

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, July 8, 2014
11 1:02 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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23 ANDERSON REPORTING SERVICES, INC.
24 3242 West Henderson Road, Suite A
25 Columbus, Ohio 43220
 (614) 326-0177
 FAX (614) 326-0214

1 APPEARANCES:

2 KEITH A. MCCARTHY, Attorney at Law
3 Attorney General's Office
4 30 East Broad Street, 26th Floor
5 Columbus, Ohio 43125
6 PH: 614-752-4332
7 FX: 866-742-8015
8 Keith.McCarthy@OhioAttorneyGeneral.gov

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

11 BOARD MEMBERS PRESENT:

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

21 ALSO PRESENT:

22 Lori Flanery, Administrative Assistant
23 Don Yearwood, Ohio Association of Cosmetology Schools
24
25

1 TUESDAY AFTERNOON SESSION

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

12 - - -

13 CHAIRMAN THOMPSON: Good afternoon, I would like to call the
14 Ohio State Board of Cosmetology meeting to order.

15 Roll call, please.

16 MS. FLANERY: Dr. Gupta? Mr. Hanks?

17 MR. HANKS: Here.

18 MS. FLANERY: Mr. Taneff?

19 MR. TANEFF: Here.

20 MS. FLANERY: Mr. Penzone?

21 MR. PENZONE: Here.

22 MS. FLANERY: Ms. Osterhage?

23 MS. OSTERHAGE: Here.

24 MS. FLANERY: Ms. Benfer?

25 MS. BENFER: Yes.

MS. FLANERY: Ms. Sheipline?

1 MS. SHEIPLINE: Here.

2 MS. FLANERY: Mr. Thompson?

3 CHAIRMAN THOMPSON: Here.

4 At this time I would ask everyone to stand as we say the
5 Pledge of Allegiance to the United States of America.

6 (Pledge of Allegiance recited.)

7 At this time I would ask the board members if
8 they've had a chance to review the May board
9 minutes; and if so, do we have a motion for
10 adoption?

11 MR. TANEFF: Motion to move, adoption made.

12 MR. PENZONE: Second.

13 CHAIRMAN THOMPSON: We have a first and a second.

14 Roll call, please -- or any discussion?

15 Roll call.

16 MS. FLANERY: Dr. Gupta?

17 DR. GUPTA: Yes.

18 MS. FLANERY: Mr. Hanks?

19 MR. HANKS: Yes.

20 MS. FLANERY: Mr. Taneff?

21 MR. TANEFF: Yes.

22 MS. FLANERY: Mr. Penzone?

23 MR. PENZONE: Yes.

24 MS. FLANERY: Ms. Osterhage?

25 MS. OSTERHAGE: Abstain.

1 MS. FLANERY: Ms. Benfer?

2 MS. BENFER: Yes.

3 MS. FLANERY: Ms. Sheipline?

4 MS. SHEIPLINE: Yes.

5 MS. FLANERY: Mr. Thompson?

6 CHAIRMAN THOMPSON: Yes.

7 At this time I would ask for our Executive Director's
8 report.

9 MS. PEARSON: Good afternoon, Chairman Thompson, members of
10 the Board. I hope everyone had an enjoyable holiday weekend. As
11 requested this is the most current information regarding the pass
12 rate of our cosmetology examinations for this year. The
13 cosmetology practical examination has a pass rate of 95.5 percent
14 and the theory, or the written, examination of 80 percent. And
15 this is an overall pass rate -- a combination of both -- all
16 students that come. So that would be private school students and
17 career tech school students. This data is from the first of the
18 year, January 1st through July.

19 This is a combination of all the exams that we offer. And
20 we also have a new report that we can run, which shows how many
21 examinations we schedule and how many people choose to have a
22 no-show or cancel their examination and then how many
23 examinations we actually administer.

24 So since January of 2014, we have administered 8,692 exams;
25 and we had 1,610 no-shows or cancellations. So as you can see,

1 we have a very high rate of cancellations or no-shows. We had
2 10,000 exams scheduled, and 8,600 actually came and took an exam.

3 The staff frequently receives phone calls inquiring where to
4 locate specific types of programs of cosmetology in Ohio.

5 Therefore, I sent out a form to all private schools to determine
6 the current types of programs that they offer at each of their
7 locations. So it would show if they offer a 1500 hour program,
8 an 1800 hour cos program, separate managers' programs and all
9 that type of information.

10 So we did receive information back from every private
11 school; and what we did was the staff took that information,
12 added it into our licensing system. So when we have inquiries
13 for specific schools, they can easily go into that school
14 information and find what types of programs are offered.

15 In that information, we have found that we have two schools
16 in Ohio that offer the natural hair program and one private
17 school that actually offers just the hair design program. There
18 was a full listing of the programs offered sent to you in an
19 email. So if you have any questions, there's -- it was called
20 "Programs Offered," and it was an attachment to an email.

21 We are currently reviewing information sent to us by the
22 Governor's office regarding training on human trafficking. Since
23 the CE requirement for the new upcoming renewal time will require
24 licensees to receive at least one hour of training on human
25 trafficking, we are looking at information to provide that

1 training via our website, something that would be easy for our
2 licensees to access; and we are looking into the logistics to
3 offering that to all of our licensees. We'll keep you updated
4 when we have further information. And that is my report.

5 CHAIRMAN THOMPSON: Thank you.

6 MS. BENFER: I have just a quick question.

7 MS. PEARSON: Yes?

8 MS. BENFER: So it's going to be this current --

9 MS. PEARSON: No. This one after the next full renewal
10 period.

11 MS. BENFER: The next one?

12 MS. PEARSON: Correct.

13 MS. BENFER: Okay.

14 MS. OSTERHAGE: Ms. Pearson, would you mind repeating the
15 pass rates for me?

16 MS. PEARSON: Sure. It is practical 95.5 percent and
17 80 percent for their written test.

18 MS. OSTERHAGE: Thank you.

19 DR. GUPTA: And that is the first examination, right? Or is
20 it pass rate or --

21 MS. PEARSON: The pass rate --

22 DR. GUPTA: Or is it once?

23 MS. PEARSON: It's just --

24 DR. GUPTA: The first time --

25 MS. PEARSON: An overall pass rate for everybody that has

1 come taken a test between January and July for a practical.

2 CHAIRMAN THOMPSON: Any other questions?

3 At this time it's the public testimony part of our meeting.
4 This is the part of the meeting where the public may come to the
5 podium and address the Board with any questions, concerns or
6 comments. It's a three-minute time frame.

7 I see one, Don Yearwood.

8 MR. YEARWOOD: You only see one Don Yearwood?

9 CHAIRMAN THOMPSON: I see one person speaking, Don Yearwood.

10 MR. YEARWOOD: Thank you, Chairman Thompson and members of
11 the Board and Director Pearson. I just have a very brief request
12 and comment related to unfinished business on today's agenda
13 where the Board will be reviewing 4713-5-17, Licensed Instructors
14 on Premises.

15 My request and comment today is simply that you make sure
16 that if there is to be any changes in the Rule 4713-5-17, that
17 it, in fact, does amplify correctly the statute which is 4713.45.

18 In paraphrasing the statute, the intent of the statute, as I
19 understand it, is that it allows an expert to teach alone in a
20 theory class setting, provided that they have a bachelor's degree
21 in the subject matter, which would make them an expert in the
22 subject matter that they're teaching. Such as Luke has a degree
23 in finance, so he could teach financial security to young adults
24 or something of that nature in a theory class; and that if they
25 don't have a bachelor's degree, but they're an expert in a

1 subject, they can teach in a classroom with an instructor or
2 licensed instructor present. That's my understanding as it's
3 always been of the statute.

4 And when I look at the rule that you're going to be
5 discussing today, the 4713-5-17, if you take (A) and isolate it,
6 it states only an instructor with a license issued by The Board
7 may instruct students in an Ohio school of cosmetology while the
8 student is actively engaged in theory or clinic practice. And I
9 understand that the purpose of The Board's review of this is to
10 make sure that there is no conflicts with the statute.

11 Again, when I went back and read the actual statute, its
12 design is to allow an expert without a degree to teach alongside
13 of a licensed instructor. If they have a degree, they should be
14 able to teach a theory class by themselves. So I just want to
15 make sure that I'm bringing it to the Board's attention, when
16 you're reviewing this proposed change to the rule, that you make
17 sure there is solid integration with the statute.

18 Thank you.

19 CHAIRMAN THOMPSON: Thank you, Mr. Yearwood.

20 Any others? Okay. Seeing none, we'll move on.

21 Committee reports. Board Member Osterhage and Board Member
22 Sheipline are also scheduled under unfinished business. So I'll
23 give you the opportunity if you want to go now, or do you want to
24 wait until unfinished business?

25 MS. OSTERHAGE: Since it's on the agenda later, maybe wait.

1 CHAIRMAN THOMPSON: Okay. Okay.

2 Any other committee reports?

3 Legislative updates. I don't think you -- nothing to
4 report?

5 MS. PEARSON: I do not.

6 CHAIRMAN THOMPSON: Okay. We'll move into unfinished
7 business: 4713-7-09, Out-of-State Licensees. And I will defer
8 to Board Member Osterhage.

9 MS. OSTERHAGE: Mr. Chairman, hopefully everybody had an
10 opportunity to review this. If you recall, we reviewed it at --
11 I believe, it was the April meeting, I believe. And there were
12 questions about a couple of different things, which we went back
13 and addressed.

14 And Lori, if you have any commentary in terms of what we
15 changed -- there was discussion about whether or not the
16 manager's license would be taken. I know that was one of the
17 points that we discussed.

18 MS. PEARSON: Yes.

19 MS. OSTERHAGE: And we kept that in, as it would be taken at
20 that time. But they did not have to pass that to -- for the
21 reciprocity to take place. So we essentially went back,
22 revisited the concerns that the Board had, made the changes
23 appropriately and, hopefully, if anybody has any questions -- if
24 you've had a chance to review it --

25 CHAIRMAN THOMPSON: Any questions for Board Member

1 Osterhage?

2 MS. OSTERHAGE: Lori, is there anything you want to add?

3 MS. PEARSON: Just for clarification for board members,
4 audience members, currently 4713-7-09 states that all
5 out-of-state applicants for licensure are required to take and
6 pass the practical examination, theory examination and manager's
7 examination in order to become licensed. So this change will
8 allow an out-of-state applicant to take and pass a practical and
9 theory examination to receive a basic license. It will be the
10 person's option to then choose to take the manager's examination,
11 with the understanding that if they want to obtain an IC license
12 or instructor's license that they would need the manager's
13 license in order to do so. That is the change with this rule.

14 CHAIRMAN THOMPSON: Any questions?

15 Board Member Osterhage, would we be seeking a vote?

16 MS. OSTERHAGE: We would be seeking a vote, yes.

17 CHAIRMAN THOMPSON: Do we have a motion to accept the
18 proposed language change?

19 MR. TANEFF: So moved.

20 CHAIRMAN THOMPSON: We have a first by Mr. Taneff.

21 DR. GUPTA: Second.

22 CHAIRMAN THOMPSON: Second by Dr. Gupta. Any discussion?
23 Roll call, please.

24 MS. FLANERY: Dr. Gupta?

25 DR. GUPTA: Yes.

1 MS. FLANERY: Mr. Hanks?

2 MR. HANKS: Yes.

3 MS. FLANERY: Mr. Taneff?

4 MR. TANEFF: Yes.

5 MS. FLANERY: Mr. Penzone?

6 MR. PENZONE: Yes.

7 MS. FLANERY: Ms. Osterhage?

8 MS. OSTERHAGE: Yes.

9 MS. FLANERY: Ms. Benfer?

10 MS. BENFER: Yes.

11 MS. FLANERY: Ms. Sheipline?

12 MS. SHEIPLINE: Yes.

13 MS. FLANERY: Mr. Thompson?

14 CHAIRMAN THOMPSON: Yes.

15 Next item is 4713-5-17, a Requirement for Instructor,
16 proposed language change. Can I refer to you, Mr. Hanks?

17 MR. HANKS: Sure -- well, probably a combination of me with
18 Lori. I hear what you're saying, Mr. Yearwood, about the need to
19 make sure that we get this right. I think it's critical, and I
20 do believe that the intent is for this language to accomplish
21 exactly what you said.

22 You had a conversation with the Assistant Attorney General
23 about this, right? And what was his direct input?

24 MS. PEARSON: Yeah. Member Hanks, I did speak with
25 Mr. McCarthy regarding the situation of adding a student being

1 actively engaged in theory or clinical practice being overseen by
2 a cosmetology licensed instructor. He said adding that language
3 to (A) of 5-17 does clarify what the law in .45 says. It just
4 helps to clarify the situation because in .45 it does state about
5 the bachelor's degree if you're teaching -- like Mr. Yearwood
6 pointed out -- a subject of business. So somebody could go into
7 a cosmetology school, a theory class, and teach business and that
8 would be fine; but if they're teaching, you know, if the students
9 are learning color theory, that should be directly overseen by a
10 cosmetology instructor. So he said that would clarify the
11 situation that you brought up at the, I believe, April board
12 meeting.

13 MR. HANKS: I guess where I see the opportunity for us to
14 miss the mark here -- which I'm glad you brought this up,
15 Mr. Yearwood -- is how you would define "theory" in this
16 sentence, "while the student is actively engaged in theory or
17 clinic practice." If somebody's coming in with a degree,
18 teaching a finance class, is that considered theory? I can see
19 where there's possibly some confusion there. Maybe, I suppose,
20 if you called it cosmetology theory, while the student is
21 actively engaged in cosmetology theory or clinic practice, that
22 one word might make the difference that we would need.

23 CHAIRMAN THOMPSON: Do you want to work this out? Do you
24 want to work on this language or --

25 MR. HANKS: I -- I'm not sure we need to. If you want to

1 push it off another month and talk to the Assistant Attorney
2 General again about that, I'd be fine with that.

3 MS. PEARSON: That would be fine.

4 MR. HANKS: I'd also be fine with voting today if --

5 MS. PEARSON: I think since there has been some information
6 brought to us from the podium and maybe some other clarifications
7 may need to be looked at. So I would say that we would wait and
8 push it out a month. We'll make some changes, and I'll talk to
9 Mr. McCarthy.

10 MS. OSTERHAGE: Ms. Pearson, what did he suggest be inserted
11 in 5-17?

12 MS. PEARSON: It's the portion of (A) that states, "while
13 the student is actively engaged in the theory or clinic
14 practice."

15 MS. OSTERHAGE: Okay. That was his suggestion?

16 MS. PEARSON: Yes. That's the addition that he said would
17 help clarify.

18 CHAIRMAN THOMPSON: Okay. I think we'll go ahead and table
19 this item for next month.

20 Next piece is 4713-13-02, Independent Contracting Agreement.
21 I'm going to refer to Director Pearson. Her and I worked on this
22 together, but I'll let her explain this.

23 MS. PEARSON: Chairman Thompson, members of the board, this
24 rule, 4713-13-02, for independent contractors, it spells out what
25 is going to be -- what would have been required for the

1 independent contracting agreement. So it's a new rule that went
2 into effect in, I think, February that would require all
3 independent contractors to have an agreement between the salon
4 owner and the independent contractor. It also spells out
5 everything that would happen in that agreement. And this simply
6 is removing three of the items that would be required in the
7 agreement where it talks about the payment of health insurance,
8 it talks about the independent contractor providing equipment and
9 supplies and the part about the method of payment.

10 We felt that these particular questions and information is
11 really not any business of the Board to have an agreement. So
12 our suggestion would be to remove those three items from the
13 agreement, then in (B) to change "shall" to "may" where it
14 states, "The Board shall provide a form agreement that a salon
15 owner and individual" -- and it will say "may use" instead of
16 "shall use" because they can use their own agreement if they
17 choose to do so.

18 Then we have made an agreement off of the model from this
19 rule that we would make available on our website if an
20 independent contractor or a salon owner chooses to use ours.

21 MR. HANKS: I would move that we adopt the language in
22 4713-13-02 as presented.

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

24 DR. GUPTA: Second.

25 CHAIRMAN THOMPSON: Second by Dr. Gupta. Any discussion?

1 MS. OSTERHAGE: Chairman Thompson, yes, I have just a
2 comment. If you're removing 4, 5 and 6, I would probably suggest
3 removing 3 as well having to do with workers' compensation.

4 It says the independent contractor is responsible for paying
5 workers' compensation insurance; and, truly, workers'
6 compensation, as well as -- I know it's a stretch; but No. 2
7 is -- those two things have to do with taxation, which is not
8 this Board's jurisdiction.

9 And we've talked -- when we met with the Common Sense
10 Initiative, talking about doing the rule review a long, long time
11 ago, probably more than a year ago now, we talked about that.
12 They very clearly stated that this Board is not responsible for
13 how people pay their taxes or whether or not they pay their
14 taxes. So my suggestion would be that while we're visiting this
15 and striking three bullet points, I would consider striking at
16 least 3, if not 2 and 3 as well.

17 What differentiates them from other persons who were
18 employees is the fact that they are collecting -- or they're
19 setting their own hours, they're collecting their own pay,
20 et cetera. I think we have to be really careful. In my mind,
21 this Board should only be differentiating, not directing anything
22 having to do with the payment of taxes.

23 CHAIRMAN THOMPSON: I would be good with 3 -- removal of 3.

24 MR. TANEFF: And 2?

25 CHAIRMAN THOMPSON: I mean, I could see why you would want

1 to do 2, but it's just that this -- these things that we're
2 scratching are things that have to be part of the contract; and I
3 know having the responsibility of who's paying the taxes in the
4 contract might make it a little bit clearer of the relationship.

5 MS. OSTERHAGE: You might be able to achieve that in a way
6 other than putting it in an agreement, which legally you would be
7 binding yourself with this individual as an independent
8 contractor. I mean, if your purpose is to clarify, then that
9 could be someplace else. I don't think that needs to be in the
10 administrative code. Does that make sense?

11 It's really important that people learn what it is and whose
12 responsibility is what; but clearly the thing, where this Board
13 is concerned -- the thing that differentiates an independent
14 contractor from anybody else is they're setting their own hours,
15 they're managing their own pay, they're managing everything about
16 what they're doing. But, again, this Board doesn't have a place,
17 nor do we have jurisdiction in terms of taxation, which includes
18 workers' compensation as an insurance.

19 So I would almost prefer getting -- it would be my
20 recommendation that we get -- maybe this is another question for
21 the Attorney General's office, I don't know. I just think -- I
22 know that the Common Sense Initiative felt very strongly that it
23 was not our responsibility to report to them who is and who is
24 not paying taxes -- or I'm sorry. Our job was not to report to
25 them who was an independent contractor just for the purpose of

1 them being aware of who should be paying taxes.

2 MR. TANEFF: I would agree with you on everything you said.

3 MS. OSTERHAGE: It would be good to revisit.

4 CHAIRMAN THOMPSON: Yeah, let's table this.

5 MS. OSTERHAGE: We're cleaning it up and striking those
6 three. Thank you. That would be the point.

7 CHAIRMAN THOMPSON: We'll table this one, also, until the
8 next meeting.

9 MR. HANKS: I'll have to rescind my motion.

10 CHAIRMAN THOMPSON: So we have a first and a second. Tom,
11 did you have the second?

12 MR. TANEFF: No, I did not. Dr. Gupta seconded.

13 CHAIRMAN THOMPSON: Can you rescind your second?

14 DR. GUPTA: Yes, I will rescind my second.

15 CHAIRMAN THOMPSON: Okay. The next piece of business under
16 the unfinished business is the proposed Curriculum for
17 Cosmetology and Hair Designer. I refer to Board Member
18 Sheipline.

19 MS. SHEIPLINE: Yes. Thank you.

20 These two pieces are the revisions that the curriculum
21 committee has made to the cosmetology curriculum, as well as the
22 hair design curriculum. If I'm correct, Ms. Pearson, we're
23 seeking a vote today so that these pieces can be distributed to
24 the schools. Basically, a language change and just going back
25 through and updating to the current needs of the industry was the

1 goal with these two pieces.

2 And then just -- as far as what the committee did today at
3 its meeting, we had a meeting at 10:00 today; and we looked at
4 the esthetics curriculum, which we hope to have ready for you at
5 the next board meeting, as well as the nail technology -- the
6 manicuring licensure -- the 200 hour manicuring licensure. So
7 those two pieces will hopefully be coming in the future.

8 But I guess I would like to make a motion today for the
9 Board to adopt. Should I do these separately, or can they be --

10 MS. PEARSON: Yes, please.

11 MS. SHEIPLINE: Okay. I'd like to make a motion for the
12 Board to adopt the revisions to the 1500 hour cosmetology
13 curriculum.

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

15 MR. HANKS: Second.

16 CHAIRMAN THOMPSON: Second by Mr. Hanks. Any discussion?

17 MS. OSTERHAGE: Just a question, if I can.

18 CHAIRMAN THOMPSON: Board Member Osterhage.

19 MS. OSTERHAGE: The curriculum does not appear anywhere in
20 the administrative code. This is -- what would you classify this
21 as? Is this board policy? What is this?

22 MS. PEARSON: Our suggested curriculum would be -- the
23 definition is in our revised code.

24 MS. OSTERHAGE: Right.

25 MS. PEARSON: And then everything that derives from that

1 definition is what is on this paper for the schools to teach.

2 MS. OSTERHAGE: Okay. So there's nothing in the
3 administrative code that would need to be altered --

4 MS. PEARSON: No.

5 MS. OSTERHAGE: -- in terms of these. Okay. That's all.

6 CHAIRMAN THOMPSON: Any further discussion?

7 CHAIRMAN THOMPSON: Since we have a first and a second, roll
8 call, please.

9 MS. FLANERY: Dr. Gupta?

10 DR. GUPTA: Yes.

11 MS. FLANERY: Mr. Hanks?

12 MR. HANKS: Yes.

13 MS. FLANERY: Mr. Taneff?

14 MR. TANEFF: Yes.

15 MS. FLANERY: Mr. Penzone?

16 MR. PENZONE: 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: Mr. Thompson?

24 CHAIRMAN THOMPSON: Yes.

25 Okay. New business.

1 MR. HANKS: We have one more motion.

2 MS. SHEIPLINE: We have one more. Sorry.

3 CHAIRMAN THOMPSON: Oh, I'm sorry. Yeah, I'm sorry.

4 MS. SHEIPLINE: I'd like to make a motion that the Board
5 adopt the 1200 hair designer curriculum.

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

7 MR. HANKS: Second.

8 CHAIRMAN THOMPSON: Second by Mr. Hanks. 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. Osterhage?

19 MS. OSTERHAGE: Yes.

20 MS. FLANERY: Ms. Benfer?

21 MS. BENFER: Yes.

22 MS. FLANERY: Ms. Sheipline?

23 MS. SHEIPLINE: Yes.

24 MS. FLANERY: Mr. Thompson?

25 CHAIRMAN THOMPSON: Yes.

1 Good work on that, guys.

2 MS. SHEIPLINE: Thank you.

3 CHAIRMAN THOMPSON: Okay. Moving into new business now. We
4 have definitions in 4713-1-1, and I'm going to refer to Director
5 Pearson.

6 MS. PEARSON: Okay. Chairman Thompson, members of the Board,
7 we have two definitions that we would like to add to the
8 administrative code, one being the common area and one being for
9 employee. Both of these definitions -- these are terms that are
10 used frequently throughout the administrative code and often in
11 our inspection process with violations and when the inspectors
12 explain this to licensees who are responsible for common area,
13 you know, if they're an employee or an independent contractor.
14 And neither one of these definitions are defined in our
15 administrative code. So this will just add these to the
16 administrative code in Chapter 1.

17 MR. TANEFF: I move for the adoption of 4713-1-1,
18 definitions.

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

20 MS. SHEIPLINE: I second.

21 CHAIRMAN THOMPSON: Second by Board Member Sheipline. Any
22 discussion?

23 MS. OSTERHAGE: In an effort to remain consistent today, I
24 would ask that under "employee" where it says, "The employer has
25 the power or right to control and direct the employee," would we

1 consider -- could we consider changing "power or right" to the
2 word "authority"?

3 Power or right -- is there a reason why those words --

4 MR. TANEFF: I will rescind my motion and agree to your
5 modification to remove "power or right" and put in "authority."

6 MS. SHEIPLINE: I'll rescind my second too.

7 CHAIRMAN THOMPSON: Any further discussion?

8 MR. PENZONE: Do you need a second?

9 MS. SHEIPLINE: I rescinded mine, but I will put it back on
10 the table under the new --

11 MR. TANEFF: And I'll renew my motion as modified to remove
12 the words "power and right" and substitute the word "authority."

13 CHAIRMAN THOMPSON: Okay. We have a motion on the
14 modification with the first and second. Any further discussion?

15 Roll call, please.

16 MS. FLANERY: Dr. Gupta?

17 DR. GUPTA: Yes.

18 MS. FLANERY: Mr. Hanks?

19 MR. HANKS: Yes.

20 MS. FLANERY: Mr. Taneff?

21 MR. TANEFF: Yes.

22 MS. FLANERY: Mr. Penzone?

23 MR. PENZONE: Yes.

24 MS. FLANERY: Ms. Osterhage?

25 MS. OSTERHAGE: Yes.

1 MS. FLANERY: Ms. Benfer?

2 MS. BENFER: Yes.

3 MS. FLANERY: Ms. Sheipline?

4 MS. SHEIPLINE: Yes.

5 MS. FLANERY: Mr. Thompson?

6 CHAIRMAN THOMPSON: Yes.

7 Renewal is coming up upon us quickly again, and Director
8 Pearson is going to give you a renewal update.

9 MS. PEARSON: Like Chairman Thompson said, our renewal
10 period is fast approaching, so we have been working the last few
11 months in preparation for this past -- our renewal notices will
12 be mailed out to all licensees October the 1st. And our actual
13 online renewal portal will open for business on October 8th.
14 That will be the week prior to the hair show, where we will have
15 staff in attendance at the hair show to help with renewals. We
16 have laptops, computers there; and we help licensees with that
17 task at the hair show as well.

18 We've made updates to the questions that are required to be
19 answered during the online renewal process; and some of those
20 changes will include responsible party information being added to
21 salon renewal questions to determine if somebody would need an
22 independent contractor's license, requiring certified operators
23 in tanning salons. So there are new questions that will be in
24 the online process for each type of licensure for this renewal.

25 One rule change that went into effect in February is

1 4713-5-20. This rule states now that an instructor must also
2 maintain their managing license in good standing. So in the
3 past, if an instructor is only working in a school of
4 cosmetology, sometimes they will not renew their managing
5 license. So this rule that went into effect, I believe in
6 February, states that they will need to maintain good standing in
7 the branch of cosmetology license that they hold. So, for
8 example, a cosmetology instructor would also need to maintain and
9 renew their managing cosmetology license.

10 This is something that has not been done for several years
11 now. So there's going to be many instructors that may have a
12 managing license that they have not renewed for many years. I
13 did send email information out to all the schools to inform them
14 of this change that's going to be coming. And we would, maybe,
15 suggest that in light of this change, that an instructor be able
16 to -- instead of paying several back fees to get a license
17 renewed, that they have been allowed by the Board itself to let,
18 you know, lapse during that period of holding an instructor's
19 license -- to renew that license for a one renewal fee instead of
20 the back fees.

21 So that is something that we're looking into, and we'll give
22 you further information on that later.

23 And then one of our exciting new additions for this renewal
24 period -- as you all know, our phone calls are the biggest things
25 that we have happen during renewal time; and the biggest question

1 is, how do I get my user ID and my password. We're now able to
2 use an online user ID and password lookup. They'll be able to
3 access those right on the page where they will renew their
4 license. They'll use their first and last name and the last four
5 digits of their social. When they put that in, the information
6 will come up and it will give them their user ID and their
7 password. The nursing board is already using this type of a
8 lookup. It's working well for them. They've had it for the last
9 couple of months now. So we're very excited, and we hope for the
10 same success.

11 CHAIRMAN THOMPSON: Awesome. Every month Director Pearson
12 will keep us updated on how the renewal process is going.

13 MS. OSTERHAGE: That's for individuals, correct? Not
14 facilities?

15 MS. PEARSON: Correct.

16 CHAIRMAN THOMPSON: Okay. Great. Do we have a motion to
17 adopt Board Orders to Enforce Notice of Violations 1 through 44?

18 MR. TANEFF: So moved.

19 MS. OSTERHAGE: Wait. May I ask a question before you move,
20 please? There's two -- can you just explain -- there are two
21 items under the HORRs, No. 1 and No. 2. There's two items with
22 no numbers, so these are numbered -- I can follow to 44. I got
23 that, but there's --

24 MS. FLANERY: Those are the hearing officer reports that you
25 have in behind --

1 MR. TANEFF: Down at the bottom.

2 MS. OSTERHAGE: -- underneath those. So there's those two,
3 and there's two that don't have anything.

4 MS. FLANERY: Yeah, they're connected. I don't know how to
5 explain it. I'll have to come to you.

6 CHAIRMAN THOMPSON: It's all in the same file number there.

7 MS. OSTERHAGE: I bet you didn't know that, that it goes up.
8 Did you know that?

9 MR. PENZONE: We all knew that.

10 MS. OSTERHAGE: Thank you, Mr. Penzone. That's a fib.

11 MR. PENZONE: No, I didn't. I didn't know it either.

12 MR. TANEFF: It says under file year, the file number -- it
13 matches the numbers for the case number that's outlined in the
14 board meeting agenda.

15 MS. OSTERHAGE: It does.

16 CHAIRMAN THOMPSON: Okay. I have a motion by Board Member
17 Taneff.

18 MR. HANKS: Second.

19 CHAIRMAN THOMPSON: Second by Board Member Hanks. Any
20 discussion?

21 Roll call, please.

22 MS. FLANERY: Dr. Gupta?

23 DR. GUPTA: Yes.

24 MS. FLANERY: Mr. Hanks?

25 MR. HANKS: Yes.

1 MS. FLANERY: Mr. Taneff?
2 MR. TANEFF: Yes.
3 MS. FLANERY: Mr. Penzone?
4 MR. PENZONE: Yes.
5 MS. FLANERY: Ms. Osterhage?

6 MS. OSTERHAGE: Yup.

7 MS. FLANERY: Ms. Benfer?

8 MS. BENFER: Yes.

9 MS. FLANERY: Ms. Sheipline?

10 MS. SHEIPLINE: Yes.

11 MS. FLANERY: Mr. Thompson?

12 CHAIRMAN THOMPSON: Yes.

13 Do we have a motion to adopt the Settlement Agreements 45
14 through 145?

15 MR. TANEFF: So moved.

16 MS. OSTERHAGE: Second.

17 CHAIRMAN THOMPSON: Any discussion?

18 Roll call, please.

19 MS. FLANERY: Dr. Gupta?

20 DR. GUPTA: Yes.

21 MS. FLANERY: Mr. Hanks?

22 MR. HANKS: Yes.

23 MS. FLANERY: Mr. Taneff?

24 MR. TANEFF: Yes.

25 MS. FLANERY: Mr. Penzone?

1 MR. PENZONE: Yes.

2 MS. FLANERY: Ms. Osterhage?

3 MS. OSTERHAGE: Yes.

4 MS. FLANERY: Ms. Benfer?

5 MS. BENFER: Yes.

6 MS. FLANERY: Ms. Sheipline?

7 MS. SHEIPLINE: Yes.

8 MS. FLANERY: Mr. Thompson?

9 CHAIRMAN THOMPSON: Yes.

10 We have two Hearing Officer Reports. Case No. 2013-1763, do
11 we have a motion to adopt the Findings of Fact?

12 MR. TANEFF: So moved.

13 CHAIRMAN THOMPSON: Do we have a second?

14 MR. PENZONE: Second.

15 CHAIRMAN THOMPSON: Second by Mr. Penzone. Any discussion?

16 Roll call, please.

17 MS. FLANERY: Dr. Gupta?

18 DR. GUPTA: Yes.

19 MS. FLANERY: Mr. Hanks?

20 MR. HANKS: Yes.

21 MS. FLANERY: Mr. Taneff?

22 MR. TANEFF: Yes.

23 MS. FLANERY: Mr. Penzone?

24 MR. PENZONE: Yes.

25 MS. FLANERY: Ms. Osterhage?

1 MS. OSTERHAGE: Yes.

2 MS. FLANERY: Ms. Benfer?

3 MS. BENFER: Yes.

4 MS. FLANERY: Ms. Sheipline?

5 MS. SHEIPLINE: Yes.

6 MS. FLANERY: Mr. Thompson?

7 CHAIRMAN THOMPSON: Yes.

8 Hearing Officer Report Case 2013-1763, do we have a motion
9 to adopt the Conclusions of Law?

10 MR. TANEFF: So moved.

11 MS. OSTERHAGE: Second.

12 CHAIRMAN THOMPSON: Second by Board Member Osterhage. Any
13 discussion?

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. Osterhage?

24 MS. OSTERHAGE: Yes.

25 MS. FLANERY: Ms. Benfer?

1 MS. BENFER: Yes.

2 MS. FLANERY: Ms. Sheipline?

3 MS. SHEIPLINE: Yes.

4 MS. FLANERY: Mr. Thompson?

5 CHAIRMAN THOMPSON: Yes.

6 Hearing Officer Report Case 2013-1763, do we have a motion

7 to accept the Hearing Officer's Recommendations?

8 MR. TANEFF: So moved.

9 MS. OSTERHAGE: Second.

10 CHAIRMAN THOMPSON: Any discussion?

11 Roll call, please.

12 MS. FLANERY: Dr. Gupta?

13 DR. GUPTA: Yes.

14 MS. FLANERY: Mr. Hanks?

15 MR. HANKS: Yes.

16 MS. FLANERY: Mr. Taneff?

17 MR. TANEFF: Yes.

18 MS. FLANERY: Mr. Penzone?

19 MR. PENZONE: Yes.

20 MS. FLANERY: Ms. Osterhage?

21 MS. OSTERHAGE: 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 Hearing Officer's Report Case 2014-357, do we have a motion
4 to adopt the Finding of Facts?

5 MR. TANEFF: So moved.

6 MS. OSTERHAGE: Second.

7 CHAIRMAN THOMPSON: Second by Board Member Osterhage. Any
8 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. Osterhage?

19 MS. OSTERHAGE: Yes.

20 MS. FLANERY: Ms. Benfer?

21 MS. BENFER: Yes.

22 MS. FLANERY: Ms. Sheipline?

23 MS. SHEIPLINE: Yes.

24 MS. FLANERY: Mr. Thompson?

25 CHAIRMAN THOMPSON: Yes.

1 Hearing Officer's Report Case 2014-357, do we have a motion
2 for Conclusions of Law?

3 MR. TANEFF: So moved.

4 CHAIRMAN THOMPSON: Second?

5 MS. OSTERHAGE: Second.

6 CHAIRMAN THOMPSON: Any discussion?

7 Roll call, please?

8 MS. FLANERY: Dr. Gupta?

9 DR. GUPTA: Yes.

10 MS. FLANERY: Mr. Hanks?

11 MR. HANKS: Yes.

12 MS. FLANERY: Mr. Taneff?

13 MR. TANEFF: Yes.

14 MS. FLANERY: Mr. Penzone?

15 MR. PENZONE: Yes.

16 MS. FLANERY: Ms. Osterhage?

17 MS. OSTERHAGE: 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 Hearing Officer's Report Case 2014-357, do we have a motion
25 to adopt the Hearing Officer's Recommendation?

1 MR. TANEFF: So moved.

2 MS. OSTERHAGE: Second.

3 CHAIRMAN THOMPSON: Second by Board Member Osterhage. Any
4 discussions?

5 Roll call, please.

6 MS. FLANERY: Dr. Gupta?

7 DR. GUPTA: Yes.

8 MS. FLANERY: Mr. Hanks?

9 MR. HANKS: Yes.

10 MS. FLANERY: Mr. Taneff?

11 MR. TANEFF: Yes.

12 MS. FLANERY: Mr. Penzone?

13 MR. PENZONE: Yes.

14 MS. FLANERY: Ms. Osterhage?

15 MS. OSTERHAGE: Yes.

16 MS. FLANERY: Ms. Benfer?

17 MS. BENFER: Yes.

18 MS. FLANERY: Ms. Sheipline?

19 MS. SHEIPLINE: Yes.

20 MS. FLANERY: Mr. Thompson?

21 CHAIRMAN THOMPSON: Yes.

22 Any further business?

23 MR. PENZONE: Move to adjourn.

24 CHAIRMAN THOMPSON: Do we have a second?

25 MR. HANKS: Second.

1 CHAIRMAN THOMPSON: We have a first and second. Discussion?
2 Roll call, please.
3 MS. FLANERY: Dr. Gupta?
4 DR. GUPTA: Yes.
5 MS. FLANERY: Mr. Hanks?
6 MR. HANKS: Yes.
7 MS. FLANERY: Mr. Taneff?
8 MR. TANEFF: Yes.
9 MS. FLANERY: Mr. Penzone?
10 MR. PENZONE: 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: Mr. Thompson?
18 CHAIRMAN THOMPSON: Yes.
19 - - -
20 And, thereupon, the hearing was concluded at 1:39 o'clock
21 p.m.
22 - - -
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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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