
OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF SEPTEMBER 15, 2017

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.

ATTENDANCE (Exhibit B):

Tommy Taneff, Chairperson

Clara Osterhage, Vice-Chairperson

Luke Hanks

Tasha Shepline

NeCole Cumberlander

Charles Penzone

Staff in attendance:

Christopher H. Logsdon, Executive Director

Lori Pearson, Deputy Director

Lori Flanery, Program Administrator 1

Charley Yaniko, Board in-house counsel

Assistant Attorney General in attendance:

Daniel Murry, Assistant Attorney General

Others in Attendance:

Judson DiVencenzo, Inner State Beauty School

Michele Roberts, CIIC

Tim Hornsby, Western Hills

Angela Hodges, Western Hills School of Beauty

Jean Wolf, State Beauty Academy

Angela Ramsay, WCSCC

Ed Highley, Ohio State Barber Board

Nancy Brown, Ladies and Gentleman Salon

Wezlynn Davis, Beauty Lab

Pete Stevens, OSSC/SSG

Robin Burnes, Salon

Mary Reed, Salon

Ed Brown, Brown Aveda

Gwen Holland, Sport Clips Haircuts

Sue Carter Moore

Elizabeth Murch, Ohio Salon Association

Brenda L. Holsey, Ohio Association of Beauticians, Inc.

Ruth Glover, Ohio Association of Beauticians, Inc.

Linda Redmond, Ohio Association of Beauticians, Inc.

Agenda item #1: CALL MEETING TO ORDER

Mr. Taneff called the meeting to order at 1:12 p.m.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and six members were present. Rowena Yeager was not present for the meeting. Having noted a majority 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. Osterhage moved to approve the meeting agenda for September 15, 2017. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken – motion carried: 6 – 0.

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 meeting minutes of July 19, 2017. Ms. Cumberlander 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 filed a written report. Mr. Logsdon provided a brief verbal review of his report.

Mr. Logsdon provided the Board with a summary of FY 2018 financial activity since the beginning of the fiscal year.

Mr. Logsdon provided a legislative update on H.B. 189 and S.B. 129.

Next, Mr. Logsdon noted that the Elicense 3.0 project would be moving into full development. Mr. Logsdon noted that the Ohio State Barber Board is working cooperatively with the Ohio State Board of Cosmetology to design a system meeting both needs. Mr. Logsdon stated involved staff have been advised of the time commitment and the importance of their participation in the project.

Last, Mr. Logsdon reported on travel he incurred and meetings he attended since the Board's meeting in June 2017.

Discussion: None.

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

Agenda item 3c: Deputy Director's Report

Ms. Pearson gave a verbal report concerning continuing education audits. Ms. Pearson stated that the Board audited 1536 persons. Of those audited, she stated 136 failed the audit. Failures, she stated, included failure to complete the required continuing education hours. The audit, she continued, began in May 2017 and concluded in September 2017.

Discussion: Ms. Osterhage inquired if any specific segment of the industry failed predominantly more than another. Ms. Pearson stated that the agency audited 2% of each license type. As a result the majority of persons audited, she stated, are cosmetologists.

Motion #4: Ms. Osterhage moved to approve the Deputy Director's Report. Ms. Cumberlander seconded the motion.
Discussion: None. Roll call vote taken - motion carried: 6- Yes.

Agenda item #4: COMMITTEE REPORTS

Agenda item 4a: Administrative Review Committee Report (Exhibit F)

Mr. Taneff asked Mr. Logsdon to present the Administrative Review Committee (ARC) report. Mr. Logsdon reported that the committee met on August 31, 2017 at 3:15 PM and a written report and recommendations of the Administrative Review Committee are presented as written.

**Names and identifying information were redacted from the Administrative Review 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 #5: Ms. Cumberlander moved to confirm the Administrative Review Committee (ARC) report, as referenced hereto by attachment to the minutes of the Board. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 - Yes.

Agenda item 4b: Rules Review Committee Report (Exhibit G)

Mr. Hanks gave a report on the activity of the Rules Committee. Mr. Hanks stated that the Rules Committee met on September 15, 2017 and reviewed the committee's prior meeting minutes. Mr. Hanks stated the committee then reviewed new or amended rules proposed by staff, including rules 4713-8-03 through 4713-8-07, 4713-11-10, 4713-19-09, 4713-19-15, and 4713-7-09. After consideration, he stated, the committee moved to withhold rules 4713-19-15 and 4713-7-09 for further consideration.

Motion #6: Ms. Osterhage moved to approve the Rules Review Committee report filed by Mr. Hanks. Ms. Shepline seconded the motion. Discussion: Mr. Logsdon indicated that proposed rules 4713-19-15 and 4713-7-09 have been removed from consideration under New Business. No further discussion. Roll call vote taken - motion carried: 6- Yes.

Agenda item #5: PUBLIC TESTIMONY

None.

Agenda item #6: UNFINISHED BUSINESS

None.

Agenda item #7: OLD BUSINESS

None.

Agenda item #8: NEW BUSINESS

Agenda item 8a: Proposed rules (Exhibit H collective):

1. Amendments:
 - Rules 4713-8-03, 4713-8-04, 4713-8-05, 4713-8-06, and 4713-8-07 of the Administrative Code
 - Rule 4713-11-10 of the Administrative Code
 - Rules 4713-19-09 of the Administrative Code
2. New:
 - Rule 4713-19-15

Mr. Logsdon noted the rules were reviewed by the Board's Rules Committee and were being presented for proposed filing with the Office of Common Sense Initiative and JCARR.

Motion #7: Ms. Osterhage moved to approve proposed rules listed for filing with the Office of Common Sense Initiative after obtaining stakeholder comments, followed by JCARR pending an affirmative CSI recommendation, including final filing or refiling as may be necessary. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6-0.

The following rules will be filed:

1. Amendments:
 - Rules 4713-8-03, 4713-8-04, 4713-8-05, 4713-8-06, and 4713-8-07 of the Administrative Code
 - Rule 4713-11-10 of the Administrative Code
 - Rules 4713-19-09 of the Administrative Code
2. New:
 - Rule 4713-19-15

Agenda item 8b: Form Approval (Exhibit I collective)

Ms. Pearson provided an overview of the changes. Mr. Logsdon clarified that the amendment needed for the form acknowledgement language applied to forms: Residential Salon-COS028, Boutique Salon-COS052, Salon-COS057, Tanning Facility-COS058, School-COS061, and Mobile Salon-COS065. Forms COS064 and COS069, he stated were being amended to

improve efficiency. Mr. Logsdon stated the new forms combined the existing “Request for Duplicate License – COS064” and “Request for Duplicate Boutique Registration – COS069” with another system generated form.

Motion #8: Ms. Osterhage moved to approve revised forms: Residential Salon-COS028, Boutique Salon-COS052, Salon-COS057, Tanning Facility-COS058, School-COS061, and Mobile Salon-COS065. Mr. Hanks seconded the motion. Discussion: Ms. Osterhage asked that forms have the form number and revision date on the form. Ms. Pearson pointed out where the form number and revision date are on each form. Ms. Sheipline thanked staff for including public schools on the forms. No further discussion. Roll call vote taken - motion carried: 6-0.

Agenda item 8c: FY 2017 Annual Report (Exhibits J)

Mr. Logsdon presented the FY 2017 annual report.

Motion #9: Ms. Cumberlander moved to approve the FY 2017 Annual Report. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6-0.

Agenda item 8d: Records Retention Schedule and Records Retention Policy (Exhibits K and L)

Mr. Logsdon explained that he was presenting a policy based on other successful templates. Additionally, he stated, that a review was being conducted in preparation for the merger with the Barber Board and some retention schedule improvement opportunities were found.

Motion #10: Mr. Hanks moved to approve the proposed new, amended, or obsolete records retention schedules presented. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6- Yes. (Records retention schedules approved will be attached to the minutes as exhibits.)

Motion #11: Mr. Hanks moved to approve the proposed records retention policy #2.24. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6-0.

Agenda item 8e: COS/BRB Merger Update (M)

Mr. Logsdon reviewed a report prepared to update the Board membership on the COS/BRB merger project. No action required.

Agenda item 8f: National Examination RFP (Exhibit N)

Mr. Logsdon explained that the draft RFP is before the Board for approval. Mr. Logsdon stated that the RFP would need to go through other approvals before being posted. Mr. Logsdon stated that the RFP is seeking a national examination vendor to provide the written theory examination for cosmetology and branches of cosmetology. The RFP is written to address the possible inclusion of Barbers.

Discussion: Ms. Osterhage inquired how many vendors develop examinations for cosmetology. Mr. Logsdon stated that he was aware of four. Ms. Cumberlander inquired if it would be beneficial to determine what examination was most commonly used for recipient purposes. Mr. Logsdon stated that the RFP process is designed to solicit interests from any qualified vendor and that an RFP cannot be written in a manner to favor any single provider.

Motion #12: Mr. Hanks moved to approve the draft RFP for a National Examination as presented, and attached hereto. Ms. Osterhage seconded the motion Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Agenda item 8g: Resolution (Exhibit O)

Mr. Logsdon explained that a recent position opening has resulted in internal staff movement. As a result, two persons were promoted and one person had a change in job duties. Through this process, the Board will be able to eliminate an intermittent position.

Motion #13: Ms. Osterhage moved to approve the attached resolution to affirm the change of duties and promotion of employees. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Agenda item 8h: Report and Recommendation

Agenda item 8(h)(1) - In the matter of Victoria Johnman, COSA.112923, Case #2016-624 (Exhibit P)

Motion #14: Ms. Osterhage moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of Victoria Johnman, COSA.112923, Case #2016-624. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Agenda item 8(h)(2) - In the matter of Phuc Van Vinh Tran, OTH.170439, Case #2017-102 (Exhibit Q)

Motion #15: Ms. Osterhage moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of Phuc Van Vinh Tran, OTH.170439, Case #2017-102. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Agenda item 8(h)(3) - In the matter of Barber Brothers Hair & Nail Salon, OTH.175409, Case #2017-122 (Exhibit R)

Motion #16: Ms. Osterhage moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of Barber Brothers Hair & Nail Salon, OTH.175409, Case #2017-122. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Agenda item 8(h)(4) - In the matter of Neda Taghavi, ESTA.143986, Case #2017-284 (Exhibit S)

Motion #17: Ms. Osterhage moved to approve the hearing examiner's findings of fact, conclusions of law, and order in the matter of Neda Taghavi, ESTA.143986, Case #2017-284. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Agenda item 8i: Board Orders to Enforce Notices of Opportunity for Hearing (Items #2 - #17) – (Exhibit T collective)

Motion #18: Mr. Hanks moved to approve Orders of the Board as listed as items #1 through item #65 on the Administrative Action Report dated 9-15-2017 and the Orders to be journalized and attached hereto as exhibits. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 - Yes

The Orders of the Board shall become effective upon the date of mailing of the Orders.

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 Consent Agreements (Items #66 – #144)
(Exhibit T collective)**

Motion #19: Mr. Hanks moved to approve the Consent Agreements as items #66 through item #144 on the Administrative Action Report dated 9-15-2017, excluding items #98 and #128, and enter them upon the Board's journal as an Order of the Board and attached hereto as exhibits. Ms. Osterhage seconded the motion. Discussion: Mr. Logsdon noted that he would redact items #98 and #128 from the final AA report. No further discussion. Roll call vote taken - Motion carried: 6 - 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

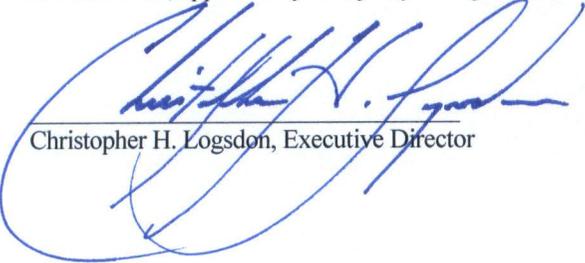
None.

Agenda item #10 ADJOURNMENT

Motion #20: Mr. Hanks moved to adjourn. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes.

The meeting adjourned at 1:40 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 October 10, 2017.


Christopher H. Logsdon, Executive Director


Witness