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# OHIO STATE COSMETOLOGY AND BARBER BOARD

1929 Gateway Circle

Grove City, Ohio 43123

## Contents

<b>TRANSCRIPTION NOTE (Exhibit A):</b>	2
<b>ATTENDANCE (Exhibit B):</b>	2
<b>Agenda item #1: CALL MEETING TO ORDER</b>	4
Agenda item 1a: Roll Call	4
Agenda item 1b: Pledge of Allegiance to the Flag of the United States of America	4
Agenda item 1c: Approval of Meeting Agenda (Exhibit C)	4
<b>Agenda item #2: APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit D)</b>	4
Agenda item 2a: Approval of Previous Meeting Minutes – March 11, 2019 (Exhibit D)	4
<b>Agenda item #3: OFFICER AND STAFF REPORTS</b>	4
Agenda item 3a: Chairperson’s Report	4
Agenda item 3b: Executive Director’s Report (Exhibit E)	4
<b>Agenda item #4: COMMITTEE REPORTS</b>	5
Agenda item 4a: Rules Committee report (Exhibit F)	5
Agenda item 4b: Curriculum and Examination Review Committee report (Exhibit G)	6
<b>Agenda item #5: UNFINISHED BUSINESS</b>	6
<b>Agenda item #6: OLD BUSINESS</b>	6
<b>Agenda item #7: NEW BUSINESS</b>	6
Agenda item 7a: Review and approval of revised educational curriculum (Exhibit H)	6
Agenda item 7b: Revised form review and approval (Exhibit I)	6
Agenda item 7c: Consideration of Curriculum and Examination Committee recommendation on examination language offerings (Exhibit J)	7
Agenda item 7d: Review of Board meeting location	7
Agenda item 7e: Consideration of Rules Committee recommendations to propose new, amended, rescinded rules (Exhibit K collective)	8
Agenda item 7f: Continuing education requirements (Exhibit L)	8
Agenda item 7g: Reciprocity applicants under ORC Section 4709.08 (Exhibit M collective)	9
Agenda item 7h: Policy update: Policy #3.7 (Exhibit N)	9
Agenda item 7i: Records retention update (Exhibit O)	9

Agenda item 7j:	NIC Annual Conference (Exhibit P) .....	9
Agenda item 7k:	Reports and Recommendations review .....	9
	Agenda item 7(k)(1) - In the matter of VN Nails, MANS.111269, Case #ADJ-2017-888 (Exhibit Q).....	9
	Agenda item 7(k)(2) - In the matter of Paul Carpenter, BARB.052318 Case #ADJ-2018-1004 (Exhibit R).....	9
Agenda item 7l:	Corrections to Previously Approved Orders of the Board (Exhibit S).....	10
Agenda item 7m:	Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 – #76) (Exhibit S).....	10
Agenda item 7n:	Consent Agreement Approval (Items #77 – #185) (Exhibit S) .....	10
<b>Agenda item #8</b>	<b>EXECUTIVE SESSION</b> .....	10
<b>Agenda item #9:</b>	<b>ADMINISTRATIVE REVIEW GROUP REPORT (Exhibit T)</b> .....	11
<b>Agenda item #10:</b>	<b>PUBLIC TESTIMONY</b> .....	11
<b>Agenda item #11</b>	<b>ADJOURNMENT</b> .....	11

OFFICIAL BOARD MEETING MINUTES OF MAY 14, 2019

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. Traci Peoples, Court Reporter. Transcript is attached as Exhibit A.

**ATTENDANCE (Exhibit B):**

Thomas Taneff, Chairperson

Luke Hanks

Kenji Prince

Charles A. Penzone

Jessica Price-Kovach

Tasha Shepline

Kim Thomas

Jennifer Wolfe, MSN, APRN, NP-C

**Staff in attendance:**

Christopher H. Logsdon, Executive Director

Lori Pearson, Deputy Director

Lori Flanery, Program Administrator I

Charley Yaniko, Board in-house Counsel

Karl Highley, Barber Manager

**Assistant Attorney General in attendance:**

Leigh Bayer, Assistant Attorney General

**Others in Attendance:**

Harold Corrothers

Emily Harrison, Kenneth's

Ron Williams, OACS

Kenyunda Weems

David HarrisExhibit C

Bob Catanza, Catanza's Barber Shop

Tony Fiore, OSA

Bernadine Neal, CDHS

Lisa Groome

Tom Quick

Candice Helton, Paramount Beauty

Alicia Boree, Creative Images

Sue Carter Moore, SSG

Sabrina Walden, SSG

Laura Clemente, Cleveland Barber College

Waverly Willis, OBBA

Angela Stubbs, Cleveland Barber College

Lisa Elig, Cleveland Barber College

James Trakas, OBBA

### **Agenda item #1: CALL MEETING TO ORDER**

Mr. Taneff called the meeting to order at 1:00 p.m. The meeting was held at the Vern Riffe Center for Government and the Arts, 77 South High Street, 19<sup>th</sup> Floor, Room 1960, Columbus, Ohio 43215.

#### **Agenda item 1a: Roll Call**

Ms. Flanery took roll call. Eight members were present. Ms. Osterhage, Ms. Yeager, and Ms. Cumberlander were not present. Having noted a quorum of members were present, Mr. Taneff proceeded to have the Board 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. Thomas moved to approve the meeting agenda for May 14, 2019. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken – motion carried: 8 - Yes.

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

#### **Agenda item 2a: Approval of Previous Meeting Minutes – March 11, 2019 (Exhibit D)**

Motion #2: Ms. Sheipline moved to approve meeting minutes for March 11, 2019. Ms. Thomas seconded the motion. Discussion: None. Roll call vote taken - motion carried: 9 – Yes.

### **Agenda item #3: OFFICER AND STAFF REPORTS**

#### **Agenda item 3a: Chairperson's Report**

Mr. Taneff recognized four Board members for the recent achievements and awards: Tasha Sheipline, Clara Osterhage, Rowena Yeager, and Charles Penzone. Additionally, Mr. Taneff presented a Gubernatorial Proclamation to Mr. Penzone, which he read into the record.

#### **Agenda item 3b: Executive Director's Report (Exhibit E)**

Mr. Logsdon filed a written report. Mr. Logsdon provided a brief verbal review of his report.

Mr. Logsdon provided the Board with a FY 2019 financial activity report.

Next, Mr. Logsdon addressed his testimony on the Board's proposed budget for FY 2020/2021. Mr. Logsdon characterized his testimony before the Ohio House of Representatives, Subcommittee on Primary and Secondary Education and before the Ohio Senate, General Government and Agency Review Committee as having gone well.

Next, Mr. Logsdon addressed IT optimization planning and Executive Order 2019-15D. Mr. Logsdon advised the Board that he would be holding off on purchasing a new server, which the Board authorized at the March 2019 Board meeting, pending a full review of needs with DAS/OIT.

Mr. Logsdon noted that computers in the testing lab had reach obsolescence age and the Board could replace the computers in advance of the current budget plan since funding would be available. The cost he stated is approximately \$18,000.

Mr. Logsdon gave an overview of outreach training provided by Board staff to Ohio barber schools between March 13, 2019 and April 17, 2019.

Mr. Logsdon also noted that a Barber school overview had been provided at the Board office for private barber schools on April 29, 2019 and again on May 6, 2019 for corrections-based Barber schools. Mr. Logsdon reported 14 schools participated on April 29, 2019 and four participated on May 6, 2019.

Last, Mr. Logsdon announced the intended retirement of long-term employee Ms. Williams Moore effective August 1, 2019. Mr. Logsdon summarized her career with the Board.

Mr. Taneff inquired of Mr. Highley if he believed the outreach meetings were productive. Mr. Highley stated that he believed they were productive. Mr. Taneff thanked Mr. Highley and stated the Board was lucky to have him.

Motion #3: Mr. Penzone moved to approve the Chairperson's report and the Executive Director's report. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 - Yes.

Motion #4: Mr. Hanks moved to approve the expenditure of \$18,000.00 for IT equipment requested. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 - Yes.

## **Agenda item #4: COMMITTEE REPORTS**

### **Agenda item 4a: Rules Committee report (Exhibit F)**

Mr. Hanks gave a summary of his written report. Mr. Hanks stated that the committee met prior to the Board meeting at the Vern Riffe Center to consider proposed new, amended, and rescinded rules. The meeting, he stated began at 10:00 am and concluded at 10:41 am. Mr. Hanks stated several committee members and staff were in attendance. Mr. Hanks was asked to clarify what members were not in attendance. Mr. Hanks reported that Board Counsel, Mr. Yaniko, led the committee through the proposed rules, which he noted in his report. Mr. Hanks stated that every proposed change was review by Mr. Yaniko. Most changes, he indicated, were clean-up in nature, however, three rules have more substantive changes, which he listed. Mr. Hanks stated the committee moved to recommend the proposed amended, new, and rescinded rules to the Board as presented with additional amendments to proposed rule 4713-1-01 and 4713-1-05.

Discussion: Mr. Penzone inquired about the new language under proposed new rule 4713-1-05. Mr. Logsdon noted the current amended versions were provided to members as a handout. Mr. Logsdon also noted that the rules would be discussed under new business. Mr. Penzone stated that he would like to table proposed rule 4713-1-05. Mr. Logsdon suggested to amend the resolution under new business to remove proposed rule 4713-1-05 when the business item is discussed.

Motion #5: Ms. Sheipline moved to approve the Rules Committee report. Mr. Prince seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes, 1 – No (Penzone).

**Agenda item 4b: Curriculum and Examination Review Committee report (Exhibit G)**

Ms. Sheipline gave a summary of her written report. Ms. Sheipline stated that the Curriculum and Examination Review Committee had met twice since the last Board meeting. Ms. Sheipline stated the committee met on April 12, 2019. She listed the business discussed. The committee, she stated, met again prior to the regular Board meeting at 11:07 a.m. Ms. Sheipline stated the committee considered examination pass-rate data by language offered. The committee also looked at modifying the 600-hour Esthetics curriculum and the 1500-hour Cosmetology curriculum to separate eye lash extension training into a single curriculum requirement. The committee, she stated, also discussed the Barber Theory Information Packet.

Motion #6: Mr. Hanks moved to approve the Curriculum and Examination Review Committee report. Ms. Thomas seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 – Yes.

**Agenda item #5: UNFINISHED BUSINESS**

None.

**Agenda item #6: OLD BUSINESS**

None.

**Agenda item #7: NEW BUSINESS**

**Agenda item 7a: Review and approval of revised educational curriculum (Exhibit H)**

Ms. Sheipline addressed the proposed revisions to the 600-hour Esthetics curriculum and the 1500-hour Cosmetology curriculum. Ms. Sheipline explained that the committee recommends creating a separate 8-hour subject area for eye lash extensions.

Ms. Pearson addressed the recommended changes to the 1000-hour Barber curriculum for licensed cosmetologists and the 1800-hour Barber curriculum. Ms. Pearson explained that the only change was adding human trafficking training to each curriculum.

Motion #7: Ms. Sheipline moved to approve the following curriculums as submitted:

- 600-hour Esthetics curriculum
- 1500-hour Cosmetology curriculum
- 1000-hour Barber curriculum for licensed cosmetologists
- 1800-hour Barber curriculum

Mr. Prince seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes, 1 – No (Penzone).

**Agenda item 7b: Revised form review and approval (Exhibit I)**

Ms. Pearson presented the form review. Ms. Pearson stated the 1000-hour school training hours certification form for 1000-hour Barber training and the 1800-hour school training hours certification form for 1800-hour Barber training was updated to include the requirement to provide training on human trafficking.

Mr. Logsdon review the Barber theory Testing Information Packet (TIP). Mr. Logsdon stated the form had been updated to reflect a better distribution of based on recommendations from both the Curriculum and Examination Review Committee and the examination provider, Ergometrics. Ms. Pearson added that the TIP had four sections where the percentages of examination questions on the test had changed. The primary change, she stated, was hair care services. Ms. Pearson explained that hair care services was evaluated and some questions on chemical services, which fall within the hair care services area were removed to reflect a better baseline for Barber examinees.

Motion #8: Ms. Sheipline moved to approve the following revised forms as submitted:

- 1000-hour school training hours certification form for 1000-hour Barber training
- 1800-hour school training hours certification form for 1800-hour Barber training
- Barber Theory Testing Information Packet (TIP)

Ms. Wolfe seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes, 1 – No (Penzone).

**Agenda item 7c: Consideration of Curriculum and Examination Committee recommendation on examination language offerings (Exhibit J)**

Ms. Sheipline presented the matter. Ms. Sheipline reported that the committee reviewed pass rate data for examinations taken in English, Vietnamese, and Spanish from the past year. Ms. Sheipline stated that the committee had hoped pass rates would be better for examinations offered in languages other than English. Ms. Sheipline stated that the committee found this issue to be difficult subject, because members are dedicated to helping individuals with barrier to overcome those barriers, but as the committee looked at the data, she reported, it does not seem like the Board is perhaps overcoming the barrier. The second consideration reviewed by the committee was the possibility of the examinees requesting examination in other languages. The committee is asking the Board to consider taking the examination back to English only.

Mr. Logsdon noted that the data was provided to each Board member. Mr. Logsdon reviewed some of the results of the data analysis.

Motion #9: Mr. Prince moved to approve the recommendation of the Curriculum and Examination Committee to take the language offering for examinations back to English only. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8 – Yes.

**Agenda item 7d: Review of Board meeting location**

Mr. Hanks inquired if there were plans to move the meetings back to the Board office. Mr. Hanks expressed that he was not aware any reason the meeting was moved from the Board office. Ms. Thomas stated that she spent 45 minutes looking for parking and agreed that downtown was inconvenient. Mr. Prince stated that he like having the meeting at the Riffe Building. Ms. Sheipline agreed that having the meeting downtown was an inconvenience, but she would do whatever was best for the Board. Mr. Penzone stated that he like having it at the Riffe Building. Mr. Taneff agreed with Mr. Penzone. Ms. Price Kovach stated that parking was difficult. Ms. Wolfe stated that she was more concerned about any burden for others attending, but for herself she could accept either location. Mr. Penzone reminded members that three other members not present wanted to have the meetings at the Riffe Building. Mr. Taneff stated that security was a concern for some members, almost every Board and Commission meets in the Riffe Building, and the building provides security.

Mr. Logsdon reminded members that he addressed reasons at the last meeting.

The Chair asked that the matter be placed on the agenda for the next Board meeting.

**Agenda item 7e: Consideration of Rules Committee recommendations to propose new, amended, rescinded rules (Exhibit K collective)**

Mr. Logsdon addressed previous discuss to table a rule and he provided some thoughts on modification of the proposed resolution before the Board. Mr. Taneff asked if Mr. Hanks drafted rule 4713-1-05. Mr. Logsdon stated that the staff drafted the original proposed rule, which was sent to every member prior to the meeting and the new draft from the Rules Committee was handed out. Mr. Taneff inquired about the term “any person” as used in paragraph (A) of rule 4713-1-05 as proposed by the Rules Committee. Mr. Logsdon explained that the paragraph is required under Section 121.22 of the Revised Code to address meeting notice by providing methods by which people can determine when a meeting is being held. Several members considered the word “determine” to be confusing. Board counsel suggested alternatives. Suggestions were provided. Mr. Logsdon read back an alternative – “Any person may ~~determine~~ obtain notice of the time and place ...”

Motion #10: Ms. Shepline moved to approve the recommendations of the Rules Committee as presented, except for removing proposed rule 4713-1-05, which would be tabled until the next Board meeting. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes, 2 – No (Hanks and Thomas).

**Agenda item 7f: Continuing education requirements (Exhibit L)**

Mr. Logsdon reviewed a handout, which described the Board’s current continuing education monitoring process and the proposed monitoring process for the next license renewal. Mr. Logsdon explained that the new licensing system and the current CE reporting system could be integrated trigger renewal eligibility when a specified number of continuing education hours were met. Additional capabilities were also described. Mr. Logsdon stated he was recommending that the Board adopt the process of triggering renewal eligibility, which would be align with the requirements of Ohio law.

Mr. Penzone departed the meeting at 1:59 p.m.

Mr. Logsdon also addressed the current 2019 continuing education audit. Mr. Logsdon reviewed the current audit process. Mr. Logsdon explained a few transition concerns from the Board’s prior continuing education system and the state’s new licensing system. Mr. Logsdon provided the Board with the option to continue with the current process of forego the current CE audit cycle.

Mr. Pearson iterated the data transition process and also the new January 15<sup>th</sup> due date for continuing education. Ms. Pearson explained that any consideration would only affect cosmetology licensees. Mr. Hanks inquired of counsel any liability with foregoing an audit. Mr. Yaniko stated that audits are discretionary. Mr. Yaniko also reported that the new process would align much better with statutory language.

Motion #11: Mr. Hanks moved to forego the 2019 audit. Mr. Prince seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes, 1 – No (Thomas).

Motion #12: Ms. Shepline moved to authorize the Board’s Executive Director to pursue an integration with the CE management vendor that would limit renewal eligibility to completion of required continuing education hours on or before January 15<sup>th</sup> of every odd numbered year for cosmetology licensing and on or before the expiration date of licensure every even-numbered year for barber licenses. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

**Agenda item 7g: Reciprocity applicants under ORC Section 4709.08 (Exhibit M collective)**

Mr. Logsdon reviewed the three candidates for reciprocity. Mr. Taneff inquired if Mr. Nazim Destani and Mr. Paul Rai could be combined into a single motion. Mr. Logsdon affirmed the Board could combine both reciprocity requests into a single motion.

Motion #13: Ms. Sheipline moved to approve the issuance of a Barber license to Mr. Paul Rouch based upon the waiver of the requirements of Section 4709.08 of the Revised Code, except for the passage of the practical Barber examination. Ms. Thomas seconded the motion. Discussion: Mr. Prince confirmed the motion was to issue a license after successfully passing the Barber practical examination. No further discussion. Roll call vote taken - motion carried: 7 – Yes.

Motion #14: Ms. Sheipline moved to approve the issuance of a Barber license to Mr. Nazim Destani and Mr. Paul Rai based upon the waiver of the requirements of Section 4709.08 of the Revised Code. Ms. Thomas seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

**Agenda item 7h: Policy update: Policy #3.7 (Exhibit N)**

Mr. Logsdon explained the amendment.

Motion #15: Ms. Sheipline moved to approve revised policy #3.7. Ms. Wolfe seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

**Agenda item 7i: Records retention update (Exhibit O)**

Mr. Logsdon explained the updates to Grade -02 Examination Result Files and ADM-15 Annual Report.

Motion #16: Ms. Thomas moved to approve revised record retention schedules for Grade -02 Examination Result Files and ADM-15 Annual Report. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

**Agenda item 7j: NIC Annual Conference (Exhibit P)**

Some discussion ensued. Matter tabled.

**Agenda item 7k: Reports and Recommendations review**

**Agenda item 7(k)(1) - In the matter of VN Nails, MANS.111269, Case #ADJ-2017-888 (Exhibit Q)**

Motion #17: Ms. Sheipline moved to approve the Hearing Examiner's findings of fact, conclusions of law, and recommendation in the matter in the matter of VN Nails, MANS.111269, Case #ADJ-2017-888. Ms. Thomas seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 – Yes.

**Agenda item 7(k)(2) - In the matter of Paul Carpenter, BARB.052318 Case #ADJ-2018-1004 (Exhibit R)**

Motion #18: Mr. Hanks moved to approve the Hearing Examiner's findings of fact, conclusions of law, and recommendation in the matter in the matter of Paul Carpenter, BARB.052318, Case #ADJ-2018-1004. Ms. Thomas seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 – Yes.

**Agenda item 7i: Corrections to Previously Approved Orders of the Board (Exhibit S)**

None.

**Agenda item 7m: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 – #76) (Exhibit S)**

Motion #19: Mr. Hanks moved to approve Board Orders listed as items #1 through item #76 on the Administrative Action report dated May 14, 2019, as Orders of the Board and enter them upon the Board's journal as exhibit to the record. Ms. Wolfe 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 7n: Consent Agreement Approval (Items #77 – #185) (Exhibit S)**

Motion #20: Mr. Hanks moved to approve the Consent Agreements listed as items #77 through item #185 on the Administrative Action report dated May 14, 2019, as Orders of the Board and enter them upon the Board's journal as exhibit to the record. Mr. Prince 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 #8**

**EXECUTIVE SESSION**

Motion #21: Ms. Wolfe moved to enter into executive session pursuant to ORC Section 121.22 (G) for the purpose of the investigation of charges or complaints against a licensee or regulated individual. Ms. Thomas seconded the motion. Discussion: None. Roll call vote:

Thomas Taneff – Yes  
Tasha Sheipline – Yes  
Luke Hanks – Yes  
Kenji Prince – Yes  
Kim Thomas – Yes  
Jennifer Wolfe – Yes  
Jessica Price-Kovach – Yes

Motion carried

The Board entered executive session at 2:20 p.m. Christopher H. Logsdon, Executive Director, Charley Yaniko, In-house legal counsel, Leigh Bayer, Assistant Attorney General, and all seven members of the Board were present in Executive Session. The Board returned to public session at 2:26 p.m.

**Agenda item #9: ADMINISTRATIVE REVIEW GROUP REPORT (Exhibit T)**

Motion #22: Ms. Thomas moved to approve the Administrative Review Group Report and recommendations contained therein. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - Yes.

**Agenda item #10: PUBLIC TESTIMONY**

None.

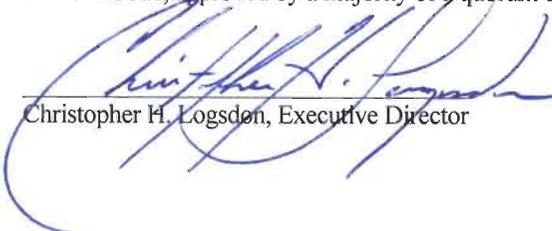
**Agenda item #11 ADJOURNMENT**

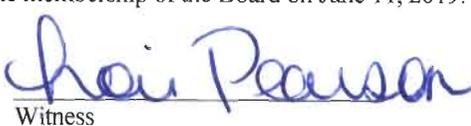
Mr. Taneff called for a motion to adjourn.

Motion #23: Mr. Hanks moved to adjourn. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 - Yes.

The meeting adjourned at 2:28 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 June 11, 2019.

  
\_\_\_\_\_  
Christopher H. Logsdon, Executive Director

  
\_\_\_\_\_  
Witness