
OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF September 8, 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

Luke Hanks

Shalini Gupta, M.D. (arrived at 1:13 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:

Elizabeth Murch, Ohio Salon Association

Bernadine P. Neal, CDHS

Emily Harrison, Kenneth's

Don Yearwood, OALS

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 1:13 PM, making a total number of six 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 September 8, 2015 Board meeting. Mr. Thompson seconded the motion. Discussion: Mr. Penzone inquired about agenda item 8a, asking that the rules under review be tabled pending Ms. Shepline's response. Ms. Osterhage agreed. Mr. Logsdon explained that the rule drafts would be reviewed by the board again. Mr. Taneff recommended reviewing the rule drafts once and so voiced his support for tabling the matter.

Subsidiary motion: Mr. Penzone moved to amend the main motion by tabling agenda item 8a. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 5 - 0.

Main motion: Roll call vote taken - main motion, as amended, carried: 5 - 0.

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

Agenda item 2a: Approval of Previous Meeting Minutes

Motion #2: Ms. Osterhage moved to approve the August 11, 2015 meeting minutes. Mr. Thompson seconded the motion. Discussion: Ms. Osterhage noted an error on page 7 of the draft meeting minutes, stating the word "manager" was spelled wrong. Mr. Logsdon noted the error and stated he would correct it. No further discussion. Roll call vote taken - motion carried: 5 - 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. He verbally reviewed the following issues:

1. FY 2016 Financial Report – Mr. Logsdon reported fiscal year 2016 (FY 2016) expenditures were currently unremarkable.
2. Mr. Logsdon reported the agency was awaiting a supplementary budget adjustment for FY 2016/2017 due to the costs of the OCSEA contract wage increases and the parity provision contained in H.B. 64 for exempt staff.
3. Mr. Logsdon reported that the office is delaying the LEAN Ohio, Kaizen event pending completion of the elicense 3.0 project.
4. Mr. Logsdon reported that the tanning rules went before JCARR on August 17, 2015.
5. Mr. Logsdon gave a project update on the 2015 Annual Report, the Private School Overview, updating the Board's Investigation policy manual, and staff training on the new Violation Guidance Matrix.

Motion #3: Ms. Osterhage moved to approve the Executive Director's report. Mr. Penzone seconded the motion. Discussion: Ms. Osterhage inquired if it would be possible to include monthly violation information. Mr. Logsdon stated it was possible, but that he had intended on providing the data on a quarterly basis based upon the significance of monthly differences. Roll call vote taken - motion carried: 5 – Yes.

Agenda item 3c: Policy Coordinator Report (Exhibit F)

Ms. Meeks submitted a written report. She verbally updated the Board on the agency's efforts to update the examinations for each branch of cosmetology. Ms. Meeks reported that the agency has completed updates on the basic cosmetology examination and has tested the new questions with stakeholder input groups. Ms. Meeks stated the process is going well and the next examination being reviewed is the Esthetics examination. Discussion: Mr. Penzone inquired about the availability of the new content for his review. Mr. Logsdon stated he would look into the matter.

Dr. Gupta arrived at 1:13 p.m.

Agenda item #4: COMMITTEE REPORTS

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

Mr. Taneff asked Mr. Logsdon to present the Administrative Action Committee (ARC) Report. Mr. Logsdon reported that the ARC met on September 2, 2015. 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. Thompson seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 6 – Yes.

Motion #5: Ms. Osterhage moved to approve the issuance of a Cease and Desist Letter in the matters of case #2015-630 (Design One) and case #2015-677 (Donna M. Smedley). Dr. Gupta seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – 0.

Agenda item #5: PUBLIC TESTIMONY

Bernadine Neal

Ms. Neal asked to address the rules on schools that the Board moved to table until the next meeting. Ms. Neal stated that the new rules are taking away from teaching, in career technical schools. Ms. Neal stated, “we’ve” gotten away from the Board supporting teachers, as far as they need assistance in taking new classes, needing help with teaching, curriculum, and lesson plans. Ms. Neal stated “we” are following the same path as private schools. Ms. Neal stated the rules are taking away from the program, because they will require more dictating of hours when her program is designed around the Columbus Public School system. Ms. Neal reviewed the challenges and responsibilities a career technical school face. Ms. Neal stated the new rules will take away from their primary goal to educate students.

Mr. Taneff asked that the record reflect Ms. Neal is a past, fellow member of the Ohio State Board of Cosmetology.

Agenda item #6 UNFINISHED BUSINESS

None.

Agenda item #7: OLD BUSINESS

None.

Agenda item #8: NEW BUSINESS

Agenda item 8a: Rule Review – tabled

Agenda item 8b: Occupational licensing: A framework for policymakers

Mr. Taneff asked Mr. Logsdon to present the matter. Mr. Logsdon stated that the document is on the Board's agenda at the request of member Penzone during the August 2015 Board meeting. Mr. Logsdon stated the document is quite extensive, as it attempts to consider regulation of all professions, not just cosmetology. Mr. Logsdon stated the document makes recommendations concerning licensing in the United States beginning with what professions need regulation, what the requirements for licensing are in each state, the variability of standards, and how professionals move across state lines.

Mr. Penzone stated he would like the members to review the document and be prepared to review it at the November meeting. Ms. Osterhage stated she had reviewed the document and believes the issues raised are accurate and the Board and the industry need to be prepared to address the issues. Ms. Osterhage pointed to reciprocity and the ability to move freely across state lines, which impacts a person's ability to earn an income. Also, Ms. Osterhage discussed the Gainful Employment Act and its effect on the industry. Ms. Osterhage reported that some sources predict the Gainful Employment Act may result in the closure of 30 to 40 percent of private schools. Ms. Osterhage urged members to become more educated and act as advocates for private schools. Ms. Osterhage stated governments were going to begin looking at certification rather than licensure for some professions and industries. Mr. Hanks agreed, stating there was a message difference between the report and the message coming from the U.S. Department of Education. Mr. Hanks agreed that reciprocity was a huge issue. Mr. Hanks also asserted the impact of the Gainful Employment Act will affect more than just private schools. Mr. Hanks summarized the potential impact of the Gainful Employment Act as alarming. Ms. Osterhage agreed, giving an example of the impact of only 15 – 20 private school closings. Mr. Hanks stated his concern that de-regulation was where these recommendations were heading. Ms. Osterhage provided another example concerning the differences in the number of hours of training required in each state.

Mr. Penzone inquired about the number of students taking the state examination from career technical schools and private schools. Ms. Pearson replied she would need to run a report. Mr. Penzone concluded the impact of school closings would be significant regardless of the type of program.

Agenda item 8c: Hearing Examiner Report and Recommendation:

In the matter of Jamie L. Kuhlwein, MANM.953899, Case #2015-033 (Exhibit H)

Motion #6: Ms. Osterhage moved to approve the hearing examiner's findings of fact in the matter of Jamie L. Kuhlwein, MANM.953899, Case #2015-033. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #7: Ms. Osterhage moved to approve the hearing examiner's conclusions of law in the matter of Jamie L. Kuhlwein, MANM.953899, Case #2015-033. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #8: Ms. Osterhage moved to approve the hearing examiner's recommended Order of the Board in the matter of Jamie L. Kuhlwein, MANM.953899, Case #2015-033 to impose a \$250.00 fine. Dr. Gupta 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.

In the matter of 41st Street Tanning Co., TAN.051085, Case #2015-357 (Exhibit I)

Motion #9: Ms. Osterhage moved to approve the hearing examiner's findings of fact in the matter of 41st Street Tanning Co., TAN.051085, Case #2015-357. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #10: Ms. Osterhage moved to approve the hearing examiner's conclusions of law in the matter of 41st Street Tanning Co., TAN.051085, Case #2015-357. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #11: Ms. Osterhage moved to approve the hearing examiner's recommended Order of the Board in the matter of 41st Street Tanning Co., TAN.051085, Case #2015-357 to impose a \$1,250.00 fine. Mr. Penzone 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

In the matter of Bobbie Jean's Salon, COSS.100557, Case #2012-1567 (Exhibit J)

Motion #12: Ms. Osterhage moved to VACATE the Order of the Board in the matter of Bobbie Jean's Salon, COSS.100557, Case #2012-1567. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Agenda item 8e: Board Orders to Enforce Notice of Violation (Items #2 – #17) (Exhibit K)

In the matter of item #2, case #2015-561 (Exhibit L)

Motion #13: Ms. Osterhage moved to approve an Order to Revoke the license in the matter of Case #2015-561, MANS.100166 (Escape Spa & Nails) as listed on the "COS-Issue Report NOV Business + Credential" dated 8/25/2013 to 8/25/2015 as item #2 and the Order to be journalized and attached hereto as an exhibit.

Discussion: None

Dr. Gupta seconded the motion. Roll call vote taken - Motion carried: 6 – 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 #3 through #17 (Exhibit M collective)

Motion #14: Ms. Osterhage moved to approve the Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated 8/25/2013 to 8/25/2015 as items #3 through #17 and the Order to be journalized and attached hereto as an exhibits. Mr. Hanks 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 8f: Board Orders to Approve Settlement Agreements (Items #18 – #52) (Exhibit N collective)

Motion #15: Mr. Penzone moved to approve the Settlement Agreement Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated 8/25/2013 to 8/25/2015 as items #18 through #52 and the Orders to be journalized and attached hereto as exhibits. Ms. Osterhage seconded the motion. Discussion: Mr. Hanks inquired about item #18. Mr. Logsdon addressed the inquiry stating the sanction recommended in the case would be held in abeyance. 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

Ms. Osterhage moved to enter Executive Session pursuant to R.C. 121.22 (G)(1) for the purpose of considering the compensation of a public employee. Mr. Hanks seconded the motion. Discussion: None. Roll call vote:

Thomas Taneff - Yes

Steven Thompson - Yes

Luke Hanks - Yes

Charles Penzone - Yes

Shalini Gupta, M.D. - Yes

Clara Osterhage - Yes

Motion carried. Visitors were excused. All members of the Board were present during Executive Session. Mr. Logsdon and Mr. Barrera were asked to remain in the room for Executive Session. The Board entered Executive Session at 1:57 p.m. and returned to public session at 2:05 p.m.

Motion #16: Ms. Osterhage moved to approve a 2.5% pay increase for the Executive Director pursuant to the parity provisions under H.B. 64. Mr. Hanks seconded the motion. Discussion: None. Motion carried: 6 – 0.

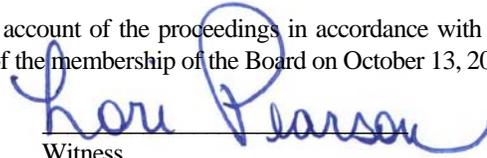
Agenda item #10 ADJOURNMENT

Motion #17: Mr. Penzone moved to adjourn. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes.

The meeting adjourned at 2:06 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 October 13, 2015.


Christopher H. Logsdon, Executive Director


Witness