

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 - - -

11 Wednesday, November 12, 2014
12 1:00 p.m.
13 Ohio State Board of
14 Cosmetology
15 1929 Gateway Circle
16 Grove City, Ohio 43123

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18 JILLIAN VOGEL,
19 Professional Court Reporter

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

12 BOARD MEMBERS PRESENT:

13 Christopher Logsdon, Executive Director
14 Steve Thompson, Chairman
15 Valerie Benfer
16 Luke Hanks
17 Tasha Sheipline
18 Charles Penzone
19 Lori Pearson

20 ALSO PRESENT:

21 Lori Flanery, Administrative Assistant

22 - - -

1 WEDNESDAY AFTERNOON SESSION
2 November 12, 2014
3 1:00 p.m.

4 - - -

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

6 - - -

7 BE IT REMEMBERED THAT, on the 12th day of November, 2014,
8 this cause came on for hearing before Chairman Steven Thompson.
9 And the parties appearing in person and/or by counsel, as
10 hereinafter set forth, the following proceedings were had:

11 - - -

12 CHAIRMAN THOMPSON: Good afternoon. I would like to call
13 the November, 2014, Ohio State Board of Cosmetology meeting to
14 order.

15 Roll call, please.

16 MS. FLANERY: Dr. Gupta?

17 Mr. Hanks?

18 MR. HANKS: Here.

19 MS. FLANERY: Mr. Taneff?

20 Mr. Penzone?

21 MR. PENZONE: Here.

22 MS. FLANERY: Ms. Benfer.

23 MS. BENFER: Here.

24 MS. FLANERY: Ms. Sheipline?

25 MS. SHEIPLINE: Yeah.

MS. FLANERY: Mr. Thompson?

1 CHAIRMAN THOMPSON: Here.

2 I would ask everyone to stand as we recite the Pledge of
3 Allegiance to the United States of America.

4 (Pledge of Allegiance recited.)

5 CHAIRMAN THOMPSON: At this time I would ask all board
6 members if they've had a chance to review the September board
7 minutes; and if so, do we have a motion for adoption?

8 MR. PENZONE: So moved.

9 MR. HANKS: Second.

10 CHAIRMAN THOMPSON: First by Mr. Penzone.

11 MR. HANKS: Second.

12 CHAIRMAN THOMPSON: Second by Board Member Hanks.

13 Roll call, please.

14 MS. FLANERY: Ms. Benfer?

15 MS. BENFER: Here -- I mean, yes.

16 MS. FLANERY: Mr. Thompson?

17 CHAIRMAN THOMPSON: Yes.

18 MS. FLANERY: Mr. Penzone?

19 MR. PENZONE: Yes.

20 MS. FLANERY: Ms. Sheipline?

21 MS. SHEIPLINE: Yes.

22 MS. FLANERY: Mr. Hanks?

23 MR. HANKS: Yes.

24 CHAIRMAN THOMPSON: Oh, I skipped an item here. I'm sorry.
25 There's a new item here. Do we have motions to accept the agenda

1 for this meeting?

2 MR. PENZONE: So moved.

3 CHAIRMAN THOMPSON: We have a first.

4 MS. BENFER: Second.

5 CHAIRMAN THOMPSON: Second by Board Member Benfer.

6 Roll call, please.

7 MS. FLANERY: Ms. Benfer?

8 MS. BENFER: Yes.

9 MS. FLANERY: Mr. Thompson?

10 CHAIRMAN THOMPSON: Yes.

11 MS. FLANERY: Mr. Penzone?

12 MR. PENZONE: Yes.

13 MS. FLANERY: Ms. Sheipline?

14 MS. SHEIPLINE: Yes.

15 MS. FLANERY: Mr. Hanks?

16 MR. HANKS: Yes.

17 CHAIRMAN THOMPSON: And at this time I would ask for our new
18 Executive Director, Christopher Logsdon, for his Director's
19 Report.

20 MR. LOGSDON: Thank you. I appreciate it.

21 Mr. Chairman, members of the Board, I submitted a written
22 report for your consideration. Generally, if you have questions
23 in detail, I'll be more than happy to answer those; but at this
24 time we've submitted a synopsis summary of our 2015 financial
25 activity of the Board.

1 Currently our expenditures are normal. We have made some
2 adjustments in payroll from the first quarter. We do expect some
3 additional adjustments throughout the rest of year due to
4 personnel changes. Appropriate encumbrances have been
5 established for the Board for contract hearing examiners and the
6 hearing management and services. And the expenditures are
7 attached for your consideration.

8 I was asked at the last board meeting to do that. So if you
9 have any questions specifically about the budget, its expenses
10 and current encumbrances and balances, I'd be more than happy to
11 address those as you consider that.

12 Our 2016/2017 budget has been filed and submitted. It was
13 sent off to the Ohio Office of Budget and Management for
14 consideration. The Board used a zero-based budgeting approach in
15 determining what its budgetary requirements would be for 2016.

16 If you're not familiar with zero-based budgeting, it's
17 essentially building a budget from ground zero up, looking at all
18 necessary expenditures based upon the mission and goals and
19 objectives of the agency; and so we did do that.

20 We will be requesting some budget extension above and beyond
21 the 2015 level. The current budget guidance allowed the Board to
22 request up to the current 2015 level of funds; however, as you
23 know, we are on a biannual licensing standard and so our amount
24 of money that we need goes up and down. So we have to make
25 adjustments for those -- those years, and that requires us to

1 file an extended budget request.

2 We've also completed and filed our annual assets
3 certification or biannual budgets, of course, which I just
4 explained. And also our 2014 workforce plan has been submitted
5 and filed.

6 Over the next few months, I will be out evaluating the
7 current agency's policies and procedures, reviewing its rules and
8 certainly meeting with staff and establishing priorities over the
9 next -- for the next three years. And it is my hope that by
10 January of 2015 I'll be able to file a three-year strategic plan
11 for the Board's consideration.

12 I've included the current stats on all acts of licensees for
13 your review. And that concludes my report.

14 CHAIRMAN THOMPSON: Thank you, Director.

15 Committee reports. Ms. Sheipline, do we --

16 MS. SHEIPLINE: The committee did not -- has not met since
17 the last board meeting, so we didn't have anything to report.

18 CHAIRMAN THOMPSON: And just to echo what we've talked about
19 at the last meeting, the manager's curriculum review will start
20 first of the year?

21 MS. SHEIPLINE: We're anticipating starting in January, but
22 we have not made a final decision on that yet.

23 CHAIRMAN THOMPSON: Okay. Thank you.

24 Any other committee reports?

25 This is the part of our meeting that's open for public

1 testimony. Anyone may approach the podium for two minutes. Do
2 we have anybody that would like to approach and speak to the
3 Board -- address the Board at this time?

4 I think she's grabbing the sign-in --

5 MS. FLANERY: Nobody.

6 CHAIRMAN THOMPSON: Nobody signed in? One last time?

7 Okay. As seeing there's no unfinished business --

8 MR. LOGSDON: Mr. Chairman?

9 CHAIRMAN THOMPSON: Yeah.

10 MR. LOGSDON: We do have one written item that we put under
11 public testimony.

12 CHAIRMAN THOMPSON: Okay.

13 MR. LOGSDON: Just to let you know that we did receive this,
14 I'll be responding appropriately to that.

15 CHAIRMAN THOMPSON: They don't care to come in front of the
16 Board at this time?

17 MR. LOGSDON: Right.

18 CHAIRMAN THOMPSON: Okay.

19 MR. LOGSDON: It's in your packet though.

20 CHAIRMAN THOMPSON: Okay.

21 Is this it right here?

22 MR. LOGSDON: It's --

23 CHAIRMAN THOMPSON: Okay. Okay. Moving on to new business,
24 we have Nicole Laslo requesting a waiver.

25 Nicole? Nicole Laslo? Okay.

1 We have Rhonda Garr requesting a waiver.

2 Rhonda Garr?

3 This is going fast today, guys. Okay.

4 Rule review. I'm going to turn this part of the meeting
5 over to our Executive Director, Mr. Logsdon.

6 MR. LOGSDON: Thank you very much. We have a number of
7 draft rules for consideration. Some of these -- there are a
8 number of these rules that the Board had previously looked at.
9 They have not yet been filed with JCARR, and the reason is we
10 want to make sure that we package a group of rules together
11 rather than filing individually. So we're trying to get a group
12 of rules together. So this would be the group that you're
13 looking at.

14 However, since last week I've had an opportunity to look at
15 a couple of the rules that were intended to be filed. We're
16 bringing them back before the Board with some changes, not
17 substantive changes to a large degree, but changes that would
18 make these rules easier to read and understand. And so we've
19 made some of those changes, and I'll go through each and every
20 one of them for your consideration.

21 The first is 4713-1-01. This rule would add definitions of
22 armed services, active duty military members and veterans. Those
23 definitions are necessary because we have added to your packet
24 a -- an active duty military member and active duty military
25 spouse rule for your consideration. And I'll explain that when I

1 get to it.

2 4713 -- I do apologize. We'd also -- yeah. We also changed
3 Paragraph (W), which is the definition of an independent
4 contractor. There is a rule in your packet that looks at
5 consistency with an existing change that the Board has already
6 made that eliminates independent contractor agreement language.
7 We believe these few words need to be struck from this
8 definition.

9 CHAIRMAN THOMPSON: Which one is that?

10 MR. LOGSDON: It's Paragraph (W) under 4713-1-01. It's the
11 first rule in the packet.

12 CHAIRMAN THOMPSON: Which one was that again?

13 MR. LOGSDON: 4713-1-01 titled: Definition of Board of
14 Cosmetology, Paragraph (W).

15 4713-1-14, Trafficking Education. This rule was before the
16 Board previously. We have made very subtle changes to this,
17 primarily changes that allow this to be read a little clearer and
18 more easily for those that it affects. And we believe this meets
19 all the requirements of the Board as it is originally intended,
20 and it's also consistent with Section 5502.63 of the Ohio Revised
21 Code.

22 4713-5-17, Licensed Instructors on Premises. This rule also
23 was reviewed and approved by the Board. We've made small changes
24 to this, primarily moving the ratio of instructor to students to
25 the preamble of the rule so that it again, condenses the rule,

1 allows it to be read a little more simply and then goes in and
2 makes the changes that the Board had recommended, which is the
3 elimination of Paragraphs (A) and (B).

4 MR. HANKS: Mr. Chairman?

5 CHAIRMAN THOMPSON: Board Member Hanks.

6 MR. HANKS: It does eliminate a portion of (A), but it also
7 seems to move that -- where I think we had an issue previously is
8 specifically with (A)(2) where it says, "At least two instructors
9 should be present if a clinic and classroom are conducted
10 concurrently."

11 What we're trying to address in that situation is there are
12 times where, let's say, you've got 25 students, one instructor
13 that will teach the theory portion in a classroom setting. They
14 might move to the clinic as a group; but there may be somebody, a
15 small number of the 25, that are having difficulty with a
16 particular subject or whatever the case may be. There may be
17 times where they would be given an assignment that could be
18 viewed as theory-type work; but having the ability to have that
19 one instructor oversee those same activities where someone would
20 be practicing on a client, on a mannequin, clinic-type
21 activities, someone may be working on a worksheet or following up
22 with an assignment that they need the extra work with.

23 So I would like to go back and look a little more closely at
24 how we had the language in the September meeting; but I think it
25 may also be worth consideration that we say, "Any time clinic and

1 classroom are conducted concurrently in separate areas." So if
2 you've got somebody in a classroom and somebody else in the
3 clinic, obviously, you can't oversee those people with one
4 instructor. I think that might eliminate the issue for us.

5 Would you agree, Ms. Sheipline?

6 MS. SHEIPLINE: Yes. The issue -- I think Luke said it
7 perfectly. You know, if I have a student who's waiting for a
8 chemical to process, they may be working on a worksheet at that
9 point in time or something that's more related to theory than it
10 would be clinic. And our biggest thing is just not wanting an
11 inspector to be able to come in and say, well, they're working on
12 theory and this is a clinic setting.

13 We just want some verbiage that would agree with that and
14 make it acceptable within the clinic or, you know, I mean, really
15 more in the clinic than in theory. We wouldn't expect clinic
16 activities to be going on in the theory room per se, but it's
17 really going to be more on that clinic floor.

18 So if he could look at that one more time and maybe come up
19 with some language that would kind of see that through, that
20 would be the ideal situation for us.

21 MR. HANKS: And it's not necessarily the intent that -- go
22 ahead.

23 MS. PEARSON: You also need to consider that we would have
24 to add language in that would eliminate the fact where if you
25 have -- you're on the clinic floor, all the students on the

1 clinic floor have to be certified. You know, you cannot --
2 There's a rule in Chapter 5 that states that students on the
3 clinic floor all have to be certified. You can't bring a student
4 that's not certified to provide services on the public onto the
5 clinic floor with certified students.

6 MR. HANKS: Sure.

7 MS. PEARSON: So I mean, in your situation, if you have all
8 your seniors, everybody is certified and somebody is doing a
9 theory piece, that would be one thing. But we also need to
10 specify that, you know, a student that has not been certified yet
11 on the clinic floor doing theory during that time, it would be in
12 conflict with another rule as well.

13 MS. SHEIPLINE: Now, let's say that I have a student that's
14 certified to do color and they're certified to do hair cutting.
15 Do they have to be certified in every single area in order to
16 step on that clinic floor?

17 MS. PEARSON: No. I believe it just says the students that
18 are not certified, like not certified at all. So like a new
19 student that's not been certified in any areas -- in any subject
20 areas cannot be on the clinic floor at the same time you have
21 certified students working on the public.

22 I just think if we're going to look at this language, we
23 need to look at that language as well to make sure.

24 MR. HANKS: I wouldn't disagree that we could look at the
25 language. I don't think that's going to be an issue, just

1 applying the way we provide the training; and I know enough about
2 Ms. Sheipline's procedures that we're not going to put anybody on
3 the clinic floor that hasn't made it through our initial theory
4 training and passed the test anyways, so --

5 MS. PEARSON: Right. But the school that is short an
6 instructor and they have, you know, a handful of junior
7 students -- let's just call them junior students -- that have not
8 been certified, that day they could be within ratio. They only
9 have 20 certified students. They bring those noncertified
10 students into the room to be in compliance.

11 I just think we would need to look at adding -- I
12 understand, you know, both of you, that's how your programs run;
13 but we have 200 schools --

14 MS. SHEIPLINE: Right.

15 MS. PEARSON: -- and newer schools opening and things like
16 that.

17 MR. HANKS: Yeah. I think looking at it with that broad
18 perspective --

19 MS. PEARSON: Right.

20 MR. HANKS: -- is very important.

21 MS. PEARSON: Okay.

22 MR. HANKS: And it just comes down to what the language
23 says. You know, I don't know that -- I'd have to give it a lot
24 of thought, and we'll reach out to the school population to get
25 that feedback that we would need.

1 CHAIRMAN THOMPSON: I think we need to reach out to those
2 schools, but I understand what's going on here. But do we want
3 to be able to do that? You know what I mean?

4 MR. HANKS: Well, that's kind of where I'm heading.

5 CHAIRMAN THOMPSON: Do we want to do that?

6 MR. HANKS: Is that necessarily a bad thing?

7 CHAIRMAN THOMPSON: Right.

8 MR. HANKS: It could be, you know -- it could be that it's
9 inappropriate to do that. And I'd want to maybe try to come up
10 with some statistics, if you will, on when that could potentially
11 happen.

12 CHAIRMAN THOMPSON: Could you guys both work with your
13 constituents in each of your areas and see what -- Director?

14 MR. LOGSDON: Mr. Chairman, Mr. Hanks, I think the
15 compromise is actually in the proposed motion for these rules,
16 which basically it essentially says that you permit this staff to
17 move on with the rule and file the rule subject to any changes
18 that would come out of stakeholder meetings. So if we have the
19 opportunity to put these changes before the stakeholders and
20 there are significant or sub-significant changes that need to be
21 done, the rule then would come back to the Board for
22 authorization again.

23 MR. HANKS: Okay.

24 MR. LOGSDON: And so that would give you the opportunity to
25 think about language, and also constituencies to think about

1 language, come in if you have recommendations on how to make this
2 rule better than what it is; and we can always present those back
3 to the Board at the very next meeting.

4 MR. HANKS: Okay. Very good.

5 MR. LOGSDON: Rule 4713-7-09, we are recommending rescinding
6 this rule. The Board actually looked at this rule and changed --
7 changed this rule to go back to some existing language, and they
8 sort of pieced together a rule that essentially had three parts
9 to it.

10 One was how to address out-of-state applicants. The other
11 was addressing military applicants, particularly spouses of
12 active military applicants. And then the last was testing fraud.

13 And when we had an opportunity to sit down and really look
14 at this rule, I think we all came to agreement, staff-wise, that
15 this rule really needs to be three separate, distinct rules, that
16 we need a rule on out-of-state applicants, a rule on military
17 candidates and then a rule on testing fraud.

18 To do otherwise would suggest that only out-of-state
19 applicants commit test fraud. That would be one thing. The
20 other thing is military applicants is really a requirement --
21 addressing how we handle military applicants is a requirement of
22 the Ohio Revised Code now. And we really think that that needs
23 to be a separate, distinct regulation that addresses how we're
24 going to handle military applicants, but not just spouses but
25 also active duty military members that are also licensed.

1 So this would -- the rules that we're proposing, the next
2 three rules, which would be 4713-7-08, 4713-7-09 and 4713-7-10,
3 would do that. Again, it simplifies the rule, pulls apart the
4 components so that they can be looked at and understood
5 individually. We really think that this is the best fix for this
6 rule.

7 MR. PENZONE: Now, are we going to vote on accepting these
8 today? Is that what the objective is today?

9 MR. LOGSDON: Mr. Chairman, Mr. Penzone, our objective is to
10 get a vote on allowing us to move forward with filing, subject to
11 no changes, substantive changes from stakeholders' input.

12 MR. PENZONE: Okay. Thank you.

13 MR. LOGSDON: 4713-8-09, Offering Advanced Practice,
14 Advanced Techniques or Unregulated Services, this rule basically
15 incorporates the language that the Board had previously suggested
16 in its Paragraph (B).

17 4713-11-10, again, this rule was inconsistent with 13-08,
18 which had to do with the elimination of the agreement.

19 CHAIRMAN THOMPSON: We have a question from Member Hanks.

20 MR. HANKS: Can we go back to No. 8? In (B)(1), the
21 addition here, I'm a little confused. Maybe it's a typo, maybe
22 it's not. Where it references Chapter 3730, the period after
23 that threw me off when I was reading it. And then also it
24 appears that the only changes here are consolidating
25 cosmetologists and estheticians in (B) to board licensees' and

1 Ohio Professional Board, blah, blah, blah. And then at the end
2 of No. 2, that it has to be approved by a majority vote of a
3 quorum of the Board members. Is that the extent of change here?

4 MR. LOGSDON: Mr. Chairman and Mr. Hanks, I'll leave the
5 substantive provisions of this rule to Ms. Pearson to address
6 since she was part of that discussion. As it relates to
7 identifying chapters of the Ohio Revised Code, that is -- the way
8 you would do a chapter of the Ohio Revised Code is to put a
9 period.

10 MR. HANKS: Okay. Thank you.

11 MS. PEARSON: Member Hanks, the -- basically at the
12 September meeting, a vote was taken to allow all board licensees
13 to perform the permanent make-up instead of just estheticians or
14 cosmetologists. So we -- it was suggested to go back to the
15 previous language before the rule had been changed for February.
16 I do believe, however, the reading No. (B)(2) that, "Approved by
17 a majority vote of quorum of the Board members," We may need to
18 think about that, because I think that was something that we had
19 taken out previously in all the other rules.

20 MR. HANKS: Okay. Thank you.

21 MR. LOGSDON: So the suggestion, Mr. Chairman, Mr. Hanks,
22 would be to remove, "Approved by a majority vote of the quorum of
23 the Board members." And if that's an acceptable change, we can
24 make that to the rule. I would just ask that you include that in
25 the motion.

1 MR. HANKS: Okay.

2 MR. LOGSDON: So it would be Paragraph (B)(2) of 4713-8-09.

3 MR. HANKS: And would it be appropriate to just add that
4 with the overall motion?

5 MR. LOGSDON: That's fine.

6 MR. HANKS: Okay.

7 MR. LOGSDON: 4713-11-10, I believe, I already addressed.
8 If you have any questions, let me know.

9 4713-19-14, Training of Operators and Employees. This rule,
10 again, was one that the Board had already taken a look at and
11 changed. After going through it and reading it, I did a few
12 small changes, nothing real specific; but Paragraph (E) was the
13 one I primarily concentrated on when it spoke about
14 classroom/internet/correspondence courses.

15 Again, generally when you get into rules like this and you
16 begin listing lots of things, it gets very confusing very
17 quickly. What we are really talking about here are, in fact,
18 courses; and so we're just suggesting eliminating it, simplifying
19 the rule.

20 All the other language contained in this rule is and has
21 been approved by the Board previously.

22 Last is 4713-1 -- I'm sorry. We already did that.

23 MR. PENZONE: Are you talking about 4713-1-14?

24 MR. LOGSDON: Yeah.

25 MR. PENZONE: Okay.

1 MR. LOGSDON: I think we already handled that, didn't we?
2 We already addressed that. My copy has some notes. That's all.
3 That concludes the rule review.

4 MR. HANKS: I would make a motion -- help me out here if
5 need be -- to move to adopt, pending no substantive changes from
6 constituents, to file the rules as proposed with the exception of
7 4713-8-09 (B)(2) would strike "Approved by a majority vote of a
8 quorum of the Board members."

9 CHAIRMAN THOMPSON: Do we have a second?

10 MS. BENFER: Second.

11 CHAIRMAN THOMPSON: Second by Board Member Benfer.

12 Roll call, please.

13 MS. FLANERY: Ms. Benfer?

14 MS. BENFER: Yes.

15 MS. FLANERY: Mr. Thompson?

16 CHAIRMAN THOMPSON: Yes.

17 MS. FLANERY: Mr. Penzone?

18 MR. PENZONE: Yes.

19 MS. FLANERY: Ms. Sheipline?

20 MS. SHEIPLINE: Yes.

21 MS. FLANERY: Mr. Hanks?

22 MR. HANKS: Yes.

23 CHAIRMAN THOMPSON: Okay. Next item under new business is
24 standard terms of board orders, and I'll refer back to Director
25 Logsdon on this one.

1 MR. LOGSDON: We wanted to discuss a concept with the Board
2 regarding standard terms, not so much as board orders but
3 actually settlement agreements. There's been a lot of discussion
4 about an individual's ability to pay and the amount of terms or
5 the term and the length of time established in settlement
6 agreements. And what we want to do is move away from sort of
7 arbitrary decisions based upon somebody's unique needs and begin
8 to look at giving enough time in the agreement, or options within
9 an agreement, that we can all agree upon that would allow them to
10 pay within a time frame that is consistent. It's identified in
11 the agreement. We all agree to it.

12 Similarly within board orders, the current language in a
13 board order is 15 days, 15-day due date. And we would propose
14 that, at least in board orders, that we move that to a 30-day due
15 date because the ability to collect in 15 days, once you have
16 delivery, is very difficult. We're finding that people fall
17 outside that 15 days all the time; and similarly in consent
18 agreements it's very, very similar. There's usually limited
19 options to move around.

20 And, again, we're suggesting that we -- that the Board
21 considers some ability for us to, within the agreement, establish
22 a range of options for payment that, once settled, it becomes
23 part of the order of the Board and eliminates staff decisions on
24 unique needs of individuals, but rather get this down to treating
25 everybody basically the same based upon the agreement that they

1 entered into.

2 MR. PENZONE: Do have you a draft of something that we could
3 look at and possibly --

4 MR. LOGSDON: Sure.

5 MR. PENZONE: -- move on?

6 MR. LOGSDON: Sure. As far as the basic language of the
7 boilerplate language of a consent agreement, we do have a staff
8 meeting coming up. We want to come together. What we're looking
9 at right now is simply some consent from the Board that the
10 concept seems to be realistic and worth pursuing, and we'd be
11 happy to present boilerplate language to you at the very next
12 meeting.

13 MR. PENZONE: What do you think? I think that's good.

14 CHAIRMAN THOMPSON: That would be good.

15 MR. LOGSDON: Okay.

16 MR. HANKS: Will you have any statistics about what the --
17 how substantial the number is of people that do fall outside of
18 the 15 days? Is it --

19 MR. LOGSDON: Well, I think we can put together some
20 statistics, but I can tell you that collection is a problem.
21 Sometimes the collection efforts become stymied because the
22 individual can't make the terms; and as a result, they simply
23 give up.

24 So if we're able to provide options for a greater amount of
25 time, I think the collection rate will be more positive and

1 certainly, again, allow an individual to enter into agreements
2 that are more in line with their requirements and also allow us
3 to improve our rate of collection.

4 MR. HANKS: Sounds good.

5 MR. PENZONE: You'll send that in advance of the next
6 meeting?

7 MR. LOGSDON: I will, sir.

8 MR. PENZONE: Okay.

9 CHAIRMAN THOMPSON: Do we have a motion to accept
10 Enforcement Notice of Violations 3 through 51?

11 MR. PENZONE: So moved.

12 CHAIRMAN THOMPSON: First by Mr. Penzone. Do we have a
13 second?

14 MS. SHEIPLINE: Second.

15 CHAIRMAN THOMPSON: Second by Ms. Sheipline.

16 Roll call, please.

17 MS. FLANERY: Ms. Benfer?

18 MS. BENFER: Yes.

19 MS. FLANERY: Mr. Thompson?

20 CHAIRMAN THOMPSON: Yes.

21 MS. FLANERY: Mr. Penzone?

22 MR. PENZONE: Yes.

23 MS. FLANERY: Ms. Sheipline?

24 MS. SHEIPLINE: Yes.

25 MS. FLANERY: Mr. Hanks?

1 MR. HANKS: Yes.

2 CHAIRMAN THOMPSON: Do we have a motion to approve
3 Settlement Agreements 52 through 156?

4 MS. SHEIPLINE: Mr. Chairman, I would like to make a motion
5 to approve Settlement Agreements 52 through 156.

6 CHAIRMAN THOMPSON: We have a first by Board Member
7 Sheipline. Do we have a second?

8 MR. PENZONE: Second.

9 CHAIRMAN THOMPSON: Second by Board Member Penzone.

10 Roll call, please.

11 MS. FLANERY: Ms. Benfer?

12 MS. BENFER: Yes.

13 MS. FLANERY: Mr. Thompson?

14 CHAIRMAN THOMPSON: Yes.

15 MS. FLANERY: Mr. Penzone?

16 MR. PENZONE: Yes.

17 MS. FLANERY: Ms. Sheipline?

18 MS. SHEIPLINE: Yes.

19 MS. FLANERY: Mr. Hanks?

20 MR. HANKS: Yes.

21 CHAIRMAN THOMPSON: Okay. Now, we have two Hearing
22 Officer's Reports. I'm going to ask for any advice from Director
23 Logsdon and our representative from AG, Mr. Barrera. Do we start
24 right down -- do we start down with the Findings of Fact or do we
25 ask if there's any discussion?

1 MR. LOGSDON: If you've got the orders --

2 CHAIRMAN THOMPSON: We've done this different ways, and I
3 want to establish a new way here for the future.

4 MR. LOGSDON: Sure. So in your package, you have the
5 Hearing Officer's Report and Recommendation and the proposed
6 Order of the Board; and so we're -- we have prepared a proposed
7 motion for you that we believe is in line with the recommendation
8 provided. Again, the Board has an option to approve or
9 disapprove the Findings of Fact and similarly, with the
10 Conclusions of Law and similarly if they choose to do so, the
11 Recommended Order. They can certainly disapprove it, approve it
12 or modify it.

13 If you modify an order of the Board, you should have a
14 reason why you modify that order; and that reason would be
15 contained in the final order of the Board.

16 So as far as a recommendation, the staff is going to
17 recommend adopting the report and the recommendation of the
18 hearing examiner; but the Board has within its discretion to do
19 certainly otherwise. So my suggestion is that we would go down
20 through each one of those.

21 CHAIRMAN THOMPSON: Three separate votes on each one?

22 MR. LOGSDON: Three separate votes and that allows the Board
23 members -- and the reason there are three separate votes,
24 frankly, is because the Board may agree with the Order but maybe
25 they don't agree with the Facts. Or they might agree with the

1 Facts, but they don't necessarily, maybe, agree as a majority
2 with the Conclusions identified by the hearing examiner. And
3 that gives you the ability to vote individually on those and put
4 something on the record as to, you know, if you do not agree with
5 that.

6 MR. PENZONE: So we would -- you need a motion to accept the
7 Findings of Fact, and you need a motion to accept the Conclusions
8 of Law, and you said a third vote?

9 MR. LOGSDON: The third vote would be to adopt the
10 Recommended Order. So the -- in each case the hearing examiner
11 has proposed a Conclusion or an Order; and so by adopting that
12 Order of the Board, that would become your Order of the Board.

13 MR. PENZONE: So the motion would be to accept the Order
14 of --

15 MR. LOGSDON: The Recommended Order of the hearing examiner.

16 MR. BARRERA: Just to interject, its a point that Executive
17 Director Logsdon made with any recommendation, and this applies
18 to the Conclusions of Law and the Findings of Fact, the Board has
19 the discretion to accept, modify or reject the recommendation.

20 MR. PENZONE: Of the hearing officer?

21 MR. BARRERA: Correct.

22 CHAIRMAN THOMPSON: Okay. Here we go. Case No. 2013-1752,
23 do we have a motion to accept the Findings of Fact?

24 MR. PENZONE: So moved.

25 MR. HANKS: Second.

1 CHAIRMAN THOMPSON: First by Board Member Penzone. Second
2 by Board Member Hanks.

3 Roll call, please.

4 MS. FLANERY: Ms. Benfer?

5 MS. BENFER: Yes.

6 MS. FLANERY: Mr. Thompson?

7 CHAIRMAN THOMPSON: Yes.

8 MS. FLANERY: Mr. Penzone?

9 MR. PENZONE: Yes.

10 MS. FLANERY: Ms. Sheipline?

11 MS. SHEIPLINE: Yes.

12 MS. FLANERY: Mr. Hanks?

13 MR. HANKS: Yes.

14 CHAIRMAN THOMPSON: Case No. 2013-1752, do we have a motion
15 to accept the Conclusions of Law?

16 MR. PENZONE: So moved.

17 CHAIRMAN THOMPSON: First by Mr. Penzone.

18 MS. SHEIPLINE: Second.

19 CHAIRMAN THOMPSON: Second by Board Member Sheipline.

20 Roll call, please.

21 MS. FLANERY: Ms. Benfer?

22 MS. BENFER: Yes.

23 MS. FLANERY: Mr. Thompson?

24 CHAIRMAN THOMPSON: Yes.

25 MS. FLANERY: Mr. Penzone?

1 MR. PENZONE: Yes.

2 MS. FLANERY: Ms. Sheipline?

3 MS. SHEIPLINE: Yes.

4 MS. FLANERY: Mr. Hanks?

5 MR. HANKS: Yes.

6 CHAIRMAN THOMPSON: Case No. 2013-1752, do we have a motion
7 to adopt the Recommended Order?

8 MS. BENFER: Yes.

9 CHAIRMAN THOMPSON: First by Board Member Benfer. Second?

10 MR. PENZONE: Second.

11 CHAIRMAN THOMPSON: Second by Board Member Penzone.

12 Roll call, please.

13 MS. FLANERY: Ms. Benfer?

14 MS. BENFER: Yes.

15 MR. HANKS: Can we have a little discussion before we vote?

16 CHAIRMAN THOMPSON: Oh, yeah, sure.

17 MR. HANKS: This -- make sure you're talking about 1752,
18 right? 2013-1752?

19 MS. SHEIPLINE: Yes.

20 MR. HANKS: Is there any additional history with the staff
21 that we should take into consideration? This is the one with the
22 handwritten letter. You know, I hate to be a cynic; but I get a
23 lot of calls with people coughing in the background saying, "I
24 can't come to work today." But this sounds pretty serious to me.
25 I don't know that we have any reason to believe or not believe

1 it.

2 Would it be out of the line to ask for some additional
3 information supporting the illness described, anything that would
4 support the hardship at this point; or do we feel that we should
5 pursue that? This is simply discussion.

6 MR. PENZONE: I would think the hearing officer probably
7 took a lot of that into consideration; and if we would accept the
8 Findings of Fact and the Conclusions of Law, why wouldn't we --
9 why wouldn't we go along with the Recommendation of the hearing
10 officer? I would think that -- that the due diligence was done
11 on the hearing officer's part.

12 MR. HANKS: Well, except that the handwritten letter was
13 written after all of the hearing and everything occurred. So I
14 don't think the hearing officer would have necessarily had this
15 information. He's basically asking for a reduction in the
16 penalty, which I'm not necessarily for without some reasonable
17 documentation that it's legit. You know, I mean --

18 MR. BARRERA: If I may interject, Member Hanks, it was part
19 of the testimony of Mr. Tron that he did have a stroke; and that
20 was part of the reasons for the struggles and maintaining the
21 sanitation conditions of his facility. And that is reflected
22 within the Findings of Fact -- or within the hearing officer's
23 Recommendation -- Report and Recommendation.

24 He did testify to it, and it was something that was part of
25 her consideration. Whether the Board wants to explore uncovering

1 more information in order to make its determination is a decision
2 that it can make.

3 MR. HANKS: If there's no new information in the letter --
4 in the handwritten letter, then I don't think that I would
5 propose that we go against the Recommendation. I just want to
6 make sure that there's not something more to this story before we
7 move on. I appreciate it.

8 CHAIRMAN THOMPSON: Any further discussion?
9 Roll call, please.

10 MS. FLANERY: Ms. Benfer?

11 MS. BENFER: Yes.

12 MS. FLANERY: Mr. Thompson?

13 CHAIRMAN THOMPSON: Yes.

14 MS. FLANERY: Mr. Penzone?

15 MR. PENZONE: Yes.

16 MS. FLANERY: Ms. Sheipline?

17 MS. SHEIPLINE: Yes.

18 MS. FLANERY: Mr. Hanks?

19 MR. HANKS: Yes.

20 CHAIRMAN THOMPSON: Case No. 2014-644, do we have a motion
21 for Findings of Fact?

22 MR. PENZONE: So moved.

23 CHAIRMAN THOMPSON: First by Mr. Penzone.

24 MR. HANKS: Second.

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

1 Roll call, please.

2 MS. FLANERY: Ms. Benfer?

3 MS. BENFER: Yes.

4 MS. FLANERY: Mr. Thompson?

5 CHAIRMAN THOMPSON: Yes.

6 MS. FLANERY: Mr. Penzone?

7 MR. PENZONE: Yes.

8 MS. FLANERY: Ms. Sheipline?

9 MS. SHEIPLINE: Yes.

10 MS. FLANERY: Mr. Hanks?

11 MR. HANKS: Yes.

12 CHAIRMAN THOMPSON: Case No. 2014-644, do we have a motion
13 for Conclusions of Law?

14 MS. BENFER: So moved.

15 CHAIRMAN THOMPSON: First by Board Member Benfer.

16 MR. PENZONE: Second.

17 CHAIRMAN THOMPSON: Second by Board Member Penzone. Any
18 discussion?

19 Roll call, please.

20 MS. FLANERY: Ms. Benfer?

21 MS. BENFER: Yes.

22 MS. FLANERY: Mr. Thompson?

23 CHAIRMAN THOMPSON: Yes.

24 MS. FLANERY: Mr. Penzone?

25 MR. PENZONE: Yes.

1 MS. FLANERY: Ms. Sheipline?

2 MS. SHEIPLINE: Yes.

3 MS. FLANERY: Mr. Hanks?

4 MR. HANKS: Yes.

5 CHAIRMAN THOMPSON: Case No. 2014-644, do we have a motion
6 to adopt the Recommended Order?

7 MR. HANKS: Move to adopt the Recommended Order.

8 CHAIRMAN THOMPSON: First by Mr. Hanks. Do we have a
9 second?

10 MR. PENZONE: Second.

11 CHAIRMAN THOMPSON: Second by Mr. Penzone. Any discussion?
12 Roll call, please.

13 MS. FLANERY: Ms. Benfer?

14 MS. BENFER: Yes.

15 MS. FLANERY: Mr. Thompson?

16 CHAIRMAN THOMPSON: Yes.

17 MS. FLANERY: Mr. Penzone?

18 MR. PENZONE: Yes.

19 MS. FLANERY: Ms. Sheipline?

20 MS. SHEIPLINE: Yes.

21 MS. FLANERY: Mr. Hanks?

22 MR. HANKS: Yes.

23 CHAIRMAN THOMPSON: Any further new business?

24 Any reason for executive session?

25 Do we have a motion to adjourn?

1 MR. PENZONE: Move to adjourn.

2 CHAIRMAN THOMPSON: Motion by Mr. Penzone.

3 MS. SHEIPLINE: Second.

4 CHAIRMAN THOMPSON: Second by Board Member Sheipline.

5 Roll call, please.

6 MS. FLANERY: Ms. Benfer?

7 MS. BENFER: Yes.

8 MS. FLANERY: Mr. Thompson?

9 CHAIRMAN THOMPSON: Yes.

10 MS. FLANERY: Mr. Penzone?

11 MR. BARRERA: One moment, please. I apologize.

12 I apologize.

13 CHAIRMAN THOMPSON: Roll call, please.

14 MS. FLANERY: Ms. Benfer?

15 MS. BENFER: Yes.

16 MS. FLANERY: Mr. Thompson?

17 CHAIRMAN THOMPSON: Yes.

18 MS. FLANERY: Mr. Penzone?

19 MR. PENZONE: Yes.

20 MS. FLANERY: Ms. Sheipline?

21 MS. SHEIPLINE: Yes.

22 MS. FLANERY: Mr. Hanks?

23 MR. HANKS: Yes.

24 - - -

25 And, thereupon, the hearing was concluded at 1:45 p.m.

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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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