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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 August 11, 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

Steven Thompson, Vice Chairman

Valerie Benfer

Luke Hanks

Tasha Shepline

Shalini Gupta, M.D. (arrived at 1:09 PM)

Clara Osterhage

Charles Penzone

**Staff in attendance:**

Christopher H. Logsdon, Executive Director

Lori Pearson, Program Administrator 2

Lori Flanery, Program Administrator 1

**Assistant Attorney General in Attendance:**

Federico G. Barrera, III, Assistant Attorney General

**Others in Attendance:**

Theresa Vogel, Tiffin Academy

Jean Wolf, State Beauty

Michele Davis, ELHS

Vincenzo Tamaro, Paul Mitchell

Sherry Curry, Knox Co. Career Center

Jessica Riscili, PMTS

Denise Russo,

Angela Hodges, Tri County Beauty College

Tim Hornsby, Tri-County Beauty College

Elizabeth Murch, Ohio Salon Association

Barb Bader, Brown Aveda Institute

Alison Yockey

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

Mr. Taneff called the meeting to 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 1:09 PM, making a total number of eight 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: Ms. Osterhage moved to approve the meeting agenda for the August 11, 2015 Board meeting. Mr. Thompson 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**

Motion #2: Mr. Penzone moved to approve the July 14, 2015 meeting minutes. Mr. Hanks seconded the motion. Discussion: Ms. Osterhage noted an error on page 3 of the draft meeting minutes, stating Mr. Yearwood's name appeared twice

on the attendance list. Mr. Logsdon noted the error and stated he would correct it. No further discussion. Roll call vote taken - motion carried: 7 – Yes.

### **Agenda item #3: OFFICER AND STAFF REPORTS (Exhibit E)**

#### **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. Mr. Logsdon stated the Executive Director's report had been modified from the version mailed to each member in advance of the meeting. He verbally reviewed the following issues:

1. FY 2016 Financial Report – Mr. Logsdon reported that it was a new fiscal year (FY 2016) and there were relatively few expenditures to report.
2. Mr. Logsdon reported a supplementary adjustment being made to the FY 2016/2017 budget due to the costs of the OCSEA contract wage increases and the parity provision contained in H.B. 64 for exempt staff. Mr. Logsdon stated that most, but not all costs will be addressed through the supplement to the budget.
3. Mr. Logsdon reported that although he had promised the Board he would have draft changes for Ohio Administrative Code Chapters 4713-3, 4713-5, and 4713-7 completed, the final drafts are not yet perfected. Mr. Logsdon stated the staff is looking at these rules for clarity, organization, justification of content. During the drafting process, Mr. Logsdon reported a few new issues were discovered that require additional time.
4. Mr. Logsdon reported that the tanning rules were filed with JCARR and a public hearing is scheduled for August 17, 2015.
5. Mr. Logsdon reported that a Lean Ohio Kaizen event had been scheduled for September 21, 2015. The agency will be reviewing its license issuance and renewal process, followed by inspection and administrative action processes.

Discussion: Ms. Osterhage inquired what agency performs the Kaizen event. Mr. Logsdon stated DAS has a division called Lean Ohio that is staffed by qualified representatives from various agencies.

Mr. Logsdon continued with his report, stating the agency has adopted a theme for the event – “If it's not broke, break it.” Mr. Logsdon explained that each process will be completely de-constructed and then reconstructed.

6. Mr. Logsdon reported that the Board has selected a person to fill the open inspector position for eastern/southeastern Ohio. Mr. Logsdon introduced, Ms. Megann Knapp and provided a brief review of Ms. Knapp's background.
7. Mr. Logsdon stated he would begin drafting the agency's annual report over the next month. Mr. Logsdon stated that the report is an opportunity for the Board to report on its accomplishments and discuss recommendations for improving the regulation of the industry. Mr. Logsdon encouraged members to begin thinking about recommendations and things the members would like to seek contained in the report.

Dr. Gupta arrived at 1:09 p.m.

8. Last, Mr. Logsdon reported that the State of Ohio has begun a process of replacing its current electronic licensure database system. Mr. Logsdon stated that this is a multi-million dollar investment to update the licensing system for all of Ohio's Boards and Commissions. Mr. Logsdon stated the new system will significantly modify the existing business rules, including, in time, moving the Board toward electronic applications. Mr. Logsdon stated the contract vendor has been working with three Board during phase 1, development. To prove the development

methodology, the Cosmetology Board has been chosen for phase 2 with the intent to completely onboard a larger board with multi-tiered licensing and inspection processes. Mr. Logsdon stated that the staff members will be fully dedicated to this processes, which he said will consume a lot of time and effort.

Motion #3: Mr. Thompson moved to approve the Executive Director's report. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 – 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 August 5, 2015 to review case closures, proposed notices of opportunity for hearing amendments, proposed notices of opportunity for hearing withdrawals, proposed corrections to Board Orders, and Consent Agreements. Mr. Logsdon reviewed each case listed in the ARC report.

*\*Names and identifying information was redacted from the Administrative Action Report. For the purpose of discussion, matters were referred to only by case number and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes where specific reference or motion is entered upon the board's journal.*

Motion #4: Ms. Osterhage 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. Mr. Penzone seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 8 – Yes.

Motion #5: Ms. Osterhage moved to approve the issuance of a Cease and Desist Letter in the matters of case #2015-600 (Nail Club) and case #2015-507 (World Salon). Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 8 – 0.

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

##### **Alison Yockey**

Ms. Yockey introduced herself and gave her address for the record. Ms. Yockey stated she was appearing before the Board to obtain a duplicate license. Ms. Yockey explained she had misplaced her license.

Ms. Pearson explained that a person is allowed to request a duplicate license, but not more and Ms. Yockey has already been provided a duplicate license.

Discussion: Mr. Penzone inquired if Ms. Yockey has already received one duplicate license. Ms. Pearson affirmed she had. Mr. Penzone asked if she was requesting an addition duplicate. Ms. Yockey affirmed she was. Mr. Taneff summarized that this would be her third license issued.

Motion #5: Mr. Penzone moved to issue Ms. Yockey another duplicate license. Ms. Osterhage seconded the motion. Discussion: Mr. Hanks reminded members that the rule on issuing a single duplicate license exists for a reason and care should be taken when considering requests; however, Mr. Hanks noted the Board is looking into the mobility of licenses and would not be opposed to the motion, but instructed Ms. Yockey to take care of her license. Ms. Osterhage stated her licensing status is the most

important issue. Mr. Penzone inquired if a salon had possession of her duplicate. Ms. Yockey stated it was her fault. No further discussion. Roll call vote taken - Motion carried: 8 – 0.

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

None.

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

None.

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

#### **Agenda item 8a: Resolution to employ staff (Exhibit G)**

Mr. Taneff inquired if it was the recommendation of the Executive Director to approve the resolution. Mr. Logsdon affirmed it was his recommendation.

Motion #6: Mr. Hanks moved to approve the following resolution:

**WHEREAS, the Board is authorized under O.R.C. 4713.06 to employ staff as necessary to administer Chapter 4713 of the Revised Code, and**

**WHEREAS, pursuant to approved policy 2 – III, Appointment of Executive Director and Delegated Duties, the Board has authorized the Executive Director to employ office staff as necessary to carry out the Board’s responsibilities under Chapter 4713 of the Revised Code, and**

**WHEREAS, the Executive Director has identified a need to fill an open Inspector position,**

**BE IT RESOLVED, that the Board affirms the employment of Megann Knapp for the position of Inspector.**

Mr. Penzone seconded the motion. Discussion: Mr. Penzone asked Ms. Knapp, “At which school did you teach?” Ms. Knapp stated, “Regency Beauty Institute at Graceland.” No further discussion. Roll call vote taken - Motion carried: 8 – 0.

#### **Agenda item 8b: Policy approval: Unlicensed practice violations (Exhibit H)**

Mr. Taneff asked Mr. Logsdon to present the matter. Mr. Logsdon stated that he had been working with the Administrative Action team since he began and process consistency has been a focus. Mr. Logsdon described the agency response to unlicensed activity as an area that has not been consistent. Mr. Logsdon described the current practice of issuing fines, but not getting the resolution expected. Mr. Logsdon stated the recommended policy creates a process to address unlicensed practice. Mr. Logsdon stated the goal was to bring salons and persons into compliance with the law.

Motion #7: Ms. Sheipline moved to approve Investigation Policy 1.01, Unlicensed Practice Policy and enter the policy upon the Board’s Journal by reference. Mr. Hanks seconded the motion. Discussion: Ms. Osterhage inquired about the italicized text. Mr. Logsdon stated the italicized text was current law. Ms. Osterhage stated that she was unfamiliar with Section (E) of

ORC 4713.14. Ms. Osterhage stated her understanding that a person holding a basic license could manage a salon. Ms. Osterhage stated ORC 4713.14 (E) is misleading and puts “salons” in a difficult place if people are in manager roles and do not have a manager’s license. Ms. Osterhage asked Mr. Logsdon to research the language further. Mr. Penzone stated the issue is moot, if someone on premises has a manager’s license. Ms. Osterhage reiterated her concern. Mr. Logsdon stated his intent with the verbiage in the policy was to simply state existing law. Mr. Logsdon indicated that he would be happy to request guidance from the Ohio Attorney General’s office concerning the language or, if the board would like at some point, an opinion request could be filed. Mr. Hanks stated the language has been around since 2003 and he does not necessarily need to have an interpretation. Ms. Osterhage stated the language reads that a person could not manage a salon without a manager’s license. Ms. Osterhage again asked Mr. Logsdon to look further in to the issue. Mr. Logsdon stated he would be happy to do so. No further discussion. Roll call vote taken - Motion carried: 8 – 0.

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

None.

**Agenda item 8d: Correction to Previously Approved Orders**

None.

**Agenda item 8e: Board Orders to Enforce Notice of Violation (Items #1 – #11) (Exhibit I)**

**In the matter of item #1, case #201566 (Exhibit J)**

Mr. Logsdon explained that item #1, Case #2015-66 involves a discretionary action of the Board, and he recommends a separate motion. Ms. Osterhage inquired if the matter involved a fourth occurrence. Mr. Hanks noted the violation lists ORC 4713.14 (C) in its entirety. Ms. Pearson confirmed it was a fourth occurrence of unlicensed practice. Ms. Osterhage again confirmed it was a fourth occurrence. Ms. Pearson confirmed the individual did not have a license. Ms. Osterhage stated a motion and then clarified it was to Revoke the license.

Motion #8: Ms. Osterhage moved to approve an Order to Revoke the license in the matter of Case #2015-66, COSM.974925 (Lakeysha L. Harris) as listed on the “COS-Issue Report NOV Business + Credential” dated 1/29/2014 to 7/29/2015 as item #1 and the Order to be journalized and attached hereto as an exhibit.

Discussion: Mr. Penzone inquired if the Board could revoke a license that was lapsed. Dr. Gupta also inquired the same. Mr. Logsdon stated the Board’s counsel could speak to the issue, but he would argue that a person with a lapsed license still holds a license. Mr. Logsdon continued stating a person, in his opinion, working in a licensed profession without a license is working under the color of licensure, because the statute says the board may revoke the license of a person if the person is violating the statute through the performance of the service. Mr. Penzone asked if it was a lapsed license. Mr. Logsdon affirmed it was a lapsed license.

Mr. Penzone seconded the motion. Roll call vote taken - Motion carried: 8 – Yes.

The Order 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.

**In the matter of items #2 through #11 (Exhibit K collective)**

Motion #9: Ms. Osterhage moved to approve the Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated 1/29/2014 to 7/29/2015 as items #2 through #11 and the Order to be journalized and attached hereto as an 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 8f: Board Orders to Approve Settlement Agreements (Items #12 – #57) (Exhibit L collective)**

Motion #10: Ms. Osterhage moved to approve the Settlement Agreement Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated 1/29/2014 to 7/29/2015 as items #12 through #57 and the Orders to 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 #9 EXECUTIVE SESSION**

None.

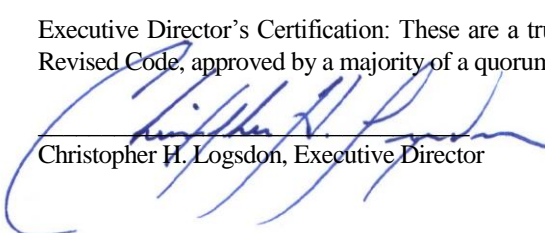
**Agenda item #10 ADJOURNMENT**

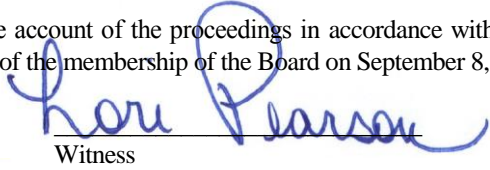
Mr. Penzone inquired if members had received his email that contained "Occupational Licensing, a Framework for Policy Makers." Mr. Penzone encouraged members to review the report and to place the issue on the agenda in September.

Motion #11: Ms. Osterhage moved to adjourn. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8- Yes.

The meeting adjourned at 1:38 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 September 8, 2015.

  
Christopher H. Logsdon, Executive Director

  
Witness