
OHIO STATE COSMETOLOGY AND BARBER BOARD

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF NOVEMBER 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. Cheryl Lozier, Court Reporter. Transcript is attached as Exhibit A.

ATTENDANCE (Exhibit B):

Thomas Taneff, Chairperson

Luke Hanks

Kenji Prince

Charles A. Penzone

Jessica Price-Kovach

Kim Thomas, arrived at 1:26 p.m.

Clara Osterhage

Rowena Yeager

Jennifer Wolfe, MSN, APRN, NP-C

NeCole Cumberlander, arrived at 1:05 p.m.

Tasha Sheipline

Staff in attendance:

Christopher H. Logsdon, Executive Director

Lori Pearson, Deputy Director

Lori Flanery, Program Administrator I

Charley Yaniko, Board in-house Counsel

Assistant Attorney General in attendance:

Daniel Murry, Assistant Attorney General

Others in Attendance:

Waverly Willis, OBBA

Laura Clemente, OBBA

Elizabeth Murch, OSA

Wezlynn Davis, OBBA, The Beauty Lab

Sabrina Walden, Salon Schools Group

Angela Ramsey, OCCTA, Wayne County Schools Career Center/OCCTA

Melinda Williams, OCCTA, Madison Adult CC

Robert Catanza, Catanza' Barber Shop

Bernadine Neal, CDHS

Ilicia Kent, Columbus Barber Supply

Ross Wolfe, Barberology

Tim Sabotin, Akron Barber College

Emily Harrison, Kenneth's

Angela Stubbs, OBBA

Christina Melaragno, OBBA

Lisa Elig, LaBarberia Barber College

Harold Corrothers, OBBA

Brenda Holsey, OAB

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. Flanery took roll call and nine members were present. Ms. Cumberlander and Ms. Thomas were 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.

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

Motion #1: Ms. Shiepline moved to approve the meeting agenda for November 13, 2018. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken – motion carried: 9 - 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 September 10, 2018 meeting minutes of the State Cosmetology and Barber Board. Ms. Yeager 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

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 stated that he did provide the Board with a FY 2019 financial activity report. Mr. Logsdon noted that there were two attachments, #1 and #2: current purchase orders and current expenditures, not including payroll expenditures, respectively.

Mr. Logsdon stated that the Board's proposed FY 2020/2021 budget was filed. Mr. Logsdon stated that there were no hearings scheduled and that it was likely any hearings would be delayed until after the new administration takes office.

Next, Mr. Logsdon noted that the new inspector, Mr. Jeffrey Innocenzi, resigned his position after one week of employment citing personal reasons.

Mr. Logsdon provided the Board with renewal statistics for barbers' post-renewal and cosmetology/branches of cosmetology. Mr. Logsdon noted that the current renewal cycle for cosmetology and branches of cosmetology practices will go until January 31, 2019.

Mr. Logsdon noted rules previously approved by the Board were being prepared for filing with the Joint Committee on Agency Rule Review.

Mr. Logsdon noted that the Board had a few outreach activities since the prior board meeting. He specifically noted having a booth at the Columbus Premier Beauty Classic, speaking before the Ohio Career Technical Administrator's conference, and sending a representative to the National Association of Barber Boards of America from September 15 – 19, 2018.

Motion #3: Ms. Yeager moved to approve the Executive Director's report. Ms. Osterhage seconded the motion.

Discussion: None. Roll call vote taken - motion carried: 9 - Yes.

Ms. Cumberlander arrived at 1:05 p.m.

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

Waverly Willis

Mr. Willis provided his name and address for the record. Mr. Willis stated he was the Chairperson of the Ohio Barber and Beauty Alliance. Mr. Willis stated that his comments were directed toward Mr. Taneff. Mr. Willis stated that three associations collectively drive to Columbus, Ohio to form some type of synergy with the Barber Board over certain issues. Mr. Willis stated that attendees were taking time away from work and family to work together with the Board. Mr. Willis stated that attendees ask questions but are repeatedly told that a Board meeting is not a Q&A (question and answer) session, which can be found in the Board's transcript. Mr. Willis asked Mr. Taneff if there was a reason why he refuses to answer questions.

Mr. Taneff thanked Mr. Willis for his time.

Mr. Hanks noted to the Chair that the Rules Committee report was missed. Mr. Logsdon requested, since the Board was still on public testimony, to add several written letters to the record, which he stated were just received prior to the Board meeting. Mr. Logsdon stated that he did not expect or anticipate any response from the Board but wanted to make sure that they were part of the Board's record.

Mr. Taneff ask that the letters be added to the record. Included were:

1. Letter, dated November 11, 2018 (sent by email and facsimile), from Amy Young
2. Letter, no date, (sent by email) from Renee Mulshine

3. Letter, copy of Salon Fundamental excerpt text, and Eyelash Extension training manual, dated November 9, 2018 (sent by postal mail), from Tracey M. Tracy
4. Letter, dated November 12, 2018 (sent by facsimile), from Sunnie Ullo

Agenda item #4: COMMITTEE REPORTS

Agenda item 4a: Rules Committee Report (Exhibit G)

Mr. Taneff asked Mr. Hanks to give the Rules Committee report. Mr. Hanks submitted a written report. Mr. Hanks noted that the committee met prior to the Board meeting at approximately 11:00 a.m. with several (four) board members and staff present. Mr. Hanks stated that the rules being proposed to be amended are:

- 4713-13-07 Employee/employer infection control responsibility.
- 4713-15-03 Disinfection of implements and spills; blood and body fluids.
- 4713-15-10 Walls and floors.
- 4713-15-13 Contagious/communicable diseases.
- 4713-15-15 Equipment sanitation.
- 4713-15-17 Rooms used for massage therapy, cosmetic therapy, or other professional services.
- 4713-21-04 License and boutique services registration renewal procedures.

Mr. Hanks stated that, in general, the recommended amendments were minor changes and the intent is to harmonize barber rule language with cosmetology rules.

Motion #4: Ms. Osterhage moved to approve the Rules Committee report. Ms. Yeager seconded the motion. Discussion: Mr. Logsdon stated, for clarification, that the Rules Committee did recommend additional changes to the proposed rules. Mr. Logsdon stated that the rules had been updated and members had the amended versions in their packets. No further discussion. Roll call vote taken - motion carried: 10 - Yes.

Agenda item #6: UNFINISHED BUSINESS

None.

Agenda item #7: OLD BUSINESS

None.

Agenda item #8: NEW BUSINESS

Agenda item 8a: FY 2018 Annual Report (Exhibit H)

Mr. Logsdon stated that he was submitting the Board's 2018 Annual Report for consideration. Mr. Logsdon noted a minor error on page 46, which he will correct. Mr. Logsdon stated the title of a table states "Cosmetology," but should state "Barber." Mr. Logsdon stated that he and staff had spent a lot of time on the report. He said that he believes the report addresses the Board's activities over the last fiscal year and that it addresses all mandatory requirements of law.

Motion #5: Mr. Hanks moved to approve the FY 2018 Annual Report. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 - Yes.

Agenda item 8b: 2018 NABBA Conference Report

Mr. Prince stated that he attended the 2018 annual NABBA conference in Kansas City, Missouri. Mr. Prince stated nineteen states were represented with a total of 39 delegates. Mr. Prince stated that members met to discuss issues affecting their respective boards. He stated there were several mergers occurring across the country and some states have already merged. Mr. Prince stated that there were educational presentations from Pivot Point and sanitation companies. Mr. Prince indicated that the information could be helpful should the board want to adopt national standards. States, he said, discussed legislative issues going on in their states. Mr. Prince provided a few examples. Mr. Prince stated that the conference addressed organizations that were attempting to de-regulate the industry, but none of the organizations were there to provide their input.

Mr. Prince stated it was a good experience. Mr. Prince was glad to meet representative from other states. He stated that he learned that other states had merged boards, and everything is going well. Mr. Prince stated that he would like to see opposing arguments from opposing organizations. Otherwise, he felt the conference was good.

Discussion: Ms. Osterhage inquired about Mr. Prince's suggestion that alternative viewpoints be presented. Mr. Prince stated that he suggested that he would like to hear perspectives on issues to create a healthier dialogue.

Motion #6: Ms. Yeager moved to approve Mr. Prince's report on the 2018 NABBA conference. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 10 – Yes.

Ms. Thomas arrived at 1:26 p.m.

Agenda item 8c: Reciprocity applicants under ORC Section 4709.08 (Exhibit I)

Mr. Logsdon introduced the matter, stating that three individuals have requested a waiver of requirements, in part or in whole, under Section 4709.08 of the Revised Code. Mr. Logsdon stated that staff, to the extent possible, has provided the Board with recommendations for each case. Mr. Logsdon stated that in addition to the recommendations provided by staff, the Board could deny waiving any requirement. Mr. Logsdon stated that the recommendations provided were based upon a review of the documentation provided by the individuals, which he stated the Board has in their material.

Mr. Logsdon listed all the individuals being presented.

Discussion: Mr. Hanks inquired of Mr. Highley about the historical handling of the Ohio State Barber Board. Mr. Highley stated that the Ohio State Barber Board would look at filed documentation to determine if training was similar, or evaluations from schools might be considered. Mr. Highley stated that the Ohio State Barber Board placed importance on getting a person licensed to prevent unlicensed practice; however, if the documentation presented was not equivalent, they would deny the waiver.

Mr. Hanks voiced concern over “opening a can of worms” if a person could not demonstrate some extraordinary reason they should be set apart from all other requirements. Mr. Prince stated that the law seems to give the Board discretion to determine equivalency. Mr. Prince stated all the persons were licensed in other states.

Mr. Logsdon stated that section 4709.08 of the Revised Code does allow the Board to waive all the requirements of the section, but it also states the individual must hold a license in another state that has requirements substantially equivalent to Ohio's requirements. Mr. Logsdon stated that the staff based their recommendations for each case on a comparative with Ohio's licensure requirements. Mr. Penzone asked for confirmation on his position that the Board would not be held to any continuing standard based on its action today. Mr. Yaniko stated it was a case-by-case basis. Mr. Penzone stated that he was in favor of making it as easy as possible to achieve licensure.

Mr. Yaniko noted that the recommendations provided by staff included an examination requirement for two of the candidates. Mr. Yaniko reviewed each recommendation and why the recommendation was crafted in the manner stated.

Ms. Shepline stated that the action should be consistent with similar actions for cosmetology. Mr. Logsdon stated that cosmetology and barbering would need to be addressed differently based upon the enabling statutes for each. Mr. Yaniko reviewed the differences in statute. Ms. Osterhage stated, to Ms. Shiepline's point, the statutes should be applied similarly. Mr. Yaniko stated that the Board could not do that because the two statutes are significantly different. Mr. Logsdon stated that none of the individuals, using the cosmetology requirements, would meet the standard. Ms. Osterhage suggested that the statute be changed.

Motion #7: Mr. Penzone moved to grant reciprocity to Issam Alsaifi, Rick Morgan, and Asiya Mamedova. Ms. Osterhage seconded the motion. Discussion: Mr. Hanks recommended looking at them individually. Mr. Prince inquired if the motion was contingent upon examining. Mr. Penzone stated that it was not. Ms. Yeager voiced concern about the qualifications of the person that worked out of the country and the documentation provided. Mr. Penzone asked that the question be called. Roll call vote taken - motion failed: 3 – Yes, 8 – No (Cumberlander, Yeager, Price-Kovach, Hanks, Osterhage, Thomas, Shiepline, and Wolfe).

Motion #8: Ms. Osterhage moved to approve the recommendations provided by Board staff, which are:

- a. Issam Emran Ismail Alsaifi - approve the issuance of a license based upon recognition of equivalent requirements, waiver of reciprocal licensure recognition, and upon successfully passing the Ohio Barber examination.
- b. Rick Morgan - approve the issuance of a license based upon the waiver of the requirements of Section 4709.08 of the Revised Code; however, he must successfully pass the Ohio Barber examination.
- c. Asiya Mamedova - approve the issuance of a license based upon the waiver of the requirements of Section 4709.08 of the Revised Code.

Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 11 – Yes.

Agenda item 8d: Request to increase student enrollment – Premier Barber College
(Exhibit J)

Mr. Logsdon stated that the Board has received a request to increase student enrollment. The requirement to obtain Board approval, he stated, is statutory.

Motion #9: Ms. Shiepline moved to approve the request to increase enrollment filed by Premier Barber College. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 11 – Yes.

Agenda item 8e: Delegation of authority to approve requests to waive or extend the completion period for continuing education per ORC 4713.60 (Exhibit K)

Motion #10: Mr. Penzone moved to approve resolution 8(e), 11/13/2018 to delegate authority to approve waivers and/or extensions of continuing education requirements to the Executive Director. Ms. Osterhage seconded the motion. Discussion: Ms. Osterhage stated that she thought the authority had already been delegated. Mr. Logsdon stated that the authority had not been delegated. No further discussion. Roll call vote taken - motion carried: 11 – Yes.

Agenda item 8f: Action on filing proposed rules (Exhibit L)

Mr. Logsdon reviewed the resolution and asked for its consideration.

Motion #11: Ms. Osterhage moved to approve resolution 11/13/2018, Agenda item 8 (f) to propose draft rules as listed in the resolution and as 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. Cumberlander seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 11 – Yes.

Agenda item 8g: Reports and Recommendations

Agenda item 8(g)(1) - In the matter of Case ADJ 2018-1006 – William Munlin (Exhibit M)

Motion #12: Mr. Hanks moved to approve the Hearing Examiner's findings of fact, conclusions of law, and order in the matter of Case #ADJ 2018-1006, William Munlin, BARB.050638. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 11 – Yes.

Agenda item 8(g)(2) - In the matter of Case ADJ 2018-1007 – Keith E. Patrick (Exhibit N)

Motion #13: Ms. Osterhage moved to approve the Hearing Examiner's findings of fact, conclusions of law, and order in the matter of Case #ADJ 2018-1007, Keith E. Patrick, BARB.048230. Ms. Thomas seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 11 – Yes.

Agenda item 8(g)(3) - In the matter of Case ADJ 000116 – Allen Ford, Jr. (Exhibit O)

Motion #14: Mr. Hanks moved to approve the Hearing Examiner's findings of fact, conclusions of law, and order in the matter of Case # ADJ 000116, Allen Ford, Jr., BARB.047853. Ms. Wolfe seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 11 – Yes.

Agenda item 8(g)(4) - In the matter of Case ADJ 000117 – The 513 Barber Shop (Exhibit P)

Motion #15: Ms. Osterhage moved to approve the Hearing Examiner's findings of fact, conclusions of law, and order in the matter of Case # ADJ 000117, The 513 Barber Shop, SHOP.090065. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 11 – Yes.

Agenda item 8(g)(5) - In the matter of Case ADJ 000119 – Carlos Jones (Exhibit Q)

Motion #16: Ms. Osterhage moved to approve the Hearing Examiner's findings of fact and conclusions of law in the matter of Case # ADJ 000119, Carlos Jones, BARB.048872. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 11 – Yes.

Motion #17: Mr. Hanks moved to (amend) the recommendation of the hearing examiner to read as follows: "I recommend that Carlos Jones be fined \$250.00 for his violation of OAC Rule 4709-7-15" and to adopt the amended recommendation as the order of the Board in the matter of Case #ADJ-000119 Carlos Jones, BARB.049851. Ms. Cumberlander seconded the motion. Discussion: Mr. Penzone inquired what OAC rule 4709-7-15 addressed. Ms. Pearson stated that the rule requires a licensee to post a license and photo at the workstation, where the public may see the license. Mr. Yaniko stated the correction to the order was based on a typographical error made by the hearing examiner. Roll call vote taken - Motion carried: 10 – Yes, 1 – No (Penzone).

Agenda item 8(g)(6) - In the matter of Case ADJ 000155 – Jimar Evans (Exhibit R)

Motion #18: Mr. Hanks moved to approve the Hearing Examiner's findings of fact, conclusions of law, and order in the matter of Case # ADJ 000155, Jimar Evans, BARB.048872. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 10 – Yes, 1 – No (Penzone).

Agenda item 8(g)(7) - In the matter of Case ADJ 000156 – Doniell Bates (Exhibit S)

Motion #19: Ms. Osterhage moved to approve the Hearing Examiner's findings of fact, conclusions of law, and order in the matter of Case # ADJ 000156, Doniell Bates, BARB.057038. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 10 – Yes, 1 – Abstained (Penzone).

Agenda item 8h: Corrections to Previously Approved Orders of the Board

None.

Agenda item 8i: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 – #30) (Exhibit T)

Motion #20: Ms. Osterhage moved to approve Board Orders listed as items #1 through item #30 on the Administrative Action report dated November 2018, as Orders of the Board and enter them upon the Board's journal as exhibit to the record. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 11 - 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 #31 – #64) (Exhibit T)

Motion #21: Ms. Osterhage moved to approve the Consent Agreements listed as items #31 through item #64 on the Administrative Action report dated November 2018, as Orders of the Board and enter them upon the Board's journal as exhibit to the record. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 11 - 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 #22: Ms. Osterhage 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: Mr. Logsdon recommended that Mr. Yaniko, Ms. Pearson, Mr. Murry, and he remain. Roll call vote:

Thomas Taneff – Yes
NeCole Cumberlander – Yes
Rowena Yeager – Yes
Charles Penzone - 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

The Board entered executive session at 1:54 p.m. Christopher H. Logsdon, Executive Director, Lori Pearson, Deputy Director, Charley Yaniko, In-house legal counsel, Daniel Murry, Assistant Attorney General, and all eleven members of the Board were the only persons present in Executive Session. The Board returned to public session at 2:13 p.m.

Agenda item #10 ADMINISTRATIVE REVIEW REPORT (Exhibit U)

Motion #23: Mr. Penzone moved to approve the administrative review report and the recommendations contained therein. Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 11 - Yes.

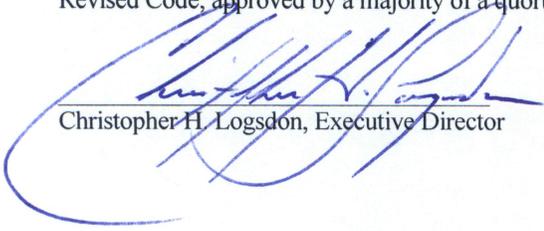
Agenda item #11 ADJOURNMENT

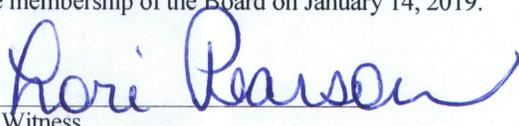
Mr. Taneff called for a motion to adjourn.

Motion #24: Ms. Osterhage moved to adjourn. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 11 - Yes.

The meeting adjourned at 2:14 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 January 14, 2019.


Christopher H. Logsdon, Executive Director


Witness