

1 BEFORE THE OHIO STATE BOARD OF COSMETOLOGY

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3
4 Board Meeting

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7 TRANSCRIPT OF PROCEEDINGS

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9 THOMAS TANEFF,

10 Chairman, Presiding

11 - - -

12
13 Tuesday, April 14, 2015
14 1:00 p.m.
15 Ohio State Board of Cosmetology
16 1929 Gateway Circle
17 Grove City, Ohio 43123

18 - - -

19 JILLIAN M. VOGEL,
20 PROFESSIONAL COURT REPORTER

21 - - -

22 ANDERSON REPORTING SERVICES, INC.
23 3242 West Henderson Road
24 Columbus, Ohio 43220
25 (614) 326-0177
FAX (614) 326-0214

1 APPEARANCES:

2 FEDERICO G. BARRERA III, Assistant Attorney General
3 Ohio Attorney General's Office
4 30 East Broad Street
5 26th Floor
6 Columbus, Ohio 43215
7 Telephone: (614) 466-2833
8 Fax: (614) 728-9470
9 E-mail: Rico.Barrera@OhioAttorneyGeneral.gov

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

12 - - -

13 BOARD MEMBERS PRESENT:

14 Christopher Logsdon, Executive Director
15 Thomas Taneff, Chairman
16 Steven Thompson
17 Valerie Benfer
18 Luke Hanks
19 Tasha Sheipline
20 Dr. Shalini Gupta
21 Clara Osterhage
22 Charles Penzone

23 ALSO PRESENT:

24 Lori Flanery, Administrative Assistant
25 Lori Pearson, Supervisor of Education and Examinations

1 TUESDAY AFTERNOON SESSION
2 April 14, 2015
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 14th day of April, 2015,
8 this cause came on for hearing before Chairman Thomas Taneff.
9 And, the parties appearing in person and/or by counsel, as
10 hereinafter set forth, the following proceedings were had:

11 - - -

12 CHAIRMAN TANEFF: Call this meeting to order.

13 Ms. Flanery, roll call, please.

14 MS. FLANERY: Ms. Osterhage?

15 MS. OSTERHAGE: Here.

16 MS. FLANERY: Dr. Gupta?

17 Mr. Hanks?

18 MR. HANKS: Here.

19 MS. FLANERY: Mr. Taneff?

20 CHAIRMAN TANEFF: Here.

21 MS. FLANERY: Mr. Penzone?

22 CHAIRMAN TANEFF: Mr. Penzone is here, but he stepped
23 out.

24 MS. FLANERY: Ms. Benfer?

25 MS. BENFER: Here.

MS. FLANERY: Ms. Sheipline?

1 MS. SHEIPLINE: Here.

2 MS. FLANERY: Mr. Thompson?

3 MR. THOMPSON: Here.

4 CHAIRMAN TANEFF: Would everyone please rise for the
5 Pledge of Allegiance.

6 (Pledge of Allegiance recited.)

7 CHAIRMAN TANEFF: First item would be an adoption of the
8 proposed meeting agenda. And do we need a motion for that?

9 DIRECTOR LOGSDON: Mr. Taneff, there are proposed motions
10 for each section; and if you'll follow those, you'll see the
11 motions that we're looking for.

12 MR. HANKS: Move to adopt the agenda for today's meeting.

13 CHAIRMAN TANEFF: Do we have a second?

14 MS. SHEIPLINE: Second.

15 CHAIRMAN TANEFF: Any board member comments or
16 discussion? Closed.

17 Roll call, please.

18 MS. FLANERY: Ms. Benfer?

19 MS. BENFER: Yes.

20 MS. FLANERY: Mr. Taneff?

21 CHAIRMAN TANEFF: Yes.

22 MS. FLANERY: Mr. Thompson?

23 MR. THOMPSON: Yes.

24 MS. FLANERY: Mr. Penzone?

25 MR. PENZONE: Here.

1 CHAIRMAN TANEFF: Yes.

2 MR. PENZONE: Oh, yes.

3 MS. FLANERY: Ms. Sheipline?

4 MS. SHEIPLINE: Yes.

5 MS. FLANERY: Mr. Hanks?

6 MR. HANKS: Yes.

7 MS. FLANERY: Ms. Osterhage?

8 MS. OSTERHAGE: Yes.

9 CHAIRMAN TANEFF: Motion passes.

10 Next on the agenda would be the approval of the previous
11 board meeting. Do we have a motion to approve the minutes of
12 March 10, 2014?

13 MS. OSTERHAGE: So moved.

14 CHAIRMAN TANEFF: Do we have a second?

15 MS. SHEIPLINE: Second.

16 CHAIRMAN TANEFF: Any board member comments or
17 discussions?

18 Role call, please.

19 MS. FLANERY: Ms. Benfer?

20 MS. BENFER: Yes.

21 MS. FLANERY: Mr. Taneff?

22 CHAIRMAN TANEFF: Yes.

23 MS. FLANERY: Mr. Thompson?

24 MR. 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 MS. FLANERY: Ms. Osterhage?

7 MS. OSTERHAGE: Yes.

8 CHAIRMAN TANEFF: Next on the agenda would be the
9 Executive Director's report.

10 DIRECTOR LOGSDON: Members --

11 MS. OSTERHAGE: Chairperson's report?

12 DIRECTOR LOGSDON: I'm sorry?

13 MS. OSTERHAGE: Just on the agenda, Item 3-A is the
14 Chairperson's report.

15 CHAIRMAN TANEFF: I don't think I have anything to
16 report, do I?

17 DIRECTOR LOGSDON: That's all you have.

18 CHAIRMAN TANEFF: Okay. Thank you, Ms. Osterhage.

19 MS. OSTERHAGE: You're welcome, Mr. Taneff.

20 CHAIRMAN TANEFF: All right. Next on the agenda, the
21 Executive Director's report.

22 DIRECTOR LOGSDON: Members of the Board, for your
23 consideration, the report is fairly brief. It discusses the
24 current financial activity of the Board as it relates to
25 financial activities through March 4, 2015. If you have any

1 questions regarding that report, I'd be happy to answer those.

2 In regard to our human trafficking education initiative,
3 we are actually almost nearly complete. We are ready to go
4 into production hopefully sometime this week; and as it
5 states, that system will allow licensees to take a course,
6 register for the continued education and complete a post test.
7 And then we'll send a confirming e-mail validating that
8 they've completed that.

9 2016, 2017 budget hearings. We did testify before the
10 transportation finance subcommittee on March 18th. The
11 testimony generally went pretty well. They did have some
12 questions primarily related to personal service funding for
13 internal legal services. The budget bill is titled House Bill
14 64. It has not been voted out of the House at this point in
15 time; but that should be forthcoming, I would say, probably
16 within the next two weeks. That's just a rough guess, but
17 don't quote me on that. I'm not the legislator.

18 Tanning Services Rules. Pursuant to substitute House
19 Bill 131, those have been completed; and they were placed on
20 the Board's website for stakeholder input. Due to the minimum
21 comment period of 16 days required, CSI will not be able to
22 provide the correct engagement before April 7th, which was
23 what we initially established as a target date for filing. So
24 we're going to miss that by a little bit, but this will be
25 something that we will see by the next board meeting.

1 Personnel report. We did hold a retirement lunch for
2 Mr. Whipple. The program was pretty well attended for
3 Mr. Whipple's long service to the State of Ohio and
4 particularly The Ohio State Board of Cosmetology, which I
5 believe was 34 years.

6 CHAIRMAN TANEFF: Thirty-two years with the Cosmo Board;
7 six years, I think, before that with another State board.

8 DIRECTOR LOGSDON: Yeah. So long service to the State of
9 Ohio, and he was recognized for that.

10 The Board currently has two open positions on its roster:
11 One inspection position, one customer service position. Those
12 positions will remain unfilled pending our review of our
13 critical needs and our workforce plan and in addition to 2016,
14 2017 budget recommendations. Currently, those duties are
15 being absorbed.

16 LeanOhio. On April 29th, LeanOhio representatives will
17 hold an introductory meeting with Lean boards or staff. That
18 agency -- that is an office of the state government
19 established in a government services -- simpler, faster,
20 better, less costly; and they'll be meeting with us to begin
21 an evaluation of our services and our requirements within this
22 agency to hopefully come up, ultimately, with a plan to run
23 better, be more efficient and to align our requirements and
24 our responsibilities with our resources. And that will begin
25 pretty soon here. That ends my report.

1 CHAIRMAN TANEFF: Do we have a motion to approve the
2 Executive Director's report?

3 MS. OSTERHAGE: So moved.

4 CHAIRMAN TANEFF: Do we have a second?

5 MS. SHEIPLINE: Second.

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

8 Roll call, please.

9 MS. FLANERY: Ms. Benfer?

10 MS. BENFER: Yes.

11 MS. FLANERY: Mr. Taneff?

12 CHAIRMAN TANEFF:: Yes.

13 MS. FLANERY: Mr. Thompson?

14 MR. 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 MS. FLANERY: Ms. Osterhage?

22 MS. OSTERHAGE: Yes.

23 CHAIRMAN TANEFF: All right. Next on the agenda would be
24 the administrative committee reports.

25 Mr. Logsdon.

1 DIRECTOR LOGSDON: In your booklet now -- and if you
2 could do me a favor and remove the word "draft." It's now the
3 administrative review committee report, and we'll make that
4 correction.

5 The ARC committee met at 11:33 a.m. today and took up the
6 following cases and took the actions therein disclosed. This
7 committee is designed to look at all cases and all statuses
8 that need additional review or consideration, including cases
9 where we do not believe an inspection or an opportunity for a
10 hearing notice may be required or needed; and the committee is
11 designed to look at those cases to determine whether they want
12 additional inspection or they can be simply closed without
13 further action, also to consider administrative actions that
14 have already been initiated and/or make recommendations for
15 amending administrative actions that have already been
16 initiated.

17 We have a clear desire to make sure that the cases that
18 we follow and the cases that we bring to the attention of the
19 Board are cases that, number one, they matter; two, that we
20 have sufficient evidence to support. And that's the way that
21 we look at all of these issues in these cases.

22 The sitting member on the Board is there to affirm and
23 confirm and make a decision on behalf of the Board on these
24 issues, and so the report that you have in front of you
25 provides the action of the ARC group based upon a review of

1 those cases. And this is a report, that based upon the
2 members recommendation, needs to be confirmed by the Board to
3 be become active.

4 CHAIRMAN TANEFF: For whatever it's worth, as Mr. Logsdon
5 indicated, I was in attendance this morning for the entire
6 meeting, as was Ms. Zarella, along with our AAG, Mr. Barrera.
7 There was a unanimous agreement that the administrative review
8 committee report be recommended for approval.

9 I'm also on one of the other State boards, the funeral
10 board; and this is the way that they do it. And do we have
11 any other comments or questions for me?

12 MS. SHEIPLINE: Mr. Chairman, I just think this is great.
13 I just want to point that out. It's so well thought out, and
14 I think that you guys took the time to go through piece by
15 piece and person by person and look at it; and I'm just all
16 for this. I think this is so -- just shows -- just shows a
17 lot of dedication on the behalf of this Board, what's
18 happening here, that we look at everyone as a very
19 individualized case. And I think that it shows that we're out
20 to get the facts and rule on those facts in a proper way. So
21 I think this is excellent. And thank you for everyone who
22 participated in this.

23 CHAIRMAN TANEFF: Thank you. Do we have a motion to
24 confirm the administrative action committee report as
25 referenced?

1 MR. PENZONE: So moved.

2 CHAIRMAN TANEFF: Do we have a second?

3 MS. OSTERHAGE: Second.

4 CHAIRMAN TANEFF: Second from Ms. Osterhage. Any
5 additional board member comments?

6 MR. PENZONE: I have a comment. Henceforth, can we do a
7 number on each page of this report?

8 DIRECTOR LOGSDON: Yes.

9 MR. PENZONE: Okay.

10 MS. OSTERHAGE: May I ask a quick question, Mr. Taneff?

11 CHAIRMAN TANEFF: You can.

12 MS. OSTERHAGE: So if I'm understanding this right, it
13 appears to me and -- again, this is the first time we've seen
14 this; so bear with me. So where it's case closure review,
15 those are cases that have already been closed that you're
16 going back on -- back there and revisiting; or are they cases
17 that -- because many of these say closed. Can you explain
18 what that means?

19 So these are case closure reviews. What was the status
20 of that case before you started discussing it that the action
21 ended up being closed?

22 DIRECTOR LOGSDON: Mr. Taneff, Member Osterhage, the
23 report is divided into classifications; case closures; case
24 closure review; notice of opportunity for hearing review; and
25 then, finally, there's notice of opportunity hearing amendment

1 and then board order review. So the first group, which are
2 case closures, these are inspection reports that have been
3 turned in from the field; and based upon a review of those
4 reports and any evidence collected, we do not believe that the
5 report or the evidence efficiently allows us to make a
6 decision to move forward on a notice of opportunity for
7 hearing.

8 It's important that the Board understands that when a
9 notice of hearing is issued, we have to believe that we have a
10 preponderance of the evidence in our favor to support our side
11 of the case. And the Assistant Attorney General who
12 represents the Board is responsible for presenting that case;
13 and so if we do not believe that that exists, then it's sort
14 of folly on our part to pursue a case that we have a strong
15 chance of not winning.

16 CHAIRMAN TANEFF: And could you also elaborate on the
17 economics of that, Mr. Logsdon?

18 DIRECTOR LOGSDON: Yeah. I mean, anytime you issue a
19 notice of opportunity for a hearing -- and I drum this into
20 the staff frequently and often. We have to assume any notice
21 of hearing can not only go to a hearing, that an individual
22 has a right to a hearing, but that all notices of hearing that
23 are issued can result in a hearing, which is expensive. Our
24 average hearing cost is probably anywhere from 1,000 to 3,000
25 dollars per hearing for an examiner to sit and write a report.

1 MS. OSTERHAGE: Not to mention the expenses to the person
2 on the other side of the table if it's a corporation.

3 DIRECTOR LOGSDON: Oh, absolutely.

4 MS. OSTERHAGE: Someone who's hiring an attorney to
5 represent them.

6 CHAIRMAN TANEFF: And ultimately to the taxpayers. I
7 mean, we also don't see all the other individuals and
8 organizations that are pulled away from their routine jobs;
9 for example, the AAG. He has to put in time and labor -- or
10 she -- and if it's a losing case, it's a huge expense.

11 DIRECTOR LOGSDON: We also have -- after an issue is
12 adjudicated, an order is potentially issued. That respondent
13 has the right to appeal that, first to the local court of
14 common pleas; but if they lose there, they can appeal it even
15 further, all the way to the Ohio Supreme Court. And so it's
16 not a duty that I take lightly. Having said that, we do know
17 that most cases settle because the facts probably are on our
18 side. However, I can't make that assumption every time I
19 issue a hearing notice.

20 MS. OSTERHAGE: So in the case closures review, those are
21 inspection reports --

22 DIRECTOR LOGSDON: Yes.

23 MS. OSTERHAGE: -- that someone is saying, do we have
24 enough?

25 DIRECTOR LOGSDON: That's correct.

1 MS. OSTERHAGE: So these have not gone anywhere?

2 DIRECTOR LOGSDON: They have not --

3 MS. OSTERHAGE: They have not --

4 DIRECTOR LOGSDON: -- correct.

5 MS. OSTERHAGE: -- been a board order. They haven't
6 shown up on an administrative action list?

7 DIRECTOR LOGSDON: That's correct.

8 MS. OSTERHAGE: They're inspection reports. Okay.

9 MR. THOMPSON: Can I interject? While you're on that, I
10 just want to -- has there been a violation written?

11 DIRECTOR LOGSDON: A violation has been written. An
12 inspection report has been issued citing a violation.

13 MR. THOMPSON: Okay. Go ahead.

14 DIRECTOR LOGSDON: Whether a hearing issue notice was
15 based upon that is simply a different matter.

16 MR. THOMPSON: Okay.

17 MS. OSTERHAGE: So with the -- do you categorize these
18 before you get together? Like, did you -- was this under case
19 closures before you got together; or did you throw it in this
20 category after you met and decided that the case would be
21 closed?

22 DIRECTOR LOGSDON: We categorized these reports
23 beforehand.

24 MS. OSTERHAGE: So you're recommending to the group --

25 DIRECTOR LOGSDON: Yes.

1 MS. OSTERHAGE: -- when you got together that those be
2 closed?

3 DIRECTOR LOGSDON: That's correct.

4 MS. OSTERHAGE: Okay. So then moving on to the next one,
5 which is the notice of opportunity for hearing review. Those
6 are inspection reports with violations that have now been --
7 have already started down the road of --

8 DIRECTOR LOGSDON: Yes. A hearing notice was issued; and
9 for some reason, either through recommendation from the
10 Assistant Attorney General or additional review of the case or
11 information that might have come after the issuance of the
12 notice, where we believe that -- prior to a hearing or prior
13 to a board action being issued, we think it should be
14 re-evaluated.

15 MS. OSTERHAGE: So a settlement report has been sent
16 out --

17 DIRECTOR LOGSDON: Uh-huh.

18 MS. OSTERHAGE: -- or not?

19 DIRECTOR LOGSDON: A settlement -- a hearing notice and a
20 settlement agreement has been sent out.

21 MS. OSTERHAGE: Okay. So in this category, could a
22 person receive a hearing notice and a settlement report? You
23 make a decision at this committee meeting, and you withdraw
24 all of that? So you could --

25 DIRECTOR LOGSDON: We could recommend withdrawal of a

1 hearing notice at any time prior to a board action taking
2 place. Generally speaking, if the settlement agreement is
3 signed, we wouldn't do that because the individual by default
4 is admitting to the allegation contained in the hearing
5 notice. I mean, we wouldn't generally fight that issue. If
6 they're admitting to that, then --

7 MS. OSTERHAGE: And you've looked at the time frame? I
8 can't remember what the time frame is on responding to that
9 settlement agreement. I mean, are you meeting often enough
10 that if, in fact -- because the truth of the matter is,
11 Mr. Logsdon -- and I think you probably know this -- is that
12 people are compelled to sign it and pay 50 percent rather than
13 proceeding and ending up with a bigger fine.

14 So I mean, I -- so I think people in this industry -- I
15 think people sign it because they want to take the lesser
16 road, if you will, as opposed to -- so from a time frame
17 standpoint, are we situating ourselves such that the folks --
18 the good folks that are trying to do the right thing --

19 DIRECTOR LOGSDON: Mr. Taneff, Member Osterhage, while
20 that may be a compelling motivation in the minds of some, I
21 have to assume that when a settlement agreement is signed,
22 that they're actually admitting to the facts contained in the
23 hearing notice. So -- but we are -- I think we're meeting on
24 a monthly basis to address any issues. We're trying to meet
25 -- actually, we're going to move up the meetings in advance of

1 the board meeting so that we have these reports available at
2 the time prior to the board meeting so that you guys can look
3 at these things and have the ability to look through the
4 report. Today our mechanics are a little bit off --

5 MS. OSTERHAGE: Right.

6 DIRECTOR LOGSDON: -- but we're definitely getting there.

7 MS. OSTERHAGE: I think it's important; because
8 regardless of what the intent is, that's the way the average
9 person out there that would receive one of these -- that's how
10 they'd react because that's what we've learned over time, is
11 you sign it and you settle. You get away with 50 percent, if
12 you will, and you move on. So just know that, I guess, timing
13 could be very relevant. It could be.

14 CHAIRMAN TANEFF: Ms. Osterhage, if I could also add one
15 other comment. Even if we were to make a recommendation and
16 someone, as you correctly pointed out has to obtain counsel,
17 it's expensive on the accused's part; but there's also the
18 risk that someone doesn't retain counsel, and they appeal this
19 issue all the way, pro se, on their own. Well, when someone
20 does that pro se, this entire organization and the AG's
21 office, et cetera, still has to extend preparations for
22 hearings, appeals, et cetera, which the higher you go, the
23 more labor intensive litigation gets, the more time consuming
24 it gets, the more expensive it gets.

25 MS. OSTERHAGE: Well, my -- I guess I compliment this and

1 highly compliment this, and I trust with this administration
2 that you're looking; and when there is something that could go
3 the other way, that you're going -- I mean, if somebody is not
4 guilty and they're just signing it to get it done and over
5 with, which, again, I believe is the situation -- to be able
6 to visit that on some timely basis so that -- you understand
7 what I'm trying to say.

8 DIRECTOR LOGSDON: Mr. Taneff, Member Osterhage, I want
9 to make a point that all cases are not evaluated in this
10 arena --

11 MS. OSTERHAGE: Right.

12 DIRECTOR LOGSDON: -- that there has to be a compelling
13 reason why we would re-look at a case; and there's some reason
14 related to the allegation or any information that we receive
15 that compels us to say, "Hey, you know, we need to have a
16 secondary review of this case."

17 MS. OSTERHAGE: And that's the part that I trust.

18 CHAIRMAN TANEFF: Mr. Logsdon, did you want to maybe
19 share some of the philosophical conversation that we had about
20 the inspection process?

21 DIRECTOR LOGSDON: Yes. Mr. Taneff and Member Osterhage,
22 again, to your specific questions and inquiry, I haven't made
23 any -- I've not couched my philosophy regarding regulation
24 secretly. I've made it very clear, I think. And certainly
25 this strategic plan that I put forth to the Board at the last

1 meeting that -- I believe that the agency has the
2 responsibility to appropriately balance its regulation against
3 any diminished interest in the business community, in other
4 words, the negative impact that we could have.

5 And so the philosophy moving forward is to -- we look at
6 those issues that matter; and this began with Ms. Pearson who,
7 back in the spring of 2014, provided to the Board a revised,
8 sort of, grid of violations and looking at those things,
9 again, that matter and what actions would be recommended if,
10 in fact, those things occurred. And what happened was the
11 number of those violations began to fall off and move towards
12 a written warning and not necessarily a violation, and that's
13 because we were starting to look at "Well, how do we best
14 utilize our resources to affect the health, safety and welfare
15 of citizens in Ohio." And that's where we really want to put
16 our emphasis.

17 And so the philosophy for me is that's where we load up
18 our resources and get the best bang for the dollar but also
19 make the most impact that we can for the citizens of the state
20 of Ohio, not just the licensees. We're not here to represent
21 the licensees. We're representing the public, and -- but we
22 also know that not everything that we see, even if it was a
23 violation, should be violated.

24 So if I see a hair on the floor and it's the first time
25 I've ever seen it in this salon that is normally

1 spic-and-span, it's probably not of value to us to immediately
2 jump to some kind of violation or conclusion that there's
3 something terribly wrong with that salon. Sometimes it's
4 simply a warning or a note that says, "Hey, can you sweep that
5 up"?

6 MS. OSTERHAGE: Right.

7 CHAIRMAN TANEFF: Let the record reflect that Dr. Gupta
8 has joined the Board and if --

9 Mr. Penzone, if I could interject. The conversation that
10 I had with Mr. Logsdon, since I'm new to this committee, is
11 that my own philosophical position has always been "Let's be
12 practical." You hit the nail on the head -- I don't believe
13 that in protecting the health, safety and welfare of the
14 citizens of Ohio is through the State Cosmetology Board, that
15 we should be looking for every hair -- a single hair on the
16 floor and issuing a violation. I don't believe that the
17 function of this Board should be to impede the industry's
18 ability to earn a livelihood. I don't think we should
19 interfere with the industry's ability to work, make a living;
20 and that's my own personal philosophical position that I hope
21 the entire consensus of this Board is the same. We don't want
22 to be writing up people left and right, as you correctly
23 indicated, just because we found one hair on the floor.

24 MS. OSTERHAGE: Thank you. Thank you.

25 CHAIRMAN TANEFF: Mr. Penzone.

1 MR. PENZONE: I did have a question. What are the three
2 most violations that our inspectors come across on a daily
3 basis?

4 DIRECTOR LOGSDON: In the short time I've been here, I
5 think I could probably clearly say sanitation issues. And it
6 varies from the type of salon, but definitely sanitation
7 issues, things that are -- do represent, again, safety or
8 health risks.

9 Unlicensed practice, unfortunately, is a big issue; and
10 we see a lot of independent contractor violations. And we're
11 beginning to hone those issues down so that we have a better
12 methodology for determining whether that type of violation
13 exists.

14 MR. PENZONE: When you mentioned unlicensed, these are
15 people who possibly haven't renewed? I mean, I see a lot of
16 renewed licenses -- license wasn't renewed.

17 DIRECTOR LOGSDON: Yep.

18 MR. PENZONE: I mean, that falls through the cracks
19 sometimes, and I don't think it's done maliciously. I think
20 people just forget to do that a lot of the times.

21 DIRECTOR LOGSDON: Uh-huh.

22 MR. PENZONE: I don't know how dangerous that is for the
23 citizens of Ohio. The other thing is what do the independent
24 contractors -- you say there is a lot of violations there
25 because they don't have an independent contractor's license?

1 DIRECTOR LOGSDON: Yeah. Usually the violations we see
2 are they're renting booth space but don't possess an
3 independent contractor's license, so --

4 MR. PENZONE: Okay. I don't know that that poses much of
5 a threat to the citizens of Ohio as well; and I think if we,
6 as a board, are feeling responsible to the State and trying to
7 be as economical as possible with how money's spent, I think
8 we need to look at the purpose of an independent contractor's
9 license. I'm still -- after almost 17 years on this Board,
10 I'm still wondering why there's a need for someone to have to
11 have an independent contractor's license. How does that
12 protect anyone? It's just amazing to me that that's even out
13 there along with a manager's license.

14 I'm not for deregulation. I'm for, you know, less
15 regulation; and I don't know how it's practical in any sense
16 to issue an independent contractor's license. I think if you
17 want to be an independent contractor, this is a capitalist
18 system. You can -- once you have your license, I think you
19 should be able to be whatever you'd like as long as it doesn't
20 pose a threat to anyone. I don't know how it protects the
21 public is my question.

22 DIRECTOR LOGSDON: Mr. Taneff, Member Penzone, my job is
23 to enforce --

24 MR. PENZONE: To enforce.

25 DIRECTOR LOGSDON: -- is to enforce the laws that exist

1 on the books, and my philosophy is effective regulation. And
2 so from that perspective, we will continue to evaluate how
3 effectively we regulate this profession given the statutes
4 that we have; and we will support those statutes; however,
5 decisions regarding enforcement are really left to the Board.
6 And we will continue down the path of looking at, sort of, the
7 fines and violation grid that Ms. Pearson started back in the
8 spring; and we're going to continue to look at that and find
9 out, you know, from our perspective, how really effective are
10 we at making a difference, because ultimately you want to look
11 at change of behavior. That's what you're after.

12 MR. PENZONE: Okay. You have to enforce what the law
13 says, correct? Can we -- do we have to have a legislative
14 action to change how you enforce that law? Where does it say
15 what the enforceability is of the absence of a, let's say,
16 independent contractor's license. I mean, where can I look in
17 here and find out what the repercussions are, or was it a
18 Board -- did the Board say, "Here's how you handle this"? I'm
19 not sure how that works. Is it a legislative statement
20 somewhere that says if you don't have this license, then
21 you're subject to this fine; or did the Board say, "This is
22 what we're going to fine them"?

23 DIRECTOR LOGSDON: Mr. Taneff, Member Penzone, the
24 statute makes pretty clear what violations are and what the
25 Board may do as a result of those violations. The issue of

1 enforcement of a violation is the Board's discretion, but the
2 fact that a violation occurred is not -- that's not the
3 question. We address the issue of whether it occurred. It's
4 the Board's job to decide whether they wish to enforce the
5 penalty.

6 MR. PENZONE: And we can tell you -- I mean, the Board
7 can decide what the penalty would be, correct, for not having
8 the appropriate license? I mean, if we said it's a \$3 fine if
9 you don't have the appropriate license, you would have to
10 enforce it, correct? If the Board voted for that to happen.

11 DIRECTOR LOGSDON: Mr. Taneff, Member Penzone, it's the
12 Board's decision as to how they enforce those sanctions. In
13 terms of enforcing those sanctions or those violations, that
14 is your discretionary purview. We can present to you those
15 recommendations as to how we believe those things should be
16 enforced; but, ultimately, the decision is yours. We -- you
17 know, we have fines. We have suspensions. We have
18 revocations. We have all these things available to us, but
19 the Board's role is to determine what level of sanction to
20 impose. It could be any of those things for any given
21 violation, to be honest with you.

22 But you're the adjudicatory body. When we have a hearing
23 examiner, the hearing examiner is providing to the Board a
24 report and recommendation. It is not providing an order that
25 you're subject to adopt. You may amend any report and

1 recommendation provided to you. You may, you know, accept or
2 reject any specific order of the Board. That is entirely up
3 to you. How the Board proceeds or carries out its
4 responsibilities in that regard is really a decision you need
5 to make.

6 MR. PENZONE: Okay. Thank you.

7 CHAIRMAN TANEFF: Mr. Penzone, Mr. Logsdon, I would hope
8 that nothing would be overlooked in this administrative
9 process. If there's something that we can do that isn't
10 harming the public that someone looks at and says, "Wait a
11 minute, why are we doing this, this is ridiculous, this is
12 getting in the way of business and the opportunity for people
13 to make a living," then I say let's revisit it.

14 MS. OSTERHAGE: Mr. Taneff and Mr. Logsdon, if I may.
15 This, to me -- I think that Mr. Penzone's points are very well
16 taken in many regards, but I think this comes down to we first
17 need to understand that any pattern in violations, we don't
18 even know. We don't have a count. Like, we don't know in the
19 month of March how many violations were levied for sanitation,
20 for not having licenses. That's data -- and I know Mr.
21 Logsdon is working on that -- that's data that we need,
22 because before you have that, you really can't sit and talk
23 about -- if it's not a big problem, then you don't have to
24 have the discussion, perhaps, about fines and how that's --
25 and whether somebody is doing anything to harm the public.

1 I think that the logical place to start is: What are we
2 dealing with? What are those volumes? I think once we have
3 that, then we -- that is something that makes sense, because
4 then you start having discussion about what we're doing with
5 it.

6 CHAIRMAN TANEFF: Any comments or discussion?

7 MS. SHEIPLINE: I would say that it's worthy of looking
8 at; and I would agree, you know, maybe compiling the data; but
9 I have been a member on this Board for over two years now, and
10 I would say the issue of an independent contractor's license
11 has come up at just about every single meeting I've attended.
12 So clearly there's a pattern, and without knowing the stats on
13 that -- the pattern is here. And whether it boils down to,
14 you know, if you get caught without an independent
15 contractor's license, you have X amount of days or you're
16 getting a fine. Whatever it is that we have to come up with,
17 there's a pattern here and this is a problem.

18 Just one question that I would have is: I know when you
19 renew your license online it does specifically ask if you are
20 employed or if you're considered, you know, booth renter,
21 self-employed. If I clicked on that and said, "Yes, I am a
22 booth renter, self-employed." Is there anything that pops up
23 at me that says, hey, you need an independent contractor's
24 license?

25 MS. PEARSON: Yes. If you would have answered yes to

1 that, the next question would let you know what you're
2 required to have.

3 MS. SHEIPLINE: Okay. Because I don't have an
4 independent contractor's license, so I don't know if that is
5 something that would pop up to make it well known to people;
6 but yeah, I would agree. There's a pattern here. There's
7 certainly a problem with this; and if there's something we can
8 do on our end, it's probably time to really start thinking
9 about what we can do.

10 MR. HANKS: Let's -- if I could, Chairman Taneff, let's
11 not lose sight of the fact that we are a body that is in place
12 to support the laws.

13 Mr. Penzone, I know we have differences of opinion on
14 licenses, whether it's manager's, independent contractor's,
15 whatever; but let's apply your line of thinking to the State
16 of Ohio and a driver's license. Let's say statistics show
17 that speeding is really not that bad and we make it a \$3 fine.
18 And the next person to speed goes out -- and whether it's
19 property damage or killing someone, that person's family is
20 going to be able to come back to the State of Ohio and say,
21 you had this law on the books and you didn't make a strong
22 enough fine to deter people from speeding.

23 MR. PENZONE: You know, Mr. Hanks, I'll buy into your
24 argument that the day someone dies in a hair salon --

25 MR. HANKS: It's not about dying. It's not.

1 MR. PENZONE: You know, you're doing the sky is falling
2 thing, and that's basically --

3 MR. HANKS: Okay.

4 MR. PENZONE: -- what you're doing. Fear and anxiety.

5 MR. HANKS: That is not what I'm doing. I'm trying to
6 protect us from what could happen as a Board. I'm not talking
7 about someone dying in a salon.

8 MR. PENZONE: What could that be?

9 MR. HANKS: It could be anything. It could be someone
10 coming to the Board saying, you didn't apply -- you had these
11 laws in place, and you chose to make it -- you, as a Board.
12 I'm not saying you -- you chose to make it a minimal --

13 MR. PENZONE: I'll take credit for it.

14 MR. HANKS: No.

15 MR. PENZONE: I'll take credit for it.

16 MR. HANKS: I'm not trying to jab you. I'm really not.
17 This is a discussion.

18 MR. PENZONE: Okay.

19 MR. HANKS: And I think there's risk with not using the
20 powers that we have to make rules to support the laws. I
21 think there's a pretty serious risk with that. That's all I'm
22 saying.

23 CHAIRMAN TANEFF: Any further comments? I think we had a
24 motion and a second.

25 And roll call, please.

1 MS. FLANERY: Ms. Benfer?

2 MS. BENFER: Yes.

3 MS. FLANERY: Mr. Taneff?

4 CHAIRMAN TANEFF:: Yes.

5 MS. FLANERY: Mr. Thompson?

6 MR. THOMPSON: Yes.

7 MS. FLANERY: Mr. Penzone?

8 MR. PENZONE: Yes.

9 MS. FLANERY: Ms. Sheipline?

10 MS. SHEIPLINE: Yes.

11 MS. FLANERY: Mr. Hanks?

12 MR. HANKS: Yes.

13 MS. FLANERY: Ms. Osterhage?

14 MS. OSTERHAGE: Yes.

15 CHAIRMAN TANEFF: Next on the -- under committee reports,
16 the curriculum committee report.

17 Ms. Osterhage, do you have anything you'd like to report?

18 MS. OSTERHAGE: Just briefly. Chairman Taneff and
19 members of the Board, we had a committee meeting this morning.
20 We had two tasks in front of us. One was to address -- to
21 talk about the hair designer, which is a 1200-hour license,
22 and what curriculum needs to be put into place to augment that
23 so that a person could choose to go on to get a 1500-hour
24 license. So we talked about that.

25 We also talked about -- Mr. Hanks added that in

1 situations where someone may want to go all the way through
2 and not only go from hair designer to full cosmetology but,
3 also, to have the manager's license, that would take an
4 additional 600 hours. Based on the fact that funding for
5 education, a person -- a student would be able to get funding
6 -- government funding for 600 hours, but not if there are two
7 300-hour increments, so we agreed that there would be two
8 separate curriculums created, one that encompasses the 300
9 hours to get from a basic -- from a hair designer to a basic
10 license and then an additional curriculum that would take a
11 person from the hair designer 1,200 all the way to 1,800 hours
12 by adding 600.

13 So those are being developed and will be presented at the
14 next board meeting in May, and Ms. Sheipline and I will speak
15 about that before that next board meeting.

16 We also began some discussion about the manager's
17 licenses. There are a number of them, as you are aware: The
18 cosmetology managing, esthetics managing, manicuring managing.
19 There's more. Anyway -- hair design managing, no -- anyway,
20 there's a lot of them. And we talked a little bit about the
21 premise by which we would change that curriculum so that it
22 would be meaningful.

23 The group agreed that we would seek additional
24 information and some data from the Board, information we
25 thought we needed to have before we moved forward with those

1 conversations, and also asked that each of the committee
2 members be thinking about what other information we might need
3 to be able to have -- to have a good conversation about that.
4 So we will be setting up an additional meeting and having
5 those conversations. And that's concludes my report.

6 CHAIRMAN TANEFF:: Mr. Logsdon, do we need a motion to
7 approve an oral report or --

8 DIRECTOR LOGSDON: Again, it's discretionary. You can do
9 it or not do it. I put it down as a recommended motion to
10 approve those.

11 CHAIRMAN TANEFF: All right. Do we have a motion to
12 approve Ms. Osterhage's curriculum committee report?

13 MS. SHEIPLINE: So moved.

14 CHAIRMAN TANEFF: Do we have a second?

15 DR. GUPTA: Second.

16 CHAIRMAN TANEFF: Board member comments or discussion?
17 Roll call, please.

18 MS. FLANERY: Ms. Benfer?

19 MS. BENFER: Yes.

20 MS. FLANERY: Dr. Gupta?

21 DR. GUPTA: Yes.

22 MS. FLANERY: Mr. Taneff?

23 CHAIRMAN TANEFF: Yes.

24 MS. FLANERY: Mr. Thompson?

25 MR. THOMPSON: Yes.

1 MS. FLANERY: Mr. Penzone?

2 MR. PENZONE: Yes.

3 MS. FLANERY: Ms. Sheipline?

4 MS. SHEIPLINE: Yes.

5 MS. FLANERY: Mr. Hanks?

6 MR. HANKS: Yes.

7 MS. FLANERY: Ms. Osterhage?

8 MS. OSTERHAGE: Yes.

9 CHAIRMAN TANEFF: Next under committee report would be
10 the license task force report from Mr. Thompson.

11 MR. THOMPSON: Nothing to report right now since last
12 meeting. I will be getting ahold of the committee members
13 this week and setting something up before the May meeting.

14 CHAIRMAN TANEFF: And do we need a motion? Okay.

15 Next on the agenda would be public testimony. I guess we
16 have --

17 MR. PENZONE: What tab is that?

18 CHAIRMAN TANEFF: It would be five.

19 Is there anyone here that wants to address the Board
20 about anything that's on their mind? And do we -- anyone want
21 to talk about the Taylor Pursel case?

22 MR. PENZONE: Can we take a look at it for a second?

23 CHAIRMAN TANEFF: Okay.

24 MR. PENZONE: I don't understand what the letter is in
25 there for. Is she looking to be --

1 DIRECTOR LOGSDON: We can -- Mr. Taneff, Member Penzone,
2 we considered this to be testimony only from the perspective
3 of she wanted this letter to be presented directly to the
4 Board. We have no position on it, and we're not recommending
5 any specific position on it.

6 MR. PENZONE: What was she fined -- she didn't have an
7 independent contractor's license, I take it, right?

8 CHAIRMAN TANEFF: She did not. She did not.

9 MR. PENZONE: And so can I ask what the fine may have
10 been for that?

11 DIRECTOR LOGSDON: Mr. Taneff, Member Penzone, I don't
12 have the file in front of me in this regard.

13 Staff, would you be able to recommend or suggest what the
14 common outcome would be?

15 MS. PEARSON: Possibly a \$500 fine with a first time
16 offense, and I'd have to double-check.

17 DIRECTOR LOGSDON: If it was a first-time offense,
18 Ms. Pearson is saying that it could be a \$500 fine with an
19 option of cutting that in half; but it depends on the number
20 of occurrences. But it sounds like, from the letter that's
21 provided, that it's a first-time thing.

22 CHAIRMAN TANEFF: But the letter doesn't say why she was
23 fined. Can we know -- do we know why?

24 DIRECTOR LOGSDON: It -- again, it appears not having an
25 independent contractor's license.

1 CHAIRMAN TANEFF: Which she, then, in her letter said she
2 subsequently got.

3 DIRECTOR LOGSDON: Yes.

4 CHAIRMAN TANEFF: Déjà vue.

5 MR. PENZONE: I mean, so she didn't ask for anything; or
6 she's not appealing anything? She just paid the fine, right?

7 MS. SHEIPLINE: It looks like she paid the fine, and she
8 just wants you to know it.

9 DIRECTOR LOGSDON: Mr. Taneff, Member Penzone, I don't
10 have the case in front of me.

11 MR. PENZONE: Can we talk about it next month?

12 DIRECTOR LOGSDON: Yeah. We can pull any case file that
13 you want.

14 MR. PENZONE: Yeah. I'm just curious to see because --
15 \$500 because she overlooked a license. I mean, no one was
16 hurt. No one was --

17 CHAIRMAN TANEFF: Are you also asking that this specific
18 case be brought back next month?

19 MR. PENZONE: Yeah. Let's talk about it.

20 DR. GUPTA: I have a question. So what is the -- she
21 didn't have the independent contractor's license. What did
22 she have to do then to get the independent contractor's
23 license? Was there extra education or it's just a matter of
24 filling out a form and sending in a payment or -- you know,
25 what's the process?

1 MS. PEARSON: Mr. Taneff, Member Gupta, to receive an
2 independent contractor's license, you would have to hold a
3 current, valid managing license for the scope of practice; and
4 then it's just an application process to receive the license.

5 MS. SHEIPLINE: And there's a fee, right?

6 MS. PEARSON: There's a fee, \$75 fee.

7 DR. GUPTA: And this person then, I'm assuming, had a
8 managing license already or just went on to get her
9 independent contractor's?

10 MS. PEARSON: It appears that she did have a managing
11 license.

12 CHAIRMAN TANEFF: So, in essence, I'll call her a sole
13 proprietor -- sole practice person, whatever you want to call
14 it. Her cost is really \$575, right?

15 DIRECTOR LOGSDON: It would depend on whether she chose
16 to settle it without -- the Board does offer a 50 percent
17 discount in its fines for settlements.

18 CHAIRMAN TANEFF: And that's after tax dollars, which
19 means she would have -- if it is 575, she would have had to
20 have earned about \$750 to have a net of \$575. That's an awful
21 lot of hours in that salon. This is -- it just seems -- I
22 don't know.

23 MR. PENZONE: So we'll look at it next month, and we have
24 a month to think about it.

25 DIRECTOR LOGSDON: I have a note to pull the file.

1 MR. PENZONE: Thank you.

2 CHAIRMAN TANEFF: Nothing under unfinished business.

3 New business. Kimberly Washington requests a waiver from
4 taking the NHS examination. And who wants to address this?
5 She's not here?

6 MR. HANKS: I don't think so.

7 MS. PEARSON: I don't think she's here.

8 CHAIRMAN TANEFF: Who wants --

9 MS. OSTERHAGE: What is NHS?

10 MS. PEARSON: Natural hair stylist.

11 DR. GUPTA: And why was the request made?

12 DIRECTOR LOGSDON: In this case, I believe that -- I
13 believe the individual has taken the theory exam a couple
14 times and now wants a waiver from it.

15 MS. OSTERHAGE: Which can't be given. Were you expecting
16 that she would come and speak to the Board, Mr. Taneff? Or is
17 that what we thought?

18 CHAIRMAN TANEFF: Okay. Well, she's not here.

19 Next item under new business, form approval. The
20 out-of-state application form, COS024. And who wants to
21 address -- or do you just need a motion?

22 MR. THOMPSON: So moved.

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

24 MS. OSTERHAGE: Second.

25 CHAIRMAN TANEFF: Any board member comments or

1 discussion?

2 MR. HANKS: Just to say, there's a typo in the manager's
3 license section. It says manager's license/a manger's, if we
4 could correct that.

5 MS. OSTERHAGE: Where are you?

6 MR. HANKS: On how to obtain an Ohio license.

7 MS. OSTERHAGE: Right. But where? I believe you.

8 MR. HANKS: In bold it says "manager's license" and right
9 next to that it says a "manger's license."

10 DIRECTOR LOGSDON: That might be better placed with the
11 Department of Agriculture.

12 MR. PENZONE: What if we wanted to say if you have two
13 years of experience you automatically get a manager's license?
14 I mean, would that have to be a legislative deal; or do we
15 have the power to do that if we wanted to?

16 MS. PEARSON: Mr. Taneff, Member Penzone, I believe that
17 it currently states that you have to either obtain the
18 required number of hours in a school of cosmetology for that
19 managing program or have a minimum of one year's worth of work
20 experience, which is equivalent to 2,000 hours, in order to be
21 eligible for the manager's exam and then meet the other, you
22 know, age requirement, education requirement and so forth.

23 MR. PENZONE: But if we said, okay, all that's fine and
24 good; but if you have two years of experience or 4,000 hours,
25 you automatically qualify, does that have to go to the

1 legislate, you know, to the -- is that a legislative deal or
2 couldn't we do that as a Board?

3 DIRECTOR LOGSDON: Mr. Taneff, Member Penzone, I mean, we
4 would have to take a look at the existing statutes; and we
5 would consult with the Board counsel to help us define that --
6 you know, an answer to that question. I don't know the
7 statutes well enough to give you an answer to that question.

8 MR. PENZONE: Be glad on that, Mr. Director.

9 DIRECTOR LOGSDON: And normally, Mr. Penzone, I would not
10 give you an out-of-the-box answer to that question anyway,
11 so --

12 MR. PENZONE: Well, can we put that on a list to talk
13 about between now and the next meeting? I'll have every
14 intention of coming to visit with you and your staff to talk
15 about some of these things. I'd love to table this until next
16 month if we could. We have a motion on the floor, though,
17 right?

18 MR. THOMPSON: Yeah. First and second.

19 CHAIRMAN TANEFF: And then we had a discussion.

20 MR. HANKS: Just a friendly amendment. I don't think it
21 needs to be withdrawn or anything. It's just --

22 CHAIRMAN TANEFF: We have a motion and a second then.
23 Who made the motion?

24 MR. THOMPSON: I did.

25 CHAIRMAN TANEFF: You did. Do you want to withdraw your

1 motion?

2 MR. THOMPSON: No.

3 CHAIRMAN TANEFF: Okay. Just asking.

4 MS. OSTERHAGE: Mr. Taneff, may I also -- I was thinking
5 that the hours requirement --

6 Ms. Pearson, you mentioned 2,000. I was thinking that
7 that had been reduced, but then I'm thinking there was some
8 other discussion.

9 MS. PEARSON: It has. Chairman Taneff, Member Osterhage,
10 it was decided in a committee meeting at some point a year or
11 so back to reduce the amount of hours that is equivalent to a
12 year's worth of work experience to 1,800 hours. That did get
13 reduced to the -- in the OAC, in the rule; however, the ORC,
14 Revised Code, states 2,000 hours. So we cannot -- we can't
15 change the rule.

16 MS. OSTERHAGE: Do we change the OAC back?

17 MS. PEARSON: We will.

18 MS. OSTERHAGE: Okay. And I know this isn't the time or
19 place, but I'm just going to say this: I mean, the average
20 hours worked in a -- for full time in a salon is 30; and
21 that's the reason why we reduced it.

22 MS. PEARSON: Correct.

23 MS. OSTERHAGE: It doesn't make sense to make people do
24 it for 2,000 when that's not in the industry. As crazy as it
25 is, that's not -- 2,000 is way too much. Nobody works 40 or

1 39. Anyway --

2 DIRECTOR LOGSDON: It's a -- Mr. Taneff, Member
3 Osterhage, it's a statutory conflict.

4 MS. OSTERHAGE: I understand.

5 DIRECTOR LOGSDON: So --

6 MS. OSTERHAGE: That needs to be revisited.

7 CHAIRMAN TANEFF: Okay. Well, we still have this form,
8 right? And we have --

9 DIRECTOR LOGSDON: The form is modified, again, to comply
10 with existing rules; and, you know, while the question is:
11 Can the conditions or requirements be amended or revised,
12 again, I think that's a question to be answered for another
13 moment. I would strongly recommend that the Board consider
14 the form in its current state because that's the way the
15 current state is.

16 CHAIRMAN TANEFF: Okay. Any further board member
17 comments? Closed.

18 Roll call, please.

19 MS. FLANERY: Ms. Benfer?

20 MS. BENFER: Yes.

21 MS. FLANERY: Dr. Gupta?

22 DR. GUPTA: Yes.

23 MS. FLANERY: Mr. Taneff?

24 CHAIRMAN TANEFF: Yes.

25 MS. FLANERY: Mr. Thompson?

1 MR. THOMPSON: Yes.

2 MS. FLANERY: Mr. Penzone?

3 MR. PENZONE: Yes.

4 MS. FLANERY: Ms. Sheipline?

5 MS. SHEIPLINE: Yes.

6 MS. FLANERY: Mr. Hanks?

7 MR. HANKS: Yes.

8 MS. FLANERY: Ms. Osterhage?

9 MS. OSTERHAGE: Yes.

10 CHAIRMAN TANEFF: All right. Next, the hearing officer's
11 report and recommendations.

12 Mr. Logsdon, do you want us to go -- you want us to do
13 separate motions, right?

14 DIRECTOR LOGSDON: Yes.

15 CHAIRMAN TANEFF: All right. Then do we have a motion to
16 approve the Findings of Fact in the matter of Beauty, Inc.,
17 COSS070822?

18 MS. OSTERHAGE: So moved.

19 CHAIRMAN TANEFF: Do we have a second?

20 MS. SHEIPLINE: Second.

21 CHAIRMAN TANEFF: Board member comments or discussion?
22 Closed.

23 Roll call, please.

24 MS. FLANERY: Ms. Benfer?

25 MS. BENFER: Yes.

1 MS. FLANERY: Dr. Gupta?
2 DR. GUPTA: Yes.
3 MS. FLANERY: Mr. Taneff?
4 CHAIRMAN TANEFF: Yes.
5 MS. FLANERY: Mr. Thompson?
6 MR. THOMPSON: Yes.
7 MS. FLANERY: Mr. Penzone?
8 MR. PENZONE: Yes.
9 MS. FLANERY: Ms. Sheipline?
10 MS. SHEIPLINE: Yes.
11 MS. FLANERY: Mr. Hanks?
12 MR. HANKS: Yes.
13 MS. FLANERY: Ms. Osterhage?
14 MS. OSTERHAGE: Yes.
15 CHAIRMAN TANEFF: All right. Next, do we have a motion
16 to approve the Conclusions of Law in the matter of Beauty,
17 Inc., COSS070822?
18 MS. OSTERHAGE: So moved.
19 MR. HANKS: Second.
20 CHAIRMAN TANEFF: Board member comments or discussion?
21 Closed.
22 Roll call, please.
23 MS. FLANERY: Ms. Benfer?
24 MS. BENFER: Yes.
25 MS. FLANERY: Dr. Gupta?

1 DR. GUPTA: Yes.

2 MS. FLANERY: Mr. Taneff?

3 CHAIRMAN TANEFF: Yes.

4 MS. FLANERY: Mr. Thompson?

5 MR. 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 MS. FLANERY: Ms. Osterhage?

13 MS. OSTERHAGE: Yes.

14 CHAIRMAN TANEFF: Next, a motion to approve the Order to
15 impose a \$400 fine in the matter of Beauty, Inc., COSS070822.

16 MS. OSTERHAGE: So moved.

17 CHAIRMAN TANEFF: Do we have a second?

18 MS. SHEIPLINE: Second.

19 CHAIRMAN TANEFF: Any board member comments or
20 discussion? Closed.

21 Roll call, please.

22 MS. FLANERY: Ms. Benfer?

23 MS. BENFER: Yes.

24 MS. FLANERY: Dr. Gupta?

25 DR. GUPTA: Yes.

1 MS. FLANERY: Mr. Taneff?

2 CHAIRMAN TANEFF: Yes.

3 MS. FLANERY: Mr. Thompson?

4 MR. THOMPSON: Yes.

5 MS. FLANERY: Mr. Penzone?

6 MR. PENZONE: Yes.

7 MS. FLANERY: Ms. Sheipline?

8 MS. SHEIPLINE: Yes.

9 MS. FLANERY: Mr. Hanks?

10 MR. HANKS: Yes.

11 MS. FLANERY: Ms. Osterhage?

12 MS. OSTERHAGE: Yes.

13 CHAIRMAN TANEFF: Motion to approve the Findings of Fact
14 in the matter of Tara Deem, COSM077408. Do we have a motion?

15 MR. THOMPSON: So moved.

16 CHAIRMAN TANEFF: Do we have a second?

17 MS. OSTERHAGE: Second.

18 CHAIRMAN TANEFF: Any board member comments or
19 discussion?

20 MS. OSTERHAGE: Just a question, if I may. As I was
21 reading through this -- and I know there was discussion about
22 how she was paid, and it appears as though there were times
23 that she was paid as, it looked like, an employee. This was
24 very confusing for me to read. Are we sure -- we're
25 absolutely certain that she was operating as an independent

1 contractor?

2 MR. THOMPSON: No. I don't think that's the case. I
3 think the case was -- what I read, she was misled by her --
4 Ms. Deem, she thought she was filling out a W-4, but she
5 didn't -- she thought she was an employee; am I right? I
6 thought that she was -- Tara was misled by her employer. She
7 filled out the W-4 hiring, and then she didn't -- the employer
8 didn't file the W-4 at first, and then she came back with
9 another W-4 later. The way I took it, she was going to put
10 her on payroll; but she never really put her on payroll.

11 MS. OSTERHAGE: But there were places where I felt that
12 she was on payroll. This had to be confusing for the board
13 staff, it seems like; and even through the hearing process,
14 it's very confusing.

15 MR. THOMPSON: I thought Ms. Deem was totally misled on
16 her relationship.

17 MS. OSTERHAGE: And is that how the inspectors felt? Is
18 that how --

19 DIRECTOR LOGSDON: Mr. Taneff, Member Osterhage, this
20 matter went before a hearing examiner. And so the hearing
21 examiner has the ability to try and evaluate all the facts in
22 this case as they were presented by the respondent and by the
23 -- by the State that presented those -- the case. The State,
24 obviously, approached it with the belief that they had
25 sufficient evidence to prove by a preponderance that the

1 violation occurred; and the hearing examiner has the ability,
2 then, to weigh that State's evidence and then the testimony
3 and evidence presented by the respondent and anybody else that
4 appeared in this case.

5 I don't have an opinion about the findings of the facts.
6 They are the findings and facts of the hearing examiner.
7 They're not findings and facts of the staff. It's -- again,
8 the Board can accept, amend or reject any recommendations;
9 however, it should be noted that while the motion on the table
10 is to look at the findings of fact, if you go to the final
11 recommendation, the final recommendation is to do nothing.

12 MS. OSTERHAGE: Against her?

13 DIRECTOR LOGSDON: Uh-huh.

14 MS. OSTERHAGE: I just -- I'm empathizing with the
15 inspectors. This is very confusing. And I know that stories
16 get created when inspectors walk in the door; and I know how
17 that works, but that's -- my only comment is: That's
18 confusing. It's very confusing.

19 So, Mr. Taneff, I'm satisfied.

20 CHAIRMAN TANEFF: Any additional board member comments or
21 discussion?

22 All right. We had a motion and a second. Closed.

23 Roll call, please.

24 MS. FLANERY: Ms. Benfer?

25 MS. BENFER: Yes.

1 MS. FLANERY: Dr. Gupta?

2 DR. GUPTA: Yes.

3 MS. FLANERY: Mr. Taneff?

4 CHAIRMAN TANEFF: Yes.

5 MS. FLANERY: Mr. Thompson?

6 MR. THOMPSON: Yes.

7 MS. FLANERY: Mr. Penzone?

8 MR. PENZONE: Yes.

9 MS. FLANERY: Ms. Sheipline?

10 MS. SHEIPLINE: Yes.

11 MS. FLANERY: Mr. Hanks?

12 MR. HANKS: Yes.

13 MS. FLANERY: Ms. Osterhage?

14 MS. OSTERHAGE: Yes.

15 CHAIRMAN TANEFF: Next, do we have a motion to approve
16 the Conclusions of Law in the matter of Tara Deem, COSM077408?

17 MS. OSTERHAGE: So moved.

18 CHAIRMAN TANEFF: Do we have a second?

19 MS. SHEIPLINE: Second.

20 CHAIRMAN TANEFF: Okay. Any board member comments or
21 discussion? Closed.

22 Roll call, please.

23 MS. FLANERY: Ms. Benfer?

24 MS. BENFER: Yes.

25 MS. FLANERY: Dr. Gupta?

1 DR. GUPTA: Yes.

2 MS. FLANERY: Mr. Taneff?

3 CHAIRMAN TANEFF: Yes.

4 MS. FLANERY: Mr. Thompson?

5 MR. 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 MS. FLANERY: Ms. Osterhage?

13 MS. OSTERHAGE: Yes.

14 CHAIRMAN TANEFF: Next on the agenda, motion to approve
15 the Order to dismiss the allegations in the matter of Tara
16 Deem, COSM077408. Do we have a motion?

17 MS. OSTERHAGE: So moved.

18 CHAIRMAN TANEFF: Do we have a second?

19 MR. HANKS: Second.

20 CHAIRMAN TANEFF: Any board member comments or
21 discussion? Barring none, closed.

22 Roll call, please.

23 MS. FLANERY: Ms. Benfer?

24 MS. BENFER: Yes.

25 MS. FLANERY: Dr. Gupta?

1 DR. GUPTA: Yes.

2 MS. FLANERY: Mr. Taneff?

3 CHAIRMAN TANEFF: Yes.

4 MS. FLANERY: Mr. Thompson?

5 MR. 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 MS. FLANERY: Ms. Osterhage?

13 MS. OSTERHAGE: Yes.

14 CHAIRMAN TANEFF: Next on the agenda, a correction to the
15 previously approved orders of the Board. Do we have a motion
16 to approve the corrections to board orders as listed as
17 corrections needed on the COS-Issue report NOV Business Plus
18 Credential reports dated 4-1-2015?

19 MS. OSTERHAGE: So moved.

20 CHAIRMAN TANEFF: Do we have a second?

21 MS. SHEIPLINE: Second.

22 CHAIRMAN TANEFF: Any board member comments or
23 discussion? Closed.

24 Roll call, please.

25 MS. FLANERY: Ms. Benfer?

1 MS. BENFER: Yes.

2 MS. FLANERY: Dr. Gupta?

3 DR. GUPTA: Yes.

4 MS. FLANERY: Mr. Taneff?

5 CHAIRMAN TANEFF:: Yes.

6 MS. FLANERY: Mr. Thompson?

7 MR. 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 MS. FLANERY: Ms. Osterhage?

15 MS. OSTERHAGE: Yes.

16 CHAIRMAN TANEFF: Next on the agenda, board orders to

17 approve settlement agreements. Do we have a motion to approve

18 the settlement agreement orders of the Board as listed on

19 COS-Issue Report, NOV Business and Credentials dated 4-1-2014

20 as Item 2 through Item 84?

21 MS. OSTERHAGE: So moved.

22 CHAIRMAN TANEFF: Do we have a second?

23 MS. SHEIPLINE: Second.

24 CHAIRMAN TANEFF: Any board member comments or

25 discussion? Closed.

1 Roll call, please.

2 MS. FLANERY: Ms. Benfer?

3 MS. BENFER: Yes.

4 MS. FLANERY: Dr. Gupta?

5 DR. GUPTA: Yes.

6 MS. FLANERY: Mr. Taneff?

7 CHAIRMAN TANEFF: Yes.

8 MS. FLANERY: Mr. Thompson?

9 MR. THOMPSON: Yes.

10 MS. FLANERY: Mr. Penzone?

11 MR. PENZONE: Yes.

12 MS. FLANERY: Ms. Sheipline?

13 MS. SHEIPLINE: Yes.

14 MS. FLANERY: Mr. Hanks?

15 MR. HANKS: Yes.

16 MS. FLANERY: Ms. Osterhage?

17 MS. OSTERHAGE: Yes.

18 CHAIRMAN TANEFF: Next on the agenda, board orders to
19 enforce notice of violations. Do we have a motion to approve
20 the notice of violations for Items 75 through 101?

21 MS. OSTERHAGE: So moved.

22 CHAIRMAN TANEFF: Do we have a second?

23 MS. SHEIPLINE: Second.

24 CHAIRMAN TANEFF: Any board member comments or
25 discussion? Closed.

1 Roll call, please.

2 MS. FLANERY: Ms. Benfer?

3 MS. BENFER: Yes.

4 MS. FLANERY: Dr. Gupta?

5 DR. GUPTA: Yes.

6 MS. FLANERY: Mr. Taneff?

7 CHAIRMAN TANEFF: Yes.

8 MS. FLANERY: Mr. Thompson?

9 MR. THOMPSON: Yes.

10 MS. FLANERY: Mr. Penzone?

11 MR. PENZONE: Yes.

12 MS. FLANERY: Ms. Sheipline?

13 MS. SHEIPLINE: Yes.

14 MS. FLANERY: Mr. Hanks?

15 MR. HANKS: Yes.

16 MS. FLANERY: Ms. Osterhage?

17 MS. OSTERHAGE: Yes.

18 CHAIRMAN TANEFF: Okay. Next item on the agenda -- let's

19 see. Do we make the motion for executive session now?

20 MR. THOMPSON: I'll make it here now.

21 CHAIRMAN TANEFF: Okay.

22 MR. THOMPSON: A motion to enter into executive session

23 pursuant to RC 121.22 (G)(1) for the purpose of considering

24 employment, employment dismissal, discipline, promotion,

25 demotion, compensation of a public employee.

1 MS. OSTERHAGE: Second.

2 CHAIRMAN TANEFF: Board member comments? Discussion?

3 And do we have to state before that who we want to come in?

4 DIRECTOR LOGSDON: I would, yeah. I would suggest that,
5 but you can have the votes first to go in --

6 CHAIRMAN TANEFF: Okay.

7 DIRECTOR LOGSDON: -- and then decide who you want to
8 stay and not stay. It has to be a yes/no vote, roll call.

9 CHAIRMAN TANEFF: Well, we have a motion and a second.
10 Are there any board member comments or discussion about going
11 into the executive session? Perhaps on who we want to be
12 there? Okay.

13 Roll call, please.

14 MS. FLANERY: Ms. Benfer?

15 MS. BENFER: Yes.

16 MS. FLANERY: Dr. Gupta?

17 DR. GUPTA: Yes.

18 MS. FLANERY: Mr. Taneff?

19 CHAIRMAN TANEFF: Yes.

20 MS. FLANERY: Mr. Thompson?

21 MR. THOMPSON: Yes.

22 MS. FLANERY: Mr. Penzone?

23 MR. PENZONE: Yes.

24 MS. FLANERY: Ms. Sheipline?

25 MS. SHEIPLINE: Yes.

1 MS. FLANERY: Mr. Hanks?

2 MR. HANKS: Yes.

3 MS. FLANERY: Ms. Osterhage?

4 MS. OSTERHAGE: Yes.

5 CHAIRMAN TANEFF: It's now --

6 DIRECTOR LOGSDON: 1:05 -- I'm sorry. 2:05.

7 CHAIRMAN TANEFF: 2:05. We're going to ask everybody to
8 step out for a few minutes; and then, hopefully, we'll
9 reconvene very shortly and have you back in and close up this
10 meeting.

11 MS. OSTERHAGE: Do we know who we want to stay and take a
12 vote?

13 MS. FLANERY: You don't have to vote on who you want to
14 stay.

15 MR. THOMPSON: For the executive session, all board
16 members, Director Logsdon and Counsel Barrera.

17 (Entered into executive session.)

18 DIRECTOR LOGSDON: Ma'am, for the transcript, we came out
19 of executive session at 2:25 p.m.

20 CHAIRMAN TANEFF: Motion to adjourn?

21 MR. THOMPSON: First.

22 CHAIRMAN TANEFF: And do we have a second?

23 MR. HANKS: Second.

24 MR. THOMPSON: Board member comments or discussions?

25 Closed.

1 Roll call, please.
2 MR. HANKS: Steve made the motion.
3 CHAIRMAN TANEFF: And you seconded it? Okay.
4 MS. FLANERY: Ms. Benfer?
5 MS. BENFER: Yes.
6 MS. FLANERY: Dr. Gupta?
7 DR. GUPTA: Yes.
8 MS. FLANERY: Mr. Taneff?
9 CHAIRMAN TANEFF: Yes.
10 MS. FLANERY: Mr. Thompson?
11 MR. THOMPSON: Yes.
12 MS. FLANERY: Mr. Penzone?
13 MR. PENZONE: Yes.
14 MS. FLANERY: Ms. Sheipline?
15 MS. SHEIPLINE: Yes.
16 MS. FLANERY: Mr. Hanks?
17 MR. HANKS: Yes.
18 MS. FLANERY: Ms. Osterhage?
19 MS. OSTERHAGE: Yes.

20 - - -
21 And, thereupon, the hearing was concluded at
22 approximately 2:26 p.m.

23 - - -

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

My commission expires on February 13, 2016.

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