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# OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF JULY 19, 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):**

Clara Osterhage, Vice-Chairperson

Luke Hanks

Tasha Sheipline

NeCole Cumberlander

Charles Penzone

Rowena Yeager

**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:**

Phuong T. Nguyen, Instructor

Ed Highley, Ohio State Barber Board

Jill Vogel, ARS

Tim Hornsby, Western Hills School of Beauty

Sue Moore, SSG

Wezlynn Davis, The Beauty Lab

\_\_\_\_\_ Roberts, LIL

Deborah Moore, Paramount Beauty

Ron Williams, Ohio State Beauty Academy

Tony Fiore, Ohio Salon Association/Kielor Brown Hill, & Ritter

Jennifer Lambert, Aveda Institute – Columbus

Gwen Holland, Sports Clips Haircuts

Matt Wells, Ohio Department of Education

Katt Marriot, OCCTA

Nancy Brown, Brown Aveda Institute

Edward Brown, Brown Aveda Institute

Marty Gallagher, Suntan Supplies

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

Mr. Taneff was not present and was excused. Ms. Osterhage called the meeting to order at 1:00 p.m.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and six members were present. Tommy Taneff, Chair and Dr. Gupta were not present. Having noted a majority of members were present, Ms. Osterhage 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, Ms. Osterhage 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 July 19, 2017. Ms. Cumberlander 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: Mr. Penzone moved to approve the meeting minutes of June 13, 2017. Mr. Hanks 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

Ms. Osterhage 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 2017 financial activity through June 30, 2017. Mr. Logsdon also presented FY 2018 financial activity, but noted that the activity was unremarkable at current.

Mr. Logsdon reported on the FY 2018/2019 biennial budget, stating Am. Sub. H.B. 49 was signed into law effective 7-1-2018. Mr. Logsdon explained that the act created the operating budget for the Board for FY 2018/2019 and additionally, created the State Cosmetology and Barber Board effective January 21, 2018. Mr. Logsdon also informed members that the act adds two Barber members to the new Board.

Mr. Logsdon provided a legislative update, stating that H.B. 189 had its second hearing for all interested parties.

Next, Mr. Logsdon noted that H.B. 131, amended the definition of "Tanning facility" to include spray-on, mist-on, sunless tans, and visible light for cosmetic purposes. Mr. Logsdon stated that facilities offering these services would require a permit, but may not have obtained one. Mr. Logsdon stated that the office would be working to identify those services and bring them into compliance.

Next, Mr. Logsdon noted that the Elicense 3.0 project had begun again and the staff would be heavily engaged in this project over the next six-months or so.

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

Discussion: Mr. Hanks inquired how Barbers would currently be affected. Mr. Logsdon stated that everybody likely knows about the merger and that other Boards were addressing similar issues. Mr. Logsdon stated that neither the Barbers Board or the Cosmetology Board have gone through elicense 3.0 on-boarding, so he would be encouraging DAS OIT to consider the future needs of the combined agency. Mr. Logsdon reported that the new system would go-live after the effective date of the merger.

Mr. Logsdon stated that he assumes DAS is already considering decisions around the mergers. Mr. Logsdon pointed out that the Barber Board was working cooperatively to address incorporating workflows for each Board's licensing.

Motion #3: Ms. Yeager moved to approve the Executive 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)

Ms. Osterhage asked Mr. Logsdon to present the Administrative Review Committee (ARC) report. Mr. Logsdon reported that the 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 #4: Mr. Hanks 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)

Ms. Osterhage gave a report on the activity of the Rules Committee that met on July 10, 2017. Ms. Osterhage reported that the committee reviewed draft rules prepared by the staff for Chapters 4713-1, 4713-15, and 4713-19 of the Administrative Code. Changes (infection control and tanning) recommended by the committee were incorporated and the revised rules were sent to the Board for review and are being considered under New Business.

Motion #5: Ms. Shiepline moved to approve the Rules Review Committee report filed by Ms. Osterhage. Ms. Yeager seconded the motion. Discussion: None. 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 8b: Proposed rule amendments (Exhibit H collective):

- Rules under chapter 4713-1 of the Administrative Code
- Rules under chapter 4713-7 of the Administrative Code
- Rules under chapter 4713-8 of the Administrative Code
- Rules under chapter 4713-15 of the Administrative Code
- Rules under chapter 4713-19 of the Administrative Code

Ms. Osterhage inquired if members had reviewed the proposed rules and then she entertained a motion to move the rules for filing.

The following rules were filed:

**Definitions**

- 1) 4713-1-01: Definitions (Amend)

**Applications**

- 1) 4713-7-09: Out of state license holder applications

**Standards of Practice**

- 1) 4713-8-03: Standards relating to competent practice as a cosmetologist
- 2) 4713-8-04: Standards relating to competent practice as esthetician
- 3) 4713-8-05: Standards relating to competent practice as a hair designer
- 4) 4713-8-06: Standards relating to competent practice as a natural hair stylist
- 5) 4713-8-07: Standards relating to competent practice as a manicurist

**Infection Control**

- 1) 4713-15-01: General infection control (Amend)
- 2) 4713-15-02: Methods of disinfection (Amend)
- 3) 4713-15-03: Disinfection of implements and spills (Rescind)
- 4) 4713-15-03: Disinfection of implements and spills (New)
- 5) 4713-15-04: Shampoo bowls (Amend)
- 6) 4713-15-06: Use of creams (Amend)
- 7) 4713-15-07: Use of styptics (Amend)
- 8) 4713-15-08: Special solution containers (Rescind)
- 9) 4713-15-09: Use of powders (Amend)
- 10) 4713-15-10: Walls and floors (Amend)
- 11) 4713-15-11: Proper laundering methods (Amend)
- 12) 4713-15-13: Contagious/communicable diseases (Amend)
- 13) 4713-15-15: Equipment sanitation (Amend)
- 14) 4713-15-17: Rooms used for massage therapy, cosmetic therapy, or other professional services (New)

**Tanning**

- 1) 4713-19-01: Necessity of permit (Rescind)
- 2) 4713-19-01: application process and fee requirements (New)
- 3) 4713-19-02: Definitions (Amend)
- 4) 4713-19-03: Permit fees (Rescind)
- 5) 4713-19-04: Installation of equipment (Rescind)
- 6) 4713-19-04: Installation of equipment (New)
- 7) 4713-19-05: Operation of equipment (Rescind)
- 8) 4713-19-05: Facility and equipment operation (New)
- 9) 4713-19-06: Infection control (Amend)
- 10) 4713-19-08: Resident tanning facilities (Rescind)
- 11) 4713-19-08: Resident tanning facilities (New)
- 12) 4713-19-09: Maintaining records for sunlamp product services (Amend)
- 13) 4713-19-10: Tanning equipment posing safety risks (Amend)
- 14) 4713-19-12: Change of ownership (Rescind)
- 15) 4713-19-13: Termination of tanning services in salons (Amend)
- 16) 4713-19-14: Training of operators and employees (Amend)

Motion #6: Ms. Sheipline 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. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6-0.

#### Agenda item 8b: Revised Tanning Permit application (Exhibit I)

Ms. Pearson provided an overview of the changes. Mr. Logsdon clarified why the services were divided on the form.

Motion #7: Ms. Sheipline moved to approve the revised tanning permit application, attached hereto as an exhibit. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6-0.

#### Agenda item 8c: Proposed curriculum changes for Career Technical Schools esthetics programs

Ms. Osterhage asked Ms. Sheipline to address the issue. Ms. Sheipline stated that this matter was something the curriculum review committee had talked about in reference to esthetics programs in career technical schools. Ms. Sheipline stated that rule 4713-5-03 outlines what academic courses are approved for use towards the total hours requirement for cosmetology. Ms. Sheipline stated the same was addressed for hair design, but now esthetics is rapidly becoming part of the public-school system. Ms. Sheipline stated the curriculum review committee was looking at the issue to determine if the same could be added to count toward completion of the esthetics program. Ms. Sheipline stated she was seeking a motion to add language to rule 4713-5-03 to add an academic component for Esthetics. Ms. Sheipline stated that the other branches, less than 600 hours, would not be considered, because they would not be full year courses. Mr. Penzone asked Ms. Sheipline to state her motion.

Motion #8: Ms. Sheipline moved to approve the proposed change to rule 4713-5-03 to include esthetics within the parameters for academic coursework. Mr. Penzone seconded the motion. Discussion: Ms. Osterhage inquired if the change Ms. Sheipline proposed to integrate was discussed with the curriculum review committee. Ms. Sheipline affirmed. Ms. Osterhage asked if a person would have everything needed to complete the esthetics program and graduate from high school. Ms. Sheipline stated esthetics would be approved as a 12-point credential, which means it would be part of the graduation requirements for the Ohio Department of Education. Ms. Sheipline stated cosmetology and esthetics would both meet the graduation requirements. Ms. Sheipline stated that she believes more schools will want to see esthetics offered as an option. Ms. Sheipline stated examples of courses that could not crossover into the esthetics curriculum. Ms. Osterhage clarified that the proposal would mean the academic courses already identified in rule for cosmetology would apply toward esthetics. Ms. Sheipline affirmed stating the rule would place parameters around what academics would be recognized.

Ms. Pearson stated she is aware of 4 – 5 career technical schools that offer esthetics programs. Ms. Pearson also defined how the current rule applies to cosmetology and hair design programs.

Ms. Sheipline clarified that a for profit school would not be obligated to accept academic courses earned, if a student did not complete the career technical program. Ms. Pearson also addressed career technical programs that offer more than one course of study, stating she was aware of one.

Mr. Hanks expressed concerns, noting the academic hours already account for 25% of the total hours for cosmetology and they are not supervised by a licensed instructor. Mr. Hanks stated the proposal did not make sense to him. Mr. Hanks also noted that the proposal would require a rule change, which meant it would go through the rules committee. Mr. Hanks stated that the Board should be focused on what may be happening in the future and to make sure the Board gets this right. Mr. Hanks reminded members that proposed legislation would reduce the esthetics program to 300 hours.

Ms. Sheipline responded that the proposed legislation, she thinks, speaks to academics being incorporated and that she understood the rule would need to be revisited if the proposed legislation passed. Ms. Sheipline stated she was trying to be proactive and that she respected Mr. Hanks opinion; however, she is in a different position. Ms. Sheipline argued that the level of education offered to students in English and anatomy comes from educators with degrees in those subjects, which is better than she could provide.

Mr. Hanks stated the education provided is general, which similar education in the context of cosmetology or esthetics is specifically focused.

Ms. Sheipline agreed, but stated that her experience with the assessment data indicates students are doing well. Ms. Cumberlander added that students are still exposed to focused education. Academic courses, she stated, re-enforce the course specific education.

Mr. Penzone asked to call the question.

Roll call vote taken - motion carried: 5-yes, 1-No (Mr. Hanks)

Post discussion: Mr. Hanks inquired if the matter would require a rule change. Mr. Logsdon affirmed the matter would need to go through the rules committee.

Agenda item 8d: Am. Sub. H.B. 49: COS/BRB merger (Exhibit J)

Ms. Osterhage deferred the matter to the Executive Director. Mr. Logsdon stated that Am. Sub. H.B. 49 included language merging the Ohio State Board of Cosmetology and the Ohio State Barber Board into a single agency called the State Cosmetology and Barber Board, effective January 21, 2018. Mr. Logsdon stated that the bill provides approximately six months to complete the merger. Mr. Logsdon informed the Board that a plan had been created to effect the change in the most immediate, direct, and efficient manner. A tentative plan was provided to the members. Mr. Logsdon stated that he was providing it to the members so that they knew from a high-level perspective what the agency was up against to get the merger done on time. Mr. Logsdon noted that his colleague at the Ohio State Barber Board was interacting with him on a regular basis, and both have agreed the project is based on a joint, cooperative relationship. Mr. Logsdon stated that both Boards have agreed on a principle objective to complete the project in the most seamless manner possible, with very little impact to the licensees and public served. Mr. Logsdon reminded members that when it is done, the Board will be a new creation with a new focus on common and joint issues and needs. Mr. Logsdon stated that there were questions concerning the impact of the new law on regulations. Mr. Logsdon stated that many of these questions will be addressed by the new Board and are not part of the current plan. Mr. Logsdon stated that the objective of the plan is to consider the most efficient and direct path to implementation of Am. Sub. H.B. 49.

Discussion: Mr. Penzone asked how many states have combined boards. Mr. Logsdon stated he did know and it was tens of states.

Motion #9: Mr. Hanks moved to approve the COS/BRB implementation plan and the draft communique. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6- Yes.

#### Agenda item 8e: Revised violation guidance matrix (K)

Mr. Yaniko presented a revised violation guidance matrix, noting the matrix brings the guidance up-to-date.

Motion #10: Ms. Cumberlander moved to approve the revised violation guidance matrix. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Motion #11: Mr. Penzone moved to permit the Executive Director to amend the violation guidance matrix upon approval of the appointed ARC Board member as needed, when rules are created, amended, or rescinded. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

#### Agenda item 8f: E-2 employees salary change (Exhibit L)

Ms. Osterhage informed the Board that it has two employees, Director Logsdon and Deputy Director Pearson, that fall into the E-2 Employee schedule. Ms. Osterhage asked if members had the opportunity to review the DAS memorandum concerning the Board's opportunity to consider a salary increase up to 2.5 % for one or both of these positions. Ms. Osterhage stated that she had reflected on the performance review recently approved. Ms. Osterhage stated both had performed a remarkable job and she encouraged members to consider awarding a 2.5% change.

Motion #12: Ms. Yeager moved to approve a 2.5 % increase for both employees. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

#### Agenda item 8g: Records retention schedule (Exhibit M)

Mr. Logsdon explained that the staff periodically revises its records retention schedules. The staff will recommend changes related to defining the complete record or changes in the period of retention. The schedule presented recommends a change in the retention period, he explained. The recommendation presented would limit retention of the defined record to scanning and then retention for twenty-five years after the expiration date of the license or upon notification of death.

Motion #13: Ms. Shepline moved to approve the record retention schedule for Personal License Records, 879-0056. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

#### Agenda item 8h: Report and Recommendation (Exhibit N)

- In the matter of Bounthep Bounemany, MANA.144104, IC.144104, Case #2016-630

Motion #14: Mr. Hanks moved to approve the hearing examiner's findings of fact in the matter of Bounthep Bounemany, MANA.144104, IC.144104, Case #2016-630. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Motion #15: Mr. Penzone moved to approve the hearing examiner's conclusions of law in the matter of Bounthep Bounemany, MANA.144104, IC.144104, Case #2016-630. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes

Motion #16: Ms. Sheipline moved to approve the hearing examiner's Order to close with no further action in the matter of Bounthep Bounemany, MANA.144104, IC.144104, Case #2016-630. Mr. Penzone 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 O collective)

Motion #16: Mr. Penzone moved to approve Orders of the Board as listed as items #2 through item #17 on the Administrative Action Report dated 7-19-2017 and the Orders to be journalized and attached hereto as exhibits. Ms. Sheipline 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.

Motion #17: Mr. Hanks moved to enter private session for quasi-judicial deliberations in the matter of Case 2017-185, item #1 on the Administrative Action Report dated 7-19-2017. Mr. Penzone seconded the motion. Discussion: None. Roll call vote taken.

Charles Penzone – Yes.  
Clara Osterhage – Yes  
Rowena Yeager – Yes  
Luke Hanks – Yes  
Tasha Sheipline – Yes  
NeCole Cumberlander - Yes

The Board entered private session at 1:50 p.m. Mr. Yaniko, Mr. Murry, Ms. Pearson, and Mr. Logsdon remained in the room with the six members of the Board. All others were excused. The Board returned to public session at 2:01 p.m.

Motion #17: In the matter of Case #2017-185 (Venetian Nail Spa, MANS.08068)

Mr. Hanks moved to impose a \$1,000 fine against Venetian Nail Spa, MANS.08068. In addition, Venetian Nail Spa's license, MANS.081068, is suspended for one year, 11 months of which is immediately stayed provided that the salon has no same or similar violations during the suspension period. The one-month period of the suspension that is not stayed shall begin when this order becomes final. Mr. Penzone 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 #18- #68) (Exhibit O collective)**

Motion #18: Mr. Hanks moved to approve the Consent Agreements as items #18 through item #68 on the Administrative Action Report dated 7-19-2017 and enter them upon the Board's journal as an Order of the Board and attached hereto as exhibits. Mr. Penzone 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 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.

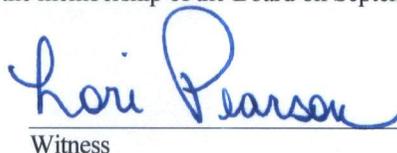
**Agenda item #10 ADJOURNMENT**

Motion #19: Mr. Penzone moved to adjourn. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes.

The meeting adjourned at 2:03 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 15, 2017.

  
Christopher H. Logsdon, Executive Director

  
Witness