
OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF December 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

Charles Penzone

Tasha Shepline

Valerie Benfer

Dr. Shalini Gupta (arrived at 1:03 p.m.)

Staff in attendance:

Christopher H. Logsdon, Executive Director

Lori Pearson, Program Administrator II

Lori Flanery, Program Administrator I

Assistant Attorney General in Attendance:

Federico G. Barrera, III, Assistant Attorney General

Others in Attendance:

Emily Harrison, Kenneth's

Tim Hornsby, Tri-County Beauty College

Angela Hodges

Elizabeth Murch, OSA

Bunny Neal, CDHS

Nicole Perrin-Hill

Tina Allen

Ed Stange, AIC

William Molden, Aveda Institute

Bob Reichardt, Salon Institute

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 six members were present. Having noted a majority of members were present, Mr. Taneff proceeded to conduct business. Dr. Gupta arrived at 1:03 p.m., providing the Board with seven members in attendance.

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 December 8, 2015 Board meeting. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken - carried: 6 – 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 November 10, 2015 meeting minutes. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes.

Agenda item #3: OFFICER AND STAFF REPORTS

Agenda item 3a: Chairperson's Report

Mr. Taneff had no report.

Agenda item #4: COMMITTEE REPORTS

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

Mr. Taneff asked Mr. Logsdon to present the Administrative Action Committee (ARC) Report. Mr. Logsdon reported that the ARC met on December 8, 2015. Mr. Logsdon then reviewed each case listed in the ARC report.

Dr. Gupta arrived at 1:03 p.m.

**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 #3: Mr. Penzone 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. Thompson seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 7 – Yes.

Agenda item #5: PUBLIC TESTIMONY

None.

Bob Reichardt, Salon Institute (See after New Business)

Agenda item #6 UNFINISHED BUSINESS

None.

Agenda item #7: OLD BUSINESS

None.

Agenda item #8: NEW BUSINESS

Agenda item 8a: Draft Rule 4713-8-08 (Exhibit F)

Mr. Logsdon introduced draft rule 4713-8-08, stating that staff were asked after the Board's last meeting to draft an amendment to OAC rule 4713-8-08. Mr. Logsdon reported that the rule had been amended as instructed and it was being presented to the Board for consideration of filing the rule with the Office of Common Sense Initiative and then the Joint Committee on Agency Rule Review.

Motion #4: Ms. Shepline moved to file draft rule 4713-8-08 with the Office of Common Sense Initiative and then the Joint Committee on Agency Rule Review. Ms. Benfer seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 7 – Yes.

Agenda item 8b: Correction to Previously Approved Orders (Exhibit G)

In the matter of Anytime Fitness, TAN.131346, Case #2015-748

Motion #5: Mr. Penzone moved to **approve** an Order to Vacate the Order of the Board in the matter of Anytime Fitness, TAN.131346, Case #2015-748 listed on "COS – Issue Report NOV Business + Credential" dated 10/29/2014 – 10/29/2015 as item #22 from the November 10, 2015 Board meeting and approve item #CORR-1 as listed on the "COS – Issue Report NOV Business + Credential" dated 11/30/2014 – 11/30/2015 with order imposing \$1,250 fine with \$625 stayed pending no repeat violations within twelve months of the board order being issued. Total fine due - \$625. The Order will be journalized and attached hereto as an exhibit. Ms. Benfer seconded the motion. Discussion: Mr. Hanks requested clarification on the motion. Mr. Logsdon explained that the motion vacates the motion to issue an Order as it appears in the Boards November 10, 2015 minutes and enters a new Order on the Board's journal. No further discussion. Roll call vote taken. Motion carried: 7 – Yes.

Agenda item 8c: Hearing Examiner's Report and Recommendation

In the matter of Ocean Householder, COS.144279, Case #2014-1136 (Exhibit H)

Motion #6: Mr. Penzone moved to approve the hearing examiner's findings of fact in the matter of Ocean Householder, COS.144279, Case #2014-1136. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Motion #7: Ms. Shepline moved to approve the hearing examiner's conclusions of law in the matter of Ocean Householder, COS.144279, Case #2014-1136. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Motion #8: Mr. Penzone moved to approve the hearing examiner's recommended Order of the Board in the matter of Ocean Householder, COS.144279, Case #2014-1136 to impose a \$250.00 fine. Ms. Shepline 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.

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 Malissa L. Galiffo, ESTM.047999, Case #2015-236 (Exhibit I)

Motion #9: Mr. Thompson moved to approve the hearing examiner's findings of fact in the matter of Malissa L. Galiffo, ESTM.047999, Case #2015-236. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes, 1 – recused (Mr. Hanks).

Motion #10: Mr. Penzone moved to approve the hearing examiner's conclusions of law in the matter of Malissa L. Galiffo, ESTM.047999, Case #2015-236. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. . Motion carried: 6 – Yes, 1 – recused (Mr. Hanks).

Motion #11: Mr. Thompson moved to approve the hearing examiner's recommended Order of the Board in the matter of Malissa L. Galiffo, ESTM.047999, Case #2015-236 to impose a \$400.00 fine. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken. . Motion carried: 6 – Yes, 1 – recused (Mr. Hanks).

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

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 Power House Gym Fitness Center, OTH.140932, Case #2015-260 (Exhibit J)

Motion #12: Mr. Thompson moved to approve the hearing examiner's findings of fact in the matter of Power House Gym Fitness Center, OTH.140932, Case #2015-260. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Motion #13: Mr. Penzone moved to approve the hearing examiner's conclusions of law in the matter of Power House Gym Fitness Center, OTH.140932, Case #2015-260. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Motion #14: Mr. Penzone moved to approve the hearing examiner's recommended Order of the Board in the matter of Power House Gym Fitness Center, OTH.140932, Case #2015-260 to issue a \$1,500.00 fine, suspending \$500.00 of the \$1,500.00 fine, assessing a \$1,000.00 fine. The \$500.00 stay shall be suspended, subject to Power House Gym Fitness Center, OTH.140932 not having another violation within five (5) years of the effective date of this Order. Should Power House Gym Fitness Center, OTH.140932 have another violation within five (5) years, Power House Gym Fitness Center, the additional \$500.00 shall be assessed, in addition to any other fines assessed by the Board 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.

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 8d: Board Orders to Enforce Notice of Violation (Items #1 – #16) (Exhibit K collective)

Motion #15: Mr. Penzone moved to approve the Orders of the Board as listed on the COS – Issue Report NOV Business + Credential report dated 11/30/2014 – 11/30/2015 as items #1 through #16 and the Order to be journalized and attached hereto as an exhibits. 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 8e: Board Orders to Approve Settlement Agreements (Items #17 – #63) (Exhibit L collective)

Motion #16: Mr. Penzone moved to approve the Settlement Agreement Orders of the Board as listed on COS – Issue Report NOV Business + Credential report dated 11/30/2014 – 11/30/2015 as items #17 through #63 and the Orders to be journalized and attached hereto as exhibits. 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 #5 Cont'd: PUBLIC TESTIMONY

Bob Reichardt, Salon Institute

Mr. Taneff asked Mr. Reichardt to provide his name and address for the record. Mr. Reichardt stated he was with the Salon Institute, 50 Powell Road, Lewis Center, Ohio.

Mr. Reichardt stated that as a school owner he takes his obligation to graduate students that are prepared for a cosmetology career seriously. Mr. Reichardt stated that he prepares individuals for a career, not just a job. Mr. Reichardt stated that he has no position on the issue of saving the manager's program, but he encouraged the Board, as they begin to look at the number of hours required in a curriculum, to "carve out" time for schools to teach business skills, as opposed to only teaching technical skills. Last, Mr. Reichardt addressed the 'Gainful Employment' Act through the Federal Department of Education, stating programs are being judged on their ability to teach the things he stated.

Agenda item #9

EXECUTIVE SESSION

None.

Agenda item #10

ADJOURNMENT

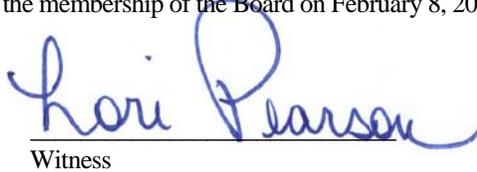
Motion #17: Mr. Thompson moved to adjourn. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken.
Motion carried: 7- Yes.

The meeting adjourned at 1:20 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 February 8, 2016.



Christopher H. Logsdon, Executive Director



Witness