
OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF November 10, 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

Charles Penzone

Tasha Shepline

Valerie Benfer

Clara Osterhage

Staff in attendance:

Christopher H. Logsdon, Executive Director

Lori Flanery, Program Administrator 1

Assistant Attorney General in Attendance:

Christie Limbert, Assistant Attorney General

Others in Attendance:

Emily Harrison, Kenneth's

Don Yearwood, OACS

S. Moore

Barbara Russell

Lynda Sage

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.

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 November 10, 2015 Board meeting. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - carried: 7 – 0.

Before moving to the next agenda item, Mr. Taneff recognized Ms. Christie Lambert, Assistant Attorney General.

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 October 13, 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 (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
2. Mr. Logsdon reported that rule amendments for Chapter 4713-1, 4713-3, 4713-5, 4713-7, 4713-11, 4713-13, and 4713-21 had been made available for stakeholder input. Mr. Logsdon informed the members that the received

comments are in member notebooks. Mr. Logsdon informed the board that a few changes were made to the proposed rules, based upon the input and the new rules would be reviewed.

3. 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. Mr. Logsdon stated that he had reviewed the bills and had prepared draft changes that he would like to forward to the sponsors.
4. Last, Mr. Logsdon gave the members a brief update on Elicense 3.0 onboarding.

Motion #3: Mr. Thompson moved to approve the Executive Director's report. Mr. Penzone 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 reported that the ARC met on November 6, 2015. 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. Shepline 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. Ms. Osterhage seconded the motion. Discussion: None. No further discussion.

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

Agenda item #5: PUBLIC TESTIMONY

Barbara Russell (Exhibit G)

Ms. Russell introduced herself and entered her residential address on the record. Ms. Russell provided a written letter to the board for consideration. Ms. Russell stated that she appeared before the Board to voice her support for H.B. 227 and S.B. 213. Ms. Russell stated she wanted the Board to hear directly from a small business owner of the burden it is to follow the law that requires a manager's license at all hours a salon is open. Ms. Russell stated the law, as written, negatively impacts her ability to run her salons and to offer her stylists an environment in which they can maximize their earning potential. Ms. Russell provided a review of her duties to her staff and presented examples of personnel issues that she must consider each day to maximize their earnings. Ms. Russell stated that her management duties are difficult and time consuming, and made almost impossible when adding the burden of requiring a manager on the floor at all times.

At this point Ms. Limbert intervened and informed Ms. Russell that a Notice of Opportunity for Hearing had been issued to her and any facts related thereto could not be considered by the Board. Ms. Russell acknowledged.

Ms. Russell continued stating her salons are understaffed and she is going to local schools and interviewing students. Ms. Russell described a prior inspection wherein she received a warning for not having a manager on duty. Ms. Russell informed the Board that she took steps to rectify the matter; however, due to turnover she recently had another inspection that found the same

violation. Ms. Russell stated she has employees that are current attempting to get their manager’s license, but have not completed the examination process. Ms. Russell stated she has a new graduate with a managers license that is able to manage a salon, but another employee with ten years’ experience cannot. Ms. Russell inquired how the Board expects a salon to run under those circumstances. Ms. Russell concluded by informing the Board that she takes her responsibilities very seriously and she strictly complies with the Board rules.

Mr. Taneff reminded members that Ms. Russell has an open matter before the Board and should refrain from engaging in the merits of the case. Mr. Taneff informed members and Ms. Russell that members of the Board each have their opinions on the issues raised. Mr. Taneff encouraged Ms. Russell to share her testimony with the Ohio Legislature and that her solution lies in a legislative remedy.

Ms. Russell provided Mr. Taneff with a check. The Board engaged in some discussion concerning the disposition of Ms. Russell’s check. Mr. Logsdon intervened and offered to meet with Ms. Russell to discuss the status of her case.

Mr. Taneff then inquired if there was any unfinished business.

Agenda item #6 UNFINISHED BUSINESS

Rule Review (Exhibit H collective)

Mr. Taneff asked Mr. Logsdon to present the rules. Mr. Logsdon informed the members that rules were sent out for stakeholder input. The rules summary document contained in the member’s packet reflects the changes adopted in response to stakeholder comments.

Motion #5: Ms. Osterhage moved to approve the following rules for filing with the Office of Common Sense Initiative. Mr. Penzone seconded the motion. Discussion: Mr. Hanks inquired about proposed rule 4713-5-15 (B), stating the rule requires a school to file documentation within 14 days of the final date of enrollment. Mr. Logsdon stated the stakeholder’s comments were considered and the a definition of “final date of enrollment” was added. Mr. Logsdon explained the amendment further. Ms. Shepline also inquired about the rule, because it no longer stipulates how long a school must maintain records. Mr. Logsdon stated the records retention requirements were moved to another rule. Mr. Hanks thanked the staff for doing a good job. 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.		

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

Agenda item #7: OLD BUSINESS

None.

Agenda item #8: NEW BUSINESS

Agenda item 8a: Lynda Sage

Ms. Sage stated her name and residential information for the record. Ms. Sage stated she was the owner/operator of a traveling hair service company that provides styling services for senior citizens. Ms. Sage stated she recently became aware that chemical services were no longer allowed in homes under OAC 4713-8-08. Ms. Sage stated she was appearing before the Board to discuss the matter. Ms. Sage provided the Board with a summary of her experience, skills, and services she rendered. In addition, Ms. Sage discussed her clientele. Ms. Sage presented a handout to the Board, which she then reviewed in detail. Ms. Sage appealed to the Board to reconsider not allowing chemical services in homes.

Mr. Penzone inquired of the Executive Director if the Board could provide Ms. Sage with special dispensation to allow her to provide services. Mr. Logsdon stated that he would be happy to look at the rule and that the Board has the authority to amend its rules. Mr. Penzone inquired how the Board could assist Ms. Sage immediately. Mr. Logsdon reminded the members that Ms. Sage did not state she was requesting immediate relief, but wanted the Board to reconsider their rule on the issue. Ms. Sage stated she did not say she wasn't requesting immediate relief. Mr. Logsdon stated he was simply reading Ms. Sage's written testimony. Ms. Sage stated she would like the rule to be changed. Mr. Penzone stated that these are the same chemicals that can be purchased in any grocery store. Ms. Sage agreed.

Motion #6: Mr. Penzone moved to allow Ms. Sage to proceed with interim services for the homebound that she is currently providing and that the Board should look at its rules in the interim. Ms. Shepline seconded the motion. Discussion: Mr. Hanks recommended that the Board permit Mr. Logsdon to review the rule. Ms. Osterhage inquired what part of the law the rule was amplifying. Mr. Hanks stated the rule indicated it is amplifying permitted practices, but he did not mean to review the matter now. Ms. Osterhage stated the issue of amplification was relevant, because if the Ohio Revised Code did not prohibit the practice, it may be okay. Mr. Taneff inquired if the Board has the authority to bypass a rule. Mr. Logsdon stated that a rule is a rule, but

the Board has the authority to enforce its rules in a manner it sees fit. Ms. Osterhage stated that there was nothing under permanent practices that speaks to the service being rendered and that the rule was created for people who were traveling or doing things in the home for the homebound. Mr. Penzone clarified his motion. Ms. Benfer inquired if the motion had broader impact. Mr. Penzone stated that the motion was only intended to address Ms. Sage's practice. Additional discussion was addressing the aging population and their needs. Mr. Thompson agreed with the general direction, but encouraged the Board to review the rule in the right way and in due course of business. No further discussion.

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

Mr. Hanks inquired about the time it would take to amend the rule. Mr. Logsdon provided a detailed review of the process and the reviews required.

Motion #7: Mr. Hanks moved that the previous waiver for Ms. Sage be limited to 180 days. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken - motion carried: 4 – Yes, 2 – No, 1 – abstained (Osterhage).

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

Discussion tabled for 180 days.

Agenda item 8c: Hearing Examiner's Report and Recommendation (Exhibit I)

In the matter of Parlour 158, COSS.140805, Case #2015-1135 (Exhibit I)

Motion #8: Ms. Osterhage moved to approve the hearing examiner's findings of fact in the matter of Parlour 158, COSS.140805, Case #2015-1135. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Motion #9: Ms. Osterhage moved to approve the hearing examiner's conclusions of law in the matter of Parlour 158, COSS.140805, Case #2015-1135. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Motion #10: Ms. Osterhage moved to approve the hearing examiner's recommended Order of the Board in the matter of Parlour 158, COSS.140805, Case #2015-1135 to impose a \$250.00 fine. Ms. Benfer 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 8d: Correction to Previously Approved Orders (Exhibit J)

In the matter of Oanh Vo, MANM.020728, Case #2015-601 (Exhibit J)

Motion #11: Ms. Osterhage moved to VACATE the Order of the Board in the matter of Oanh Vo, MANM.020728, Case #2015-601, identified as item #5 on the COS – Issue Report NOV Business + Credential report dated 9/25/2014 – 9/25/2015 approved on October 13, 2015 and enter a revised Order noted as item #2 on the COS – Issue Report NOV Business + Credential report dated 10/29/2015 – 10/29/2015 for a \$750.00 fine. The Order will be journalized and attached hereto as an exhibit. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Agenda item 8e: Board Orders to Enforce Notice of Violation (Items #3 – #27) (Exhibit K collective)

Mr. Taneff asked for a motion on Item #3 on the COS – Issue Report NOV Business + Credential report dated 10/29/2015 – 10/29/2015. Mr. Logsdon recommended the Board enter private session for quasi-judicial deliberation.

Motion #12: Mr. Hanks moved to enter private session for quasi-judicial deliberation in the matter of item #3, Case #2015-672 on the COS – Issue Report NOV Business + Credential report dated 10/29/2015 – 10/29/2015. Ms. Osterhage seconded the motion. Roll call vote:

Ms. Benfer –	Yes	Mr. Taneff –	Yes
Mr. Thompson -	Yes	Mr. Penzone –	Yes
Ms. Sheipline -	Yes	Mr. Hanks -	Yes
Ms. Osterhage -	Yes		

The Board entered private session at 2:13 PM. Mr. Logsdon, Ms. Christina Limbert, and Ms. Sydney Brunecz were asked to remain. All other persons, other than members, were excused.

The Board returned to public session at 2:37 PM

Motion #13: Mr. Penzone moved to enter an Order upon the journal of the Board in the matter of Case #2015-672 (SCHL.000674, Professional School of Cosmetology) to suspend license number SCHL.000674 for a period of three (3) months. The three (3) months shall immediately be stayed subject to no further hour record violations within the next two (2) years of the effective date of the order. Additionally, the Board imposes a \$1,000.00 fine against the license. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – 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.

Motion #14: Ms. Sheipline moved to approve the Orders of the Board as listed on the COS – Issue Report NOV Business + Credential report dated 10/29/2015 – 10/29/2015 as items #4 through #27 and the Order to be journalized and attached hereto as an exhibits. Mr. Penzone 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 8f: Board Orders to Approve Settlement Agreements (Items #28 - #75)
(Exhibit L 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 report dated 10/29/2015 – 10/29/2015 as items #28 through #75 and the Orders to be journalized and attached hereto as exhibits. Ms. Osterhage seconded the motion. Mr. Thompson 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

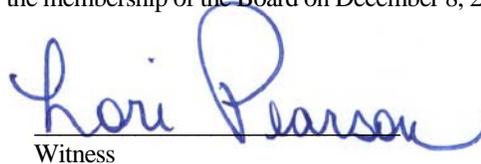
Motion #16: Ms. Osterhage moved to adjourn. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7- Yes.

The meeting adjourned at 2:42 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 December 8, 2015.



Christopher H. Logsdon, Executive Director



Witness