
OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF October 13, 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

Tasha Sheipline

Valerie Benfer

Shalini Gupta, M.D. (arrived at 1:10 PM)

Clara Osterhage

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:

Camel Jones, Gifted Hands Salon

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 1:02 pm.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and six 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 1:10 PM, making a total number of seven 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. Thompson moved to approve the meeting agenda for the October 13, 2015 Board meeting. Ms. Osterhage seconded the motion. Discussion: Ms. Osterhage inquired about draft rules on license mobility and Career Based Intervention (CBI). Mr. Logsdon responded that license mobility is still being worked on and CBI was covered in the draft rules being proposed. No further discussion. Roll call vote taken – main motion, as amended, carried: 6 – 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 September 8, 2015 meeting minutes. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – 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 within budget and the established allotments. Mr. Logsdon reported on a few encumbrances established for upgrades to the examination server, which would create a separate report server and examination testing environment.
2. Mr. Logsdon reported the office final filed rules with the JCARR following Board review and a public hearing.
3. Mr. Logsdon reported the agency staffed a booth at the Columbus Beauty Classic and that the board sponsored four human trafficking classes with more than 1,200 persons attending.
4. Mr. Logsdon reported that he completed an investigation policy and procedure manual, which he stated is being reviewed by the Board at this meeting.
5. Mr. Logsdon reported that draft rules were on the meeting agenda for Board review before being sent to stakeholder groups. Mr. Logsdon encouraged member input on the rules.
6. Last, Mr. Logsdon reported that two companion bills were introduced, H.B. 227 and S.B. 213. Mr. Logsdon stated that both bills were exactly the same.

Motion #3: Ms. Osterhage moved to approve the Executive Director's report. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes.

Dr. Gupta arrived to the meeting at 1:10 PM.

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 October 5, 2015. Mr. Logsdon characterized the committee's agenda as being large. Mr. Logsdon then 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 Review 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. Hanks seconded the motion. Discussion: None. No further discussion.

Roll call vote taken - motion carried: 7 – Yes.

Motion #5: Ms. Osterhage moved to accept the notice of opportunity for hearing withdrawals. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 – 0.

Mr. Logsdon noted a correction and requested that the prior motion be modified to reflect an approval to issue a cease and desist letter in the matter of case #2015-32 and not a motion to accept the notice of opportunity for hearing withdrawals.

Motion #6: Ms. Osterhage moved to modify motion #5 by approving the issuance of a cease and desist letter in the matter of case #2015-32. Mr. Hanks seconded the motion to modify motion #5. Discussion: None. Roll call vote taken - Motion carried: 7 – 0.

Agenda item #5: PUBLIC TESTIMONY

Cynthia Henry (Exhibit G)

Ms. Henry filed a written request. Ms. Henry requested that the Board waive the requirement to complete training on human trafficking. Mr. Taneff stated that the Board has always been very flexible and forgiving; however, in this case human trafficking training is a paramount concern for the Governor's office. Mr. Taneff stated he was not comfortable considering a waiver of the requirement. Mr. Logsdon offered to reach out to Ms. Henry and assist her in any manner possible. Mr. Taneff offered to assist, if needed.

Camel Jones

Mr. Taneff asked Ms. Jones to state her name and address. Ms. Jones stated her name and her address as 270 Northland Boulevard, Suite 100, Cincinnati, OH 45246. Ms. Jones stated she was representing Gifted Hands Salon, of which she was the owner. Ms. Jones stated she was appearing before the Board to petition the board to stop internet services from offering unlicensed hair styling. Ms. Jones states websites such as, styleseat.com, Facebook, and Instagram all advertise unlicensed businesses that are soliciting clients. Ms. Jones stated persons advertising on these sites are able to offer services at a cheaper price than her salon. Ms. Jones characterized these services as "full-fledged" businesses being conducted out of homes, with price lists and pictures. Ms. Jones suggested these services should be required to list the person's license number.

Mr. Taneff inquired of Ms. Jones' training and background. Mr. Taneff inquired of her licensing. Mr. Taneff stated that he agrees with her, because she is abiding by the laws and rules that govern the industry and some are not. Ms. Jones encouraged the Board to engage the licensed community to assist the board in identifying these businesses.

Mr. Taneff stated that this was the first time social media has been introduced as matter for the Board and asked the Executive Director what could be done. Mr. Logsdon stated that online advertisements are a difficult problem for any jurisdiction to police. Mr. Logsdon stated placing web service providers on notice of the licensing requirements may be an option and that he would certainly work with the Ohio Attorney General's office to determine what the Board's jurisdiction is before moving forward. Mr. Taneff encouraged Ms. Jones to report any known unlicensed business. Ms. Jones also stated it had been more than a year since she saw a state inspector in her salon, suggesting that people know and proceed with working without licenses. Ms. Jones stated it occurs with hair styling, nails, skin care, brows, threading, and braiding. Ms. Jones also stated that she does not understand why cosmetology and barbering are separate agencies.

Agenda item #6 UNFINISHED BUSINESS

None.

Agenda item #7: OLD BUSINESS

None.

Agenda item #8: NEW BUSINESS

Agenda item 8a: Kyron Wright

Kyron Wright was not present.

Agenda item 8b: Casey Kooser – Translator Advocate

Casey Kooser was not present.

Agenda item 8c: Annual Report (Exhibit H)

Mr. Taneff asked Mr. Logsdon to present the annual report. Mr. Logsdon stated the Board's annual report was being presented for approval. Mr. Logsdon stated that he received a comprehensive document from Ms. Osterhage concerning the state of the cosmetology industry, which he summarized for Board consideration. Mr. Logsdon stated the Board can discuss and include additional information or consider his recommendations. Mr. Logsdon stressed the importance of the report, stating it will be filed with the Ohio General Assembly, Governor's office, and State Library. Mr. Logsdon explained the source of much of the data contained in the report.

Discussion: Ms. Osterhage questioned the terms of members contained on page 7. Members present indicated the data was not complete. Mr. Logsdon stated he would relook at the information and verify accuracy.

Mr. Taneff expressed his recognition of Mr. Logsdon for preparing the report and Ms. Osterhage, stating that although not in the industry, he shares Ms. Osterhage's concerns for the industry. Mr. Taneff stated that deregulation will succeed if regulation is not rationalized. Mr. Taneff stated that an industry perceived as creating impediments to employment opportunities will see changes that the industry will not be happy with, such as reduction of the number of hours of schooling or training, or taking testing prior to graduation. Mr. Taneff stated Ohio cannot afford to lose any private schools. Further, he stated, the Board should be exploring reciprocity agreements between states and if a practical examination is necessary.

Mr. Hanks stated the recommendations provided are confusing two issues: license mobility and reciprocity. Mr. Hanks recommendation should be titled "reciprocity." Regarding the language on variable training hours nationwide, Mr. Hanks stated that the requirements do vary from state to state, but that Ohio falls in the middle of the national range and the report should reflect that and the Board should embrace where it is. Mr. Hanks stated the Board should remove the language if it cannot agree on the wording. Mr. Hanks stated the language is negative, in his opinion. Ms. Osterhage stated the language came from the recommendations she provided. Ms. Osterhage stated that while 1500 hours of education has worked well, she thinks the Board should intelligently determine if 1500 hours are the right number of hours of education needed. Ms. Osterhage pointed to Career Technical Schools as an example of training that is successful in technically fewer hours. Ms. Osterhage stated her experience on the curriculum committee to develop curriculums that met the required hours seemed arbitrary. Ms. Osterhage stated she believes all programs should be evaluated so that the Board knows exactly how many hours it takes to produce a student who is ready for work in a salon environment. Ms. Osterhage stated that she is not necessarily stating hours should be less, but that the Board

should have an intelligent discussion about why Ohio requires the hours they do. In regards to private schools, Ms. Osterhage again recommended a conversation to discuss content and validation of hours, which she stated could protect schools from deregulation. Ms. Osterhage stated that she supports licensing, but believes the Board should work hard to protect and be smart about what it requires students to complete. Ms. Osterhage stated she supports the recommendation to improve reciprocity among states.

Mr. Hanks agreed, but stated filing an annual report that recommends something the Board has no control over in the other 49 states is an error. Ms. Osterhage recommended changing the wording.

Mr. Logsdon recommended making changes to the annual report by adopting Mr. Hanks recommendation to remove the hour requirement language on page 22. Mr. Logsdon recommended adding language that would indicate, in a broad sense, the Board would look at forming workgroups to monitor and review these issues.

Mr. Thompson stated that he agrees with the reciprocity concerns and stated that he would like to revisit the issue. Mr. Thompson stated that there were other items in Ms. Osterhage's report with which he agrees.

Ms. Shepline stated that she did not support the concept of workgroups, because based on her experience they do not work. Mr. Thompson agreed, stating if workgroups are to succeed participants need to consider their willingness to change.

Mr. Logsdon reviewed the recommended changes to the report and suggested framing the items as industry outlook. Mr. Logsdon stated he would redraft the final recommendations and send the revised copy out to members.

Mr. Taneff closed the matter and asked to move on to the next agenda item. Ms. Osterhage asked to address one additional issue. Mr. Taneff permitted. Ms. Osterhage inquired about the status of the Assistant Director position. Mr. Logsdon stated the agency is awaiting additional data before moving forward.

Agenda item 8d: Asset Management Policy (Exhibit I)

Mr. Logsdon introduced a new policy on asset management. Mr. Logsdon stated the new policy would address tracking agency assets, specifically those of value and containing sensitive information. Mr. Logsdon stated the public would be well served if they understood the agency had a competent policy on how to manage its assets. Ms. Osterhage asked if other agencies have such a policy. Mr. Logsdon stated that DAS has policies on handling asset management and guidance manuals; however, the policy being proposed is in addition to the overarching state policies and is specific to internal management of assets.

Motion #7: Ms. Osterhage moved to approve the Asset Management Policy, # 4-IX.

Mr. Taneff interjected stating the Board did not vote on the annual report.

Motion #8: Ms. Osterhage moved to approve the FY 2015 annual report. Ms. Shepline seconded the motion. Discussion: Mr. Thompson inquired about the changes. Mr. Logsdon stated he would draft the industry outlook language and send it out to members for review. No further discussion. Motion carried: 7 – Yes.

Motion #7 cont'd: Ms. Shepline seconded the motion. Discussion: None. Motion carried: 7 – Yes.

Agenda item 8e: Rule Review (Exhibit J collective)

Mr. Taneff asked Mr. Logsdon to present the rules. Mr. Logsdon stated the rules were being presented for Board review prior to being sent out to stakeholders for comment. Mr. Logsdon stated they would be coming back to the board for further discussion. Mr. Logsdon stated the rule packet is very comprehensive. The staff working group worked with specific guidelines: 1) the rules

reviewed need to be consistent with authorizing law, 2) the rule amplification needed to be accurate, 3) the rule must be reviewed for simplification, 4) the rule changes must eliminate redundancy, 5) rescinding rules that are unnecessary. Mr. Logsdon explained that he removed language in rules that authorized the Board to waive provisions based on majority vote. Mr. Logsdon stated that the Board may want to retain the authority in each instance; however, he would recommend creating language that specified condition for the waiver of rules. Mr. Logsdon stated, in his opinion, such language would improve consistency and remove arguments that decisions were arbitrary.

The following rules were submitted for review:

4713-1-01	Definition of board of cosmetology.	4713-3-01	Opening school package.
4713-3-02	Floor plan requirements for schools.	4713-3-03	School layout.
4713-3-06	Training records and student review. (Rescind)	4713-3-08	Final licensure.
4713-3-09	School transfers, change of ownership or discontinuance of operation. (Rescind)	4713-3-11	Cancellation, settlement and refund.
4713-3-12	School catalogue and handbook requirements.	4713-5-01	Definitions.
4713-5-02	Program requirements.	4713-5-03	Required course curriculum.
4713-5-04	Proprietary schools.	4713-5-05	Charges for services.
4713-5-06	Hours awarded.	4713-5-07	Postgraduate classes.
4713-5-08	School rules.	4713-5-10	Daily and monthly records.
4713-5-11	Final training records.	4713-5-13	Transfer procedure.
4713-5-14	Discontinuance/closure of operation.	4713-5-15	Treatment of student withdrawing from school.
4713-5-18	Apprentice instructor. (Rescind)	4713-5-20	Duty of instructors.
4713-5-22	Charges for Service and Student Compensation.	4713-5-23	Clinic service assignments.
4713-5-24	Students who fail to finish studies. (Rescind)	4713-5-24	Expiration of hours. (New)
4713-5-25	Temporary work and temporary special occasion work permits. (Rescind)	4713-5-28	Attire for applicants taking examinations at the board.
4713-7-01	Applications for licenses and for examination.	4713-7-10	Student Temporary Work Permit. (New)
4713-7-11	Temporary work permits.(New)	4713-11-13	Temporary special occasion work permit. (New)
4713-13-02	Independent contractor.	4713-21-01	Purposes. (Rescind)
4713-21-03	Continuing education requirements.	4713-21-04	Licensure renewal procedures.
4713-21-06	Applying for inactive licensure status and temporary work permit.		

Mr. Hanks inquired about draft rule 4713-3-01 concerning surety bonds. Mr. Hanks questioned the auditing language, stating his program provides a copy of the bond to the Board. Mr. Logsdon stated the rule proposes to shift the responsibility of maintaining the record to the school. Ms. Shepline inquired if it was possible for schools to produce. Mr. Hanks agreed, stating he would not keep the record at the school. Ms. Pearson stated the Board currently mails reminder letters and tracks the expiration date of bonds throughout the state. The proposed rule shifts the responsibility back to the school. Mr. Logsdon stated the law states the school shall maintain the surety bond, but the current rule shifts the maintenance responsibility to the Board. Mr. Hanks agreed, but stated he wants to make sure the rule is reasonable. Mr. Logsdon agreed to look at the response timeframe. Ms. Shepline recommended 24 – 48 hours.

Ms. Sheipline inquired about proposed rule 4713-5-02 (D) concerning student scores. Ms. Sheipline recommended removing the provision, because in general, grades are given in theory or clinic, but not graded by section. Ms. Sheipline stated courses are too integrated to grade in the manner defined by the rule. Ms. Pearson stated the rules team did not actually change the language being addressed. She stated the language being referenced is the current language. Mr. Logsdon agreed that the language could be removed.

Ms. Sheipline thanked staff for changing from “transcript” to “certified training record.” Mr. Hanks agreed that the change was good. Ms. Sheipline also addressed CBI language contained in proposed rule 4713-5-02. Ms. Sheipline educated the Board on CBI programs in the state of Ohio. Ms. Sheipline concluded the recommended changes were positive.

Mr. Hanks inquired about paragraph (J)(2) of proposed rule 4713-5-02. Mr. Logsdon confirmed the percentage noted is correct.

Mr. Hanks recommended that proposed rule 4713-5-04 be amended to permit partial hours. Mr. Logsdon agreed.

Mr. Hanks recommended that proposed rule 4713-5-10 (C) be amended, because a seven day response could be punitive. Mr. Logsdon stated responses are typically emailed to the Board office. Ms. Osterhage recommended a ten business days response, rather than seven days.

Next, Mr. Hanks asked for clarification on proposed amendments to rule 4713-5-13 (F). Ms. Pearson explained the changes and the reason for the changes.

Mr. Hanks recommended removing paragraph (C) of rule 4713-5-14, because the provision is redundant.

Mr. Hanks then addressed proposed rule 4713-5-15 (B). He stated the proposed rule requires a certified training record to be filed within 14 days of the final date of enrollment. Mr. Hanks asked what happens if a student drops or discontinues without notice. Mr. Hanks stated his school would not begin paperwork for 30 days. Ms. Sheipline agreed, stating her school would not begin official proceedings until a person had been absent for 30 days. Mr. Logsdon stated he would give the proposed language some consideration, but urged the member to review language at the next meeting.

Ms. Osterhage inquired about proposed rule 4713-5-03. Ms. Pearson addressed the concern. Ms. Osterhage urged members to consider opportunities to reduce the burden on schools as they go through the rules.

No further discussion.

Agenda item 8f: Inspection Policy Manual (Exhibit K)

Motion #9: Mr. Hanks moved to approve the Investigation policy/Inspection policy manual. Ms. Osterhage seconded the motion. Discussion: None. Motion carried: 7 – Yes.

Agenda item 8g: Hearing Examiner Report and Recommendation (Exhibit L):

In the matter of Peniel’s Beauty Salon, COSS.141232, Case #2015-1108 (Exhibit L)

Motion #10: Ms. Osterhage moved to approve the hearing examiner’s findings of fact in the matter of Peniel’s Beauty Salon, COSS.141232, Case #2015-1108. Mr. Hanks seconded the motion. Discussion: Ms. Osterhage voiced concern that the hearing examiner’s comments in the report and recommendation document appeared to be very subjective. Roll call vote taken. Motion carried: 7 – Yes.

Motion #11: Ms. Osterhage moved to approve the hearing examiner’s conclusions of law in the matter of Peniel’s Beauty Salon, COSS.141232, Case #2015-1108. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Motion #12: Ms. Osterhage moved to approve the hearing examiner's recommended Order of the Board in the matter of Peniel's Beauty Salon, COSS.141232, Case #2015-1108 to impose a \$1,500.00 fine, \$500.00 stayed, assessing a \$1,000.00 fine. If the respondent, Ms. Green, does not have another violation against her own license or the salon's license within the next five years, that she will not have to pay the \$500.00 portion of the fine that is suspended; however, if she has another violation or the same type within five years, that the additional \$500.00 will be due, in addition to other fines the Board may assess. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

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

Agenda item 8h: Correction to Previously Approved Orders (Exhibit M)

In the matter of Ohio #1 Beauty College, SCHL.000646, Case #2015-534 (Exhibit M)

Motion #13: Mr. Thompson moved to VACATE the Order of the Board in the matter of Ohio #1 Beauty College, SCHL.000646, Case #2015-534, identified as item #1 on the COS – Issue Report NOV Business + Credential report dated 9/25/2014 – 9/25/2015. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Agenda item 8i: Board Orders to Enforce Notice of Violation (Items #2 – #10) (Exhibit N collective)

Motion #14: Ms. Osterhage moved to approve the Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated 9/25/2014 to 9/25/2015 as items #2 through #10 and the Order to be journalized and attached hereto as an exhibits. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - 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 8j: Board Orders to Approve Settlement Agreements (Items #11 – #57) (Exhibit O collective)

Motion #15: Ms. Osterhage moved to approve the Settlement Agreement Orders of the Board as listed on the COS-Issue Report NOV Business + Credential, dated 9/25/2014 to 9/25/2015 as items #11 through #57 and the Orders to be journalized and attached hereto as exhibits. Ms. Osterhage seconded the motion. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - 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

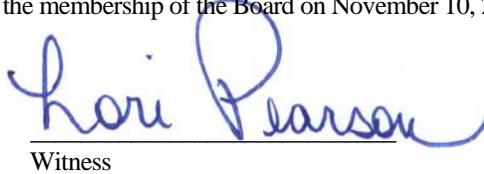
Motion #16: Ms. Osterhage moved to adjourn. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7- Yes.

The meeting adjourned at 2:52 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 November 10, 2015.



Christopher H. Logsdon, Executive Director



Witness