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# OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF May 12, 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

Valerie Benfer

Luke Hanks

Charles Penzone

Tasha Sheipline

Shalini Gupta, M.D. (arrived at 1:14 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:**

Tim Hornsby, The Hornsby Group

Angela Hodges, the Hornsby Group

Bunny Neal, CDHS

Elizabeth Murch, OSA

Liz Spencer, Moler Pickens Beauty Academy

Bobby Lott, Salon Schools

Don Yearwood, OACS

Rosemary Gentry

Sue Carter Moore, SSG

Sharon Jemison

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

Mr. Taneff called the meeting to order at 1:01 pm.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and five 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 1:14 PM, making six the total number of members present.

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 May 12, 2015 Board meeting. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken - motion carried: 5 – 0.

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

Agenda item 2a: Approval of Previous Meeting Minutes

Motion #2: Mr. Penzone moved to approve the April 14, 2015 meeting minutes. Ms. Shepline seconded the motion. Discussion: None Roll call vote taken - motion carried: 5 – 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 he plans on completing the fiscal year well within the agency's budget allotment.
2. Mr. Logsdon reported that the Human Trafficking continuing education course became available to licensees on April 20, 2015. Mr. Logsdon reported that a notice was sent to all licensees by listserve. Additionally, Mr. Logsdon stated the office was looking into creating a DVD version of the course to distribute to career tech and private cosmetology schools.
3. Mr. Logsdon reported that the Board testified before the Senate Subcommittee on General Government on May 6, 2015. Mr. Logsdon stated the Ohio House of Representatives supported the Executive Budget recommendations and that he was hopefully the Senate would continue to support the same; however, a Senate version had not been drafted for conference committee at the time of his report.
4. Mr. Logsdon announced that the office had been engaged in meetings with the Ohio Department of Administrative Services, Real Estate Division, concerning the agency's 2-year lease contract for the current facility housing the agency. Mr. Logsdon stated negotiations with the current landlord was ongoing, characterized the outcome as uncertain. As a result, Mr. Logsdon stated he had begun looking a optional properties.
5. Mr. Logsdon reported the records retention review project had been complete and that he would be asking for Board approval to adopt the new records retention schedule listed under new business on the agenda.  
Discussion: Mr. Taneff stated Mr. Whipple had Thirty-Two years of service.
6. Mr. Logsdon reported the office had engaged LeanOhio and that LeanOhio staff would be meeting with the hime over the next week or so to address specific process and procedure objectives.
7. Mr. Logsdon reported that office IT staff was in the process of converting the agency's website to the State's servers, which would be behind the state's firewall and provide an upgraded production environment.
8. Mr. Logsdon reported that the examination update project for the basic cosmetology examination was moving along quite well. Mr. Logsdon stated the agency is looking into amending current questions and adding new questions to align the examination with current industry standards. Mr. Logsdon stated internal staff would complete the first review and then staff would seek stakeholder input.
9. Mr. Logsdon reported that the office would be holding its Career Tech Overview program on June 1, 2015.
10. Last, Mr. Logsdon reported that the office would begin a review of violation guidance document. Mr. Logsdon recommended that the Board form a Committee and appoint a few members to assist in the review.

Discussion: Mr. Penzone inquired if the Board had a quorum to conduct business. Mr. Logsdon reported five members were present, which represented a quorum. Mr. Barrera agreed. Following, Mr. Taneff voiced his support for reviewing the agency's violation guidance document in order to align the document with the agency's core objectives and that the Board balance the effect with limited impact.

Mr. Hanks voiced his desire to be in the group. Mr. Taneff inquired about how many members would be needed. Mr. Logsdon stated two members. Mr. Penzone agreed to participate.

Motion #3: Ms. Shepline moved to appoint Mr. Penzone and Mr. Hanks to a strategic planning committee on reviewing the Violation Guidance Document, as the recommendation is stated in the agency's 2015 – 2018 strategic plan. Ms. Benfer seconded the motion. Discussion: Mr. Taneff stated that he would like to attend the meeting. Roll call vote taken - motion carried: 5 – Yes.

Mr. Taneff noted for the record that Dr. Gupta had arrived. Time of arrival: 1:14 P.M.

Motion #4: Ms. Shepline moved to approve the Executive Director's report. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – 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 reported that the ARC met on May 5, 2015 at 3:10 p.m. to review case closures, current notices of opportunity for hearing and/or amendments. Mr. Logsdon explained that the cases listed in the ARC report were reviewed by the ARC members with a high degree of input on each case. The decisions made and contained in the report reflect the affirmation of the appointed member of the board. The ARC, Mr. Logsdon stated is seeking a vote confirming the actions contained in the ARC report.

Mr. Logsdon then reviewed each case.

Motion #5: 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. Benfer seconded the motion. Discussion: None.

Roll call vote taken - motion carried: 6 – Yes.

Agenda item 4b: Curriculum Committee Report

The committee chair was not present and there was no report provided.

Agenda item 4c: License Taskforce Report

The committee chair was not present and there was no report provided.

#### **Agenda item #5: PUBLIC TESTIMONY**

Open letter from Lou Anne Musick (Exhibit G)

Mr. Taneff asked if Ms. Lou Anne Musick was present. Mr. Logsdon stated the staff provided a letter from Ms. Musick. Mr. Logsdon stated the he could find no authority in the agency's rules to waive the fee requested. Mr. Logsdon stated that the Board could amend its rules; if it was determined that waiver was something that should be considered. Mr. Penzone inquired about how the Board could go about getting the authority to waive a fee. Mr. Logsdon recommended drafting a rule that contained specific conditions a person would need to meet to obtain a fee waiver, which would make, he stated, the application and decision process consistent. Mr. Penzone asked Mr. Logsdon if a waiver would be a good thing. Mr. Logsdon stated that in some cases it

would make sense, giving the example of unusual hardship. Mr. Logsdon recommended specific conditions to prevent one-off decisions than can lead to inconsistency. Mr. Penzone inquired how it could be accomplished. Mr. Logsdon explained the staff was engaged with members of the Board on amending a number of rules and that all the rules would be looked at over the next year.

Mr. Penzone inquired about having a quorum and if it needed to be two-thirds of the board present. Mr. Barrera stated it must be a majority of those appointed. Mr. Taneff stated five would be a majority.

No further business.

### **Agenda item #6 UNFINISHED BUSINESS**

Taylor Pursel, Case #2015-218 – Case Review (Exhibit H)

Mr. Logsdon stated the Board tabled the matter of Taylor Pursel, Case#2015-218 at the previous board meeting, after requesting additional information. Mr. Logsdon stated the Board requested the case file, which is presented. Mr. Taneff inquired if the licensee signed a consent agreement. Mr. Taneff confirmed the fine amount.

No further business.

### **Agenda item #7: OLD BUSINESS**

Agenda item 7a: Amendments to Policy Manual (Exhibit I)

Mr. Taneff asked Mr. Logsdon to comment on the matter. Mr. Logsdon first stated that the list contained in the meeting packet was amended, by changing the recommended actions on the agency's corrective action grid for insubordination and willful disobedience. Mr. Logsdon stated the Board had approved the policy manual on March 10, 2015; however, afterwards the Office of Collective Bargaining and the Ohio Civil Service Employees Association have suggested a few changes, which are listed on the amendment document presented.

Motion #6: Mr. Hanks moved to approve the amendments to the policy manual approved on March 10, 2015, and attached hereto as an exhibit. Ms. Shiepline seconded the motion. Discussion: None. Motion carried: 6 – Yes.

### **Agenda item #8: NEW BUSINESS**

Agenda item 8a: Retention Schedule Approval (Exhibit J)

Mr. Taneff asked Mr. Logsdon to present the matter. Mr. Logsdon stated the associated document represents the recommendations of staff following a complete review of the agency's current records retention schedule. Mr. Logsdon explained that a retention schedule is required for all records created, held, and maintained in the ordinary course of business. The records retention schedules presented include a review of all the current schedules. Mr. Logsdon stated a number of schedules were found to be obsolete, some need to be amended to reflect the current methodology of storage, such as electronic scanning. The schedules presented, he stated, would also need the approval of the Ohio Department of Administrative Services, the Ohio Auditor's Office, and the State archivist.

Motion #7: Ms. Sheipline moved to approve the records retention schedule summary attached to the Board journal by exhibit reference. Dr. Gupta seconded the motion. Discussion: None. Motion carried: 6 – Yes.

#### Agenda item 8b: Pre-schedule Policy and Procedure

Mr. Logsdon explained that the Board has an unwritten policy called pre-scheduling, which would allow the staff to pre-schedule career tech school students for an examination. Over time, staff, Mr. Logsdon stated, have recognized that the policy is problematic, particularly because cancellations lockup positions that cannot be filled. The Board, he stated, is not filling its examination seats to their potential. Mr. Logsdon stated that he is recommending the Board eliminate the policy.

Motion #8: Mr. Penzone moved to approve terminating the pre-schedule program. Ms. Benfer seconded. Discussion: Ms. Scheipline stated that the policy had been reviewed for some time and it was taken away and then brought back. Ms. Sheipline stated it works well for some schools, but for others it pushes back the examination date. Ms. Sheipline stated it creates open examination seats. Ms. Sheipline stated that it is not an easy decision to make, but she believes the motion is in the best interests of the majority. Motion carried: 6 – Yes.

#### Agenda item 8c: Hearing Examiner Report and Recommendation:

In the matter of Q Nails, MANS.060868, Case #2014-1160 (Exhibit K)

Motion #9: Ms. Sheipline moved to approve the hearing examiner's findings of fact in the matter of Q Nails, MANS.060868, Case #2014-1160. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #10: Mr. Penzone moved to approve the hearing examiner's conclusions of law in the matter of Q Nails, MANS.060868, Case #2014-1160. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #11: Mr. Penzone moved to approve the hearing examiner's recommended Order of the Board in the matter of Q Nails, MANS.060868, Case #2014-1160 to impose a \$500.00 fine and a 14-day suspension. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

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

#### Agenda item 8d: Correction to Previously Approved Orders, items #1 - #3 (Exhibit L collective)

Motion #12: Ms. Sheipline moved to approve the corrections to Board Orders as listed as "Corrections Needed" on the COS-Issue Report NOV Business + Credential, dated April 28, 2015, specifically items #1 - #3, and the Orders to be journalized and attached hereto as an exhibit. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 - 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 8e: Board Orders to Approve Settlement Agreements (Items #4 - #73)  
(Exhibit M collective)

Motion #13: Ms. Sheipline moved to approve the Settlement Agreement Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated April 28, 2015 as items #4 - #73 and the Orders to be journalized and attached hereto as an exhibit. The motion was seconded by Ms. Benfer. Discussion: None. Roll call vote taken. Motion carried: 6 - 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 8f: Board Orders to Enforce Notice of Violation (Items #74 - #96) (Exhibit N collective)

Motion #14: Ms. Sheipline moved to approve the Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated April 28, 2015 as items #74 - #96 and the Orders be journalized and attached hereto as exhibits. The motion was seconded by Ms. Benfer. Discussion: None. Roll call vote taken. Motion carried: 6 - 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 #9 EXECUTIVE SESSION**

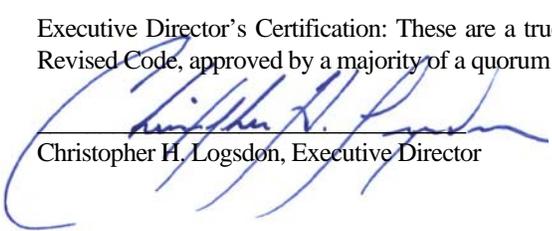
None.

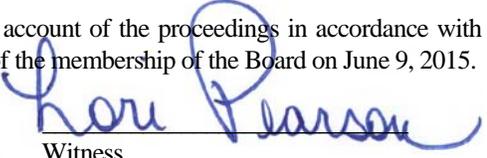
**Agenda item #10 ADJOURNMENT**

Motion #15: Mr. Penzone moved to adjourn. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes.

The meeting adjourned at 1:45 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 June 9, 2015.

  
Christopher H. Logsdon, Executive Director

  
Witness