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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:</b>	<b>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:</b>	<b>APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit D)</b> .....	5
Agenda item 2a:	Approval of Previous Meeting Minutes .....	5
<b>Agenda item #3:</b>	<b>OFFICER AND STAFF REPORTS</b> .....	5
Agenda item 3a:	Chairperson’s Report.....	5
Agenda item 3b:	Executive Director’s Report (Exhibit E) .....	5
<b>Agenda item #4:</b>	<b>COMMITTEE REPORTS</b> .....	6
<b>Agenda item #5:</b>	<b>PUBLIC TESTIMONY (Exhibit F)</b> .....	6
<b>Agenda item #6:</b>	<b>UNFINISHED BUSINESS</b> .....	6
<b>Agenda item #7:</b>	<b>OLD BUSINESS</b> .....	6
<b>Agenda item #8:</b>	<b>NEW BUSINESS</b> .....	7
Agenda item 8a:	Proposed Legislative Amendments for O.R.C. Chapters 4709. and 4713. (Exhibit G collective) .....	7
Agenda item 8b:	Review of testimony from public rules hearing and proposed rule amendments (Exhibit H collective).....	7
Agenda item 8c:	Proposed amendments to previously approved proposed rules (Exhibit I) .....	7
Agenda item 8d:	Five-year rule review (Exhibit J).....	8
Agenda item 8e:	Policy approval: policies #4.5 to 4.9 (Exhibit K).....	8
Agenda item 8f:	H.B. 292 Pay Parity (Exhibit L) .....	8
Agenda item 8g:	Resolution to evaluate classification of personnel (Exhibit M).....	8
Agenda item 8h:	Form review and approval – Tanning consent form COS023 and Barber examination testing information packet – COS075 (Exhibit N Collective) .....	9
Agenda item 8i:	Updated records retention schedule (Exhibit O) .....	9

Agenda item 8j:	Resolution on barber examination models (Exhibit P).....	9
Agenda item 8k:	Reports and Recommendations .....	9
Agenda item 8l:	Corrections to Previously Approved Orders of the Board (Exhibit Q) .....	9
Agenda item 8m:	Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 – #45) (Exhibit Q) .....	10
Agenda item 8n:	Consent Agreement Approval (Items #46 – #95) (Exhibit Q) .....	10
<b>Agenda item #9</b>	<b>EXECUTIVE SESSION</b> .....	10
<b>Agenda item #10</b>	<b>ADMINISTRATIVE REVIEW REPORT (Exhibit R Collective)</b> .....	11
<b>Agenda item #11</b>	<b>ADJOURNMENT</b> .....	11

OFFICIAL BOARD MEETING MINUTES OF AUGUST 13, 2018

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

**ATTENDANCE (Exhibit B):**

Thomas Taneff, Chairperson

Luke Hanks

Jennifer Wolfe, MSN, APRN, NP-C

Kenji Prince

Jessica Price-Kovach

Kim Thomas

Clara Osterhage

Tasha Sheipline

Rowena Yeager (arrived at 1:02 p.m.)

NeCole Cumberlander

**Staff in attendance:**

Christopher H. Logsdon, Executive Director

Lori Pearson, Deputy Director

Charley Yaniko, Board in-house counsel

**Assistant Attorney General in attendance:**

Daniel Murry, Assistant Attorney General

**Others in Attendance:**

Eric Garret, BEBC

Yolanda Long, OAB

Wezlynn Davis, The Beauty Lab

Elizabeth Murch, OSA

Mike D'Amico, Allstate Barber College

Ross Wolfe, OPEN

Laura Clemente, OBBA

Christina Melaragno, OBBA

Lisa Elig, OBBA

Emily Harris, Kenneth's

Robert Catanza, OBBA, Catanza's Barber Shop

Sabrina Walden, Ohio Salon Schools Group

Alexis Mealey, OBBA

Charles Gross, Creative Images Institute of Cosmetology

Fouad Radwan, Meryma'at Barber College

Tim Subotin, Akron Barber College

Sue Moore, Ohio Salon Schools Group

Melinda Williams, Madison Adult/OCCTA

Matt Ridgeway, Barber/Meryma' at Barber College

Chanty Nov

Phauy Yann

Phom Thol

Limda Sem

Vanna Chem

Thy Hmon

Nita Cim

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

Mr. Taneff called the meeting to order at 1:00 p.m.

Agenda item 1a: Roll Call

Ms. Pearson took roll call and nine members were present. Ms. Yeager was not in attendance. 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.

Ms. Yeager arrived at 1:02 p.m.

Noting attendees were still signing in, Mr. Logsdon asked to delay business to for attendees to be seated. Mr. Taneff agreed. After attendees were seated, Mr. Taneff proceed to consider the first item of business.

Agenda item 1c: Approval of Meeting Agenda (Exhibit C)

Motion #1: Ms. Osterhage moved to approve the meeting agenda for August 13, 2018. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken – motion carried: 10 - Yes.

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

Agenda item 2a: Approval of Previous Meeting Minutes (Exhibit D)

Motion #2: Ms. Osterhage moved to approve the June 11, 2018 meeting minutes of the State Cosmetology and Barber Board. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

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

Agenda item 3a: Chairperson's Report

Mr. Taneff stated that he did not have a report, but that he noted a requested motion to appoint Mr. Prince to the Curriculum and Examination Review Committee. Mr. Taneff asked Mr. Logsdon to explain. Mr. Logsdon stated that there had been a delay in the appointment to the remaining open barber seat on the Board and it is important for the Board to fill its committees as approved during the Board's inaugural meeting and that he recommended filling the open seat on the Curriculum and Examination Review Committee with Mr. Prince, if he was willing. Mr. Logsdon explained that the Board could consider reassignments once the second Barber member has been appointed to the Board.

Motion #3: Ms. Osterhage moved to appoint Kenji Prince to the Curriculum and Examination Review Committee. Ms. Thomas seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

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 stated that expenditures were unremarkable, but that he did provide the Board with a list of expenditures to date and all purchase orders. He also provided the Board with a final overview of FY 2018 and current FY 2019.

Mr. Logsdon stated that the Board's proposed FY 2020/2021 budget was due September 12, 2018 and it would be presented to the Board at the next meeting for approval.

Next, Mr. Logsdon noted that a new inspector, Ms. Nakia Nixon, was hired for the Cuyahoga County area and began service on June 11, 2018. Additionally, Mr. Logsdon noted that the Board is still searching for a Barber inspector for the Cuyahoga area. Mr. Logsdon also noted the service, peer, and distinguished service awards.

Mr. Logsdon provided the Board with statistics on barber renewal.

Mr. Logsdon noted that a public rules hearing was held on July 20, 2018. Mr. Logsdon stated that no persons appeared to testify, but the Board received some written testimony and those comments would be reviewed under new business. Additionally, Mr. Logsdon reviewed the status of rules filed with the office of Common Sense Initiative.

Mr. Logsdon stated that the Barber examination would be transitioned to the agency facility on August 14, 2018. Mr. Logsdon stated that the theory exam would be transitioned to a validated national examination and the practical would transition to a task-based examination process. Mr. Logsdon reviewed the training and review meeting the office had held, exam walk through, and guidance documents produced for schools and candidates. A list of available documents was presented.

Mr. Logsdon reviewed the process of developing legislative clean-up recommendations for the Governor's office.

Last, Mr. Logsdon noted that the Board's annual report was being drafted and that it should be ready for Board review in September.

Motion #4: Ms. Yeager moved to approve the Executive Director's report. Ms. Thomas seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 - Yes.

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

None.

#### **Agenda item #5: PUBLIC TESTIMONY (Exhibit F)**

##### **Charles Gross**

Mr. Gross provided his name and address for the record. Mr. Gross stated that he represent nearly 400 students in the Dayton area. Mr. Gross invited members to attend a meeting developed by his student. Mr. Gross stated that Tabitha Coffee was coming to speak about careers on August 27, 2018.

##### **Alexis Mealey**

Ms. Mealey provided her name and address for the record. Ms. Mealey stated that she was representing the newly formed Barber and Beauty Alliance to state that many are in attendance because they believe there have been violations in representation of the ethics of the Board pursuant to the Board's policies and the group is following up with appropriate legal avenues.

##### **Chanty Nov**

Ms. Nov provided her name and address for the record. Ms. Nov stated that she has not passed the examination on many attempts. Ms. Nov stated that the test is offered in Spanish and Vietnamese. Ms. Nov asked that the examination be given in Cambodian.

The Board noted Phauy Yann, Phom Thol, Thy Huon, and Linda Sem were in attendance to support the request for Cambodian language examination.

#### **Agenda item #6: UNFINISHED BUSINESS**

None.

#### **Agenda item #7: OLD BUSINESS**

None.

**Agenda item #8: NEW BUSINESS**

Agenda item 8a: Proposed Legislative Amendments for O.R.C. Chapters 4709. and 4713.  
(Exhibit G collective)

Mr. Logsdon explained that the Board was approached by the Governor's office regarding any potential recommendations for clean-up requirements. Mr. Logsdon reminded members that he approached the Board in March 2018 and asked the Board to approve principles to guide staff in the review effort. Those principles, he stated, were related to standardizing, harmonizing, consolidating criteria, eliminating unnecessary or outdated language. Additional clean-up language was pulled, he stated, from two prior actions of the Board in 2016 and 2017, which were approved. Mr. Logsdon stated that the Board's counsel did most of the work and he credited him with the draft. Mr. Logsdon stated that he was asking for the Board's review and that he would entertain any discussion or questions.

Mr. Logsdon explained the documents before the Board.

Mr. Prince inquired about language regarding temporary special event language found under Chapter 4713 of the Ohio Administrative Code. Mr. Yaniko stated that language he was recommending be redacted would allow the Board to consider a similar rule. Mr. Prince inquired about the law requiring a ceiling height partition. Mr. Yaniko stated that the proposed language would remove that barrier.

Mr. Hanks stated the recommendations did a phenomenal job at harmonizing the chapters.

Motion #5: Mr. Hanks moved to approve the recommended clean-up language for O.R.C. Chapters 4709. and 4713. as presented and attached to the minutes as an exhibit. Ms. Yeager seconded the motion. Discussion: Ms. Osterhage inquired about section 4713.641 of the Revised Code and asked Mr. Logsdon and Mr. Yaniko to reconsider the recommended change since the Board had previously addressed a need to require complainant identity. Mr. Yaniko stated that goal of the change is to make complaints confidential, not anonymous, because names would allow the Board to pursue a complaint. Mr. Yaniko summarized his reasons for the recommendation, indicating the goal is to make people give them information, but not have the record be public. Ms. Osterhage indicated she was concerned that the recommendation would lead to an increase in workload. Mr. Yaniko stated that the Board could still have a policy that would address the anonymity of the complaint. No further discussion. Roll call vote taken - motion carried: 10 – Yes.

Agenda item 8b: Review of testimony from public rules hearing and proposed rule amendments (Exhibit H collective)

Mr. Logsdon stated that he had provided the specified rule, the public comments made on the rules specified, and his recommendations concerning the comments filed. Mr. Logsdon indicated that he did not believe there was any further action necessary, but that the Board may ask questions of staff concerning the recommendations provided and may discuss, or have recommendations concerning additional action. Mr. Yaniko clarified that these were rules that are currently at JCARR, not the large group.

No action taken.

Agenda item 8c: Proposed amendments to previously approved proposed rules (Exhibit I)

Mr. Logsdon indicated that the rules had been filed and based upon comments received, he believes the Board comments made about one rule is valid enough to consider changing the proposed rule, the other comment he stated is a non-substantive change.

Mr. Logsdon stated that one rule, 4713-5-06, he is recommending a citation error correction, which is non-substantive. The next rule, 4713-7-15, Mr. Logsdon stated that he had provided the reason for the recommended change and asked the Board to consider it. Mr. Hanks inquired about a missing word, which Mr. Logsdon addressed to his satisfaction.

Motion #6: Ms. Yeager moved to approve motion to approve amendments to proposed draft rules 4713-5-06 and 4713-7-15, as presented and attached to the Board's minutes. Further to authorize the Executive Director to file the proposed rules with the Office of CSI, JCARR, Legislative Services Commission, the Secretary of State, and delegates to the Executive Director, after the JCARR jurisdiction end date, the authority to final file and order the adoption of listed rules. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

#### Agenda item 8d: Five-year rule review (Exhibit J)

Mr. Logsdon stated that the Board must review rules every five years under Chapter 119.031 of the Revised Code. Mr. Logsdon stated rule 4713-15-16 is due in September and he is recommending that it be filed as a no-change rule.

Motion #7: Ms. Cumberlander moved to authorize the Executive Director to file rule 4713-5-16 of the Administrative Code as a 'no change' rule with the Office of CSI, JCARR, Legislative Services Commission, the Secretary of State and delegates to the Executive Director, after the JCARR jurisdiction end date, the authority to final file and order the adoption of the listed rule. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

#### Agenda item 8e: Policy approval: policies #4.5 to 4.9 (Exhibit K)

Mr. Logsdon stated that policies 4.5 through 4.9 are internal IT policies. Mr. Logsdon stated they have been updated and he summarized the changes.

Motion #8: Ms. Osterhage moved to approve amended policies #4.5 through #4.9 and to attach the policies to the minutes as an exhibit. Ms. Wolfe seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

#### Agenda item 8f: H.B. 292 Pay Parity (Exhibit L)

Mr. Logsdon stated that he provided the Board with background on the issue. Mr. Logsdon stated that H.B. 292 addressed pay parity for E-2 and E-1 pay schedules. Mr. Logsdon stated that pay adjustments for E-2 staff are completely discretionary from 0%-2.75%. Ms. Osterhage inquired what employees fall within the classification. Mr. Logsdon reported that Ms. Pearson and he were the only two E-2 employees.

Motion #9: Mr. Osterhage moved to approve s 2.75% increase in pay for the agency's E-2 classified employees. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

#### Agenda item 8g: Resolution to evaluate classification of personnel (Exhibit M)

Mr. Logsdon stated that the resolution presented is simple, indicating it would allow him to initiate a classification review to determine if the duties being performed matched the classification and take any steps needed to address any difference. Mr. Logsdon stated that the resolution does not guarantee any action would be taken. He stated it (the resolution) only authorizes the review and the Department of Administrative Services would have to make any final determination on the review.

Mr. Prince inquired about the Attorney 4 position. Mr. Logsdon reviewed the classification. Mr. Logsdon stated that the Board has one position in-house.

Motion #10: Ms. Osterhage moved to approve resolution 8-13-2018, agenda item 8(g). Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

Agenda item 8h: Form review and approval – Tanning consent form COS023 and Barber examination testing information packet – COS075 (Exhibit N Collective)

Mr. Logsdon stated he was presenting two forms for review with comparative comments on the changes. Mr. Logsdon stated that the changes were not drastic, but if the Board has any questions based on the comparison document, he would address them.

Motion #11: Mr. Hanks move to approve revised forms COS023 and COS075. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

Agenda item 8i: Updated records retention schedule (Exhibit O)

Mr. Logsdon stated that he was proposing a change in the records retention schedule presented based on an error in the schedule. Mr. Logsdon explained that a paper form, under the schedule could be shredded after scanning and the scanned version could be retained for a minimum of 25 years after expiration of the license and then erased. Mr. Logsdon stated that the Board has a large number of paper records under the presented schedule. He stated that many of the paper records in storage are for licensees that have been expired for 25 years. The schedule, as written, he stated would require the Board to scan the record and then erase the record.

Motion #12: Ms. Osterhage moved to approve the updated records retention schedule for Personal License Record File, Series authorization #879-0056. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

Agenda item 8j: Resolution on barber examination models (Exhibit P)

Mr. Logsdon stated the resolution would modify the Board's model policy for the barber examination. The resolution would state that the use of a model that is a barber teacher or a barber assistant teacher may create an unfair advantage over other models used by examination candidates. Mr. Logsdon stated that the resolution would restrict a candidate from using a barber teacher or barber assistant teacher as a model.

Motion #13: Mr. Cumberlander moved to approve resolution 8-13-2018, agenda item 8(j). Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

Agenda item 8k: Reports and Recommendations

None.

Agenda item 8l: Corrections to Previously Approved Orders of the Board (Exhibit Q)

*Names and identifying information were redacted from the Administrative Action Report. For the purposes 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 #14: Ms. Osterhage moved to approve corrections to Board Orders listed as items CORR-1 and CORR-2 on Administrative Action report dated August, 2018, and enter the corrected Orders of the Board upon the Board's journal as exhibit to the record. Ms. Wolfe seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 10 – Yes.

Agenda item 8m: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 – #45) (Exhibit Q)

Motion #15: Ms. Osterhage moved to approve Board Orders listed as items #1 through item #45 on the Administrative Action report dated August, 2018, as Orders of the Board and enter them upon the Board's journal as exhibit to the record. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 10 - 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 8n: Consent Agreement Approval (Items #46 – #95) (Exhibit Q)

Motion #16: Mr. Hanks moved to approve the Consent Agreements listed as items #46 through item #95 on the Administrative Action report dated August, 2018 as Orders of the Board and enter them upon the Board's journal as exhibit to the record. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 10 - 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**

Mr. Taneff read the question.

Motion #17: Mr. Hanks 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. Cumberlander seconded the motion. Discussion: Mr. Logsdon recommended that Mr. Yaniko, Ms. Pearosn, Mr. Murry, and he remain. Roll call vote:

Thomas Taneff – Yes  
NeCole Cumberlander – Yes  
Rowena Yeager – Yes  
Tasha Sheipline – Yes  
Luke Hanks – Yes  
Clara Osterhage – Yes  
Kenji Prince – Yes  
Kim Thomas – Yes  
Jennifer Wolfe – Yes

Jessica Price-Kovach – Yes

Motion carried: 10 – Yes

The Board entered executive session at 1:52 p.m. Christopher H. Logsdon, Executive Director, Lori Pearson, Deputy Director, Charley Yaniko, In-house legal counsel, Daniel Murry, Assistant Attorney General, and all ten members of the Board were the only persons present in Executive Session. The Board returned to public session at 2:15 p.m.

**Agenda item #10 ADMINISTRATIVE REVIEW REPORT (Exhibit R Collective)**

Motion #18: Ms. Osterhage moved to approve the administrative review report and the recommendations contained therein. Ms. Shiepline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 10 - Yes.

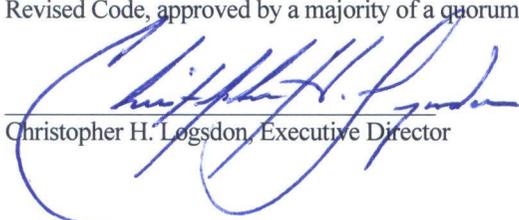
**Agenda item #11 ADJOURNMENT**

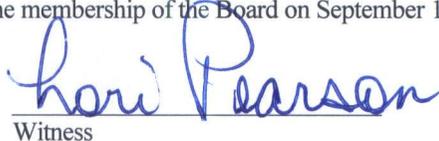
Mr. Taneff called for a motion to adjourn.

Motion #19: Ms. Osterhage moved to adjourn. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 10 - Yes.

The meeting adjourned at 2:16 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 September 10, 2018.

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

  
\_\_\_\_\_  
Witness