
OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF April 14, 2015

REGULAR BUSINESS MEETING

TRANSCRIPTION NOTE (Exhibit A):

Anderson Reporting Service, 3242 West Henderson Road, Suite A, Columbus, OH 43220 was the transcription service for this meeting. Transcript is attached as Exhibit A.

MEMBERS IN ATTENDANCE (Exhibit B):

Thomas Taneff, Chairman

Steve Thompson

Valerie Benfer

Luke Hanks

Charles Penzone

Tasha Sheipline

Clara Osterhage

Shalini Gupta, M.D. (arrived at 1:24 PM)

Staff in attendance:

Christopher H. Logsdon, Executive Director

Lori Pearson, Program Administrator 2

Lori Flanery, Administrative Assistant

Assistant Attorney General in Attendance:

Federico G. Barrera, III, Assistant Attorney General

Others in Attendance:

Tori Dawson, Student

Debbie Moore, Paramount Beauty

Liz Spencer, Moler Pickens Beauty Academy

Bunny Neal, CDHS

Elizabeth Murch, OSA

Emily Harrison, Kenneth's

Bobby Lott, Salon Schools

Don Yearwood, OACS

Carey Tocash, PCTC

Agenda item #1: CALL MEETING TO ORDER (Exhibit C)

Mr. Taneff called the meeting order at 1:00 pm.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and seven members were present. Having noted a majority of members were present, Mr. Taneff proceeded to conduct business. Dr. Gupta was not present during roll call, but later arrived at 1:24 PM.

Agenda item 1b: Pledge of Allegiance to the Flag of the United States of America

Following the roll call, Mr. Taneff asked members to stand and recite the Pledge of Allegiance to the Flag of the United States of America. Members and audience rose and recited the Pledge of Allegiance.

Agenda item 1c: Approval of Meeting Agenda (Exhibit C)

Motion #1: Mr. Hanks moved to approve the meeting agenda for the April 14, 2015 Board meeting. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – 0.

Agenda item #2: APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit D)

Agenda item 2a: Approval of Previous Meeting Minutes

Mr. Taneff moved to approve of the March 10, 2015 meeting minutes.

Motion #2: Ms. Osterhage moved to approve the March 10, 2015 meeting minutes. Ms. Sheipline seconded the motion. Discussion: None Roll call vote taken - motion carried: 7 – Yes.

Agenda item #3: OFFICER AND STAFF REPORTS

Agenda item 3a: Chairperson's Report

Mr. Taneff had no report.

Agenda item 3B: Executive Director's Report (Exhibit E)

Mr. Logsdon submitted a written report. He verbally reviewed the following issues:

1. FY 2015 Financial Report – Mr. Logsdon reported that the agency's payroll obligations for the third quarter were greater than planned, funds were transferred to account for the shortfall. Mr. Logsdon reported fourth quarter payroll costs would be within budget.
2. Mr. Logsdon reported that the Human Trafficking continuing education initiative was completed and ready for production.
3. Mr. Logsdon reported the Board testified on March 18, 2015 before the Ohio House of Representatives Transportation Finance Sub-committee. Senate Committee assignments had not yet been released.
4. Mr. Logsdon reported that the Tanning Services consent rules under H.B. 131 were filed with the Office of Common Sense Initiative.
5. Mr. Logsdon reported the Board has two open positions on its roster: one inspector position and one customer service position (James Whipple, Retired).
Discussion: Mr. Taneff stated Mr. Whipple had Thirty-Two years of service.
6. Mr. Logsdon reported LeanOhio representatives were going to be holding an introductory meeting with Board managers on April 29, 2015.

Motion #3: Ms. Osterhage moved to approve the Executive Director's report. Ms. Shepline seconded the motion.

Discussion: None Roll call vote taken - motion carried: 7 – Yes.

Agenda item #4: COMMITTEE REPORTS

Agenda item 4a: Administrative Action Committee Report (Exhibit F)

Mr. Taneff asked Mr. Logsdon to present the Administrative Action Committee (ARC) Report. Mr. Logsdon reviewed the report. Mr. Logsdon reported that the ARC met at 11:33 a.m. prior to the board meeting. Mr. Logsdon explained the purpose of the ARC and reminded members that Mr. Taneff's role on the committee is to affirm decisions on behalf of the Board. Mr. Logsdon stated, the ARC report summarizes the actions of the ARC and the appointed member's recommendation. The report, he stated, needs to be confirmed by vote of the Board.

Mr. Taneff informed the Board that the recommendations contained in the ARC report are based on unanimous agreement of the members of the ARC. Mr. Taneff also informed members that he sits on the funeral board and they use a similar process.

Mr. Shepline voiced her support for the process. Ms. Shepline stated that the process shows that the Board wants to get all of the facts.

Motion #4: Mr. Penzone moved to confirm the Administrative Action Committee (ARC) Report, as referenced hereto by attachment to the minutes of the Board, and Mr. Taneff's actions taken on behalf of the Board contained therein pursuant to his authority under resolution #1, March 10, 2015. Ms. Osterhage seconded the motion. Discussion: Ms. Osterhage inquired about

the content of the ARC report, specifically the meaning of the general categories contained in the report. Mr. Logsdon confirmed the report was divided into classifications based on type: case closures, case closure review, notice of opportunity for hearing review, and notice of opportunity for hearing amendments. Mr. Taneff asked Mr. Logsdon to expound upon the economics of moving forward with a case without sufficient cause. Mr. Logsdon stated the Board must assume any Notice of Opportunity for Hearing can result in a full hearing, which is expensive. Ms. Osterhage added that the respondent may also incur expense to hire an attorney. Mr. Logsdon added that Board Orders can also be appealed to a higher adjudicatory body. Mr. Logsdon answered questions from members concerning the categories of items contained in the ARC report. Ms. Osterhage asked specific questions about cases where a Notice of Opportunity for Hearing and Settlement Agreement had been offered. Ms. Osterhage expressed concern regarding how often the ARC meets, since individuals often sign Settlement Agreement, rather than pay a larger fine. Mr. Logsdon noted Ms. Osterhage's concerns regarding an individual's motivation to sign a Settlement Agreement, but stated he must assume an individual is admitting to all facts when signing a Settlement Agreement. Mr. Taneff reiterated his concern regarding the expense of a hearing, noting that a Pro Se hearing could be even more expensive, because they are more time consuming. Mr. Logsdon pointed out that the ARC must have a compelling reason to review a case and not all cases are reviewed in the ARC arena.

Mr. Taneff asked Mr. Logsdon to share his perspective on the inspection process. Mr. Logsdon stated that he has made his positions known in the Board's Strategic Plan, stating the Board must balance appropriate regulation of the industry against the negative impact of regulation. Mr. Logsdon reviewed the Board's move toward reasonable inspection standards. Mr. Penzone stated that his own philosophical position has always been, "Let's be practical." Mr. Penzone stated he does not believe the function of the Board should be to impede the industry's ability to earn a livelihood. Mr. Penzone inquired about the three most popular violations. Mr. Logsdon responded that in the short time, he had been associated with the Board, sanitation, unlicensed practice, and working without an independent contractor license was very common. Mr. Penzone stated he continues to wonder, after 17 years on the Board, why there's a need for an independent contractor's license. Mr. Penzone stated he is not for deregulation, but less regulation. Mr. Logsdon stated that he would continue to enforce the laws that exist and he will support the statutes; however, the decisions regarding enforcement are really left to the Board. Mr. Penzone inquired about where the law states specific enforcement. Mr. Logsdon stated the statutes define what constitutes a violation and what the Board may do as a result of a violation. Mr. Logsdon stated the fact that a violation occurred is not the question. Mr. Logsdon stated the Board must decide whether they wish to enforce the penalty for the violation. Mr. Penzone gave a hypothetical violation and a hypothetical sanction and asked if the Board could impose such a sanction. Mr. Logsdon summarized that it is the Board's discretion on how to enforce sanctions. Mr. Taneff stated that he would hope nothing would be overlooked in the administrative process and if something needs to be revisited, Mr. Taneff encouraged the Board to do so.

Ms. Osterhage stated she believed Mr. Penzone's points were well taken, but she expressed her desire to see more data. Ms. Osterhage stated that she does not know how many violations for sanitation issues, for example, are levied in a given month. Ms. Sheipline agreed, stating the Independent Contractor issue comes up often, which she concluded is a problem. Ms. Sheipline asked about the renewal process and the questions on the renewal application concerning employment status. Ms. Pearson stated the system is designed to respond based upon a person's selection.

Mr. Hanks reminded the Board that it is a body in place to support the law. Mr. Hanks stated he was concerned about not enforcing the current law and the potential risk associated with not doing so. Mr. Penzone disagreed. Mr. Taneff inquired if there were additional comments. Hearing none, he called the question.

Roll call vote taken - motion carried: 7 – Yes (Dr. Gupta arrived, but did not vote).

Agenda item 4b: Curriculum Committee Report

Ms. Osterhage gave a verbal report, stating the Curriculum Committee had met prior to the Board meeting. Ms. Osterhage stated the committee discussed the Board's 1200 hour license requirement for Hair Design and the Committee also discussed what curriculum would be needed for an individual to go on and get a 1500 hour license. Ms. Osterhage stated the committee discussed separate curriculums to permit someone to go from hair design to a full cosmetologist license. Ms. Osterhage reported

the draft curriculums were being developed and would be reviewed at the May meeting. Ms. Osterhage also reported the committee is discussing the manager's license and changing the curriculum so that it would be more meaningful.

Motion #5: Ms. Shepline moved to approve the Curriculum Committee report. Dr. Gupta seconded the motion.
Discussion: None. Roll call vote taken - motion carried: 8 – Yes.

Agenda item 4c: License Taskforce Report

Mr. Thompson did not have anything to report.

Agenda item #5: PUBLIC TESTIMONY

Mr. Taneff inquired about Taylor Pursel, Case#2015-218. Mr. Logsdon stated the individual had mailed a letter and requested that the Board receive the letter. Mr. Logsdon explained that the Board can consider the letter, but was not obligated to act. Mr. Penzone asked if she was fined for not having an Independent Contractor license. Mr. Logsdon stated he did not have the file. Mr. Penzone asked if the Board could review the matter in May. Dr. Gupta inquired about the process of obtaining an Independent Contractor license. Ms. Pearson reviewed the requirements. Mr. Taneff expressed concern regarding the possible fine for not having an Independent Contractor license versus the impact on the licensee. Mr. Logsdon agreed to pull the file for the Board.

No further business.

Agenda item #6 UNFINISHED BUSINESS

No unfinished business.

Agenda item #7: NEW BUSINESS

Agenda item 7a: Kimberly Washington, Request waiver from taking NHS theory examination

Mr. Taneff inquired if Ms. Washington was present. Hearing no one identified, he directed the Board members to Agenda item 7b.

Agenda item 7b: Form Approval – Out of State Application form (Exhibit G)

Ms. Pearson was asked to discuss the Form #COS-024, Out of State Application form. Ms. Pearson stated the form had been reviewed and updated in compliance with current laws and rules.

Motion #6: Mr. Thompson moved to approve Form #COS-024, Out of State Application form. Ms. Osterhage seconded the motion. Discussion: Mr. Hanks noted a typographical error. Mr. Penzone inquired if the Board could automatically issue a license to a person with two years of experience. Ms. Pearson addressed the question. Mr. Logsdon stated he did not know the statute well enough to address the question, but would research the issue. Mr. Penzone asked if the issue could be tabled pending additional discussion. Mr. Thompson declined withdrawing the motion. Ms. Osterhage inquired about the existing rule and Ms. Pearson noted the law and rule did not match. Mr. Logsdon acknowledged the questions from the members, but noted the form

presented is based upon the current laws and rules. He encouraged members to consider the current form. Roll call vote taken - motion carried: 8 – Yes.

Agenda item 7c: Hearing Examiner Report and Recommendation:

In the matter of Beauty, Inc., COSS.070822, Case #2014-899 (Exhibit H)

Motion #7: Ms. Osterhage moved to approve the hearing examiner's findings of fact in the matter of Beauty, Inc., COSS.070822, Case #2014-899. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

Motion #8: Ms. Osterhage moved to approve the hearing examiner's conclusions of law in the matter of Beauty, Inc., COSS.070822, Case #2014-899. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

Motion #9: Ms. Osterhage moved to approve the hearing examiner's recommended Order of the Board in the matter of Beauty, Inc., COSS.070822, Case #2014-899 to impose a \$400.00 fine. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

The Order will be entered upon the Board's journal and attached hereto as an exhibit to the proceedings.

In the matter of Tara Deem, COSM.077408, Case #2014-1065 (Exhibit I)

Motion #10: Mr. Thompson moved to approve the hearing examiner's findings of fact in the matter of Tara Deem, COSM.077408, Case #2014-1065. Ms. Osterhage seconded the motion. Discussion: Ms. Osterhage asked if the Board was sure she was operating as an Independent Contractor. Mr. Thompson stated the testimony indicates she was misled. Mr. Logsdon indicated he could not answer the question. Mr. Logsdon stated the matter went before a hearing examiner who evaluated the facts of the case. Mr. Logsdon reminded the Board that they could accept, reject, or amend any recommendation made by the hearing examiner. Roll call vote taken. Motion carried: 8 – Yes.

Motion #11: Ms. Osterhage moved to approve the hearing examiner's conclusions of law in the matter of Tara Deem, COSM.077408, Case #2014-1065. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

Motion #12: Ms. Osterhage moved to approve the hearing examiner's recommended Order of the Board in the matter of Tara Deem, COSM.077408, Case #2014-1065 to dismiss the allegations. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

The Order will be entered upon the Board's journal and attached hereto as an exhibit to the proceedings.

Agenda item 7d: Correction to Previously Approved Orders, item #1 (Exhibit J collective)

Motion #13: Ms. Osterhage moved to approve the corrections to Board Orders as listed as "Corrections Needed" on the COS-Issue Report NOV Business + Credential, dated April 1, 2015, specifically item #1, authorizing the violation citation to read:

OAC 4713-15-03(A)(2) Disinfectants shall be prepared fresh at least daily when the salon opens for business. Disinfectants shall be prepared more than once a day if the solution becomes diluted or soiled.

Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 - Yes.

The Orders of the Board shall become effective upon the date of mailing of the Order.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

Agenda item 7e: Board Orders to Approve Settlement Agreements (Items 2 – 84) (Exhibit K collective)

Motion #14: Ms. Osterhage moved to approve the Settlement Agreement Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated April 1, 2015 as items #2 - #84 and the Orders be journalized and attached hereto as exhibits. The motion was seconded by Ms. Shepline. Discussion: None. Roll call vote taken. Motion carried: 8 - Yes.

The Orders of the Board shall become effective upon the date of mailing of the Order.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

Agenda item 7f: Board Orders to Enforce Notice of Violation (Items 85 – 101) (Exhibit L collective)

Motion #15: Ms. Osterhage moved to approve the Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated April 1, 2015 as items #85 - #101 and the Orders be journalized and attached hereto as exhibits. The motion was seconded by Ms. Shepline. Discussion: None. Roll call vote taken. Motion carried: 8 - Yes.

The Orders of the Board shall become effective upon the date of mailing of the Order.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

Agenda item #8

EXECUTIVE SESSION

Motion #16: Mr. Thompson moved to go into Executive Session for the purpose of considering the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee pursuant to ORC 121.22(G)(1). Ms. Osterhage seconded the motion. Discussion: None. Roll call vote:

Valerie Benfer – Yes	Thomas Taneff – Yes
Steve Thompson – Yes	Charles Penzone – Yes
Tasha Shepline – Yes	Luke Hanks – Yes

Clara Osterhage – Yes Shalini Gupta, M.D. - Yes

Motion carried.

The Board went into executive session at 2:05 P.M. The Board returned to public session at 2:25 P.M.

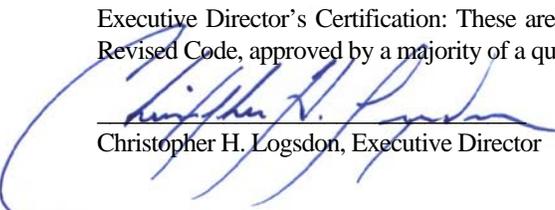
Agenda item #9

ADJOURNMENT

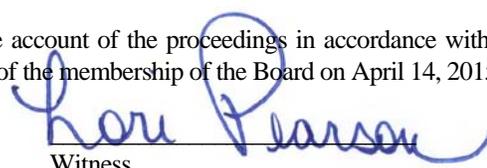
Motion #17: Mr. Thompson moved to adjourn. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken.
Motion carried: 8- Yes.

The meeting adjourned at 2:26 P.M.

Executive Director's Certification: These are a true account of the proceedings in accordance with Section 121.11 of the Ohio Revised Code, approved by a majority of a quorum of the membership of the Board on April 14, 2015.



Christopher H. Logsdon, Executive Director



Witness