MS. OSTERHAGE: If it's consistent with all the
22 other laws, that's what matters.

23 MS. SHEIPLINE: Okay.

24 MS. PEARSON: So the removal of (C)?

25 MR. HANKS: Move to remove (C) from original

1 4713-5-20.

2 MS. OSTERHAGE: Second.

3 MR. THOMPSON: Roll call, please.

4 MS. FLANERY: Mr. Thompson?

5 MR. THOMPSON: Yes.

6 MS. FLANERY: Mr. Hanks?

7 MR. HANKS: Yes.

8 MS. FLANERY: Mr. Taneff?

9 CHAIRMAN TANEFF: Yes.

10 MS. FLANERY: Ms. Osterhage?

11 MS. OSTERHAGE: Yes.

12 MS. FLANERY: Ms. Benfer?

13 MS. BENFER: Yes.

14 MS. FLANERY: Ms. Sheipline?

15 MS. SHEIPLINE: Yes.

16 MS. FLANERY: Dr. Gupta?

17 DR. GUPTA: Yes.

18 MR. THOMPSON: You have rescind orders (A)1

19 here -- Oh no, I'm sorry, I jumped ahead.

20 Proposed changes on 4713-3-11, 3-12, and 3-13.

21 MS. PEARSON: Chairman Thompson, members of the
22 board, these three rules that are in Chapter 3,
23 which that chapter represents the opening schools
24 package. So this would be for new schools that are
25 wishing to become licensed under The Board of

1 Cosmetology.

2 Three rules: Eleven in reference to the refund
3 policy the schools should have. Twelve is the
4 catalog or handbook requirements. And thirteen
5 would be the student contract or student enrollment
6 agreement requirements.

7 Currently, each of these have -- in our current
8 rule, it's a listing. It states, you know, (A)
9 through (J), or whatever the case may be, this is
10 what is going to be required in the student
11 enrollment or student contract. This is what is
12 required to be represented in a student handbook.
13 This is what the refund policy should reflect.

14 It also states clearly that if the school is an
15 accredited school by NACCAS or another accrediting
16 body, that that school would follow that accrediting
17 body's set of rules.

18 The rules that we currently have in place and
19 the listings were derived directly from the NACCAS
20 listings on the NACCAS website, and they have been
21 in place now for many years.

22 During meetings of the past year or so, it was
23 changed to -- for each of these rules to
24 represent -- instead of having that potential
25 listing for a new school that would be applying and

1 giving them a direct listing, it would direct them
2 to the NACCAS website, a specific web page; and it
3 has to be very specific. It cannot just direct them
4 to NACCAS.org. It had to be a very specific,
5 outside -- it actually included the year. So by the
6 time that this rule would actually be enacted, it
7 would actually be outdated because of the specifics
8 in the website.

9 We have contacted JCARR to try to back off of
10 that and just put, like, a NACCAS.org type of
11 situation. We were advised that it had to be very
12 specific. With doing that, and also being the one
13 over the last several years that has approved the
14 opening school packages and working with the people
15 that submit those packages, I felt as if directing
16 somebody who is not an accredited school, they're
17 new to becoming licensed to another accrediting body
18 website, to forge through and kind of try to
19 decipher and find these listings, which was not
20 exactly easy, we did go through and find them. You
21 know, it can be a little cumbersome.

22 Maybe we should stay as we are, status quo with
23 the rule and keep our listing. It is a minimal
24 requirement. I have double checked against NACCAS
25 requirements, current NACCAS requirements.

1 Everything is still in line. It would need to be
2 updated if NACCAS would change requirements;
3 however, we require less than that conception
4 requires.

5 I did speak with Member Hanks and Member
6 Sheipline and, actually, Mr. Yearwood of the private
7 school association about these concerns. So that's
8 what the gist of these three rules changes would be,
9 to go back to status quo or some other guidance
10 because I really feel as if directing them to
11 NACCAS -- the way that the new rule proposes to
12 direct NACCAS is fairly confusing and I don't think
13 very business friendly for new schools. Keep in
14 mind these are new schools, these are not already
15 established schools that would be coming in for
16 licensure.

17 MR. THOMPSON: Comments?

18 MR. HANKS: Are we under any particular
19 deadline with this?

20 MS. PEARSON: If we do not place a change by
21 the end of the month, it will be inactive. It'll be
22 out of date.

23 MR. HANKS: By the end of January?

24 MS. PEARSON: Correct. Actually, because
25 they're all out of date at this point because of the

1 date listing on that particular website.

2 MR. HANKS: Gotcha.

3 MS. OSTERHAGE: What is your recommendation?

4 MS. PEARSON: Member Osterhage, my
5 recommendation was to go back to, basically, what we
6 have on record right now, which would be a listing.
7 Just getting a list. So if you have -- if they're
8 opening a school, and they have to submit their
9 student handbook or catalog, we tell them the
10 minimal requirements, that we're saying at minimum,
11 this is what you have to have in that handbook and
12 this is that minimum of what you have to have in
13 that student agreement, instead of sending them to
14 another website.

15 MS. OSTERHAGE: I would like to make a motion
16 that we revert to what we had before. Did I say
17 that right?

18 MR. HANKS: I would second that. Then I have a
19 discussion point, if I could.

20 I just want to make sure we don't put ourselves
21 in a situation where NACCAS can be changing
22 something every month. I don't know what the
23 frequency might be. I don't want to see us having
24 to come back and have a rule change that has to go
25 through JCARR. So if a school does want to open, if

1 they're out of compliance with what NACCAS requires
2 because of us requiring something -- so, I'd
3 probably ask a NACCAS commissioner to look into how
4 other states do it. In the meantime, doing that,
5 maybe we can readdress it in the future if there's
6 an easier, better way for us to do it without
7 causing much more work.

8 MS. OSTERHAGE: This is a rule, not a law,
9 correct?

10 MR. HANKS: Right.

11 MS. OSTERHAGE: So in a rule, can you not state
12 something about how that if NACCAS takes something
13 that's introduced, that it will be communicated
14 and --

15 MS. PEARSON: Member Osterhage, that's not
16 typically wording that would be in a rule.

17 MS. OSTERHAGE: Okay. Would it say these
18 things plus --

19 MS. PEARSON: Well, it actually states that if
20 the school is accredited or wants accredited, that
21 they would need to follow their accrediting body
22 guidelines; and these are just minimal guidelines.
23 These are brand new schools. They are not
24 accredited schools. They are brand new schools.

25 MS. OSTERHAGE: So we would still be --

1 MR. HANKS: For existing schools, this is fine.

2 MS. PEARSON: Exactly. This is brand new, and
3 it does state to them that if they are accredited,
4 if they have a sister school, or if they're opening
5 a second location and are going to immediately be
6 able to have a foundation, they're going to follow
7 the guidelines of that accrediting body. This is a
8 school that is not accredited, opening right out of
9 the gates.

10 MS. OSTERHAGE: So once we begin the effort of
11 the five-year rule reviews, those rules come back to
12 us. So in a minimum of five years or so --

13 MR. HANKS: The maximum, I guess, I mean, if
14 something changes in between, we could do a rule
15 change.

16 Mr. Thompson, could I ask Ms. Lott to weigh in
17 on this as a NACCAS commissioner?

18 MR. THOMPSON: Sure.

19 MR. HANKS: Ms. Lott, you want to step up here?
20 You can have another bite of that apple.

21 MS. LOTT: NACCAS has four meetings per year;
22 and one meeting each year is to review all of this,
23 policies and rules and that type of thing. So on a
24 yearly basis, NACCAS is reviewing everything and
25 looking at what they are requiring of their schools.

1 Once NACCAS approves a rule change, then it has to
2 go out for comments. So it's almost a two-year
3 process before they can really change anything
4 unless it is something that's, per say, a checklist.
5 For instance, like the catalog and the contract and
6 refund policy, they're all checklist.

7 So I would strongly encourage the Board to not
8 lead people to the NACCAS website because it is
9 confusing. Even those of us that are supposed to
10 know all of that can get confused on going through
11 the parts and -- Theresa is shaking her head yes.
12 So I would encourage the Board to not link people to
13 that. Just stick with what you have and to maybe
14 even developing a cross-reference checklist to help
15 people.

16 MR. HANKS: Thank you.

17 MR. THOMPSON: Thank you, Bobbie.

18 MS. LOTT: Uh-huh.

19 MR. THOMPSON: We have a motion, the second?

20 MS. PEARSON: I was just going to say that --

21 MR. THOMPSON: We have more discussion, sorry.

22 MS. PEARSON: Yes. I was just going to say
23 that the current January -- as of January, 2014, the
24 current guidelines for NACCAS -- it does mirror what
25 we have. So everything does match up. I double

1 checked that. So we would be current.

2 MR. THOMPSON: We have a motion to second?

3 MS. BENFER: Second.

4 MS. OSTERHAGE: I did.

5 MR. THOMPSON: Roll call, please.

6 MS. FLANERY: Mr. Thompson?

7 MR. THOMPSON: Yes.

8 MS. FLANERY: Mr. Hanks?

9 MR. HANKS: Yes.

10 MS. FLANERY: Mr. Taneff?

11 CHAIRMAN TANEFF: Yes.

12 MS. FLANERY: Yes.

13 MS. OSTERHAGE: Yes.

14 MS. FLANERY: Ms. Benfer?

15 MS. BENFER: Yes.

16 MS. FLANERY: Ms. Sheipline?

17 MS. SHEIPLINE: Yes.

18 MS. FLANERY: Dr. Gupta?

19 DR. GUPTA: Yes.

20 MR. HANKS: Do we have to do that for each of
21 the three, or does that motion cover all three?

22 MS. PEARSON: We're good because they're
23 grouped together.

24 MS. OSTERHAGE: Mr. Chairman, I'd like to move
25 to rescind order (A)1.

1 CHAIRMAN TANEFF: Second.

2 MR. THOMPSON: Roll call. One second, board
3 member comments or discussion?

4 Roll call.

5 MS. FLANERY: Mr. Thompson?

6 MR. THOMPSON: Yes.

7 MS. FLANERY: Mr. Hanks?

8 MR. HANKS: Yes.

9 MS. FLANERY: Mr. Taneff?

10 CHAIRMAN TANEFF: Yes.

11 MS. FLANERY: Ms. Osterhage?

12 MS. OSTERHAGE: Yes.

13 MS. FLANERY: Ms. Benfer?

14 MS. BENFER: Yes.

15 MS. FLANERY: Ms. Sheipline?

16 MS. SHEIPLINE: Yes.

17 MS. FLANERY: Dr. Gupta?

18 DR. GUPTA: Yes.

19 MS. OSTERHAGE: Mr. Chairman, I would like to
20 move that we approve board orders Settlement
21 Agreements 1 through 87.

22 CHAIRMAN TANEFF: And I think we were going to
23 add 87(B)(C) and (D).

24 MS. PEARSON: Member Taneff, it would be 86(B)
25 (C) and (D).

1 CHAIRMAN TANEFF: I was told 87(B)(C)(D).

2 MS. PEARSON: I thought it was 86.

3 CHAIRMAN TANEFF: 87B-bravo, C-charley,
4 D-delta.

5 MS. OSTERHAGE: On our list, it's actually
6 86(B)(C) and (D).

7 MS. KATZ: It is 86.

8 MR. THOMPSON: Do we have a second, Mr. Taneff?

9 CHAIRMAN TANEFF: Yeah, we have a second; but
10 we need to add 86(B)(C) and (D)?

11 MR. THOMPSON: Any other board member comments
12 and discussion?

13 MS. OSTERHAGE: So I've got to ask, we've
14 batted 86(B)(C)(D). There's also an 87(B). My
15 motion was for 1 through 87. Does that cover 87(B)
16 or is that not included in this?

17 MR. THOMPSON: (C) also.

18 MS. OSTERHAGE: Oh, there's a (C)? Where?

19 MR. THOMPSON: On the next page.

20 MS. OSTERHAGE: Oh, so my motion for 1 through
21 87 -- if I revise my motion to say, 1 through 87
22 including parts of 86(B)(C)(D), 87(B)(C), does that
23 do it?

24 MS. PEARSON: It does.

25 CHAIRMAN TANEFF: Second it.

1 MR. THOMPSON: Any board member discussions,
2 comments over the Approved Settlements 1 through 87
3 and including 86(B)(C) and (D) and 87(B)(C)?

4 Roll call, please.

5 MS. FLANERY: Mr. Thompson?

6 MR. THOMPSON: Yes.

7 MS. FLANERY: Mr. Hanks?

8 MR. HANKS: Yes.

9 MS. FLANERY: Mr. Taneff?

10 CHAIRMAN TANEFF: Yes.

11 MS. FLANERY: Ms. Osterhage?

12 MS. OSTERHAGE: Yes.

13 MS. FLANERY: Ms. Benfer?

14 MS. BENFER: Yes.

15 MS. FLANERY: Ms. Sheipline?

16 MS. SHEIPLINE: Yes.

17 MS. FLANERY: Dr. Gupta?

18 DR. GUPTA: Yes.

19 MS. OSTERHAGE: Mr. Chairman, I'd like to move
20 that we approve board orders to Enforce Notice of
21 Violation 88 through 182.

22 CHAIRMAN TANEFF: And exclude 137, 138, and
23 147.

24 MS. OSTERHAGE: Right, that's my motion.

25 CHAIRMAN TANEFF: And I'll second it.

1 MR. THOMPSON: Any board members discussions or
2 comments?

3 Seeing none, roll call, please.

4 MS. FLANERY: Mr. Thompson?

5 MR. THOMPSON: Yes.

6 MS. FLANERY: Mr. Hanks?

7 MR. HANKS: Yes.

8 MS. FLANERY: Mr. Taneff?

9 CHAIRMAN TANEFF: Yes.

10 MS. FLANERY: Ms. Osterhage?

11 MS. OSTERHAGE: Yes.

12 MS. FLANERY: Ms. Benfer?

13 MS. BENFER: Yes.

14 MS. FLANERY: Ms. Sheipline?

15 MS. SHEIPLINE: Yes.

16 MS. FLANERY: Dr. Gupta?

17 DR. GUPTA: Yes.

18 MR. THOMPSON: Any other discussion or comments
19 amongst board members? Do we have a motion for
20 adjournment?

21 MS. OSTERHAGE: So moved.

22 CHAIRMAN TANEFF: Second.

23 MR. THOMPSON: Roll call.

24 MS. FLANERY: Mr. Thompson?

25 MR. THOMPSON: Yes.

1 MS. FLANERY: Mr. Hanks?

2 MR. HANKS: Yes.

3 MS. FLANERY: Mr. Taneff?

4 CHAIRMAN TANEFF: Yes.

5 MS. FLANERY: Ms. Osterhage?

6 MS. OSTERHAGE: Yes.

7 MS. FLANERY: Ms. Benfer?

8 MS. BENFER: Yes.

9 MS. FLANERY: Ms. Sheipline?

10 MS. SHEIPLINE: Yes.

11 MS. FLANERY: Dr. Gupta?

12 DR. GUPTA: Yes.

13 - - -

14 And thereupon, Cosmetology Exhibits C, D, E and
15 F were marked and identified for purposes of
16 identification.

17 - - -

18 And, thereupon, the hearing was concluded at
19 3:10 o'clock p.m.

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TRANSCRIPT OF PROCEEDINGS - January 14, 2014

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C-E-R-T-I-F-I-C-A-T-E

I do hereby certify that the foregoing is a true, correct and complete written transcript of the proceedings in this matter, taken by me on the day of _____, _____ and transcribed from my stenographic notes.

Jillian Vogel
Professional Reporter
and Notary Public in and for
the State of Ohio

My commission expires: 2-13-16.

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