

1 BEFORE THE OHIO STATE BOARD OF COSMETOLOGY

2 - - -

3 IN THE MATTER OF:

4 BOARD MEETING

5 - - -

6 TRANSCRIPT OF PROCEEDINGS

7 - - -

8 STEVEN THOMPSON,
9 Chairman, Presiding

 - - -

10 Tuesday, May 13, 2014
11 1:00 o'clock p.m.
12 Ohio State Board of
13 Cosmetology
14 1929 Gateway Circle
15 Grove City, Ohio 43123

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16 JILLIAN VOGEL,
17 Professional Court Reporter

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10 On behalf of The Ohio State Board of
11 Cosmetology.

12
13 BOARD MEMBERS PRESENT:

14 Lori Pearson, Executive Director
15 Steve Thompson, Chairman
16 Thomas Taneff
17 Valerie Benfer
18 Luke Hanks
19 Tasha Sheipline
20 Dr. Shalini Gupta
21 Charles Penzone

22 ALSO PRESENT:

23
24 Lori Flanery, Administrative Assistant
25

1 TUESDAY AFTERNOON SESSION
2 May 13, 2014
3 1:00 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 13th day of May, 2014, this
8 cause came on for hearing before Chairman Steven Thompson. And,
9 the parties appearing in person and/or by counsel, as hereinafter
10 set forth, the following proceedings were had:

11 - - -

12 CHAIRMAN THOMPSON: Good afternoon, at this time I would
13 like to call the Ohio State Board of Cosmetology May monthly
14 meeting to order.

15 Roll call, please.

16 MS. FLANERY: Dr. Gupta?

17 Mr. Hanks?

18 MR. HANKS: Here.

19 MS. FLANERY: Mr. Taneff?

20 MR. TANEFF: Here.

21 MS. FLANERY: Mr. Penzone?

22 MR. PENZONE: Here.

23 MS. FLANERY: Ms. Osterhage?

24 Ms. Benfer?

25 MS. BENFER: Here.

MS. FLANERY: Ms. Sheipline?

1 MS. SHEIPLINE: Here.

2 MS. FLANERY: Mr. Thompson?

3 CHAIRMAN THOMPSON: Here.

4 At this time I'd like everyone to stand and say the Pledge
5 of Allegiance to the flag of the United States of America.

6 (Pledge of Allegiance recited.)

7 CHAIRMAN THOMPSON: At this time I'd ask board members if
8 they've had a chance to review the April board meeting minutes;
9 and if so, do we have a motion for adoption?

10 MR. TANEFF: I move for the adoption of the minutes of the
11 board meeting.

12 CHAIRMAN THOMPSON: We have a first. Do we have a second?

13 MS. BENFER: Second.

14 CHAIRMAN THOMPSON: Second by Board Member Benfer. Any
15 discussion?

16 Roll call, please.

17 MS. FLANERY: Mr. Hanks?

18 MR. HANKS: Yes.

19 MS. FLANERY: Mr. Taneff?

20 MR. TANEFF: Yes.

21 MS. FLANERY: Mr. Penzone?

22 MR. PENZONE: Yes.

23 MS. FLANERY: Ms. Benfer?

24 MS. BENFER: Yes.

25 MS. FLANERY: Ms. Sheipline?

1 MS. SHEIPLINE: Yes.

2 MS. FLANERY: Mr. Thompson?

3 CHAIRMAN THOMPSON: Yes.

4 At this time our Executive Director's Report.

5 MS. PEARSON: Good afternoon, everybody. Since our last
6 meeting of the Board, our staff had a one-day retreat that
7 included a seminar on communication and customer service skills.
8 It was held out of the office. So it was a nice day for everyone
9 who attended.

10 I'd like to thank Member Luke Hanks for stopping by the
11 retreat that morning -- during that portion of our morning
12 session. It was nice to see you there.

13 We have a new school that opened last week in Hilliard.
14 It's called Posh School of Cosmetology. We are offering
15 cosmetology and nail tech courses, and that takes our private
16 school listing to a total of 81 schools.

17 We have annual school overviews scheduled for September and
18 October. All the schools will be receiving those dates in July,
19 and our overview is an attempt to inform all schools of any
20 updates to the examination or for any curriculum updates or
21 anything of that nature.

22 As a reminder we will not have a monthly board meeting in
23 June, although we do have a scheduled board member training
24 session. And our reciprocity meeting is scheduled for next
25 Tuesday, May, the 20th, at 10:00 a.m. And just as a reminder,

1 any of you who have not submitted your financial disclosure form
2 should do so by May 15th.

3 CHAIRMAN THOMPSON: Thank you.

4 MR. TANEFF: Should we remind our audience that even though
5 we are not having the board meeting in June, this administrative
6 meeting is still open to the general public? I'm assuming.

7 MS. PEARSON: Member Taneff, it actually will just be a
8 training session from 1:00 to 3:30.

9 MR. TANEFF: Okay.

10 MS. PEARSON: Thank you.

11 CHAIRMAN THOMPSON: At this point of our meeting is the
12 public testimony. Anybody is welcome to come to the podium for
13 two minutes to speak on any subject that's on their mind. Do we
14 have anyone signed in?

15 Does anybody want to address the Board at this time? We'll
16 check our sign-in sheet here.

17 Okay. I see no one signed in to speak.

18 One last time?

19 Okay. Committee reports. Right now we have three active
20 committees. The reciprocity one, the chairman is not here for
21 that one.

22 Curriculum committee, Board Member Sheipline.

23 MS. SHEIPLINE: Thank you, Chairman Thompson. The
24 curriculum committee met this morning at 10:00, and we went over
25 some revisions to our a 1,500-hour cosmetology curriculum. It

1 looks like we kind of came to a consensus on some of the minimum
2 hour requirements, as well as the recommendations. We've also
3 upgraded some of the language in there and kind of made it a
4 little more relevant as to today's standards.

5 That was -- Michelle Rathburn is going to get something kind
6 of typed up for us and give that back to the committee to look
7 back over; and then we are going to meet again June 10th at
8 10:00 a.m. just to take another look at that and then potentially
9 look at our hair designer -- our hair designer program, esthetics
10 programs and so on and so forth as we make our way through the
11 curriculum. So the curriculum will probably not be ready to
12 present to the Board until about July for the 1,500-hour
13 cosmetology program. And that's it.

14 CHAIRMAN THOMPSON: Thank you, Board Member Sheipline.

15 The special services and boutique committee. I haven't
16 heard from this committee with Dr. Gupta and co-chair with Board
17 Member Penzone.

18 MR. PENZONE: We're setting up meetings for that as we sit
19 here. Do you have a date on that yet?

20 MS. PEARSON: I do not. I have not heard back from
21 Dr. Gupta.

22 MR. PENZONE: We're trying to round everybody up.

23 CHAIRMAN THOMPSON: Thank you, Board Member Penzone.

24 Legislative update. Is there any legislative update to
25 report?

1 MS. PEARSON: There is House Bill 131, which is a tanning
2 bill. I went to a meeting just to answer some questions about
3 the type of consent forms that we currently offer for tanning and
4 House Bill 532 -- a meeting on just some language for
5 administrative -- on the administrative side, if there was
6 anything in the bill that administratively would cause a problem
7 with the way we run day-to-day operations here at the Board.

8 CHAIRMAN THOMPSON: Okay.

9 Moving on to unfinished business. Human trafficking. I
10 think everyone saw the email with human trafficking.

11 Interim Director Pearson, will you explain this one more
12 time for the board members?

13 MS. PEARSON: Certainly. Chairman Thompson, members of the
14 board, the trafficking education Rule 4713-1-14. At the last
15 meeting it was suggested to revise some of the language. So it
16 talked about shall be posting posters in a salon. So we just
17 went back to the language as it's presented in Rule 5502.63 that
18 posters will be encouraged to display.

19 So the language, which is in front of you, it was sent out
20 to all the members, and the information that came back was the
21 majority agreed with the switch to the language. So we just need
22 a motion and a vote.

23 MR. HANKS: Move to adopt Draft 4713-1-14 as written.

24 MS. SHEIPLINE: Second.

25 CHAIRMAN THOMPSON: We have a motion and a second. Do we

1 have any discussion?

2 MR. PENZONE: I have one question.

3 CHAIRMAN THOMPSON: Member Penzone.

4 MR. PENZONE: The last sentence, where it says "schools and
5 tanning facilities may post the signs in order to help those who
6 have been trafficked or are modern day slaves." That sounds -- I
7 don't know that last -- those last three or four words to me, I
8 think the word trafficking is fine, but, you know, that may be
9 the only pause I have about it.

10 MS. PEARSON: Okay. So your suggestion would be to stop
11 with the language at "trafficked," period?

12 MR. PENZONE: "Trafficked," period. It would be a
13 suggestion, but, you know --

14 MS. PEARSON: Okay.

15 MR. PENZONE: I guess you could keep in "modern day slaves"
16 as well.

17 CHAIRMAN THOMPSON: Member Hanks, would you want to modify
18 your motion?

19 MR. HANKS: I guess I would ask first where this language
20 came from, and is it important to keep modern day slaves in there
21 for some reason?

22 MS. PEARSON: Member Hanks, we believe that the wording is
23 actually on the poster that was developed for us from the
24 trafficking education, and we're looking to see if it's actually
25 part of the language in 5502.63. I believe it is part of that

1 language. That would be where it originated.

2 MR. PENZONE: Well, if it's in the poster, then I would
3 certainly withdraw my pause.

4 MS. PEARSON: It is in the poster.

5 MR. PENZONE: Okay. Erase what I just said, please.

6 CHAIRMAN THOMPSON: Okay. We have a motion and a second.
7 Any further discussion?

8 Roll call, please.

9 MS. FLANERY: Mr. Hanks?

10 MR. HANKS: Yes.

11 MS. FLANERY: Mr. Taneff?

12 MR. TANEFF: Yes.

13 MS. FLANERY: Mr. Penzone?

14 MR. PENZONE: Yes.

15 MS. FLANERY: Ms. Benfer?

16 MS. BENFER: Yes.

17 MS. FLANERY: Ms. Sheipline?

18 MS. SHEIPLINE: Yes.

19 MS. FLANERY: Mr. Thompson?

20 CHAIRMAN THOMPSON: Yes.

21 Next item under unfinished business is permanent make-up.

22 Interim Director Pearson, will you remind everyone --

23 MS. PEARSON: Yes. The question at last month's board
24 meeting had to do with our current rule stating that only
25 cosmetologists or estheticians could provide permanent make-up

1 services within one of our salons or facilities as licensed.

2 Previous language stated that all board licensees -- any board
3 licensees could actually provide that same service with the
4 appropriate training within one of our facilities or salons.

5 The question went out of grandfathering in the -- any
6 persons who have been practicing the service of permanent make-up
7 with any type of license in one of our facilities or salons. The
8 order wrote back to the previous language prior to November of
9 2013, which would allow all board licensees to provide the
10 service within one of our salons.

11 Information that came back to me was recommended to revert
12 back to the language prior to November of 2013, which would
13 permit any board licensee to provide the service within our
14 licensed facilities with the appropriate training.

15 MR. PENZONE: So there'd be no change? We would change the
16 status --

17 MS. PEARSON: We would revert back to the original language.

18 CHAIRMAN THOMPSON: It would be to reinstate the permanent
19 make-up language that was changed back in November of 2013. So
20 yeah, we really need a vote on this too.

21 MS. PEARSON: We would need a majority vote.

22 CHAIRMAN THOMPSON: Because we'll have to bring this back
23 through JCARR and everything.

24 MR. PENZONE: Okay. So you need a motion?

25 MS. PEARSON: We need a motion.

1 MR. PENZONE: So moved to reinstate the permanent make-up
2 language that was effective 11-2013 under 4713-13-12.

3 CHAIRMAN THOMPSON: Do we have a second?

4 MS. SHEIPLINE: Second.

5 CHAIRMAN THOMPSON: Any discussion?

6 Roll call, please.

7 MS. FLANERY: Mr. Hanks?

8 MR. HANKS: Yes.

9 MS. FLANERY: Mr. Taneff?

10 MR. TANEFF: Yes.

11 MS. FLANERY: Mr. Penzone?

12 MR. PENZONE: 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. FLANERY: Mr. Thompson?

20 CHAIRMAN THOMPSON: Yes.

21 Next item under unfinished business is Board Member
22 Sheipline's discussion on proposed language change.

23 MS. SHEIPLINE: All right. This is 4713-5-17, which refers
24 to the section in Administrative Code that basically said that
25 students would not be able to do anything that would be

1 considered theory while in a lab setting. So they could not --
2 you know, if they had spare time and were waiting on a perm to
3 process, they would not be able to pick up flash cards or do
4 workbook or any of the above.

5 So we kind of looked at it with the public and the private
6 schools and looked at it and tried to find some language that
7 would fit, you know, the setting and the students appropriately.
8 And then there's two copies here. The one with the yellow over
9 direct, that was -- that was a request someone had asked that
10 that perhaps be put into the language.

11 So ideally we want to just look at the language and see if
12 this is something that would be okay with everyone. And we're
13 not going to vote on this today, or is it just -- or can we vote
14 on it today?

15 MS. PEARSON: Member Sheipline, it was planned to have
16 discussion on this particular rule today. I actually had not
17 heard back from the majority of the board members on their
18 feelings on this particular language so --

19 MS. SHEIPLINE: Okay. So if we could have any discussion,
20 if anyone has any concerns and then if they do not have any
21 concerns, Ms. Pearson, would you prefer for us to wait until July
22 to vote on it? So, I mean, we would be okay to vote on it if
23 there is no concern or no changes that anyone --

24 MS. PEARSON: If there's no concerns or discussion or
25 changes to this particular language. If there's going to be

1 additional language changes, I would prefer to wait until the
2 July board meeting.

3 MS. SHEIPLINE: Okay. All right.

4 MR. PENZONE: So I could make a motion to adopt this
5 language; we could have discussion and vote on it today without
6 any problems, correct?

7 MS. SHEIPLINE: Sure.

8 MR. PENZONE: So I move we adopt this language, we at least
9 find out if it's going to fly.

10 CHAIRMAN THOMPSON: Test the water.

11 MR. PENZONE: I would move we adopt this suggestive language
12 Ms. Sheipline has presented.

13 MS. PEARSON: Member Penzone, would that be the Part 2?

14 MR. PENZONE: Part 2.

15 MS. PEARSON: With the highlighted direct?

16 MR. PENZONE: Correct. Correct.

17 CHAIRMAN THOMPSON: We have a motion. Do we have a second?

18 DR. GUPTA: Second.

19 CHAIRMAN THOMPSON: Second by Dr. Gupta. Do we have any
20 discussion?

21 MS. SHEIPLINE: I just -- the only piece that I would want
22 to know is the addition of the direct into this language. I just
23 want to make sure that means that if I'm in the clinic setting
24 and I have students doing some lab activities and I have students
25 maybe over here that are working in a workbook or whatever, that

1 I don't have to be -- you know, the expectation is not that if an
2 inspector comes in and I'm not within a two feet radius of that
3 student, that that's not direct. Would it just mean they're in
4 my classroom --

5 MS. PEARSON: In your classroom.

6 MS. SHEIPLINE: I'm present. Okay.

7 MS. PEARSON: You cannot have students in another classroom
8 and have them be by themselves in a book, and then you're in a
9 different room teaching something.

10 MS. SHEIPLINE: All right. I think that's liveable. All
11 right.

12 CHAIRMAN THOMPSON: One more time, any discussion from the
13 board members?

14 Roll call, please.

15 MS. FLANERY: Dr. Gupta?

16 DR. GUPTA: Yes.

17 MS. FLANERY: Mr. Hanks?

18 MR. HANKS: Yes.

19 MS. FLANERY: Mr. Taneff?

20 MR. TANEFF: Yes.

21 MS. FLANERY: Mr. Penzone?

22 MR. PENZONE: Yes.

23 MS. FLANERY: Ms. Benfer?

24 MS. BENFER: Yes.

25 MS. FLANERY: Ms. Sheipline?

1 MS. SHEIPLINE: Yes.

2 MS. FLANERY: Mr. Thompson?

3 CHAIRMAN THOMPSON: Yes.

4 Okay. Moving on to new business. We would need a motion
5 for the adoption of the Enforcements of Notice of Violations 1
6 through 45.

7 MR. TANEFF: I move that we adopt the Board order to Enforce
8 Notice of Violations 1 through 45.

9 CHAIRMAN THOMPSON: Do we have a second?

10 MR. PENZONE: Second.

11 CHAIRMAN THOMPSON: Second with Mr. Penzone. Any
12 discussion?

13 Roll call.

14 MS. FLANERY: Dr. Gupta?

15 DR. GUPTA: Yes.

16 MS. FLANERY: Mr. Hanks?

17 MR. HANKS: Yes.

18 MS. FLANERY: Mr. Taneff?

19 MR. TANEFF: Yes.

20 MS. FLANERY: Mr. Penzone?

21 MR. PENZONE: Yes.

22 MS. FLANERY: Ms. Benfer?

23 MS. BENFER: Yes.

24 MS. FLANERY: Ms. Sheipline?

25 MS. SHEIPLINE: Yes.

1 MS. FLANERY: Mr. Thompson?

2 CHAIRMAN THOMPSON: Yes.

3 Do we have motion to adopt Board orders of Settlement
4 Agreements -- of Approved Settlement Agreements?

5 MR. PENZONE: So moved.

6 CHAIRMAN THOMPSON: Is there a second?

7 MR. TANEFF: Second.

8 CHAIRMAN THOMPSON: Second by Mr. Taneff. Any discussion?
9 Roll call, please.

10 MS. FLANERY: Dr. Gupta?

11 DR. GUPTA: Yes.

12 MS. FLANERY: Mr. Hanks?

13 MR. HANKS: Yes.

14 MS. FLANERY: Mr. Taneff?

15 MR. TANEFF: Yes.

16 MS. FLANERY: Mr. Penzone?

17 MR. PENZONE: Yes.

18 MS. FLANERY: Ms. Benfer?

19 MS. BENFER: Yes.

20 MS. FLANERY: Ms. Sheipline?

21 MS. SHEIPLINE: Yes.

22 MS. FLANERY: Mr. Thompson?

23 CHAIRMAN THOMPSON: Yes.

24 Any further new business? Do we have a motion for
25 adjournment?

1 MR. TANEFF: So moved.

2 CHAIRMAN THOMPSON: Do we have a second?

3 MR. PENZONE: Second.

4 CHAIRMAN THOMPSON: Second with Mr. Penzone. Any
5 discussion?

6 Roll call.

7 MS. FLANERY: Dr. Gupta?

8 DR. GUPTA: Yes.

9 MS. FLANERY: Ms. Pearson?

10 MS. PEARSON: Yes.

11 MS. FLANERY: Mr. Taneff?

12 MR. TANEFF: Yes.

13 MS. FLANERY: Mr. Penzone?

14 MR. PENZONE: Yes.

15 MS. FLANERY: Ms. Benfer?

16 MS. BENFER: Yes.

17 MS. FLANERY: Ms. Sheipline?

18 MS. SHEIPLINE: Yes.

19 MS. FLANERY: Mr. Thompson?

20 CHAIRMAN THOMPSON: Yes.

21 - - -

22 And, thereupon, the hearing was concluded at 1:18 o'clock
23 p.m.

24 - - -

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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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